



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday 8 June 2022

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LEGISLATIVE COUNCIL

Wednesday 8 June 2022

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

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

Business of the House

ORDER OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That:

(a) on Wednesday 8 June 2022, proceedings be interrupted at 11.30 a.m. to enable private members' business item No. 1777 standing in the name of the Hon. Shayne Mallard relating to a condolence motion concerning the Hon. John Jobling, AM, Ph.C., M.P.S, to be called on forthwith and take precedence of all other business on the *Notice Paper* for that day only, until adjourned or concluded; and

(b) on Thursday 9 June 2022, proceedings be interrupted at 3.00 p.m. to enable the order of the day for the resumption of the adjourned debate on the condolence motion relating to the Hon. Max Fredrick Willis, RFD, standing in the name of the Hon. Don Harwin, to be called forthwith and take precedence of all other business on the *Notice Paper* for that day only, until adjourned or concluded.

Motion agreed to.

Motions

FAMILY FRIENDLY WORKPLACE CERTIFICATION

The Hon. COURTNEY HOUSSOS (10:04): I move:

- (1) That this House notes the creation of the Family Friendly Workplace Certification, which establishes a benchmark to support and encourage family workplace policies, practices and cultures in organisations across Australia.
- (2) That this House further notes that 70 per cent of the employers certified as part of this initiative are now providing gender equal access to paid parental leave and 47 per cent are paying superannuation during unpaid periods of parental leave.
- (3) That this House congratulates the two organisations behind this successful initiative, Parents at Work and UNICEF Australia on their collaboration on this measure and their joint report on the benefits of family-friendly workplaces in Australia.

Motion agreed to.

Committees

REGULATION COMMITTEE

Extension of Reporting Date

The Hon. MICK VEITCH: I move:

That the reporting date of the inquiry into options for reform of the management of delegated legislation in New South Wales by the Regulation Committee be extended to Thursday 22 September 2022.

Motion agreed to.

Documents

ERARING POWER STATION

Tabling of Report of Independent Legal Arbitrator

The Hon. MARK LATHAM: I move:

- (1) That the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 2 June 2022, on the disputed claim of privilege regarding Eraring Power Station, be laid upon the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

Motion agreed to.

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list of all legislation not proclaimed 90 days after assent as at 8 June 2022, copies of which are available on request from the Clerk.

ERARING POWER STATION

Report of Independent Legal Arbitrator

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 2 June 2022, on the disputed claim of privilege relating to Eraring Power Station.

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 the next sitting day.

Motion agreed to.

Motions

INDEPENDENT COMPLAINTS OFFICER

The Hon. PETER PRIMROSE (10:14): I move:

- (1) That the resolution of the House of 22 March 2022 establishing the Independent Complaints Officer be amended as follows:
 - (a) omit all references to the panel as follows:
 - (i) in paragraph (1) omit all words after "staff";
 - (ii) in paragraph (2) (a) omit all words after "Work Health and Safety Act 2011";
 - (iii) in paragraph (2) (c) omit "and members of the panel";
 - (iv) omit paragraphs (4) (b) and (d);
 - (v) in paragraph (5) (e) omit "or member of the panel" wherever occurring;
 - (vi) in paragraph (5) (e) omit "retained to investigate a complaint ["the investigator"]";
 - (vii) omit "investigator" and insert instead "Independent Complaints Officer" wherever occurring;
 - (viii) in paragraph (5) (e) omit "and notified to the Independent Complaints Officer if it is made by a member of the Panel";
 - (ix) in paragraph (5) (f) omit "or a member of the Panel ["the investigator"]";
 - (x) omit "investigator's" and insert instead "Independent Complaints Officer's" wherever occurring;
 - (xi) in paragraphs (5) (f) and (5) (h) omit "and to the Independent Complaints Officer if the investigator is a member of the Panel";
 - (xii) in paragraph (5) (h) omit "or a person retained from the panel to investigate";
 - (xiii) in paragraph (5) (h) omit "or a member of the panel";
 - (xiv) in paragraph (5) (i) omit "and persons from the panel retained to investigate a complaint";
 - (xv) in paragraph (6) omit "and members of the panel who are retained to investigate a complaint";
 - (xvi) in paragraph (7) omit "and members of the panel retained to investigate complaints"; and
 - (xvii) in paragraph (9) omit "and any persons retained from the panel to conduct investigations of complaints";
 - (b) in paragraphs (5) (a) and (7) omit "referral" and insert instead "notification";
 - (c) in paragraph (5) (e) omit "considers" and insert instead "finds" wherever occurring;
 - (d) in paragraph (5) (e) omit "order" and insert instead "recommend" where first occurring;
 - (e) in paragraph (5) (e) omit "comply with the order or";
 - (f) in paragraph (5) (e) omit "as the case may be"; and
 - (g) in paragraph (10) insert after "conducted under the system":
"the provisions applying with respect to standing for complaints and retrospectivity under the system".
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

The motion arises as part of the ongoing negotiations that are taking place between both Houses around the establishment of a parliamentary complaints officer position. When the House adopted the motion to create that position, it requested that the Privileges Committee meet with the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics to resolve some of the wording. The position has now been advertised and we hope it will be filled soon.

The chairs of both committees were given the responsibility of meeting with the relevant Clerks, which we did. We have now come to a landing on a number of matters, and that is reflected in the motion before the House. I thank the chair of the Legislative Assembly privileges committee and the Clerk of the Legislative Assembly for their courtesy, the members of the Legislative Council Privileges Committee for their diligence and work on this matter and, as always, the Clerks for their expertise and work in guiding us through this. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:15): The Government supports the motion, which represents a consolidation of the position taken by the ethics committee of the other place with the Privileges Committee of this place. As usual, this place leads the way on getting the job done. I compliment the mover of the motion for the diligent manner in which he has pursued this. Members have landed on a situation in which both Houses know what the process is for dealing with the issues that have been identified by the respective privileges committees, so the motion should be supported by every member in this place. I welcome the motion and thank the member for the work he has done in relation to it.

The Hon. JOHN GRAHAM (10:16): The Opposition supports the motion. I thank the Government for the constructive way in which it has dealt with the matter, but mainly I thank the Hon. Peter Primrose for bringing the motion to the Chamber. When the motion creating the role was originally passed by the House, members of the Chamber said that there should be a process whereby the two Houses could talk to each other to try to bring these processes more closely together. I am glad that has happened. I commend the motion to the House.

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

Motion agreed to.

Bills

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT (PUBLIC SECTOR REMUNERATION CAP REPEAL) BILL 2022

First Reading

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

Second Reading Speech

The Hon. ROBERT BORSAK (10:19): I move:

That this bill be now read a second time.

I am pleased to introduce the Industrial Relations Legislation Amendment (Public Sector Remuneration Cap Repeal) Bill 2022. This bill will do two things: Firstly, it will repeal the declared Government policy that prevents public sector employee remuneration increases of more than 2.5 per cent per annum; and, secondly, it will prevent the adoption of new declared government policies that would limit public sector employee remuneration increases by reference to a simple per annum percentage. I also note that the Government, in some sort of attempt at buying support or forgiveness, has indicated that it will lift the cap to 3 per cent. If passed, this bill will prohibit such arbitrary settings.

Wage and conditions should be the result of negotiated outcomes between the parties—in this case, the unions and government. Federal and State governments have been imposing wage caps ever since this New South Wales Government legislated to limit pay rises to 2.5 per cent in 2011. In August 2019, the Reserve Bank Governor, Philip Lowe, was already warning government that public caps were entrenching low wages and were also helping to depress wages by setting the standard for the private sector. This warning came pre-COVID and when inflation was stable at around 2 per cent per annum.

While governments seek to blame COVID, supply chain issues, rising fuel costs or the war in Ukraine, to name just a few causes, a wage earner's purchasing power has already been decreasing by the day. While each of the issues I just mentioned has exacerbated the situation, prices were already increasing and people were already feeling increased financial stress. Now we have a perfect storm as unions and government sector workers can no longer contain or absorb more than a decade of sub-optimal wage outcomes. In other words, it will all happen at

once as the State faces a looming election next year; as a Federal Labor Government, after a Federal election has just been won by Labor, backs a 5.2 per cent wage increase; as uncertain world conditions drive price hikes in oil and gas; and as the distorting effects of government subsidised for so-called renewable energy increase.

The cost pressures on households are extreme. Relief being foreshadowed by this Government is too little too late. The Reserve Bank Governor was right: We do not need to be an economist to state what is the bleeding obvious to anyone who has been buying something these days. Two to three years ago, hypothetically, a large trolley could be filled with groceries for about \$200. Last year, that \$200 would have bought a small trolley of groceries, and today, \$200 will pay for one of the smaller hand-held baskets.

At this point I make a particular plea for bush communities, who particularly suffer with substandard health, education, roads and just about everything else. Especially in relation to the cost of living, the so-called basket of groceries in the bush is always smaller, and the \$200 always buys much, much less. There needs to be a wage outcome that favours the disadvantaged wage earners outside of the main population centres, especially away from the east coast. We see none of that from this Government; we never have. The Government does not want to differentiate but it should. Of course, this does not affect big business, such as Woolworths or Coles. Their profits continue to soar. They just pass on the increases because of their market power and position. The same cannot be said for small businesses that employ the vast majority of ordinary, hardworking Australians, whose wages were already pegged at historic lows; yet the cost of living is sky rocketing.

This, in turn, has a trickle-down effect. The less money people have, the less they can afford to spend, and if people are not spending, small businesses go bust. The burden is then placed on government to provide unemployment benefits and further subsidies. While I welcome the announcement by the Premier to lift the public sector wage cap to 3 per cent, regrettably again I say that it is too little too late. The cap needs to be removed entirely, which is what this bill seeks to do. Last month the Reserve Bank's *Statement on Monetary Policy* once again raised a number of important issues regarding wage growth. Despite strong labour demand and fiscal measures, large increases in food and energy prices in recent times are having a significant impact on household budgets, and the price increases are being exacerbated by a disruption in production in China because of COVID lockdowns, global supply chain issues and, of course, the war in Ukraine.

Inflation has picked up higher than anyone expected, yet the Government has responded to inflation developments by withdrawing some of the extraordinary support that it put in place during the pandemic. This, of course, only adds further financial stress to family budgets. The most telling aspect of last month's *Statement on Monetary Policy* by the Reserve Bank was the acknowledgement that, despite low unemployment rates, wages growth has not kept pace with inflation. In fact, real wages have declined. This position is not something new. The Reserve Bank has been warning about a decline in real wages for a long time. Runaway inflation while wage rises are pegged is a recipe for disaster, and people across the country will also have to deal with rising interest rates as well because the Reserve Bank can use only its monetary levers to try to keep it within its mandated target range. The last thing we want to see is social upheaval because, when people are desperate and hungry or forced to live on the streets, that is what will happen.

This Government has an obligation to help people get through these difficult times. It is simply not good enough for this Government to offer platitudes when under pressure from workers over the wage crises by saying that it will lift the cap from 2.5 per cent to 3 per cent when everyone knows that this small increase will mean nothing. It might buy you another loaf of bread or two. This bill does not impose a cap. It seeks to open up the system to allow for market-based outcomes through negotiation. That is for the Government to determine. It simply removes some arbitrary imposed cap. I am optimistic that this bill will be supported by every party, given the statements that have been made recently by the Government and the Opposition. I think it would be in the interests of the Government to support this bill, despite indicating an initial cap at 3 per cent. If the Government truly wants decent outcomes for families in New South Wales, especially for those in rural and regional New South Wales, the Government must remove the cap entirely. I commend the bill to the House.

Debate adjourned.

FISCAL RESPONSIBILITY AMENDMENT BILL 2022

First Reading

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

Second Reading Speech

Ms ABIGAIL BOYD (10:27): I move:

That this bill now be read a second time.

The Fiscal Responsibility Amendment Bill 2022 redefines the principles of sound financial management for our State. The Fiscal Responsibility Act came into force in 2012 and has not been changed in any significant manner since. I think it is fair to say that, if you were a resident of New South Wales and curious about how the government of the day set its budget and considered its fiscal responsibilities, you would be very underwhelmed reading the Fiscal Responsibility Act.

The very first object of the Act—in fact, the only object—is "to maintain the AAA credit rating of the State of New South Wales". Anyone who knows anything about credit ratings, or who witnessed the credit rating agencies' role in the 2008 global financial crisis, would find that to be a pretty alarming primary objective of fiscal responsibility for a State Government. As an aside, I note that "AAA credit rating" has not been defined, but it can be assumed by the capitalisation of the As that it is referring to a Standard & Poor's triple-A rating, and not to a Moody's triple-A rating, for instance. Focusing on one to the exclusion of all others is an interesting choice, but perhaps there is a historical reason for that myopia. Section 3 of the Act goes on to state:

The purpose of that object is—

- (a) to limit the cost of government borrowing, and
- (b) to enable access to the broadest possible investor base for government borrowing ...

I pause there. This is pretty self-explanatory. The whole point of credit ratings is to guide the price at which an entity can borrow funds, based on their capacity to pay the costs of that financing as determined by the rating agency. There is no clue in these paragraphs as to why cheaper borrowing is the be all and end all of a government's fiscal responsibilities, but at this point the legislation is at least making some internal sense. Section 3 goes on to state the final purpose of the AAA ratings objective is:

- (c) to maintain business and consumer confidence, thereby sustaining economic activity and employment in the State.

That is a more contentious assertion. I would be interested to know if there is any evidence of lower business and consumer confidence as a result of losing our S&P AAA rating in late 2020. I suspect that a myriad of other circumstances have been and continue to be far more relevant to business and consumer confidence. This is what is supposed to guide budget setting by the New South Wales Government. It is no wonder that it keeps failing to provide for people's basic needs. We clearly can do much better than this. It starts with recognising that economic indicators and unthinking adherence to mainstream economic principles are disconnected from the quality of people's lives.

I have spoken in this place before about my experiences in Europe as a banking regulation lawyer during the 2007-08 credit crunch. As people were queuing up outside branches, as once seemingly indestructible investment banks were crumbling, as governments were scrambling to protect the real economy from the fallout being caused by the collapse of the global financial system as we knew it, I was in shock. Right in the centre of it all I could see clearly that everything I had been told about our economic system, everything I had always believed to be true about the so-called laws of economics, was simply false. Not only were our economic models completely incapable of predicting, managing or explaining the financial crisis, but it was clear that none of the major players in the economy—be it bankers, lawyers, accountants, rating agencies, regulators, politicians or academics—really knew how the totality of our economic system was supposed to work.

Fixing the mess and keeping it fixed—at least for a time—would involve a series of bandaids, based on the best those in the thick of it could come up with, stuck on with a whole wad of hope. I was not the only one to come to this realisation, of course: the realisation that the whole economic system was completely beyond anyone's control, too massive to be understood and too complicated to be directed; the realisation that when the financial system is under strain it is not the players in the financial economy that will suffer most but, by reason of the unbreakable chains between the financial system and the real economy, it is society as a whole that bears the burden.

Governments had no real choice but to prop up the financial system, at least in the short term, lest the impacts on everyone else became catastrophic. It was around this time in early 2008, in the midst of the global financial crisis, that an international commission was formed in response to increasing concerns about the adequacy of measures of economic performance, in particular those based on GDP figures, and to broader concerns about the relevance of those figures as measures of societal wellbeing as well as measures of economic, environmental and social sustainability.

In 2010 the Commission on the Measurement of Economic Performance and Social Progress, headed up by leading experts Joseph Stiglitz, Amartya Sen and Jean-Paul Fitoussi, published its report entitled *Mismeasuring Our Lives: Why GDP Doesn't Add Up*. It is not hard to see why GDP does not add up. Just from a cursory look, you would surmise it to be a deeply flawed measure of the health of the economy. Over-reliance on GDP—a rough measure of productivity invented during war time—produces some absurd results. GDP and gross state

domestic product [GSDP] measure only the monetary value of goods and services. They do not measure domestic and unpaid work or other non-market transactions.

For example, GDP and GSDP are positively impacted by sales of formula milk, but not by an infant being breastfed. GDP is positively impacted when you pay someone to clean your house, but not when you clean your house yourself. It is the same with payments made to someone to look after your child, whereas the work of looking after your own child is overlooked by GDP. If crime goes up and we spend more on policing, that positively impacts GDP, as does the expense of cleaning up an oil spill.

Consider that the sale of wood from a felled tree will be captured within GDP, but not the social and ecological value of a tree left unfelled. Quite simply, GDP not only cannot properly measure broader indicators of economic prosperity like individual wellbeing, but it is not even a good measure of economic productivity. Yet it is traditional economic indicators like GDP that are relied on by governments, mainstream economists and rating agencies alike. Then president of the Republic of France, Nicolas Sarkozy, wrote an excellent foreword to the 2010 report, *Mismeasuring Our Lives: Why GDP Doesn't Add Up*. He wrote:

Our statistics and accounts reflect our aspirations, the values that we assign things. They are inseparable from our visitation of the world and the economy, of society, and our conception of human being and our inter-relations. Treating these as objective data, as if they are external to us, beyond question or dispute, is undoubtedly reassuring and comfortable, but it's dangerous. It is dangerous because we get to the point where we stop asking ourselves about the purpose of what we are doing, what we are actually measuring, and what lessons we need to draw.

...

That is how we begin to create a gulf of incomprehension between the expert certain in his knowledge and the citizen whose experience of life is completely out of synch with the story told by the data. This gulf is dangerous because the citizens end up believing that they are being deceived. Nothing is more destructive of democracy.

...

For years, people whose lives were becoming more and more difficult were told that their living standards were rising. How could they not feel deceived?

He continued:

The problem stems from the fact that our world, our society, and our economy have changed, and the measures have not kept pace.

...

The kind of civilisation we build depends on the way we do our accounts quite simply because it changes the value we put on things.

Despite this excellent report and all that went before and followed after it, which demonstrated clearly that our economic status quo is not fit for purpose, we have not progressed far on moving away from these outdated ways of measuring our economic success. As Sarkozy noted in his foreword, the global financial crisis not only gave us "the freedom to imagine other models, another future, and another world—it compels us to do so".

The work on finding alternatives to GDP, and on moving towards a framework that encompasses far more meaningful measures of progress and societal wellbeing, was not isolated. Various countries have been working on weaving wellbeing indicators into the way they measure economic prosperity and, accordingly, the way they view their fiscal responsibilities. Since 2007 the European Union has been working on its Beyond GDP initiative. In 2011 the New Zealand treasury developed its Living Standards Framework. Under the framework, measures of wellbeing include life satisfaction, finances, health, housing, human rights and relationships. Data is published showing how wellbeing varies across different groups over time. Many other countries have introduced similar frameworks, based on international research into alternatives to GDP. For example, the human development index [HDI] is a combined statistic of education, life expectancy and per capita income, developed by Pakistani economist Mahbub ul Haq in 1990. The genuine progress indicator is a measurement intended to assess the prosperity of a country by joining ecological and social variables, which are not estimated by GDP.

The thriving places index was developed in the United Kingdom and includes a wide variety of factors, including mental and physical health, education and learning, work and local economy, and green infrastructure, to measure economic health—and there are many more. Some have said that introducing alternative measures to GDP has stalled because it has proved difficult to get international agreement on a single alternative. But that is missing the point. The point is not what the indicators are, but what we use them for. The point is to select indicators for a jurisdiction that can aid governments in ensuring that their actions actually increase the wellbeing of residents, regardless of the traditional economic data. We are more than capable of identifying and recording key wellbeing indicators for the people of New South Wales. Comparisons with other countries can come later. There have been a number of attempts to require governments to consider broader environmental, social, economic and cultural wellbeing objectives in their decision-making and to report back on progress.

In 2014 Greens MP Jan Barham introduced the Wellbeing Indicators Bill 2014, which proposed establishing a commissioner for wellbeing and a parliamentary joint committee to develop an understanding of what factors and measures should be reflected as wellbeing indicators. In 2019 a very similar structure, called the Wellbeing of Future Generations Bill, was proposed in the House of Lords. There are countless other examples in various jurisdictions. In 2019 New Zealand introduced its first wellbeing budget. It recognises that what should matter to the Government should go beyond the raw data and beyond the individual figures that the likes of S&P collate in order to determine the State's credit rating. What should matter to a government is the actual tangible impact of its budgeting decisions on the wellbeing of its residents. It is true that the cost of servicing government debt will be a relevant factor in a government's longer term decision-making processes, but the weight it receives in this State is wildly out of proportion to its actual impact on the quality of people's lives.

The Greens Fiscal Responsibility Amendment Bill 2022 begins the process of redirecting the Government towards taking proper responsibility for the wellbeing of the people of New South Wales. Schedule 1 [1] and [2] extend the objects of the Fiscal Responsibility Act beyond a simple goal of maintaining a triple-A rating and add two new objects. The first object establishes the principles for sound financial management in the conduct of fiscal policy and the second object establishes reporting requirements to the extent to which the Government's fiscal policy is consistent with those principles. Schedule 1 [3] and [4] explain that the purposes of the objects as amended in addition to the existing purposes are: firstly, to maintain essential public assets and services under public ownership and control, thereby providing the State with the ability to meet the needs of current and future generations without reliance on the private sector; and, secondly, to increase the long-term economic, social, environmental and cultural wellbeing of the State.

Schedule 1 [5] amends section 7 of the Act entitled "Principles of sound financial management" in relation to how we go about achieving intergenerational equity. Rather than the bill simply being about the financial costs on future generations, it requires consideration of the cost of repairing the social, environmental and cultural damage caused by the current and previous generations. Schedule 1 [6] adds a requirement for the Treasurer to include in the budget papers a report on the measures taken and the effectiveness of those measures to ensure the long-term economic, social, environmental and cultural wellbeing of the State, including the cost of living; housing affordability; access to essential transport; health and education services, particularly in regional and rural communities; biodiversity and habitat loss or gain, including changes in the number of extinct or threatened species; access to participation in cultural events; the differences in levels of wealth and income among the State's residents, including comparisons between lowest and highest percentile ranges, and by age, location and level of education; the average life expectancy; changes in population numbers across the State; rates of educational attainment; and other matters prescribed by the regulations.

It is true that we do not have a global consensus on what alternatives we might use to the standard economic indicators used for decades, whether it be GDP or other measures of capacity to service debt. But we do have an emerging consensus on the need to replace, or at least supplement, those indicators with something far more meaningful. That means striving to ensure that, to the extent possible, budgets presented by the Government and the laws we pass in this place improve people's lives, because at the moment we have a massive disconnect. Coalition Government members can tell individuals in New South Wales until they are blue in the face that New South Wales is doing well economically, whether we have a triple-A rating from S&P or not, and regardless of how much of it is fact and how much pure spin. But it is the lived reality of the people of New South Wales that actually matters. The truth is that people across the State have been doing it really tough. The quality of their lives is not improving and we have a responsibility to fix that.

This bill takes the first step towards acknowledging the need to bridge the gap between economic headlines and what people are experiencing in their lives. It is just the beginning; there is so much more to do. It would be amazing to agree on an index to replace GDP, for instance. But let us not let the enormity of that task get in the way of taking the step to acknowledge that a government's primary role should be to improve the material wellbeing of the residents of the jurisdiction it governs. I look forward to debating the issues raised by the bill. I commend the bill to the House.

Debate adjourned.

MOTOR ACCIDENTS AND WORKERS COMPENSATION LEGISLATION AMENDMENT 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.

*Documents***MUSEUM OF APPLIED ARTS AND SCIENCES AND POWERHOUSE PARRAMATTA****Production of Documents: Order**

The Hon. WALT SECORD (10:44): I seek leave to amend private members' business item No. 1809 outside the order of precedence for today of which I have given notice by omitting "21 days" and inserting instead "42 days".

Leave granted.

The Hon. WALT SECORD: Accordingly, I move:

That, under standing order 52, there be laid upon the table of the House within 42 days of the date of the passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in searchable electronic form if possible, in the possession, custody or control of the Department of Enterprise, Investment and Trade (Create NSW) and Trustees of the Museum of Applied Arts and Sciences Staff Agency, or the Minister for Aboriginal Affairs, Minister for the Arts and Minister for Regional Youth relating to the Powerhouse Ultimo Renewal, Powerhouse Parramatta and Museum of Applied Arts and Sciences:

- (a) all documents created since 1 January 2019 relating to the Powerhouse Ultimo Renewal business case, including records, emails, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, master plans, retail strategies, commercial strategies, and cost-benefit assessments;
- (b) all documents created since 1 September 2020 relating to the Powerhouse Ultimo Renewal Master Plan and curatorial dialogues, including reports, records, emails, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, master plans, and cost-benefit assessments;
- (c) all documents created since 1 November 2020 relating to the Conservation Management Plan for the Powerhouse Ultimo Renewal prepared by Design 5, including reports, records, emails, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, correspondence, briefs, scopes of works, report requirements, and cost-benefit assessments;
- (d) all documents created since 1 January 2020 relating to the Conservation Management Plan prepared by Curio Projects for the Powerhouse Ultimo Renewal including reports, records, emails, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, correspondence, briefs, scopes of works, report requirements, and cost-benefit assessments;
- (e) all documents created since 1 September 2020 relating to the proposed Powerhouse Ultimo Renewal design competition, including reports, records, emails, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, and cost-benefit assessments;
- (f) all documents created between 1 March 2022 and 31 March 2022 relating to the raw data survey sheets that were part of the consultation surrounding the Powerhouse Ultimo Renewal, including reports, records, emails, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, associated reports and summaries, and cost-benefit assessments;
- (g) all documents created since 1 May 2021 relating to flood risk at the Powerhouse Parramatta including reports, records, emails, correspondence, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, and cost-benefit assessments;
- (h) all documents created since 1 March 2021 relating to design changes of the Powerhouse Parramatta, including reports, records, emails, correspondence, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, and cost-benefit assessments;
- (i) all documents created since 1 March 2021 relating to the Powerhouse Parramatta, including records, emails, meeting notes, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, associated reports and summaries, and cost-benefit assessments;
- (j) all documents created since 1 March 2021 relating to sponsorship agreements for the Powerhouse Parramatta, including a breakdown of sponsorship agreements between capital and project funding, naming rights at the Powerhouse Parramatta, and the term of these agreements;
- (k) all minutes, meeting papers and reports of the Museum of Applied Arts and Sciences Trust created since 1 January 2020;
- (l) all minutes, meeting papers, agendas, and submissions of the Museum Operations Group created since 1 January 2020;
- (m) all minutes, meeting papers, and agendas of the Museum of Applied Arts and Sciences Trust executive team created since 1 January 2022; and
- (n) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

As the shadow Minister for the Arts I contribute to the motion, which is straightforward. The Powerhouse museums at Ultimo and Parramatta have been canvassed extensively in the media, in this Chamber and through the committee process. I moved a small amendment, and I thank the Hon. Ben Franklin, Minister for the Arts, for

coming forward in a constructive manner. I note that the arts Minister will make some observations about the motion. Labor will consider his suggestions in good faith.

I will make a couple of observations about the Powerhouse Museum and then put the motion to the will of the House. The project has leapt from crisis to crisis and these documents will give the Opposition and the crossbench, as well as community groups that are following the matter very closely, more information which will contribute to transparency. The documents being requested relate to the Powerhouse Ultimo Renewal business case, the master plan and the renewal conservation plan. It is a lengthy motion and I will not canvas it. I commend the motion to the House.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (10:46): The Government opposes the motion. Powerhouse Parramatta and the renewal of Powerhouse Ultimo represent the largest investment in cultural infrastructure in this State since the Sydney Opera House. Furthermore, Powerhouse Parramatta will be the first cultural institution to be established in western Sydney, and the Ultimo renewal will refresh and enliven one of our oldest institutions. We have remained accountable and transparent on this project since we announced it in 2015. We have justified our decision-making and our expenditure and we are proud to provide evidence to articulate our investment in both of these extraordinary projects and we will continue to do so. However, we have some concerns about the detail and the breadth of this order for the production of documents.

The first issue I refer to is clause (e) in the motion, which relates to the design competition that the New South Wales Government will hold to identify an appropriate architect to develop a world-class design for this museum. Releasing information pertaining to the Ultimo renewal design competition to the public sphere could significantly undermine the entire competition process and could provide an unfair advantage to applicants based in New South Wales who perhaps are more familiar with the requirements under orders for the production of documents than those from other States or potentially internationally. Therefore, the Government objects to clause (e).

Clause (f) is also of concern. Producing all raw survey data collected during consultation would seriously breach the privacy of consultation participants who should feel comfortable that their feedback will remain anonymous if they choose. Providing that data would undermine the trust of those who willingly participated in the consultation process by giving their honest feedback and potentially be against best practice in terms of survey data collection. I have had initial conversations with the shadow Minister and other members of the House on both of those issues and I believe there is some willingness to consider potentially looking at both of them. I acknowledge that and thank the shadow Minister for being constructive on the matter.

The Government also very strongly objects to clauses (h) and (i), which we consider to be unreasonably broad. Since announcing this project, the Government has provided information every step of the way. We have participated, and I have personally participated, in countless committee hearings and offered evidence to provide sound justification for this investment. But requesting all documents since May 2021 is unreasonably broad and will absorb a significant level of public sector resources that should be directed towards delivering arts and cultural infrastructure. The motion would potentially delay the delivery of Powerhouse Parramatta, cost taxpayers money, compromise construction jobs and extend the time that western Sydney goes without a cultural institution. The Government opposes the motion.

The Hon. SCOTT FARLOW (10:49): I thank the Hon. Walt Secord for his amendment to the motion, as mentioned by the Minister. The slight concession of 42 days from 21 days is welcome—it would probably take 21 days to read the motion, given the length of it! As the Hon. Walt Secord and the Hon. Ben Franklin said in their contributions, this issue has been ventilated in this place for some time—seven years, in fact. To trawl through all those documents from 1 January 2019, as the motion requests, would take an inordinate amount of time from a department that is really working to get Powerhouse Parramatta done.

Powerhouse Parramatta is the largest investment in cultural infrastructure since the Sydney Opera House and will be the first major New South Wales cultural institution to be established in western Sydney. The Government has committed \$840 million to deliver the extraordinary project, which will create over 4,000 jobs over its life span. The New South Wales Government is proud of its investment in the arts, particularly in western Sydney, and is committed to delivering key infrastructure projects and creating jobs. As a government, we want to be transparent and accountable. However, the Standing Order 52 motion on the Powerhouse museums, given the amount of inquiry that has gone into the projects, is simply not justified.

The motion would be a major setback to the major investment into the museums, and potentially jeopardise the integrity of the projects through sensitive information being released. That information includes access to documents around the design process, including the design competition. That access would ruin the important design competition, which was a key strategic factor to engage and include the community in the design process

of the Powerhouse Museum. The information being made public would compromise the procurement of the design and breach privacy for those who are involved in the project.

Whilst I acknowledge the department's job is to be transparent with all information, this motion would frankly be an unsolicited use of the time and resources of the departments, institutions and ministerial offices involved. It would compromise the time of taxpayer-funded staff to organise all the information in the order, constraining staff capacity to work on the project. That would delay the time line of this wonderful project, which is vitally needed by the people of western Sydney. Those opposite claim to want to create jobs; this order would simply delay the jobs being delivered in western Sydney. I note paragraphs (h) and (i) of the motion. These requests are unreasonably broad. They state:

- (h) all documents created since 1 March 2021, relating to design changes of the Parramatta Powerhouse, including reports, records, emails, correspondence, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, and cost-benefit assessments,
- (i) all documents created since 1 March 2021 relating to the Parramatta Powerhouse, including records, emails, meeting notes, instant messages, presentations, assessments, modelling, analysis, business cases, briefing notes, associated reports and summaries, and cost-benefit assessments,

The sheer volume and scope of the requests for documents, and the time and manpower required to get this information, is absolutely unjustified. That is why the Government opposes the motion.

The Hon. WALT SECORD (10:52): In reply: There is considerable interest in the documents. I completely dispute the idea that the motion will push back the deadline for the completion of Powerhouse Parramatta in any way. The project has been limping and loping and dragging on for seven years.

The Hon. Ben Franklin: It's coming out of the ground as we speak. It's amazing. It's spectacular.

The Hon. WALT SECORD: The Minister has claimed that construction began in January this year. The project has started—I do not know if construction has started; there might be some pegs and poles in the ground—but it is now seven years later. The Minister mentioned paragraphs (e) and (f). The Opposition will consider and listen to advice from Create NSW on those two matters, if the Minister takes advice from the Premier's department. I understand and I am sympathetic if it comes to interpreting what occurred today. We will listen in good faith about paragraphs (e) and (f). However, we are steadfast on paragraphs (h) and (i). The community wants to see those documents. I thank the House for its consideration. I commend the motion to the House.

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

The House divided.

Ayes24
Noes17
Majority.....7

AYES

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

NOES

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

Motion agreed to.

*Visitors***VISITORS**

The PRESIDENT: I welcome into the gallery the Hon. John Hannaford, AM, a former member of this House.

*Documents***MR DAVID BAYNIE****Production of Documents: Order**

The Hon. COURTNEY HOUSSOS (11:04): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this motion the following documents created from 1 January 2017 to 2 April 2019 in the possession, custody or control of the Premier, Treasurer and Minister for Energy, State Archives and Records Authority of New South Wales, Department of Premier and Cabinet, Department of Customer Service or Ombudsman's Office relating to Mr David Baynie:

- (a) all documents relating to Mr David Baynie;
- (b) all documents relating to Lloyd Parker Constructions Pty Ltd;
- (c) all documents relating to the Australian Construction & Building Group;
- (d) all documents relating to disclosures made under the Ministerial Code of Conduct in relation to Mr David Baynie;
- (e) all documents relating to the NSW Ombudsman's Office investigation into NSW Fair Trading's handling of Mr David Baynie;
- (f) all documents relating to any act of grace payments made by the then Minister for Innovation and Better Regulation; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers under Standing Order 52 is seeking information about Mr David Baynie, who was a prolific and flamboyant property developer operating across Sydney's northern suburbs. He has left a large number of victims in his wake. During mid-2010s, Mr Baynie had twice personally declared bankruptcy. He was operating as a builder and had a number of corporate administrations and bankruptcies. He came to public attention during 2015 and 2017 over a number of major defects in residential construction work that he was completing.

I spoke to one of his victims, who highlighted the deep, lasting and devastating impacts that his poor quality of work has had on her life and the lives of other victims. The defective work resulted in more than \$3 million in claims against the Home Building Compensation Fund and a referral to the NSW Ombudsman regarding Fair Trading's conduct. The Ombudsman reported to the New South Wales Parliament in May 2018 and a number of issues about Fair Trading's conduct were highlighted, specifically around the public register relating to licensing. A number of recommendations were made in the report, including a recommendation for ex gratia payments to some of Mr Baynie's clients. During this time, Mr Baynie was also active in Liberal Party circles and we want to ensure that the appropriate disclosures were made.

As I said, his disgraceful conduct has had a devastating impact on people who were looking to renovate and improve their homes. He left them in the lurch in a way that has taken a huge emotional, mental and financial toll on them. Tens, sometimes hundreds, of thousands of dollars' worth of work was left unrectified. Some victims were forced to get owner-builder licences so they could complete the work themselves and some had to take other measures. Mr Baynie's conduct has had a devastating impact on those people and we want to get to the bottom of it. I heard from one victim that when she was appearing before the NSW Civil and Administrative Tribunal [NCAT] relating to her case against Mr Baynie, she noted he had cases on multiple floors of NCAT. He ripped off a number of people and they took him to NCAT because there were serious questions about his behaviour. I understand that the Government is not opposing the call for papers. I welcome that and look forward to hearing the Government's perspective. I commend the motion to the House.

The Hon. TAYLOR MARTIN (11:08): I speak in opposition to the motion moved by the Hon. Courtney Houssos seeking a production of documents relating to Mr Baynie. The motion is seeking documents relating to the NSW Ministerial Code of Conduct, which is set out in an appendix to the Independent Commission Against Corruption Regulation 2017. The code is prescribed as an applicable code of conduct for the purposes of section 9 of the Independent Commission Against Corruption Act 1998. The code applies to all current and future Ministers and governments.

Under the schedule to the code, the following information must be kept on the Ministerial Register of Interests: disclosures made under clauses 6 and 7 of the schedule to the code; a schedule of the disclosures of the current interests made by all Ministers under part 2 of the schedule to the code, pursuant to clause 9 of the schedule

to the code; notices given by a Minister to the Premier of any conflict of interest that arises in relation to any matter pursuant to clause 10 of the schedule to the code; notices given to the Premier by a Minister who is aware that a particular decision to be made or other action to be taken by that Minister could reasonably be expected to confer a private benefit on another member of Parliament belonging to the governing political party or coalition of parties, or any of their family members, of the matter, pursuant to clause 16 to the schedule to the code; and rulings made by the Premier pursuant to clause 27 of the schedule to the code.

The Ministerial Register of Interests includes disclosures of any pecuniary and other interests of the Minister's immediate family members, the disclosure of which would be required under the Constitution (Disclosures by Members) Regulation 1983. If the relevant interests were instead that of the Minister, these disclosures are required to be kept on the Ministerial Register of Interests, pursuant to clauses 6 and 7 of the schedule to the code. The note to clause 11 of the code states:

The Ministerial Register of Interests is a confidential register kept by the Department of Premier and Cabinet on behalf of the Premier. Its contents are made available only to the Premier and the Cabinet for the sole purpose of enabling them to better avoid and manage potential conflicts of interest. The *Government Information (Public Access) Act 2009* provides that there is conclusively presumed to be an overriding public interest against the disclosure of the Ministerial Register of Interests.

The confidentiality of the Ministerial Register of Interests helps to facilitate full and frank disclosures by Ministers and Parliamentary Secretaries. It is vital to assist the Premier and the Cabinet to avoid and manage potential conflicts of interest. Maintaining the confidentiality of the Ministerial Register of Interests is also necessary to protect the privacy of immediate family members of Ministers and Parliamentary Secretaries whose pecuniary interests and other interests are disclosed and maintained on the Ministerial Register of Interests pursuant to the code.

This House should not be routinely seeking documents relating to the administration of the code. The House undoubtedly has an important scrutiny role to play; however, if the purpose of the member seeking this information is to suggest that there has been some misconduct, some failure to disclose an interest or to properly deal with an interest once disclosed, then that should be referred to the appropriate body. This House should carefully consider the emerging practice of seeking the documents of the NSW Ombudsman and his office. Our State has a full complement of independent integrity agencies that are not subject to ministerial direction and control. These bodies, like the ICAC and the Ombudsman, are overseen by committees of this Parliament established under statute. In some cases they are also overseen by independent statutory appointees, such as the Inspector of the ICAC.

I fear for the credibility of the proceedings of this House if it is to continue to make a practice of second-guessing these integrity agencies. Members should reflect closely on the appropriateness of seeking the documents of independent oversight bodies that have conducted investigations—including confidentially where that is appropriate, and in accordance with their establishing legislation—only to then publish the documents. Members would do well to remember that the significant power that this House wields in relation to the production of State papers is to call for the documents of Ministers. The increasing use of power against independent integrity agencies that are already overseen by this Parliament has the potential, in theory at least, to jeopardise their delivery of critical statutory objectives.

The Hon. COURTNEY HOUSSOS (11:13): In reply: I make a few reflections after the speech on behalf of the Government. The Opposition, and I personally, have only the utmost respect for our independent agencies, which is why we have initiated inquiries to ensure that they are adequately funded. We deeply respect the work that they do and are in no way casting aspersions. Rather, we are seeking the ministerial disclosures to see whether they were appropriately made. I note the important role that they have in managing the discussions that appear before Cabinet, but this is an important issue that needs to be pursued. I place on record that I respect the powers of the House and I appreciate and deeply respect the work of our independent agencies, particularly the Ombudsman's office. Although we are seeking this information, it is not a reflection on the incredibly important work of those agencies.

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

Motion agreed to.

FLOODPLAIN HARVESTING

Production of Documents: Order

Mr JUSTIN FIELD (11:15): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2022 in the possession, custody or control of the Minister for Lands and Water, Minister for the Environment and Heritage or the Department of Planning and Environment relating to floodplain harvesting:

- (a) all documents that reference targets, triggers, access rules, priority of use, water management principles, demands tables, long-term environmental watering plans, or environmental water requirements; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This House has considered floodplain harvesting in a number of ways and supported a third disallowance to floodplain harvesting regulations earlier this year. One of the most critical aspects of that debate, and one of the fundamental reasons why the House agreed to disallow that regulation, was the lack of certainty that sufficient water would flow downstream to meet the needs of downstream communities and the environment, or that the water management principles and the objects of the Water Management Act in New South Wales could be delivered when floodplain harvesting occurred. That debate took place about three months ago, and there has been substantial discussion and negotiation behind the scenes. I acknowledge that the office of the new water Minister, the Hon. Kevin Anderson, has been far more engaged in resolving the issues around floodplain harvesting and in discussing appropriate downstream targets, but it is only in the past fortnight that draft targets have been published on the department's website.

The concern around the rules for how floodplain harvesting is allowed to occur, and how that would ensure that downstream needs are met, has been raised in the House numerous times. The draft targets are exclusively limited to what is called the first flush period, which is the first event after a substantial dry. I note that there is some confusion in this area, and I hope that the documents produced will clarify exactly when the target triggers would apply. The draft targets are based on triggers starting once the levels in Menindee get below 195 giganlitres. My understanding is that has only happened three times in the past 50 years. These triggers would only apply in the absolute worst of circumstances, and the flow rates that would be required to lift any temporary restriction on floodplain harvesting could happen once very low volumes of water had travelled downstream. That is why getting this information is critically important.

There has been a lack of trust in this space in the past, and I acknowledge that the current Minister is doing much more to help rebuild that trust. But let us look at the analysis that has been done around the formation of the draft triggers that have been proposed. This motion calls for documents relating to any discussion about alternatives raised inside the Government and the departments that have an interest in this. I move the motion today with a 14-day time limit because I think it is imperative that members are able to see the documents, even if it is only with one day of Parliament remaining before the winter break. The previous Minister used the break in Parliament to issue new regulations and then to issue licensing letters, which I think was a breach of faith with the Legislative Council.

I am also concerned that there may be plans within elements of government or within the department to try to do that through the winter break before we—and particularly all stakeholders—have really had a chance to understand and analyse the draft targets as they have been released. The intention of the motion is to continue to work constructively between all stakeholders in the Parliament, in the public and within the Government to make sure this policy is as good as it can be, that the objectives of the Water Management Act and the water management principles in New South Wales are upheld, and that the needs of downstream communities and the environment are not sold out for upstream irrigator interests. I commend the motion to the House.

The Hon. TAYLOR MARTIN (11:20): The Government opposes the motion. This is another example of a broad and poorly worded motion, with the member wanting to filter through a mountain of documents. It is likely just out of curiosity. It is a fishing expedition—excuse the pun. It is a directionless sweep of any document that mentions water, which is an unnecessary use of parliamentary resources to obtain an unreasonable amount of documentation. Those documents would make up a library's worth of material; we would probably have to build the Field wing next to the Mookhey wing upstairs. It is another example of a motion that would tie up valuable government resources and take public servants away from doing their important work. The Government sees the motion as unnecessary and does not support it.

The Hon. ROSE JACKSON (11:21): Labor supports the motion. I do not think it is fair to characterise my colleague Mr Justin Field's interest in this as a mere curiosity. He has been deeply involved in these matters for some time. It should come as no surprise that he and we want to see these documents. I have had I do not know how many Zoom meetings with the former Minister, her staff and representatives from then DPIE Water and now DPE Water where a conversation around transparent access to documents of exactly this type had been raised. We have been given assurances from DPE Water that it understands why we want to see these documents and why we feel transparency around these matters is important. Despite those assurances, it is still incredibly difficult to have any confidence about the way decisions are being made within the department without access to these documents.

It is obvious what my colleague Mr Justin Field is interested in seeing. It is obvious what we are interested in seeing. DPE Water and the other agencies are invited to come to the table openly and transparently and share

the documentation that they have—as they have committed on numerous occasions to doing—so that we can all have some confidence about the way that decisions are being made. That is all that we are asking for. It is not unreasonable. It should not come as a surprise to anyone, and it is completely consistent with the commitments that we have previously been given about transparency of data and information in this area.

Mr JUSTIN FIELD (11:23): In reply: The motion has a lot of words but those words are directed to very specific aspects of water policy in New South Wales and only as they relate to floodplain harvesting policy created this year—largely since we last debated a disallowance motion. I would be extraordinarily surprised if there was a mountain of documents. If there is, then I think, given the level of public interest in this issue, it will be very well scrutinised by all stakeholders and only lead to better policymaking. It would enable the House to make a more informed decision when we are getting to a situation of almost inevitably having another debate about the future regulation of floodplain harvesting in New South Wales. I commend the motion to the House.

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

Motion agreed to.

Motions

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. MARK LATHAM (11:24): I move:

That this House calls on the Independent Commission Against Corruption to:

- (a) use its \$32 million budget and generous salary levels to expedite its reports, with a minimum standard of no more than 12 months after public hearings have concluded; and
- (b) acknowledge it has not uncovered evidence of corruption by Mr John Sidoti, MP, and has acted in an irresponsible way, which has destroyed Mr Sidoti's ministerial and political career over an extended three-year period.

I make clear at the outset that I am a supporter of ICAC. I support ICAC's public hearing processes, and I strongly believe in the need for an integrity and corruption commission in New South Wales. But, with a budget allocation of \$32 million, ICAC must have the same level of scrutiny, cost-effectiveness analysis and judgement about its performance as any other public sector agency. It cannot be seen as holier-than-thou, set above the system and never questioned. I know that the parliamentary joint committee does good work on scrutiny. There is criticism around Parliament about ICAC. Some people behind closed doors would get rid of it; others have more constructive criticisms.

This motion stipulates that just as the political system, legal system and judicial system in general have a standard of producing reports within 12 months, that should also apply to ICAC. An unfortunate aspect of its current performance is blending into the system an expectation that producing reports will always take three or four years. The Wong report and the Canterbury council report—and the list goes on—took three and four years to be produced. We are now getting accustomed to that idea. That is not good enough. With a \$32 million budget, generous salary levels and capable people, surely at the end of examination and hearings ICAC can work a bit harder to produce reports within 12 months. It would improve political and public confidence in ICAC if that happened faster—not in an unreasonable period like three or four months, but within 12 months, which is the general standard for producing reports.

While a joint committee is also inquiring into the matter, I moved the motion to start the debate and set out the standard that I apply to ICAC, which is a standard that applies across the political class in general. The second aspect of the motion is to raise the point that ICAC is only as effective as its weakest inquiry. The Sidoti matter brings some shame to ICAC. From looking at newspaper reports or following it in greater depth, ICAC has not proven clear evidence of corruption. It must be careful about who it targets because of the consequences for someone like John Sidoti. I do not necessarily hold a brief for him or know him that well, but I know an injustice when I see one. I know John well enough just to say hello in the corridors of this building.

The Hon. Shayne Mallard: He is a decent fellow.

The Hon. MARK LATHAM: He is a decent fellow. From what I have been told by others, that is certainly true. But the reality is he had just become a Minister and for three years he has been rubbed out, his ministerial and political career thrown on the scrap heap, without any clear evidence of corruption. The expectation was that he had some family land holdings around metro locations. That did not eventuate. There is an argument about what he did to try to get some land back into a zoning at Drummoyne. Some people say that the Labor mayor put him out of the zone. He rang up and said to the town planning officer, "In all honesty, I'm John Sidoti. I'm not ringing you as the State member; I'm ringing you as a landowner and as a citizen." He has those rights; we all have those rights as citizens. He was transparent. I do not regard that as corruption, no matter what the outcome was. He lobbied as a property owner and as a citizen, as we are all entitled to do.

ICAC has a problem of institutional pride. At what point does it back out and say, "We got this one wrong"? There is no evidence over its 34 years of existence that ICAC ever pulled out of an inquiry and said, "We started this up. We had some theories. They haven't turned into reality. We're going to have to acknowledge that this one is not a goer. We can't find corruption here and mid-stream we're pulling out." John Sidoti has been a victim of that institutional pride at ICAC. Unless it has something new and fresh to produce, three years of rubbing out a man is long enough. Three years of failing to produce clear evidence of corruption is long enough.

People have rights. I know we humble politicians are not the most popular people around, but these days even a member of Parliament has a right to fair process and fair treatment. That is an issue for ICAC. It needs to find ways of pulling out when its early theories have not eventuated. Looking at the tatters of John Sidoti's political career, what has happened to him is just not fair. I moved the motion as a constructive contribution to debate. It is not to pull down, to try to get rid of or to white-ant ICAC, but rather to say that there are two clear areas of lack of confidence. ICAC should produce its reports within 12 months and understand that its overall effectiveness is only as strong as its weakest inquiry, and where it is weak it should get out as fast as it can.

The PRESIDENT: According to resolution of the House this day, proceedings are now interrupted to enable the Hon. Shayne Mallard to move a condolence motion concerning the Hon. John Jobling, AM.

Condolences

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

The PRESIDENT: Before I call the Hon. Shayne Mallard, I welcome into my gallery Ms Mandy Treweeke and Ms Penny Jobling, daughters of the late former member the Hon. John Jobling, AM. They are here with us in the House to hear the condolence debate and to honour Mr Jobling's contribution to the State of New South Wales. I also welcome the Hon. John Hannaford, AM, a former member of this House. I trust that members will give them due deference in their contributions.

The Hon. SHAYNE MALLARD (11:30): I move:

- (1) That this House express and place on record its deep sense of the loss sustained to the State and this House by the death of the Hon. John Jobling AM, Ph.C., M.P.S., a member of the House from 1984 to 2003.
- (2) That this resolution be communicated by the President to his family.

Today I move this condolence motion both as a friend of John Jobling and as a long-term party colleague. This is indeed a melancholy duty that I carry today, with great respect and honour, on behalf of Government members and indeed the Chamber. I acknowledge John's two daughters, Mandy and Penny, who are here with us today in the President's gallery. I also acknowledge the spirit of John's devoted wife and party giant in her own right, the late Linde Jobling, OAM. In his valedictory speech John thanked Linde, as well as all the members of his family, who, he said, "equally had to put up with father's peccadilloes of not being at home" for many of life's small events. He said to his family at that time, "I did my best, and I think I have been forgiven for those failures." It can be a difficult journey as the family of a parliamentarian. I thank them sincerely for their sacrifice in sharing their father with our State. I also acknowledge the former members of Parliament present today, both here in the Chamber, in the form of the Hon. John Hannaford, and those viewing on the web broadcast.

John Jobling was born in Sydney in 1937. It was a difficult time for the nation and the world. The shadow of World War II marked the first eight years of his life. War must surely have been one of the earliest impressions of his young life. John grew up in Sydney and attended The Scots College and Sydney Boys High School before going on to study at the University of Sydney. After graduating from university, John commenced looking at places he might go to practise as a pharmacist. He considered towns all over New South Wales before deciding on Scone. This decision led to John spending more than 30 years as a respected member of the Upper Hunter community. While living in Muswellbrook, John became involved with the local Liberal Party in 1968. This joined John with a proud legacy of Newcastle and Upper Hunter Liberals, including the recently honoured Virginia Chadwick. In the same year, John became an alderman on the Municipality of Muswellbrook council. This was the beginning of a more than 20-year-long career in local government. In describing the decision to first run for local government, John stated typically:

Having criticised it for some time, I had the option to put up or shut up—so in my usual manner I put up my hand and was duly elected.

That was the philosophy of John's life. It reflects a long-running thread in John's approach to life. Rather than wait for someone else to fix the problem or help their community, he would put his hand up and do it himself. Over the course of a long career in local government on either side of his parliamentary career, commencing in 1968 and concluding on Leichhardt council, John served on three councils as an alderman, a councillor, a deputy mayor, a mayor, a president and a chairman. In addition to being a member of local councils, John also served with distinction on the Local Government Energy Association of New South Wales as an executive member, treasurer,

vice-president, and president. John was also a member of the electricity board of the Energy Authority of New South Wales.

Before talking about John's contributions to this place, I remind members of the scope and scale of his community service as a private citizen. Over the course of his life John was a member of Scone and Muswellbrook Apex, Muswellbrook Rotary, the Muswellbrook Returned Serviceman's League, the Randwick Rugby Club, the Shortland Wetlands conservation organisation, the Muswellbrook Shire State Emergency Services and Civil Defence, Royal Prince Alfred Yacht Club, the Primary Club of Australia disability charity, the Baden Powell Society, and the Red Cross Muswellbrook branch, just to name a few. He was a busy man. This is a phenomenal effort, not just for the number of organisations and charities John worked with but also for their diversity. It is a testament to John's passion for supporting his community, his breadth of talent and the many ways in which he helped others from diverse backgrounds. For these many public services, in 2004 John was awarded the Medal of the Order of Australia, later upgraded in 2021 to a full member.

John's first foray into parliamentary service came when he ran for the Federal seat of Paterson in the 1969 election. John was one of 15 people who contested Liberal Party preselection for the seat after the retirement of incumbent member Sir Allen Fairhall. After his preselection success, John unfortunately fell short of winning the seat by a few hundred votes. This was arguably the result of multiple factors, including a Country Party and Liberal Party contest splitting the non-Labor vote and the presence of a Democratic Labor candidate who was one of the few in that election to preference Labor ahead of the Liberals. However, the Federal Parliament's loss was to be a win for this place and the people of New South Wales.

It was 14 years later, in 1983, that John would make a successful bid to become a parliamentarian. However, doing so would not be easy; in running for Liberal preselection for the Legislative Council it never is! John was up against 31 other nominees. After initially whittling down the list to 20 remaining candidates, John was the lucky thirteenth to address the exhausted preselectors. Liberal folklore has it that in order to attract attention and distinguish himself from the rest of the candidates, he told a fairytale to the preselectors. You can imagine his booming baritone voice regaling the exhausted party members with a fairytale. As funny as it may sound, it worked. John was subsequently preselected and then elected to this Chamber. Though members of the Legislative Council were directly elected from 1978 onwards, this reform was implemented in a rolling manner. This made John a member of the first entirely directly elected Legislative Council. As he described in his maiden speech to this place:

The date 24th March, 1984, was indeed a watershed in the history of the Legislative Council of New South Wales, for it was on this day that the final step in the current transformation of the Legislative Council was completed. The Legislative Council is indeed now a completely different Chamber from any of its predecessors in as much as all of its members are now elected by the public at State elections. It is indeed now a full-time House, a working legislature, a genuine House of review.

When John first came to Parliament there were five staff who served the Coalition parties. This was soon increased to seven. However, this still meant that seven people had to serve 45 members of the Liberal and National parties in the Parliament. John was involved in reforming this arrangement when the Greiner Government was formed in 1988, and I think all Coalition members thank him for that. In 1988 John was appointed Government Whip in the Legislative Council, a position he absolutely relished. He would hold the Coalition Whip position for nearly 15 years in Government and Opposition. John described his role as Whip as keeping an eye on the sheep and ensuring none escaped the paddock. While the position has evolved since then, there is no doubt John's discipline, competence and the respect he commanded is responsible for many of the Greiner Government's positive achievements being legislated through this place.

As the chief of staff to President Max Willis and a Young Liberal State President in 1993-94, I came to know John quite well. His office as Government Whip was just down the corridor from the President's office, and just down the corridor from my office. It was decorated with several fierce-looking stock whips on the wall. It was very intimidating. President Willis often sent me there with messages about pairs or other requests. It usually resulted in numerous firm reprimands from the Whip that I was supposed to relay to the President. I still recall them very fondly today. In both his maiden and valedictory speeches John noted the important role that the Legislative Council—and bicameral parliaments everywhere—play in ensuring no government of the day has an unencumbered ability to legislate. In articulating this view he quoted John Stuart Mill:

A majority in a single assembly easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority.

In this fashion, John was a supporter of the committee system in the Legislative Council as an effective means of reviewing legislation and providing balance on issues. He applauded the progression towards the committee system in his maiden speech, and thought back fondly on its strengthening in his valedictory address. I am sure John was impressed and perhaps a little shocked at how far the committee system has come since then. In 2003 John commended the introduction in his time of five general purpose standing committees. We now have

16 standing committees in the Legislative Council, with oversight of legislation and the governance of this place. This is an achievement John helped to set in motion with his longstanding defence and support for the committee system.

John was a character and a much-loved and respected member of the Liberal Party. He was for many years a creature of the party and, of course, for most of those years the anchor for the Hunter Liberals. He was also one of the party members in this place who did not accept attempts by external forces to push the Liberal Party to the hard right of the political spectrum. John and Linde fought the good fight to keep the New South Wales Liberal Party a right-of-centre party based on the ideals of liberalism, and for that we thank them. I will conclude with a message from one of his contemporaries, who we all think of fondly, the Hon. Dr Brian Pezzutti. He sent me this message:

John Jobling was the world's best Whip. Kind and straight to a fault. Wise counsel and discrete advisor. A long speaker when required and a witty responder. He will be remembered as one of nature's gifted gentlemen.

The Hon. John Jobling, AM, PhC, MPS, member of this House from 1984 to 2003, a family man, a community leader, a parliamentarian, a loyal party servant—vale.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (11:40): I support the motion of condolence on the passing of the Hon. John Hughes Jobling, AM. I thank the Hon. Shayne Mallard for moving this motion and I acknowledge the family in the House today. One of the first members to be directly elected by the public, John Jobling, or "Jobbo", as he was affectionately known—I do not know anyone who called him John, except maybe Linde—served this Chamber from 1984 to 2003. He was Government Whip in the Legislative Council during the Greiner and Fahey governments and Opposition Whip from 1995 to 2003. A country boy, residing in the Upper Hunter, he was passionate about the regions and informed many city Liberals—us city slickers—of how it should be. A Scots boy, a Sydney Boys High School boy as well as a University of Sydney alumni, John was a pharmacist and active in his beautiful local community of Scone.

In 1968 John was elected mayor of Muswellbrook Municipality Shire Council and served as mayor for over 10 years. He dedicated most of his adult life to public service in one way or another, and I thank him for that, serving over 20 years in local government and nearly 20 years in this Chamber—almost 15 years as Whip. I cannot even imagine the numbers he counted in that time. For his service to the community, John was awarded the Queen Elizabeth II Silver Jubilee Medal, the National Medal and Bar for service to State Emergency Services, the Order of Australia, and Member in the General Division of the Order of Australia in 2021. John brought so much insight and experience to our party and, as someone who follows him in his philosophy as a progressive Liberal, I stand on his shoulders and my view is better because of the service he gave. I do not know the family well enough for us to have a personal connection, but I share what I feel is a personal connection, following him, and knowing he and Linde as I did through the party.

He was, of course, the president of the Muswellbrook Branch, president of the Upper Hunter State Electoral Council, president of the Paterson Federal Electoral Council, and patron of the Sydney Special Branch—we love a good special branch in the Liberal Party—and the Woollahra Young Liberal Branch. John also served on the board of the Liberal Party, the State Executive. He was a fierce fighter for lowering taxes, fees and charges for businesses, and for reducing freight charges. Many people may not know that John was an avid and passionate rugby fan, something that we share. Something that we do not share is his love for Randwick. There is just no telling some people. Unfortunately, he spent countless hours supporting the Galloping Greens and we could not convince him otherwise.

He was a legend of the party, but it was the partnership of him and our beloved Linde that was so legendary in our party. They were a strong partnership that spoke to so many of us younger ones looking up to them. Linde stood on pre-poll, of course, at Town Hall station, among many other years that she served. She stood there for hours and days, in the rain, and taught all of us about endurance, commitment and standing up for what is right, particularly in the Women's Council. They both gave tirelessly. John was kind and witty and gentle, and I personally adored him and Linde together for their constructive, positive outlook. I add my sincere condolences to John's family on the passing of Linde and John. I thank each of them for their contribution and add my condolences on the passing of this Liberal legend.

The Hon. PENNY SHARPE (11:43): I speak on behalf of the Opposition to this condolence motion honouring the life of the Hon. John Hughes Jobling, AM. I thank the Government and the Hon. Shayne Mallard for introducing the motion, and acknowledge and send the Opposition's condolences to the honourable former member's daughters, Mandy and Penny, who are here today. It is clear that John Jobling dedicated his life to public service, and I thank his family for allowing him to do this. Before becoming a member of this place, as several

members have said, John Jobling studied pharmacy. He moved to Scone and later to Muswellbrook, where he spent more than 30 years as a member of the Upper Hunter community.

It is clear that he jumped into life there. I did not know him well, although I was a very junior staffer when he was in this place, and from my observation he really did seem to jump into everything. He joined local societies and organisations—the Hon. Shayne Mallard actually read out an extremely impressive list. I wonder whether there was an organisation that he was not a member of on the basis of that list. Of course, when you are so involved in your community, you want to do more and you want to make change, and it is there that he became involved in the Liberal Party and was elected to local government where he served for nearly 25 years.

The Hon. John Jobling became a member of the Legislative Council in March 1984. I know that he was a well-regarded and popular colleague in this place. There are many stories that have been told, but I want to draw on one that is a slightly different preselection story from the Hon. Shayne Mallard's. John started his preselection process for the upper House with 31 other candidates, but he had only one vote. By 5.00 a.m. the next day he had won enough people. It sounds like a very long preselection with many speeches, including a fairytale, but by 5.00 a.m. the next day he had enough people to acquire what he called "a reasonable spot on the ticket".

That ticket was the start of what turned into two decades serving in the Legislative Council. John served as Whip in Opposition and in Government during this time and, as I said, he was well liked. Importantly, he prided himself on being part of an independent upper House. He was passionate about the Legislative Council and our role as the house of review. It is reported that at one Liberal Party conference the then leader—I do not believe they were named—tried to insist that the upper House should just do whatever the leader wanted. John would not stand for this and he said:

I will give you two choices: I am prepared to go up on stage now and argue it with you and I will tear you to pieces; or if you would like to leave it until tomorrow you can ring me up and apologise, tell me I was right, and you are not going to pursue it.

Apparently John did get a call the next day but received the "evil eye", as he called it, for quite a while after that. All Legislative Council members have had that from some in the other place. If members are interested in reading more stories like this about John Jobling, I recommend tracking down the text of the Legislative Council Oral History Project that he contributed to in 2016. The interview was conducted by the Clerk, David Blunt, and former manager of New South Wales Parliament's research service and the Parliament Historian, Dr David Clune. It is an interesting read and a terrific project, and this contribution today has drawn upon it.

After nearly 20 years of service in the Legislative Council, John Jobling retired at the end of February 2003. As I said, it is clear that he had great affection for the Legislative Council. It is clear that he had great passion for his family and his community. He wanted this House to be a genuine and positive House that kept a view on Executive Government and held it to account. It is clear that the impacts he had on this House and the people he worked with are substantial and long-lasting, and I think he would be quite surprised if he saw how the committee system has developed over time. I extend my regards and condolences to the Hon. John Jobling's family, friends and colleagues, and thank him for his service.

Reverend the Hon. FRED NILE (11:48): I thank the Hon. Shayne Mallard for the opportunity to speak on this condolence motion. The Hon. John Jobling was born in 1937, which makes him part of the Silent Generation. This name was chosen for people born between 1928 and 1945 because its members became adults in a time of political repression. Many of them, instead of speaking out their opinion, preferred to keep silent. It was a relatively small generation because of the decreased birthrate during the Great Depression and World War II, but the Hon. John Jobling was anything but silent. Instead of following his generation's lead, he did the exact opposite and became politically active.

Growing up in the small town of Muswellbrook, which in 1968 had a population of only 6,312, did not stop him from having big dreams. He might have begun as the humble Liberal Party member for the Muswellbrook branch, but by 1984 he was a member of the New South Wales Legislative Council, by 1988 he was Government Whip and in 1995 he was chairman of the State Development Committee. He was a member of the Legislative Council until 2003. The Hon. John Jobling was in office for 19 years, so our paths crossed more than a few times. He once told me that prior to coming into politics he was a pharmacist—no wonder he could bring all the right elements together to bond great legislation, and the speeches he gave were pure alchemy.

Let us remember this great, honoured statesman who possessed a great moral and spiritual power. Let us have happy memories and on occasion share tears because we miss his presence. We honour him for the life experiences and lessons he shared with us. Let us be grateful that he is no longer in pain but at peace. The evil one can no longer touch him. He rests in the heart of the earth, waiting for the Lord's return. Continue to have faith, endurance and courage in the days ahead. We do not know when Christ will return, but we do know that he will. His promises are always sure. We thank God for all of the contributions of the Hon. John Jobling. I thank his family members for being with us. In God's name, Amen.

The Hon. PETER PRIMROSE (11:52): I was privileged to get to know John Jobling, the then Opposition Whip, when I became the Government Whip. John used his deep knowledge of the standing orders and how the Legislative Council worked to run rings around me. At one point he successfully moved an adjournment motion on a government bill for five sitting days when there were only three remaining sitting days in the session, which he used as a bargaining chip on behalf of the then Opposition. John taught me that, like everything else, you need to understand your craft, and he certainly understood his. After a while we used the practices and standing orders to advance our respective causes. At times we both threatened quorum calls when our respective leaders were speaking. On occasions we engaged in heated and lengthy procedural debates to give Ministers and shadow Ministers time to negotiate amendments to bills in the members' lounge.

I grew very fond of John, not only as an opponent, but also as a friend. One could not help but respect him, grow close to him and respect his wisdom and the lessons he taught. I respected his dedication to his side of politics and his commitment to the parliamentary process. He always played the ball rather than attacking the person. But most of all, as Government Whip and in arranging pairs, I came to appreciate how much personal information you learn, not only about the people on your own side, but also about the lives of the people on the other side. It was understood by both John and I that we would never repeat that information to anyone, nor use it for partisan advantage—and we never did. John was a dedicated parliamentarian and a truly honourable member. The Chamber is a better place for him having been here. I genuinely say to his family and every member, vale our respected colleague John Jobling.

The Hon. SCOTT FARLOW (11:54): I thank the Hon. Shayne Mallard for moving the motion today. I came to know John Jobling on my first Liberal Party campaign in 2003 when he was duty MLC for Strathfield. People who know John would know of what I liked to call his "Menzian" eyebrows. John did not believe for one moment that we were going to win the seat of Strathfield—and he was right. At the time he made a bet with me that if we won the electorate of Strathfield, he would shave his eyebrows. We did not win, and his eyebrows maintained their radiant "Menzian" glow. John was, of course, a great advocate for local government. He was the wonderful mayor of Muswellbrook. Stories abound about him not being able to walk down the street of Muswellbrook in less than an hour because of the number of times he was stopped, and for Linde it took about two or three hours. After leaving this place, John went on to serve on the Leichhardt council in the ward of Rozelle, which shows his commitment to local government. He even spoke fondly of local government in his inaugural speech.

I note the members of the Balmain conference who served with him are here in the President's gallery today, including Ben Nastasi and of course the Levys, to support the motion. As has been reflected on, John was a great storyteller. During the campaign in Strathfield, he would tell stories of his past and of his past campaign antics. One of the stories he told—and I do not know if it was true, or just for effect—was of a dog that was yapping around his ankles during a by-election. As was the case with John's stories, they often went on for quite a long time, but the nub of the story was that there was a dog yapping around his ankles when he was doorknocking and he could not get rid of the dog. A child came to the door and asked, "Who are you?" John said, "Who are you, son? Is your mum or dad home?" The child said, "No. Mum and Dad are not home." John kicked the dog and said, "Tell them the Labor Party called." Vale John Jobling.

The Hon. CHRIS RATH (11:57): I speak in favour of the motion moved by the Hon. Shayne Mallard and pay tribute to the service of the Hon. John Jobling, AM, to the Parliament and the people of New South Wales. I also acknowledge his friends and family who are in the President's gallery today. Mr Jobling was a pharmacist by trade and had a pharmaceutical chemist with his own practice from 1962 to 1984. However, his commitment to his field did not stop Mr Jobling from being an active member of his beloved community of Muswellbrook in the Upper Hunter.

Mr Jobling embodied the ideal of a community-minded citizen. He was involved in a number of community organisations and his dedication to his community was reflected in the number of leadership positions he held within them. Among those positions, Mr Jobling served as president of Muswellbrook Rotary in 1972, as deputy controller and then liaison officer of the Muswellbrook Shire State Emergency Services and civil defence from 1971 to 1996 and as director of the St John Ambulance of New South Wales. He was also a life member of the Red Cross. Taking his passion for the community into the political sphere, Mr Jobling first became involved in local government in 1971 and remained in that space until 1986. During that time, he served on the Upper Hunter County Council, Shortland County Council and Muswellbrook Municipality Shire.

Mr Jobling held several important positions in local government, including as mayor and president of Muswellbrook Municipality Shire from 1974 to 1984, as chairman of Shortland County Council from 1984 to 1986 and as president of the Local Government Energy Association from 1980 to 1982. Mr Jobling made the move to State politics in 1984 when he was elected as a member of this place, where he served until 2003. While in Parliament, Mr Jobling served as Government Whip and then as Opposition Whip, which many members who

preceded me recounted. In 2021 he was made a Member to the Order of Australia. I have to wrap it up before question time.

The Hon. Natalie Ward: Oh, don't you worry about that.

The Hon. CHRIS RATH: I have been given a note to wrap it up. I did not know John particularly well, but I pay tribute to all of his work for the Liberal Party in the inner west, in particular in the Balmain-Rozelle branch in the Grayndler and Balmain conferences. I know that both John and Linde truly were legends of our party. I take this opportunity to extend my condolences to Mr Jobling's family for the loss of a dear loved one. Vale, John Jobling.

The Hon. SHAYNE MALLARD (12:00): In reply: I will be brief because I know John would not like the condolence motion going into our time for questions. I thank members who addressed the motion—I genuinely mean that because the tributes were heartfelt—the Hon. Natalie Ward and the Leader of the Opposition, the Hon. Penny Sharpe. The contributions to the Oral History Project are amazing to read. Tomorrow we will speak in a condolence motion for the Hon. Max Willis. His oral history contribution is interesting too. I thank Reverend the Hon. Fred Nile, who is a contemporary of John Jobling, and thank him for his prayer. I also thank the Hon. Scott Farlow for recounting reflections on the campaign trail. I also acknowledge the heartfelt contribution from the Hon. Peter Primrose and thank him for that. He gave some colour and movement to John's role as Whip. He is a contemporary of John's and his speech was special.

Fittingly, the last member to speak on the condolence motion is the newest member of this House, the Hon. Chris Rath. I thank him for his contribution and for winding it up early. John had two decades as a member of the Legislative Council. He was a statesman and a parliamentarian. I offer condolences to his family. I pay tribute to John Jobling and commend the motion to the House.

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

Motion agreed to.

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

Questions Without Notice

ICARE PROFITS

The Hon. PENNY SHARPE (12:02): I direct my question without notice to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. On 30 June 2021 icare's main workers compensation scheme deficit was \$242 million, but as of 31 December 2021 it rose to \$1.46 billion, an increase of \$1.2 billion. Why has that occurred?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:02): I thank the Leader of the Opposition for her question relating to icare. All I would say is that Opposition members may have forgotten that icare is an insurance company. They do not seem to have had much respect for the notion of what insurance companies do.

The Hon. John Graham: You're leading with your chin here.

The Hon. DAMIEN TUDEHOPE: I am not leading with my chin. I have to say that the problem with the way Opposition members look at their responsibility to support organisations that support the workers of this State, quite frankly, is shameful. I must say that the sooner they understand that there is a responsibility to support the workers of this State through their insurance scheme, the better it would be for the people of this State.

The Hon. Anthony D'Adam: Not if it's mismanaged. It's mismanaged.

The Hon. DAMIEN TUDEHOPE: Let's actually understand how insurance schemes work, in case Opposition members do not understand. First and foremost, they pay out on claims. That is the circumstance. If there is a bushfire, guess what? There will be a lot of claims. If there are floods, there will be lots of claims.

The Hon. Daniel Mookhey: Not in a workers compensation scheme and not in the Nominal Insurer. You are misleading the House.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: I was not asked in respect of a particular scheme.

The PRESIDENT: Order! The Minister will resume his seat. I remind Opposition members that yesterday we had a rather rowdy time. I am issuing an early warning that if there are continual interjections, I will call members to order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Let us be clear about the workers compensation scheme and the Nominal Insurer [NI]. The impact of economic pressures, such as inflation and COVID, continue to provide challenges across the system. The insurance ratio for the NI is 108 per cent as at 31 March 2022.

The Hon. Daniel Mookhey: Down again by another 7 per cent.

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

The Hon. DAMIEN TUDEHOPE: As a long-tail scheme, icare takes a long-term outlook and the NI is well placed to pay out claims and expenses as they fall due well into the future. The average investment return for the NI over the past 10 years is 7.2 per cent for the period 31 December 2021. The NI holds around \$19 billion in assets and collected \$2 billion in premium income. It paid out \$2.159 billion in claims in the nine months to March 2022. More importantly, Robert McDougall, QC, was very clear in his report following his review of icare that the Nominal Insurer is a scheme that is financially sustainable. I ask Opposition members to take note that he said, "Any suggestion that its financial stability is currently in doubt is, in my view, unsupportable." Opposition members would do well to not talk down this scheme but rather to talk up the financial security of this scheme because it is the scheme that supports the workers of this State.

BOURKE REGIONAL YOUTH

The Hon. SCOTT BARRETT (12:06): My question is addressed to the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth. Will the Minister update the House on how the Office for Regional Youth is supporting young people in Bourke?

The Hon. Sarah Mitchell: Talk about our trip. It was a good day.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:06): It was a good day, except everybody got sick. I thank the honourable member, who cares passionately not only about regional New South Wales but also about western New South Wales. Why? Because he lives it, he knows it and he understands it—unlike members opposite. I will get on with the answer. I recently visited Bourke alongside my friends and colleagues—the education Minister, the Hon. Sarah Mitchell; the Minister for Regional Health, the Hon. Bronnie Taylor; the Deputy Premier, the Hon. Paul Toole; and the Minister for Health, the Hon. Brad Hazzard—to announce further support for young people in the Far West region and also to meet with members of the Bourke community and the Maranguka Cross Sector Leadership Group.

It was terrific to be there with such a strong showing from this Government to not only reaffirm our support for the Maranguka Community Hub, which is doing fantastic work in empowering Aboriginal community members to drive change and to close the gap in Bourke, but to also provide more tailored support to young people in the region. During the visit to Bourke I announced funding to support the appointment of a Youth Action Meeting Coordinator for the Central North Police District covering Bourke, Walgett, Brewarrina and Cobar. The coordinator will bring community groups, police and government agencies, such as Maranguka and the Bourke Tribal Council, together to develop integrated strategies for supporting young people who are victims of crime or who are offending or at risk. It is an important role because the coordinator will provide on-the-ground support to at-risk or disengaged youth in Bourke where they will listen to the concerns of young people in the community and deliver tailored action plans.

This Government is working hard to break the cycle of disadvantage and to reduce recidivism. Roles like that one are key to achieving that goal. The position was trialled in Coffs Harbour and has had proven success in reducing the risk of recidivism for more than 60 per cent of young people involved in the program. Targeted programs for vulnerable youth are so important if we want to improve the safety and wellbeing of regional young people, who face different challenges to those living in metro areas. This is why I also announced another program—the Boys to the Bush outreach program in Bourke.

I am sure many members across this Chamber have heard of and know about the excellent work of Boys to the Bush. It is a not-for-profit charity that focuses on prevention and early intervention strategies for young boys at risk of disengaging from education and community or of entering the juvenile justice system. The program in Bourke will include community information sessions, a school social day and a community dinner, which aims to facilitate better integration of young people into the community, providing them with purpose and belonging, and to foster mentorship opportunities. It is important that we invest in our regional communities, especially in services that support young people. I am proud to say that is exactly what this Government is doing. It was a significant and meaningful trip to Bourke. Five Ministers expressed strong support for the excellent community initiatives that are being driven by the community for the community, with the help of this Government.

ICARE COMPENSATION CLAIM

The Hon. ROSE JACKSON (12:09): My question without notice is directed to the Minister for Finance, and Minister for Employee Relations. What steps has the Minister taken to investigate icare's conduct after claims that a woman who alleged that she was sexually assaulted in an accounting firm office was told by icare that her story was "implausible" and it rejected her compensation claim for psychological injury on the basis that it was not a workplace issue?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:10): I thank the member for her question. Clearly, the subject matter relates to a serious allegation. I am aware of the reporting in the Financial Review, but the member will respect that, for privacy reasons, I am unable to comment on the details of the case. Any allegation of sexual assault must be properly investigated by the competent authorities. Icare does not have any authority to investigate or make legal determinations on criminal matters, nor on unfair dismissal claims. That is not its role. Icare's responsibility in any workers compensation claim is to make a determination as to whether an injury has occurred, and whether the cause of that injury is related to the workplace. In doing so it applies the relevant case law. I have confidence that icare takes that responsibility seriously.

The Hon. ROSE JACKSON (12:11): I ask a supplementary question. Will the Minister elucidate that part of his answer where he expressed confidence in icare's capacity to make determinations? Is that confidence based in any way on any questions that the Minister has asked of icare in relation to matters such as this?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:11): In many respects it is improper for me to comment further on this matter. I have given an answer. I am not going to be dragged into a situation where I am offering commentary into what I consider to be a very serious matter. As the member should appreciate, running a commentary on a sexual assault allegation is inappropriate and I will not be engaging in it.

NATIVE ANIMALS AND DEVELOPMENT

The Hon. MARK PEARSON (12:12): My question is directed to the Hon. Damien Tudehope, representing the Premier, because it spans two portfolios: planning and environment. It is my understanding that fauna management plans setting out the treatment of native animals displaced as a consequence of work undertaken at approved development sites do not require compliance with animal welfare standards or codes of practice, as is the norm for all other native animal handling across the State. Will the Minister explain why native animals harmed during development activities do not have the same standards applied to their welfare and why no record is kept of the number of animals harmed?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:13): I thank the member for his question. It is a serious question that requires a detailed answer. I have a potential answer but I am not satisfied that it would fulfil the depth required by the question. Out of respect for the member, I will take the question on notice.

LABOR PARTY AND UNIONS

The Hon. CHRIS RATH (12:13): My question is addressed to the Minister for Finance, and Minister for Employee Relations. How is the New South Wales Government responding to the year of strikes called for by Unions NSW?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:14): What a good question.

[Opposition members interjected.]

Here they go. Do you know why? We have heard that members opposite were out the front of Parliament House today singing with their mates in the greatest display of irresponsibility you could ever see. The Industrial Relations Commission [IRC] made a court order earlier this week. Guess what? Every member opposite was complicit in the breach of an IRC order. They encouraged the breach and the absolute degradation of the IRC in this place. They should hang their heads in shame. More importantly, it says a lot about the character of those members. If we analyse this, we can see that Labor is aligning itself to a policy direction for the future of this State. I had great hope when Chris Minns made his maiden speech and said, "Labor also needs to represent those who are not in a trade union."

The Hon. Penny Sharpe: Point of order—

The Hon. DAMIEN TUDEHOPE: They don't like this.

The Hon. Penny Sharpe: We just don't like answers that are not directly relevant. The question was specifically about strikes and not about the member for Kogarah.

The PRESIDENT: The Minister is perhaps drifting a little. I am willing to entertain that as long as he quickly returns to the leave of the question.

The Hon. DAMIEN TUDEHOPE: The Leader of the Opposition said that Labor would represent Australians who are not in trade unions, and that means taking steps to reduce union control.

The Hon. Daniel Mookhey: Point of order—

The Hon. DAMIEN TUDEHOPE: You don't like it, Daniel.

The Hon. Daniel Mookhey: The Minister has a habit of screaming into the microphone, making it unintelligible to those of us on this side of the House. The Minister is not being orderly. The Minister needs to reduce his tone so that members can hear what he has to say.

The PRESIDENT: There is no point of order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: For the third time I will repeat what the Leader of the Opposition said in his maiden speech. He said "... to represent Australians who are not in a trade union. That means taking steps"—

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: Order! Government members will come to order.

The Hon. Penny Sharpe: My point of order goes to direct relevance of the Government's own dixer. What the member for Kogarah talked about several years ago in his inaugural speech has absolutely nothing to do with what the Minister was asked about by the Hon. Chris Rath. Maybe the Hon. Chris Rath should be more careful about the questions he is given by the Minister's office, and they should get their questions in order.

The Hon. DAMIEN TUDEHOPE: It has everything to do with it.

The PRESIDENT: The Minister will resume his seat. I have been seeking an understanding of where the Minister is going. The avenue is closed off in relation to direct relevance. I bring the Minister back to the nub of the question asked.

The Hon. DAMIEN TUDEHOPE: The member wanted to reduce union control on the floor of the conference.

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: The Minister is flouting my ruling. The Minister will move on.

The Hon. DAMIEN TUDEHOPE: I must say that the marriage is not looking strong. Earlier this year the unions indicated—

The Hon. Penny Sharpe: Point of order—

The Hon. DAMIEN TUDEHOPE: This is exactly the question.

The Hon. Penny Sharpe: The Minister is flouting your ruling, which was very clear. The question was specific to strikes. It is on the Government to draft its dixer better.

The Hon. Scott Farlow: To the point of order—

The Hon. DAMIEN TUDEHOPE: They don't like it because they are in bed with the unions.

The PRESIDENT: Order!

The Hon. Scott Farlow: The exact question asked by the Hon. Chris Rath was "How is the New South Wales Government responding to the year of strikes called for by Unions NSW?" The Leader of the Government was talking directly about the union movement and its role in the Labor Party.

The Hon. Penny Sharpe: To the point of order: The Minister is talking about the Leader of the Opposition and a speech that was made over six years ago.

The PRESIDENT: I have heard enough. I have made a ruling. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Earlier this year unions indicated that this would be the year of the strike, conveniently and not so coincidentally a year out from the next election. I direct members to Labor's administrative committee, and point out a few familiar faces. First, there is Alex Claassens, the man who wants

the New South Wales Government to rip out state-of-the-art safety technology from the new intercity fleet. Second there is Mark Morey, the very man who declared that this would be the year of the strike. Who do we have in this Chamber? The Hon. Peter Primrose from the Australian Manufacturing Workers' Union is in the Chamber. We have the Hon. Mark Buttigieg from the Electrical Trades Union. Anthony D'Adam from the CFMEU, amongst other unions, is in the Chamber. The Public Service Association's unlawful strike today is in defiance of an order of the Industrial Relations Commission.

The PRESIDENT: Order!

The Hon. Peter Primrose: Point of order: If the Minister wishes to defame me, there are probably many other areas. I am a proud member of the Australian Manufacturing Workers' Union but he did not say that I am also a proud member of the Australian Services Union.

The PRESIDENT: There is no point of order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: In conclusion, the manner in which Labor members have responded to this question speaks volumes. All of them are complicit. [*Time expired.*]

The Hon. CHRIS RATH (12:20): I ask a supplementary question.

The PRESIDENT: Supplementary questions are at the Chair's discretion. The Hon. Chris Rath cannot ask a supplementary question.

INVERELL HOSPITAL

The Hon. ROD ROBERTS (12:21): My question is directed to the Hon. Bronnie Taylor, the Minister for Regional Health. I draw the Minister's attention to comments made by the member for Northern Tablelands, Adam Marshall. After the Government's health workforce announcement on the weekend he said, "Throwing millions of dollars more into the same failed systems will not change the outcome for our communities." When will Inverell Hospital in Adam Marshall's electorate have a qualified doctor available 24/7 all year round instead of the current situation where the hospital has 10-day periods with no doctor at all and seriously ill people need to be rushed to distant towns and hospitals for treatment?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:21): I thank the honourable member for his question. I thank him for all his questions of late; I appreciate them. He was referring to the issue at Inverell Hospital and to Adam Marshall's, the very good member for New England, statement he made.

The Hon. Mick Veitch: That was prescient. New England? Northern Tablelands.

The Hon. John Graham: Yes. I would correct the record on that one.

The Hon. BRONNIE TAYLOR: I know what I am saying; it is all in one thing. I note the inquiry into regional health and the issues we are facing. I take my role as the Minister for Regional Health very seriously. There are situations within our regional health system when sometimes some hospitals have to be placed on bypass or when there are situations where there is not a doctor available on that particular shift. That can be for myriad reasons. This particular reason was that one of the doctors had an accident and could not come, and so a decision had to be made. In the New South Wales health system, we have to put patient safety first. That is what we do every single day.

The PRESIDENT: Order! The Hon. Walt Secord will cease interjecting. The Minister has the call.

The Hon. BRONNIE TAYLOR: Decisions have to be made at times to make sure that our patients are always safe, and sometimes that will mean unfortunately that people have to travel further to another hospital to receive that care at that particular time. I have been very up-front and very honest in everything I have spoken about as the Minister for Regional Health. We are facing an issue with the workforce. The inquiry glaringly highlighted all of that and the long-term issues that exist that have come to a head during COVID.

The Hon. Walt Secord: Good work, the Hon. Greg Donnelly. He did a great job.

The Hon. BRONNIE TAYLOR: I do not deny that. I am not denying that. I, too, was on that committee, and that is why that committee called for a—

The Hon. Courtney Houssos: No, you were not.

The Hon. BRONNIE TAYLOR: I was, actually, before I became a Minister. I was on the health committee, thanks very much. I have come a long way.

The Hon. Natalie Ward: Point of order—

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. I am willing to entertain a point of order if there is another contribution.

The Hon. Natalie Ward: No.

The Hon. BRONNIE TAYLOR: In terms of that, I met with a doctor from the University of New England [UNE], who is head of the emergency course at UNE, to talk about the hospitals in the Northern Tablelands to look at some different models of care and different things we can do to make sure we have the coverage we need at all times. The announcement last week of an enormous amount of health workforce members coming into the system is very exciting. One thing we have is a very strong pipeline of graduate nurses coming into our system. We need to be able to support them with nurse educators, which we are doing, to make sure that they feel safe and can enjoy the incredible experience and the incredibly rewarding profession that exists within the New South Wales health system. We will continue to look at solutions and continue to work very hard to make sure we find them. I thank the honourable member for his question.

The Hon. ROD ROBERTS (12:25): I ask a supplementary question. Will the Minister elucidate the part of her answer where she said there was a doctor unavailable due to illness or sickness for one shift when Adam Marshall has stated it was for 10 days? Will the Minister guarantee that this position will not happen again?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:25): I thank the honourable member for his supplementary question. As I clearly articulated in my answer, there are situations when there is not the coverage we would like and that we have said there will be due to unforeseen illness or the fact that anytime someone is diagnosed with COVID they are in isolation for seven days. We have staff furloughed within the New South Wales health system, which is continuing to be a challenge and will continue to be a challenge going forward. For me to stand in this Chamber as the Minister for Regional Health and guarantee that shifts will be able to be filled would be completely unrealistic. This is a human system and people get sick and cannot do their shift. Every single day at every single one of our rural and regional hospitals amazing things happen and really good health care is given and really good health outcomes exist. The worst thing that can happen—

The Hon. Mark Latham: Point of order: The question was very narrow and clear. It is not about amazing things happening in the health system. The question was for the Minister to explain why the community did not have a qualified doctor for 10 days at Inverell Hospital and had to be rushed elsewhere for urgent treatment. Why the 10-day gap that occurs at Inverell Hospital?

The PRESIDENT: The Minister will be directly relevant. The Minister has the call.

The Hon. BRONNIE TAYLOR: I will not quibble with the President but I am being relevant and I have said that there will be situations when doctors are not at hospitals, but that does not mean that those emergency departments are not treating people and that things are not happening. Again, when people talk about our health system, they need to be cognisant of the fact that every single day in every single one of our hospitals people are being cared for and receiving excellent health outcomes. We have one of the most outstanding health systems in the world. It is really important that people know that, should they present to our emergency departments, health services or hospitals, they will receive world-class care. It would be a real shame if people feel they should not be presenting in some instances. I encourage anyone with anything that is concerning them to make sure they present to see a medical officer, nurse practitioner or registered nurse to get the care they need.

The Hon. ROBERT BORSAK (12:28): I ask a second supplementary question. The Minister said there is a strong pipeline of medical professionals coming through the system. Will she elucidate how many of those 4,000 professionals are employed by this Government at this time?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:28): In my previous answer I clearly talked about nursing graduates and the large pipeline of nursing graduates coming through into the State.

ICARE DATA BREACH

The Hon. MARK BUTTIGIEG (12:29): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Will the Minister order an independent investigation into how icare came to release the personal information of more than 190,000 injured workers?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:29): Working overtime on icare.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: I can advise the House that on 10 May 2022 a privacy breach occurred with the distribution of cost of claims reports to brokers and large employers. Through human error in handling a spreadsheet, 587 reports were sent to an incorrect broker or employer. To be clear, no single report was sent to more than one incorrect employer and no employer received a list of all 193,000 injured workers' claims information. Icare was alerted to the breach on 10 May 2022 and took immediate steps to advise all recipients of incorrect reports to permanently delete the report from their inbox and trash folders, and to advise that had been done. Ninety-six per cent of the 587 brokers or large employers that received the incorrect reports have now confirmed that the information was deleted. Icare is following up on the remaining 4 per cent to get that assurance. Steps have been taken to inform all affected current claimants of the breach and the remedial action taken. The Information and Privacy Commission was informed of the breach and stated on its website:

The Privacy Commissioner is aware of the privacy incident at icare and understands that investigations into the incident are underway. The Privacy Commissioner will continue to engage with icare to ensure the incident is investigated and remediated, including through notification to those affected, where appropriate.

The Privacy Commissioner has advised icare to conduct a serious harm assessment in relation to notification to injured workers of closed claims before a decision is made to notify them. Noting that neither icare nor the employer may have current contact details for those claimants—

The Hon. Mark Buttigieg: Point of order: My point of order is on relevance. While I appreciate the elaboration on what has been done after the fact, the question was very specific. It was about whether the Minister will conduct an investigation into the data breach.

The Hon. DAMIEN TUDEHOPE: Goodness gracious me! Guess what?

The PRESIDENT: Order! The Minister will resume his seat. The Minister was being directly relevant. He mentioned the words "investigation" and "investigations" on a number of occasions and was providing very direct material related to the question.

The Hon. DAMIEN TUDEHOPE: What an appalling point of order. Guess what? The Privacy Commissioner happens to be independent of government, so reporting the breach to the Privacy Commissioner and them investigating it is an independent investigation. I invite the member, when he frames the question, to listen to the answer in terms of what the Government has done and how it will become satisfied that the breach has been handled. I am satisfied that it has been handled properly in the manner in which it occurred, the manner of the follow-up, and the manner in which those claimants who may have been affected or those people who have received information have been told to deal with that information. I appreciate— [*Time expired.*]

The Hon. MARK BUTTIGIEG (12:33): I ask a supplementary question. Will the Minister elucidate on the part of his answer where he said that there would be a private investigation into the breach and the time line of that investigation? When will it be completed and will the results be provided to the House?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:33): I have given very significant and detailed information to the member in relation to the breach and the manner in which it was investigated internally by icare and the Privacy Commissioner. If the member is not satisfied with that then he is calling into question the integrity of the Privacy Commission. I will not do that and neither should he. We ought to all have confidence in an integrity body like the Privacy Commission, which has a role to play in relation to privacy breaches.

The breach was reported to and handled by the Privacy Commissioner and they have indicated that they are satisfied with the approach that icare has taken. This is the proper approach to handling a very sensitive issue. It was handled properly by icare and the Privacy Commissioner. The manner in which the member seeks to politicise the issue is, quite frankly, shameful and he knows it. He calls into question the integrity of the Privacy Commissioner and the Privacy Commission. That is the role that they are employed for and that is the process that they have gone through. As we stand here today, I say to the member: be confident.

The Hon. Daniel Mookhey: You should be ashamed of yourself.

The Hon. DAMIEN TUDEHOPE: Are you ashamed of yourself? The Hon. Daniel Mookhey just summed it up on my behalf. He said, "You should be ashamed of yourself." I thank the member for his encouragement and I endorse his comments. I am confident that the proper process was followed and the House ought to accept that there is a proper process.

FERTILITY SUPPORT

The Hon. SCOTT FARLOW (12:35): 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 Government is helping to reduce the cost pressures on people wanting to start or expand their family?

The Hon. Walt Secord: Bronnie, we know you were a nurse, so be careful.

The Hon. Damien Tudehope: Point of order: That comment by—

The Hon. Walt Secord: It was humorous, come on.

The Hon. Damien Tudehope: It is not humorous. I ask the member to be more gracious in the way that he addresses members in this place.

The Hon. Walt Secord: To the point of order: I was referring to the Hon. Bronnie Taylor's fine history as a nurse. That is all I was saying. Bronnie has a fine history as a nurse and as a servant to patients in the Cooma area. I was referring to that and nothing else. Do not misrepresent my words.

The PRESIDENT: Order! In light of that contribution, I call the Hon. Walt Secord to order for the second time. The Minister has the call.

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:37): How lovely it is to get such a compliment from the Hon. Walt Secord about my professional practice. He has come a long way from when he did a search about whether I had had any complaints when I first started, which actually proved not to be worth his while. As an Australian first, alongside my colleagues Minister Kean and Minister Hazzard, we had the great pleasure of announcing that New South Wales women undergoing IVF and other assisted reproductive treatments will be given a cash rebate of up to \$2,000 to reduce treatment costs as part of the New South Wales Government's 2022-23 budget. It is exciting news for all those hoping to become mums and start families.

The \$80 million package is a really good initiative that will extend and expand the Government's 2019 election commitment to support affordable fertility treatments for families across the State. As part of the announcement there will also be an investment towards the establishment of a hub-and-spoke model that will expand access to publicly supported IVF services to women in regional New South Wales. It is fantastic news. The investment will assist women with their families and their journey to parenthood. Trying for a baby is a very exciting time but also a really tough time, especially for those with fertility challenges.

Prior to this announcement, the New South Wales Government had invested more than \$42 million over the past three years as part of the Affordable IVF Initiative. That included money to increase the availability of high-quality, lower-cost IVF treatment in government-supported clinics, making those services available to women in regional New South Wales. The initiative has helped more than 3,000 women receive IVF treatment at one of three publicly supported fertility clinics. The Government has also put aside \$1.32 million to implement a statewide fertility preservation service for people at risk of poor fertility for medical reasons. More than 200 patients have received fertility preservation treatment or egg freezing at the Royal Hospital for Women, supporting cancer patients with the choice to have biological children in the future.

Some \$21 million has been put aside for a \$500 rebate to cover out-of-pocket costs of pre-IVF testing. Going through IVF is an emotionally and financially challenging time for people wanting to start or expand their family. The Government is making a real impact on the lives of people wanting to become parents through the affordable IVF initiative. The cash rebate for IVF treatment will make a huge difference to the people of New South Wales by easing the financial burden. IVF patients can focus on their treatment and their journey to becoming parents. That is really important because it is an extremely difficult and traumatic time for any family and couple that has struggled to conceive. It is important to allow everybody the opportunity to have children. These are important initiatives; not ones to be laughed at or scoffed at. They are very serious for those undergoing them. I wish everyone luck in fulfilling their dream of having a family.

RURAL HEALTH SERVICES

The Hon. MARK BANASIAK (12:40): My question without notice is directed to Minister for Women, Minister for Regional Health, and Minister for Mental Health. What does the Minister say to the women in the Gunnedah region who are suffering fear and anxiety about giving birth or going into labour on a weekend because of the lack of doctors at Gunnedah Hospital? Is the Minister aware that women are being put into the precarious position of having to give birth via caesarean during the week, as opposed to a natural birth on the weekend? Why are the life choices of women in our regions being discriminated against, as opposed to women in Sydney?

The Hon. Sarah Mitchell: That is not right. I had two babies at Gunnedah Hospital. It is wonderful.

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:40): The member is referring to caesarean sections being performed Monday to Friday, rather than on a weekend. A caesarean section is elective in the great majority of times, unless the baby must be delivered immediately because there is a risk to it. Elective surgery is scheduled to fit in with the system and the

doctor and when it is going to take place. It is not unreasonable to schedule an elective caesarean section from Monday to Friday. It is scheduled; that is the whole point. Mothers schedule their C-section and they go in and have it then and there. As the Hon. Sarah Mitchell just said, she had two C-sections at Gunnedah Hospital. An emergency caesarean section to ensure that the baby is delivered safely is a clinical decision. I assure members in this Chamber that politicians should not decide that; professionals should decide that.

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

The Hon. BRONNIE TAYLOR: Those of us who live in regional New South Wales and have birthed in regional New South Wales have a right to be heard. It would be a very grave day if those decisions were made by politicians. Those decisions are made by clinicians who are experts in that area and they decide if women can birth safely or not at a particular site, making sure that all of those services are available.

The PRESIDENT: It would be appreciated if the Hon. Sarah Mitchell and the Hon. Walt Secord would take the conversation outside rather than having it across the Chamber. The Minister has the call.

The Hon. BRONNIE TAYLOR: Gunnedah Hospital maternity services are provided by two GP obstetricians, who do a fantastic job. That is very common practice across most hospitals. Elective caesareans are scheduled Monday to Friday, when there is a full medical staff. They are scheduled because they are elective caesareans. Each woman's birth plan is collaborative between the patient, the doctor and the midwife, and it takes into account a patient's preference and individual medical circumstances. We encourage women to present to Gunnedah Hospital to be assessed by the qualified and experienced staff. There is a midwife on site at Gunnedah Hospital at all times and a second midwife on call. A patient's labour is assessed locally at Gunnedah by the midwife before they are transferred, if required. Those are clinical decisions made by experts.

ICARE AND METRICON

The Hon. DANIEL MOOKHEY (12:44): My question without notice is directed to the Leader of the Government, the Minister for Finance, and Minister for Employee Relations. Did icare accept irregular securities from home builder Metricon, which included the personal property of Metricon's former CEO as well as other directors, when it agreed to insure them in the Home Building Compensation Fund [HBCF]?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:44): That is a disgraceful question.

The PRESIDENT: Order! The Minister has the call. Interjections by the Hon. Mark Buttigieg are not helping.

The Hon. DAMIEN TUDEHOPE: Questions about this issue are exceedingly sensitive in the current climate. The last thing that members should do in this place is precipitate a situation whereby consumers who are potentially impacted by the insurance scheme and the level of viability would be placed in jeopardy because of discussion in this place. I cannot urge those opposite nearly enough to be sensitive about how the issue is handled. There is certainly media speculation about the current sustainability of not only this building company but also other building companies. The problem is that the insurance scheme is not necessarily to protect the builder but to protect consumers. That is why we ought to be very careful and avoid impacting consumers by our conduct in this place. Very sensitive negotiations are going on.

The Hon. Daniel Mookhey: Point of order: I appreciate the Minister's introductory comments and the sensitivity of the matter, but the question was very specific. It asked whether or not icare agreed to accept irregular securities from the former Metricon CEO as well as other directors when it agreed to insure them through the Home Building Compensation Fund. It is a discrete issue to the one the Minister is referencing. I ask him to be directly relevant to the question.

The PRESIDENT: I uphold the point of order. The Minister's introductory comments have well and truly expired. The Minister will be directly relevant.

The Hon. DAMIEN TUDEHOPE: I provided a very serious caution about how such questions are framed. The reports that icare's handling of Metricon's HBCF eligibility is in any way irregular are entirely without foundation.

The Hon. DANIEL MOOKHEY (12:47): I ask a supplementary question. I appreciate the Minister's answer. Will he elucidate that part of his answer where he rejected the claim that icare accepted irregular securities from Metricon's former CEO as well as other directors? Will he elucidate by explaining what assets icare accepted as security when it issued Metricon with an insurance policy?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:48): I will start by saying that icare and HBCF complied with the requirements that they were subjected to for how insurers act in this industry. I make this observation about indemnities given by directors for their obligations in obtaining building insurance. I state on the record that builders are eligible to be insured only when they can demonstrate the financial capacity to undertake the amount of building they wish to undertake. Icare does this to protect the HBCF from unnecessary losses from builder insolvencies. That is not a regulatory process but an insurance underwriting tool. The HBCF eligibility guidelines are the most rigorous in Australia, while being broadly consistent with insurer practices since the establishment of a commercial market in the early 2000s.

Under State Insurance Regulatory Authority regulations, eligibility criteria are aimed at balancing and protecting the solvency of the HBCF scheme by only insuring reasonable and appropriate risks against ensuring HBCF does not unduly limit participation in the residential construction industry. In line with this balance, guidelines have consistently allowed builders to maintain lower levels of capital inside the business than many other businesses and allow builders to mitigate shortfalls by providing a deed of indemnity tested against but not secured against the director's personal property. HBCF premiums are set with suitable allowances for large builder collapse and do not anticipate recoveries against those deeds in the price setting. Icare is not aware of any—

The PRESIDENT: Order! The Minister's time has expired.

The Hon. DAMIEN TUDEHOPE: Do you want to ask me another one? Do you want me to finish?

The Hon. Daniel Mookhey: We can't.

The PRESIDENT: Does the Minister wish to seek leave of the House to complete his answer?

The Hon. DAMIEN TUDEHOPE: Yes, I seek leave for an extension of time to finalise my answer.

Leave granted.

The Hon. DAMIEN TUDEHOPE: Icare is not aware of any similar scheme that secures obligations registered on personal property and would not want to be out of step with those schemes. Additionally, due to the late crystallisation of HBCF losses relative to other claimants, there would usually be low prospects of recovery requiring complex government litigation against private individuals. Even where the loss could be recovered, it may be considered inappropriate to prioritise recovery—and this is an important point—over home owners or subcontractors when losses are funded through premiums. That is an important concept of where the insurer stands in terms of the prioritisation in circumstances of insolvency. Seeking overall transition to bank guarantees or other more fixed securities would likely increase the cost of housing and reduce housing supply.

CURRICULUM REFORM

The Hon. TAYLOR MARTIN (12:51): My question is addressed to the Minister for Education and Early Learning. Will the Minister please update the House on how students will benefit from the New South Wales Government's once-in-a-generation curriculum reform?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:51): I thank the honourable member for such an important question. The Government is continuing its work to deliver an evidence-based world-class curriculum, thanks to an investment of \$196 million announced in last year's budget. I am pleased to inform the House that we have hit the next major milestone in the most comprehensive New South Wales curriculum reform in 30 years. With a continued focus on strengthening literacy and numeracy skills across every year level, earlier this year we asked for feedback on the draft years 3 to 10 English and maths syllabuses, and kindergarten to year 10 language syllabuses.

Feedback established that around 80 per cent of teachers, parents and the community either agreed or strongly agreed that the outcomes and content in the new English and maths syllabuses are explicit and clear. The new primary and secondary school maths, English and languages syllabuses are based on the latest evidence and research that underpin these vital reforms. The new syllabuses make explicit what is essential to learn, they remove ambiguity and clutter, and they will give students the opportunity to develop foundational literacy and numeracy skills to set them up for lifelong learning. The clearer, more flexible structure enables teachers to tailor programs to meet students' needs and reflects evidence that it gives students increasing confidence in applying their maths knowledge.

The draft English syllabus for primary school students has a more explicit focus on writing skills. That includes text features, sentence-level grammar, vocabulary, punctuation, fluency, word-level language and processes needed to write, such as planning and editing. In secondary school English, we have streamlined the number of outcomes so that it is clear what students need to know and be able to do. The syllabus better links years 11 and 12 learning to strengthen pathways to learning and work after school. For students, there is also a

renewed focus on reading regularly for sustained periods of time to build understanding, interest and, importantly, enjoyment.

In primary school maths, there is a greater focus on problem-solving and reasoning. There is also increased emphasis on working mathematically, based on evidence that it supports deeper understanding. In high school maths, the new syllabuses focus on students developing skills in applying knowledge through a balance between explicit maths instruction and applying maths to real-world contexts. In years 9 and 10, new options topics are available to help prepare students for their year 11 and 12 maths courses and post-school skills and pathways. For example, a new topic on data inquiry is available for students interested in pursuing data fields.

We have also redesigned the classical and modern languages syllabuses as frameworks, giving students studying different languages a more consistent experience. That approach will enable schools to teach any language of their choice without waiting for a specific language syllabus, broadening the scope of languages that can be taught to include local community languages, which is very exciting. I am thrilled that for the first time Australian Sign Language will be available in the New South Wales curriculum. Learning Auslan gives students the opportunity to experience a unique part of Australia's linguistic heritage, and it will support communication with students and community members who use Auslan.

WELLINGTON POLICING

The Hon. ROBERT BORSAK (12:54): My question without notice is directed to the Minister for Education and Early Learning, representing the Minister for Police. Is the Minister aware that the crime rate for Wellington is among the highest in the State, which is exacerbated by the high rate of poverty, violence and the use of drugs? Given that Wellington has in the past attracted unwanted national media attention, even being branded and referred to as "Little Antarctica" or "The South Pole" for its serious ice problem, when will Wellington get a 24/7 police station instead of relying on police assistance from Dubbo or Mudgee?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:55): I thank the honourable member for his important question pertaining to policing in Wellington. It is a community that I know, being a member of The Nationals who represents regional New South Wales. Of course, that is also the case for the Deputy Premier, and Minister for Police, and Leader of The Nationals. Wellington is not too far from his home community of Bathurst. As I said, the member's question is very specific, wanting detailed information on policing in Wellington. I will take the question on notice and refer it to the—

[Opposition members interjected.]

I am pleased the Opposition thinks that policing in regional areas is funny. That is certainly not our view on this side of the Chamber.

The PRESIDENT: Order! I think I heard someone interject from behind the Hon. Walt Secord, but I just cannot view them. The Minister has the call.

The Hon. SARAH MITCHELL: As I said at the outset, it is a serious question. It deserves a thorough response from the Minister for Police. I am happy to take the question on notice and come back to the member with an answer in due course.

MOBILE SPEED CAMERA SIGNS

The Hon. JOHN GRAHAM (12:56): My question without notice is directed to the Minister for Metropolitan Roads. When the Government decided to change the signage for speed cameras this year, how much did it cost and who footed the bill? Was it the taxpayers or the private operator?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:57): I thank the honourable member for his question and note that this is a government that listened to its community on mobile speed cameras. In this Government, we take our road safety experience and our commitment to road safety very seriously. Mobile speed cameras monitor the network and encourage drivers to stay under the speed limit at all times because the mobile speed camera could be anywhere at any time. It is part of our road safety strategy, which recently saw the lowest death toll in almost 100 years since 1923.

Speeding is the biggest killer on New South Wales roads, and we have a commitment to ensure that those speed cameras are out there to keep people under the limit. The rooftop signage on mobile speed camera vehicles has now been rolled out across the State. We committed to that as a government once the community indicated they wanted more of that signage out there. The signage is affixed to those vehicles, in addition to 1,000 fixed signs across the network, to make it clear to the community that if they are speeding, they will be caught. That is

because speeding kills people. Those vehicles are configured so that if a sign is not locked into place on top of the car, the speed cameras cannot enforce the infringements.

The Hon. John Graham: Point of order: I take another point of order under Standing Order 65 (5), against which this Minister has been a serial offender. It is a very specific question. It is about the cost and who paid the bill.

The PRESIDENT: It is important to note that making a comment about whether a member is or is not a serial offender is not constructive, but I draw the Minister to direct relevance after her introductory comments.

The Hon. NATALIE WARD: I note I do not have any convictions on record as yet, but I am very happy to assist the member as far as possible. I thank the member for his interest in this area. It is a very important component of the Government's commitment to road safety. That is why we collect fines from people who, unfortunately, breach the road safety limit. Those fines go into the Community Road Safety Fund so that we have money to assist in the roll-out of further education campaigns and assist with further life-saving initiatives to keep people under the speed limit, including the \$800 million Safer Roads program.

The PRESIDENT: Order! I ask the Minister to either be directly relevant to the question or resume her seat.

The Hon. NATALIE WARD: Thank you, Mr President. I note that this is a comprehensive program that keeps people under the limit. This Government is very proud of its speed camera program.

The Hon. JOHN GRAHAM (12:59): I ask a supplementary question. After that answer—

The PRESIDENT: I caution the Hon. John Graham to frame his question as a supplementary question.

The Hon. JOHN GRAHAM: Will the Minister elucidate that part of her answer where she talked about these signs, which were put back onto these cars, and explain to the House how much that cost and who footed the bill? It was something I had hoped she was getting to.

The Hon. Damien Tudehope: Point of order: That is a repetition of the initial question, to which the Minister has given her answer. The Hon. John Graham has received an answer to that question.

The PRESIDENT: I understand the nature of Minister Tudehope's point of order. However, in the Minister's answer there was a reference to the signs. It was broad enough in context to differentiate, for my purposes, and for the Minister to answer the supplementary question. The Minister has the call.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (13:01): I am very pleased that those opposite are interested in road safety. Our mobile speed camera program is a comprehensive part of this Government's commitment to the lowest road toll in 100 years. We are very happy to pay for additional signage. This Government has fiscal, economic and responsible management to be able to put in place a comprehensive road safety plan. That is why we have cameras out there and signs on top of the vehicles, and that is why we have the lowest road toll. This Government set up—

The Hon. Sarah Mitchell: Point of order—

The PRESIDENT: The Hon. Sarah Mitchell has taken a point of order. Order! The Minister has the call.

The Hon. Sarah Mitchell: The constant interjections from those opposite make it almost impossible to hear the Minister, and I am literally sitting right next to her. Those opposite have asked the supplementary question. They should be polite enough to listen to the answer.

The Hon. Peter Primrose: To the point of order: The standing orders were changed in this place for a specific reason. It cannot be raised as a point of order that the Opposition is expressing a concern that contempt is being shown for those standing orders. It is absolutely gobsmacking that a member of this House—a Minister—refuses to obey the standing orders and answer questions in the manner required by those standing orders.

The PRESIDENT: No points of order are being raised; rather, they are good debating points. The Minister has the call. I encourage her to be directly relevant to the question.

The Hon. NATALIE WARD: These signs were fitted in response to community concerns by two vendors that operate the mobile speed camera systems, and they rolled them out.

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

ABORIGINAL WAR MEMORIAL

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (13:02): Yesterday in question time Reverend the Hon. Fred Nile asked me a question about the Aboriginal war memorial museum. I said that I thought he was referring to the Aboriginal war memorial, with respect to the recommendations of the inquiry. I note that Reverend the Hon. Fred Nile was right and I was wrong: It was, in fact, the Aboriginal war memorial museum. The substance of my answer remains the same, and it was an appropriate answer to the question, but for the benefit of the House the terminology needed to be updated.

Supplementary Questions for Written Answers

ICARE PROFITS

The Hon. DANIEL MOOKHEY (13:03): My supplementary question for written answer is directed to the Minister for Finance, and the Leader of the Government. Will the Minister elucidate his answer in respect to the deficit of the Nominal Insurer? What was the funding ratio for the Nominal Insurer on 31 March 2022 on an accounting basis?

INVERELL HOSPITAL

The Hon. ROD ROBERTS (13:03): My supplementary question for written answer is directed to the Minister for Regional Health. In her answer relating to the doctor shortage at Inverell Hospital the Minister blamed COVID. In the 10-day period referred to, how many doctors in the Northern Tablelands district had COVID, making them unavailable to work at Inverell Hospital?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY: I move:

That the House take note of answers to questions.

ICARE PROFITS

LABOR PARTY AND UNIONS

The Hon. DANIEL MOOKHEY (13:05): Throughout the course of question time the Opposition asked many questions about icare, and we will hopefully make reference to the answers as well. We were asking serious questions about icare, specifically about the \$1.2 billion explosion in the size of the deficit that took place under the watch of Dominic Perrottet when he was Treasurer. Premiums being paid by 326,000 businesses will skyrocket. The Minister for Finance is in denial about what the deficit of the Nominal Insurer means for the 326,000 businesses that are trying to get back on their feet after COVID.

As it is, those premiums are set to skyrocket by 40 per cent by the end of this decade. There is no doubt that this further financial fiasco will put even more pressure on those premiums. It was curious that the Minister was not prepared in his answer to defend his decision to intervene and order icare to cap premium increases at 2.9 per cent for the coming financial year. The truth is that icare was in danger of having its filing rejected because its claimed performance is so bad that its premiums will need to skyrocket. The fact that the Minister was not prepared to defend his agency reflects poorly on him.

Equally, I cannot help but observe that in the course of question time today, in response to a question asked by the Hon. Chris Rath, members on this side of the House were treated to some character analysis by the Minister for Finance. We were accused of being unduly associated with the industrial wing of the labour movement. Members on this side of the House make no apologies for standing up for those people in our economy who want their pay to go up. We have no shame whatsoever in standing with a movement that wants to rebuild the middle class in this State by ensuring that it gets a fair share of our State's common wealth.

We would pit our record of standing with the industrial wing of the labour movement against the Hon. Chris Rath's record of standing with PremierState. We are more than happy to pit our record of backing in those workers in the private and public sectors who are campaigning for a wage increase at the expense of the Prince of PremierState himself, who prefers his lobbyists to be in-house. He is against the firms but he is sitting here representing them. If members on the opposite side of the House want to go through all their connections with PremierState, we are more than happy. [*Time expired.*]

The PRESIDENT: Order! The Hon. Daniel Mookhey will resume his seat. I call the Hon. Daniel Mookhey to order for the second time.

LABOR PARTY AND UNIONS

The Hon. CHRIS RATH (13:08): I take note of the answer given by the Minister for Finance, and Minister for Employee Relations, and Leader of the Government to my question about the unions and the inextricable link that they have with the Labor Party in the year of rolling strikes. I would like to address some of the issues presented by the Hon. Daniel Mookhey. It is interesting to note that Graham Richardson now is on staff at PremierState, so I think that the Labor Party should potentially take a little bit more of a look at some of its own party members.

The Hon. Mick Veitch: I will not be lectured by you, Mr Rath—I can tell you. You have a problem. You should go and work for a living before you come to this joint. You have no idea, Chris Rath—absolutely no idea.

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

The Hon. Mick Veitch: He has no idea.

The PRESIDENT: Order! The member should take a moment. The Hon. Chris Rath has the call. He will return to the take-note debate.

The Hon. CHRIS RATH: I will, Mr President. I thought we had moved away from the union-Labor marriage of old when the member for Kogarah's successful coup got him an extra \$96,439 pay rise.

The Hon. Courtney Houssos: Point of order: The member is clearly wishing to make a number of accusations against the Leader of the Labor Party, and that is fine. However, he can do it by way of substantive motion and not through these continued attacks.

The Hon. Natalie Ward: To the point of order: We have seen here today members opposite—

The Hon. Mick Veitch: Which standing order?

The PRESIDENT: Order! The Minister is responding.

The Hon. Natalie Ward: It is disorderly conduct. Those opposite, including the Hon. Daniel Mookhey, lectured those on this side of the House about yelling into the microphone, and they have done nothing but. You have called the Hon. Walt Secord to order twice and he continues to flout your rulings. The Hon. Chris Rath is trying to make a point and the clock is continuing to run, which is not availing him of the opportunity to speak and inform the House of his view in relation to the take-note debate. I ask that you call those opposite to order and ask them to observe the orderly conduct rules of this House. They should allow the honourable member to have his say. He should be heard in silence.

The Hon. Walt Secord: To the point of order: The Minister for Metropolitan Roads is misrepresenting me. I was sitting here quietly preparing my notes; I was not interjecting.

The PRESIDENT: There is no point of order. The reality is that we are cutting across members' time with points of order and interjections. I think enough has been said. The Hon. Chris Rath has the call.

The Hon. CHRIS RATH: I thought that the Leader of the Opposition would be a fan of my inaugural speech—be a powerbroker or a trade union official, but you cannot be both. [*Time expired.*]

The Hon. Natalie Ward: Point of order: The Hon. Chris Rath's time was completely taken up by those opposite interrupting—

The Hon. Courtney Houssos: By you!

The Hon. Walt Secord: By you!

The Hon. Natalie Ward: By you, shouting across the Chamber—

The PRESIDENT: There is no point of order; it is simply the standing orders.

CURRICULUM REFORM

The Hon. MARK LATHAM (13:12): I take note of the answer given by the education Minister on curriculum. It is obviously an election year and we are getting cross-party petty disputes that I now stand well above.

The Hon. Walt Secord: That is your weakness—you always do that.

The Hon. MARK LATHAM: It took me a while, but I got there, and I want to bring the Chamber back to a serious public policy point about excellence in our schools.

The Hon. Damien Tudehope: You will not see it from there.

The Hon. MARK LATHAM: We will not see it from your pointscoring either, will we? Let us be honest about it. We should give attention to this curriculum review and overhaul, which is very important for the future of all our students in New South Wales. It has to be said that the NSW Education Standards Authority [NESA] is going a lot better than the Department of Education, which increasingly looks like *Fawcety Towers*. The NSW Education Standards Authority is doing some good work in curriculum review and overhaul, but it raises the question that the Minister never addresses: How do you convert good work in theory into classroom practice? That is always the missing link, the big gap in education policy, because the Centre for Education Statistics and Evaluation [CESE] can produce reports about the value of direct instruction, explicit teaching in the classroom—stand there and actually be a teacher rather than a facilitator with group self-starting learning, so called—but how do we know that these valuable curriculum ideas are being converted into classroom reality?

One of the good ideas that the Minister has advanced is to move to phonics in literacy. However, the disturbing statistic is that late last year in the year 1 phonics check, which I had advanced in the Chamber and the Minister, to her credit, adopted, 43 per cent of the students did not achieve an adequate result. That is, in the basic sounding out of words—some of them real words other than nonsense words—43 per cent in year 1 did not come up to scratch in their phonics capacity. If we are teaching phonics in kindergarten and year 1, how can 43 per cent of the students basically fail the test? That just shows the gap between a good idea and reality in the classroom. Yes, we must have phonics in literacy—it works a lot better than whole word—but it is not necessarily being taught in the classroom.

How do we close this missing link? We have to go back to a recommendation made by Portfolio Committee No. 3 in 2019 to have school inspectors actually examine classroom practice to see that explicit instruction is being taught, that the classroom practice is best practice and that, in the case of literacy, phonics is being taught in the classroom according to the Minister's wishes. At the moment we have no idea. Unfortunately, the Minister and the department have no idea what is actually happening in the classroom.

We have a system of directors of educational leadership who are highly paid. I do not think they do a lot. I do not think we get value out of them. They should be monitoring classroom practice as a resurrection of the old inspection system so that we know for sure that these things are happening in reality and that what is happening in the classroom is the very best education available. Best practice teaching, best practice curriculum, phonics in literacy—get the job done and report it back to make the teachers accountable. That is what the Minister needs to do and, until she does that, the rest of it is just good sounding rhetoric.

RURAL HEALTH SERVICES

The Hon. WALT SECORD (13:15): I make a contribution on the two questions in relation to rural health. We had a situation where women were being instructed to have caesarean sections to avoid giving birth on a weekend. This was at Gunnedah Hospital, but we also had Inverell hospital. I will quote the Minister directly. She said, "We have situations when hospitals are without doctors." Hospitals without doctors! Those on the other side are coming up to 12 years in government and, in the last 10 years, we have seen 600 rural and regional doctors leave rural and regional areas. This Government is making excuses.

We have situations where we have hospitals without doctors. That is extraordinary. Mums are speaking out. We have had emergency departments without doctors on weekends for weeks on end. Yass hospital has no maternity services. I know a woman whose child has "Barton Highway" on their birth certificate. It is extraordinary. Kitchen staff and cleaning staff are brought in to look after patients in rural and regional areas because of dramatic understaffing. Tea ladies are looking after newborns, cleaners and gardeners are looking after dementia patients, and kitchen staff are attending to stroke patients in a hospital car park.

I take this opportunity to congratulate the Hon. Greg Donnelly, who led the rural and regional health inquiry and exposed what we saw today in two questions. In response, the Government appointed a Minister for Regional Health, but there is no difference whatsoever. Some \$53 million has been injected into Gunnedah Hospital, but there are no doctors there. Mothers have been told, if they are going to go into labour, do it from Monday to Friday, nine to five, because heaven forbid, if you go into emergency labour on the weekend, you go to another community. That is extraordinary. We have situations where nurses in rural and regional hospitals have to go out and buy basic medical supplies—antibiotics, Panadol and adult nappies for patients. Nurses are going out to the supermarket and buying them for people in rural and regional hospitals.

The inquiry found that there were avoidable and preventable deaths. We heard evidence that patients in the Central West were being discharged in the middle of the night without transport. People who had undergone major procedures were being released from hospital in the middle of the night with no transport whatsoever and were being forced to fend for themselves. We were also told of elderly patients in rural and regional areas dying of cancer in agony, without sufficient pain relief, without access to a doctor. The Cancer Council gave evidence to the inquiry that rural and regional patients often skip treatment because they cannot afford the transport costs to

go to a place where they can get treatment. Let us move to operating theatres. We have operating theatres in rural and regional areas that are vacant, not being used— [*Time expired.*]

RURAL HEALTH SERVICES

The Hon. SCOTT BARRETT (13:18): Again in this place members have talked down regional New South Wales and scared people about the level of health care provided. I can tell you, this scaremongering is taking its toll on our healthcare workers. I know this because I have visited several of the facilities that members have taken joy in attacking. I have been lucky enough to meet some of the amazing workforce, some of the healthcare workers, and those attacks are acutely unfair on the remarkable people working in our regional healthcare service—people like Libby Burnheim from the Coonamble Multipurpose Service [MPS] along with her dedicated staff, including Toni and Aunty Jan, who are doing an amazing job for the Coonamble community. In particular, it is amazing to see the way the team utilises virtual technology to improve the services provided in the MPS and to see them deliver a high standard of care for aged-care residents. The level of training and professionalism they instil in their staff was also evident.

It was a similar story in Coonabarabran, where Chris Druce and her dedicated staff showed me their health service and their satellite chemotherapy chairs, which I am sure have saved thousands of kilometres in travel and allowed patients to receive treatment closer to home. What a great thing for our cancer patients in the regions. I also met Jennifer Coote and Alana, who run the Mental Health Peer Navigation Pilot, which is an important and successful program. We continually look to improve the wellbeing of residents in our regional communities. I was particularly pleased to spend time with Mary Urquhart, the health service manager at Cobar hospital. There has been high-profile criticism of that hospital, but one could not meet the staff there and for one second doubt their commitment and passion for the Cobar community or the service they offer.

One cannot help but feel for those people who have come under these attacks and also be proud of what they are doing on behalf of regional New South Wales. These are all remarkable people, playing an amazing role in our regional communities. We are all aware of the criticisms that have been levelled at health services in regional New South Wales, and the staff have taken that criticism personally. Obviously we could always do better. I know, along with Minister Taylor and the New South Wales Government, these health workers and all the men and women who work in our regional health system could not be more committed to bringing better outcomes to the people of New South Wales every single day. Their dedication to their hospitals, patients and each other was evident in every conversation I had and every action I saw.

LABOR PARTY AND UNIONS

The Hon. MARK BUTTIGIEG (13:21): The good thing about these take-note debates is that every now and again they expose the ideological roots of both sides of this Chamber. We heard a litany of accusations about how we are the creatures of the union movement—yes, I do not deny that whatsoever.

The Hon. Damien Tudehope: Point of order: If the member is going to misrepresent my position, he ought to at least represent that I am the advocate in this place for all the people of this State, not just the unions.

The Hon. MARK BUTTIGIEG: I acknowledge the interjection. They say they are the advocates for all the workers in this State, but let us remind people what we have experienced over the past two years: The wage cap that the Government introduced was 0.3 per cent during a pandemic, while people were risking their lives on the front line, going out and keeping this State moving. Then, after 18 months, the Government was dragged kicking and screaming to lift the cap to 2.5 per cent. Guess what—inflation is running at 5.1 per cent. Government members are engaged in cutting the real wage of the working people of New South Wales. Now they expect us to pat them on the back because they have lifted the cap from 2.5 per cent to 3 per cent, which means a real wage cut of 2 per cent.

The PRESIDENT: Order! Government members will cease interjecting.

The Hon. MARK BUTTIGIEG: I encourage Government members to keep interjecting because it shows the weakness of their arguments. A 2 per cent real wage cut, yet they come in here and say that unions have no right to strike. Is it your proposition that you rip up the Industrial Relations Commission Act and the Fair Work Act so that people cannot lawfully strike? Is that your proposition? Do you believe that people should not take protected industrial action to get wage rises? Is that your position?

The Hon. Damien Tudehope: Point of order: The member knows very well that he should direct his comments through the Chair and not across the table. He should not respond to interjections. The member has adequate opportunity to address the issue properly, which I urge him to represent correctly and through the Chair.

The Hon. MARK BUTTIGIEG: Come on—he is having a lend. I congratulate the Hon. Chris Rath on showing the true colours of Government members, who are anti-worker and anti-pay rise and who want to cut the real wage of working people.

The Hon. Damien Tudehope: Point of order—

The Hon. MARK BUTTIGIEG: They are anti-union and we are pro-worker, pro-union. [*Time expired.*]

RURAL HEALTH SERVICES

LABOR PARTY AND UNIONS

The Hon. WES FANG (13:23): I was not planning to contribute to the take-note debate, but I felt compelled to raise the level of discourse in this Chamber. I acknowledge some of the questions that were answered today, including contributions made around rural and regional health. Members must be careful about what they do in this place. We have a responsibility as givers of truth. The issues around Gunnedah and caesarean births are as the Minister outlined: There has been a request that scheduled caesarean sections happen between Monday and Friday. That is reasonable and expected. It is probably standard practice for many hospitals across the world, and it does not affect emergency caesarean sections.

The Minister for Education and Early Learning, who lives in Gunnedah, said that she has had two caesareans there—one of which was an emergency—and on both occasions she received excellent care. As the Minister outlined, members must be very careful about what they say in this House. We do not want to spread misinformation. To use a candidate who is known to support the Labor Party—in fact, recently they handed out flyers for the Labor Party at the last Federal election—as the litmus test of truth-telling on this issue is not appropriate. That brings me to the issue of the Labor Party, which is an arm of the unions. I listened very intently to the contribution from the Minister as well as interjections from members opposite; I had no choice but to listen to those.

The Hon. Walt Secord: Point of order: I am very concerned about the partiality and integrity of the Chamber. The role of Deputy President is a very challenging position—

The PRESIDENT: Order! There is no point of order. The Hon. Wes Fang has the call.

The Hon. WES FANG: I note the contributions from the Minister about the unions. The Leader of the Opposition in the other place made a salient point when he said that representing Australians who are not in a trade union means taking steps to reduce union control on the floor of the party conference. [*Time expired.*]

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. LOU AMATO (13:28): I take note of the answer given by the Minister for Employee Relations to the question about the unions' and the Labor Party's rolling strikes. The Minister's answer highlighted the ongoing marriage between Unions NSW and NSW Labor. The offspring of that marriage is the current industrial chaos to delivery planning that has been carried out in this pre-election year. These strikes are as predictable as the sun rising and setting every day. A few weeks ago the Public Service Association [PSA] demanded a pay rise of 3.6 per cent. Now that the New South Wales Government has offered a pay rise of up to 6.5 per cent over the next two years, the PSA is demanding 5.2 per cent per annum, or a 10.4 per cent pay rise over two years. Labor must release its wages policy now. Does Labor support the demand by the PSA? How will Labor fund its 10 per cent plus pay rise for public sector workers over the next two years? What programs and projects will Labor cancel? Or will Labor ultimately cheat its union bride and string them along until the election with vagaries?

Last night the PSA defied a ruling of the Industrial Relations Commission, which ordered PSA officials to withdraw the union's directions to relevant members, including corrections officers, heavy vehicle inspectors and school crossing supervisors, to strike for 24 hours on 8 June 2022. In open defiance of the independent umpire, last night PSA officials explicitly directed those members to proceed with industrial action, as planned, and cease work from 6.00 a.m. on 8 June to 6.00 a.m. on 9 June. This unlawful disruption to the good people of New South Wales must cease.

The present circumstances remind me of when I was much younger. I remember the strikes we used to have. They were always at Christmas time and Easter time and included petrol strikes and post office strikes. When I was a little boy I never got my Christmas card from Santa because of strikes by the unions. I am still distressed about it and have not got over it. Thank God my kids did not have to go through that. I turn now to a much nicer topic. I thank the Hon. Bronnie Taylor, the Minister for Women, Minister for Regional Health, and Minister for Mental Health, for her continued support and advocacy for women and families across New South Wales. I congratulate the New South Wales Government on its commitment to support access to affordable fertility treatments for families.

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

Motion agreed to.

Deferred Answers

NEWINGTON COLLEGE

In reply to **Reverend the Hon. FRED NILE** (18 May 2022).

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

I have been advised from the principal at Newington College, the assembly was about civic responsibility in a democracy. The principal believed it was apolitical – being about the process and importance of a liberal democracy, not any set of political views. The assembly included a section on using Vote Compass as a way of student familiarising themselves with issues. The school student leaders collectively answered half a dozen of the thirty questions on the compass.

A letter was sent to parents the next day explaining the assembly in significantly more details and recommending that they do Vote Compass dialogue at home.

SANCTUARY ZONE FISHING

In reply to **the Hon. MARK BANASIAK** (18 May 2022).

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

- (1) The employee is employed by the NSW Department of Primary Industries (DPI) - Fisheries, but is not a Fisheries Officer as authorised under the Fisheries Management Act 1994.

DPI Fisheries Officers have options when dealing with breaches of legislation enforced by the department. These options include verbal cautions, written cautions, Penalty Infringement Notices, or proceeding with a prosecution to be listed in Court by way of a Court Attendance Notice.

When issuing sanctions Fisheries Officers follow detailed Work Instructions and a Compliance Response Matrix that considers a range of factors like the seriousness of the alleged offence, any antecedence for the individual and any mitigating circumstances.

In this instance, the matter was dealt with by way of a Penalty Infringement Notice, which was paid by the employee. A Penalty Infringement Notice does not represent an admission of guilt or a conviction

Anyone found breaking New South Wales fishing rules face the same penalty, regardless of their role or occupation. The department has not developed specific procedures to deal with alleged breaches of legislation by employees in their own time. It is up to the regulator under each statute to enforce the provisions of the legislation they administer to Government standards and in the public interest.

All employees are required to comply with the department's Code of Ethics and Conduct. This requires that any employee who is charged with, or convicted of, an offence punishable by imprisonment for 12 months or more, must notify the Secretary, even if the offence was committed in their private capacity. Less serious criminal charges should be raised with their manager if it may affect how a person does their job.

Under the code, all employees must behave consistently with the core values of integrity, trust, service and accountability and must behave in a way that does not damage the reputation of the Department of Regional NSW or the NSW Public Service.

Fisheries Compliance Officers also have obligations to disclose to the Court in any prosecution matters that may affect their credit as a witness. This includes misconduct issues.

DPI Fisheries has processes in place to ensure that it undertakes its compliance functions in a consistent manner and that legal obligations concerning privacy are complied with.

DPI Fisheries takes seriously the right to every individuals' privacy regarding compliance details.

MOBILE SPEED CAMERA FINES

In reply to **the Hon. JOHN GRAHAM** (19 May 2022).

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

I am advised:

The New South Wales Government initiated an immediate review of all fines issued by Revenue NSW on behalf of Transport for NSW for mobile speed camera offences during the recent floods.

On 28 February 2022, Revenue NSW implemented Natural Disaster Protocols which provide a range of options to assist customers who have been impacted by natural disasters, including those in the Lismore area. Where appropriate, Revenue NSW will proactively reach out to customers impacted to have their fines cancelled.

The New South Wales Government also implemented a one-off suspension of mobile speed camera enforcement in disaster declared Local Government Areas [LGAs] due to the extreme and widespread flooding event, including Lismore City Council.

Written Answers to Supplementary Questions

COVID-19 AND TEACHER MANDATORY VACCINATIONS

In reply to **the Hon. MARK LATHAM** (7 June 2022).

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

Ongoing PES investigations into staff non-compliance with COVID-19 vaccination requirements have been paused while the department undertakes a risk assessment regarding its systemic response to COVID-19 compliance going forward, following the expiry of the education public health order.

While this risk assessment is concluded, the department is allowing staff whose investigations have been paused to undertake alternative duties from home and be paid their normal salary.

I can clarify that this very small group of unvaccinated staff will not undertake any school-based work and schools will not be asked to provide duties to these staff. The department is currently determining non-school based work that these staff can undertake whilst they are on alternative duties at home, and will be advising staff of that work from this week.

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

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I welcome to the gallery guests of the Hon. Scott Barrett, Lee O'Connor, Lucie Peart and Greg McFarland from Country Press NSW.

Private Members' Statements

PUBLIC SECTOR WAGES

The Hon. ADAM SEARLE (15:01): Today members of the Public Service Association are taking industrial action to achieve fair pay increases for workers who have been subject to the State's legislated pay cap. They do so not because they want to, but because they feel they have no other choice. The Perrottet Government has made much of its offer to lift the decade-old wage cap from 2.5 per cent to 3 per cent. But with inflation running at 5.1 per cent workers need at least 5.2 per cent to improve their economic position. The 3 per cent offer on the table means workers will have less to spend on their groceries this year compared with last year. Inflicting a pay cut on 430,000 public sector workers as we are trying to rebuild the economy in the wake of COVID is economically irresponsible. It is irresponsible not only because of the impact on those workers and their families but also because it will cause economic contraction. Simply put, workers will have less to spend in their local shops and businesses, which will suffer in turn.

Research by Professor Peetz of Griffith University shows that State employed workers are already losing \$1,600 per year, or \$30 per week, as a result of the State's legislated wage cap. By 2024-25 that will grow to around \$2,500 annually, or \$48 per week. The background to today's industrial action, as I outlined in my adjournment speech last night, is the Essential Workers Summit: Building a Just Future for All, which was held by Unions NSW last Sunday and involved New South Wales public sector workers and their unions. Apart from scrapping the wage cap, that summit called for a range of measures to repair the quality of public services in this State. One of those measures is for the Government to guarantee the same pay for all workers performing the same job or same work across the New South Wales public sector, including in its contracting. I support those objectives and the workers campaigning for them outside this building today.

The cumulative effect of the policies pursued by the current State Government has been the loss of industrial arbitration for wages and the acceleration of casual, contract and other forms of insecure and impermanent work that is now rife across the New South Wales public sector. Similar policies pursued by the now defeated Federal Coalition Government have resulted in the flat wages growth we have as a nation today. The profit share of national income is soaring, while the share going to workers is at its lowest point since records began in 1959. Over time people will not be able to get loans to buy a car, much less a home. They will not be able to take holidays or sick leave. We saw the problems that a lack of sick pay caused during COVID. Workers' discretionary and general spending will continue to contract and with it our economy. On any analysis, this approach is lose-lose for our society.

The Government has two important levers over the economy. First, by increasing the pay of 430,000 workers the Government can commence the repair of a decades decline in the purchasing power of its workforce and stimulate the economy in every town, suburb and village in New South Wales. It would also send a powerful

signal to the private sector about what is fair and reasonable in the current climate for wage outcomes. Second, as the largest purchaser of goods and services in the State, if not the country, by choosing ethical and fair companies to contract with, the State Government can influence the wages paid in the private sector. It all starts with a policy reset. It is time to scrap the wages cap in New South Wales.

PEANUTS WELLBEING SANCTUARY

The Hon. EMMA HURST (15:04): At Peanuts Wellbeing Sanctuary, animals who have suffered abuse and neglect now live in a safe, caring environment, where they are rehabilitated by the sanctuary team. The animals, which include pigs, sheep, dogs, goats and cats, are either rehomed to willing families or live out the rest of their days in the capable care of the sanctuary. Peanuts Wellbeing Sanctuary also provides another essential service. They work closely with local organisations like Shine for Kids to provide animal assisted activities and animal therapy to children from neglected and abusive backgrounds, and children and young adults impacted by the criminal justice system. Children and young adults hosted by Peanuts are given a unique chance to rehabilitate from psychological suffering and to build self-esteem by helping to rehabilitate rescued animals with a history of abuse and developing a bond with those animals, and by seeing them treated with compassion. The relationship fostered between the child and the animal is a truly symbiotic one, where both benefit from the care and attention of the other.

During the 2019-20 bushfires the volunteer base was stretched to its limits as many people who donated their time to Peanuts were also RFS volunteers, helping fight fires close by. It got so tough that they had to ask for urgent community donations just to feed the animals. Peanuts Wellbeing Sanctuary receives no government funding and operates entirely on donations. The pressure on charities that receive no government assistance for the work they do has a mental toll and a financial ceiling. Places like Peanuts Wellbeing Sanctuary provide an essential and under-appreciated service for animals and children. This Parliament has recognised the link between child abuse and animal abuse. In recognising that link we must also recognise the services that can help both to recover. The Government must do more to support the work done by Peanuts and other rescue organisations. On behalf of the animals in their care and the children they support, I thank the team at Peanuts Wellbeing Sanctuary for their amazing work to make this a better world for all.

LOCAL NEWSPAPERS

The Hon. SCOTT BARRETT (15:07): As a trusted voice in regional New South Wales, local newspapers remain a valued communication channel and source of connectedness in our local communities. It would be devastating to see that service lost. That is why I am thrilled to have in the gallery today representatives from Country Press NSW, including president, Lucie Peart; vice-president, Lee O'Connor; and marketing manager, Greg McFarland. I am very happy to host this group because they play such an important role in our regional communities. Despite what we hear about social media or search engines taking the place of our traditional print media, in regional New South Wales the local paper is still critical to our local communities. I do not think there would be many families who did not have a clipping in a drawer somewhere of one of their kids or some other family member in the junior sport reports, the social pages or sharing a story about a local event. I know where there might be one of me with Big Ted from a *Play School* visit to Orange back in the early eighties.

Our local papers are vital to communicating events, telling local stories and keeping locals informed of what is going on in their town. As such, Lucie and Lee in particular are great assets to their local communities and regional New South Wales as a whole. They are not alone, with Sharon Harland at *The Cobar Weekly*, Jo Coleman at the *Walgett Spectator* and Rozzi Smith at the *Molong Express*. The list goes on. All of them provide that vital service. I also make mention of our smaller community-run publications such as the *Cumnock Progress Review* and the *Yeoval and District Satellite*. The effort that goes into those publications is amazing. It is a testament to not only the quality of the people living in our small regional communities but also how important those publications are to those communities.

It is important that we are aware of the amazing work they are doing, and how critical it is. As our papers look after our regional communities, we need to look after them by using the advertising and information services that they offer—not out of charity, but because it is still an extremely effective way of communicating with the people of regional New South Wales. I thank Lucie, Lee, Greg and all the members of Country Press NSW—and all those providing newspapers to our local communities—for what they are doing. I hope they know that I will do what I can to support this imperative service and their important business. Everyone has a story to tell, and we need to continue to support our local papers so they can continue to tell amazing stories.

ROSS LANE FLOODING

The Hon. CATHERINE CUSACK (15:10): Lennox Head township is connected to Ballina and Byron by the Coast Road, which runs north-south. This road is connected to the M1 motorway by Ross Lane, which is

flood prone as it traverses reclaimed wetlands. Things are becoming worse, and the road was closed for many weeks following the February flooding event. It is a very vexed issue as alternate routes are extremely lengthy and often congested. Ballina Councillor Kiri Dicker recently posted the following on Ross Lane flooding:

Why doesn't Council just fix it?

Firstly, the land use arrangements around Ross Lane flooding are complicated ... A large chunk of land to the South East of Ross Lane comprises the Ballina Nature Reserve, which is managed by NSW National Parks and Wildlife. Most of the remaining surrounds is owned by several different landowners. Ballina Shire Council is responsible for maintaining the road itself. Rous County Council (the authority responsible for the region's water supply, weed biosecurity, and flood mitigation) and JALI Land Council are key stakeholders. An array of complex policies and plans of management governing different parts of the area and aspects of land use.

Why don't we just clean the drains?

...

Firstly, the more significant drains in this area are managed by Rous County Council ... There are also a multitude of other smaller drains criss-crossing the area, which are maintained by private landowners. Council is currently in the process of commissioning a hydrological assessment to inform the development of the North Creek Coastal Management Program which may provide us with more insight into these constraints.

If this plan of action was to proceed, soil tests have identified high levels of acid sulphate in this area, which ... when agitated ... releases sulfuric acid into the waterways and can harm the fragile ecology of the wetland. The Plan of Management for the Ballina Nature Reserve explicitly warns that cleaning the drains may negatively affect the ecology of the wetlands and threaten the natural values of the Reserve and North Creek.

There are, however, techniques that can be used to mitigate the release of acid sulphate ... (and) Ballina Shire Council have advocated that the PoM ... be amended to enable the safe cleaning of drains and the removal of other constraints (such as several weirs) that they believe would have a positive impact on the natural values of the wetland, but National Parks maintain that they will not consider doing this until the North Creek Coastal Management Program is completed, which is several years off.

Welcome to the world of government bureaucracy where even the most logical solutions can end up in a never-ending game of hot potato.

I thank Councillor Dicker for that information. Drainage issues are causing immense frustration in the Northern Rivers. This is but one of many that needs to be cleaned out, but the permit system is so difficult that even our councils cannot navigate it. I ask the National Parks and Wildlife Service to take pity on citizens and consider the council request for Ross Lane. More generally, a major inquiry into the management of drains is needed. They potentially need their own Act of Parliament to rectify such dysfunctional governance arrangements.

REGIONAL ECONOMIES

The Hon. MICK VEITCH (15:13): I raise the importance of diverse regional economies. To start this conversation, I acknowledge, as did the Hon. Scott Barrett, the members of Country Press NSW, whom I had the opportunity to meet with today. I thank them for the lovely graphic showing where all the country newspapers from their association are located.

The Hon. Bronnie Taylor: You're a big supporter of them I hear.

The Hon. MICK VEITCH: I am a supporter of country papers, yes.

The Hon. Sarah Mitchell: You've had a few subscriptions in your time, Mick.

The Hon. MICK VEITCH: I think I have. Country papers are so important to our regional economies. They play an important role in advertising. All industries in regional economies, including tourism and hospitality, have a part to play, but most will engage with their local country newspaper. They are critically important to regional New South Wales. I want to plug Luke Watson's *Tumut and Adelong Times* and the *Gundagai Independent*—they are good newspapers.

Last night the NSW Sommelier's Wine List Awards were announced at Parliament House. Some really good regional restaurants were finalists in the awards, but I will not read them all out. I had an opportunity to speak to a couple from Eremo in Pokolbin. Whitney's was a winner from Orange—that is probably one for the Hon. Scott Barrett. I mention those two because we had a long conversation about how they not only showcase local wine but also showcase and use local produce. That is critical. These artisan farmers and boutique manufacturers are critical to our local economies in regional New South Wales. They add diversity and depth and layers to them.

The conversation last night was also around some of the difficulties they are having, including workforce issues. We are all aware of the current difficulties with obtaining a workforce, particularly in the hospitality sector. For the wine growers, just getting people to work pruning the grapevines in the middle of winter is quite difficult. I know the Hon. Scott Barrett has half a finger left after his effort with the pruning shears! I joke. Members have heard me talk a lot about the need for diversity and depth in our regional economies because regional development is critically important. There are a number of contributors to our local economy: newspapers, restaurants, boutique

farmers and artisan farmers. There are some really nice pick-your-own cherries around Young; I am looking forward to getting some of those in November. All contributors are important. Hear, hear to all of them.

LITHGOW AND HIGHER SCHOOL CERTIFICATE RESULTS

The Hon. MARK LATHAM (15:16): I bring the House up to date on an important matter that I raised earlier in the year concerning the school education system, which has become known as the "Better breeding" slur and controversy. In response to a Standing Order 52 motion by the Hon. Courtney Houssos, the Department of Education lodged a document identified as supposedly coming from Lithgow High School. It is a memo written up by Director, Education Leadership [DEL] Debbie-Lee Hughes asking the question, "What will it take to move students from Band 4 to Band 5 in each HSC course?" The two-word answer was "Better breeding". It was an outrageous slur against the parents, the families and the students at that particular school. As it turned out—typical of *Fawly Towers*—they had put the document on the wrong pile and it was probably from Kandos High School. But someone still has to be held to account for this disgraceful slur against their local community and students.

I bring to the attention of the House a report from the education Minister. I am glad she is in the Chamber. She now says:

The Department of Education's Professional and Ethical Standards Directorate has completed its investigation into this matter. Appropriate action has been taken.

The investigation concluded that neither the Principal of Lithgow High School nor the Principal of Kandos High School made the comments. The use of the phrase has been attributed to another employee.

Who? Why? Where? None of those questions have been answered to any satisfaction or public accountability. The Minister continues:

For privacy and confidentiality reasons, further comment cannot be provided.

That is no comfort at all. Children are being sent to a school where a senior teacher has very clearly said that the answer to improved results is better breeding. It is hard to imagine a worse slur against the parents, their ancestors and their family. Surely that community has the right to know who said this, what has happened to them and can presumably work on the basis that they have been fired and taken out of the public education system where clearly, with that attitude, they are totally unsuited. The Minister needs to provide more detail to this community, rather than keeping people in the dark and hiding behind the shield of privacy and confidentiality. I will not let this matter rest. It must be taken through to its conclusion.

Who did say this? Okay, it was not the Lithgow principal; it was put on the wrong pile. Kandos seems to be the likely possibility. There is a senior teacher there, if not the principal, who has said this to the DEL. Why did the DEL not do anything about it at the time? Why did Debbie-Lee Hughes not take action, having heard the words "better breeding", to report it and get rid of that person out of the education system? This cannot be allowed to stand. The department has a culture of secrecy and cover-ups. For the community that suffered this outrageous slur, the person must be brought to account.

COST OF LIVING

The Hon. TARA MORIARTY (15:19): The cost of living in New South Wales is out of control and it is hurting families who are trying to get by, particularly since wages have not kept up. People are doing it tough in New South Wales. Everything is going up and no area is immune. Australian power prices have skyrocketed in the past year and that is not set to change anytime soon. Households are being warned that power prices are set to increase up to 130 per cent over the next six months. There is no relief in the housing market. In western Sydney, housing prices are well over the million-dollar tag, transforming the region and making the home ownership dream even further away from people who seek that security for their families. In communities like mine in regional New South Wales, the median house price has jumped 63 per cent in the past year. They are incredible increases.

To make matters worse and more difficult for people, yesterday the Reserve Bank increased interest rates for the second time in two months. Yesterday's increase was a little higher than expected. We respect the work of the Reserve Bank but that just makes life for families trying to get ahead even tougher. For people who are on a loan of \$500,000, which is not too many people, they will be paying \$133 more a month, making it even harder to make a dent in their mortgage and keep up with increased costs of living. For families that travel, petrol is back well up over \$2 per litre. Those in outer metropolitan regions are being slugged with toll after toll to drive on Sydney roads. Some families are paying over \$6,000 a year in tolls, which adds up for a family trying to get ahead or stay afloat.

As the cost-of-living pressures rise, wages are not keeping up. As a result, people are struggling, as I have said, to make ends meet. That is demonstrated with thousands of people seeking out charity services over the past

few years. Food bank services have been in overdrive, supporting more and more people than ever before. Data shows that between 2016 and 2020, an average of 488,000 individual clients attended federally funded emergency relief providers, seeking organisations that provide food assistance. OzHarvest operations in New South Wales have seen an increase of 500 per cent in demand for hampers since the start of 2021, particularly in western Sydney communities. That says that people in New South Wales are in need of desperate support, whether they were already struggling or were not necessarily struggling but are working hard and now going backwards. The State Government has plenty of mechanisms at its disposal to assist people to build a better future. The announcement made this week does not cut it and wage increases need to be implemented.

JAPANESE MIDGET SUBMARINES EIGHTIETH ANNIVERSARY

Reverend the Hon. FRED NILE (15:22): I am pleased to bring members up to date on the eightieth anniversary of Japan's attack on Sydney and Newcastle, which occurred from 29 May to 1 June 1942. It is a very important chapter in the history of Sydney. Sadly, this history is from a darker and more perilous time. I call it the battle of Sydney. From 29 May to 1 June 1942, three Japanese midget submarines were sent by imperial Japan to Sydney Harbour. Their mission was to disrupt and demoralise our navy and our beautiful city of Sydney. The midget submarines had a total capacity of two crew members. They were cramped, unsanitary and unpleasant quarters, a thoroughly unpleasant experience for the Japanese crews. The Japanese submarine designated M-24 and commanded by Officer Ban fired two torpedos. One ran ashore on Garden Island with the other striking Sydney Harbour ferry *Kuttabul*. Nineteen Australians and two British sailors were killed in the attack, with many others badly injured.

All three midget submarines were either sunk or lost. The Royal Australian Navy recovered the bodies from submarines M-22 and M-27 on 8 June 1942 and honoured the bravery of the crew. A funeral with full naval honours was conducted by the Royal Australian Navy in Rookwood Cemetery. The Australian navy honouring the Japanese navy that had just attacked Sydney was a very unusual experience. The cremated remains were later returned to Japan. That respectful gesture was deeply appreciated by the Japanese Government and has formed a vital part of the diplomatic ties between our two countries, which we enjoy in peace today. [*Time expired.*]

TOLL REBATE SCHEME

The Hon. SHAYNE MALLARD (15:26): I will address the toll relief that will benefit western and south-western Sydney. As the Parliamentary Secretary for Western Sydney, I am very excited and proud of the announcement the Liberal-Nationals Government made yesterday on toll relief. Motorists will receive up to \$750 back for a 40 per cent rebate on tolls if they spend over \$375 per year. We will continue for another year with the rego discounts. Opposition members do not like hearing that almost 300,000 extra drivers will benefit from the Government's toll relief package. That is more than double the benefit from the existing toll relief program. Today *The Daily Telegraph* had an exclusive on this great announcement, "Western Sydney suburbs in the south and north to benefit most from toll relief" written by James O'Doherty. The article stated:

Government data shows the number of residents across Sydney eligible for toll relief will dramatically increase under the new budget policy ...

The Opposition could have done an order for the production of documents to find that out. It continued:

The biggest winners of the new toll relief plan will be drivers at Casula, Hammondville and Liverpool in the southwest ... Beaumont Hills, Kellyville and Rouse Hill ... Baulkham Hills, Bella Vista and Norwest ... Airs, Blair Athol and Campbelltown ... Constitution Hill, Girraween and Mays Hill.

They are all areas that will benefit from the policy, which is opposed by Opposition members. The article continued:

The data also reveals that suburbs which largely missed out on the current rego-relief policy ... will be among the biggest beneficiaries ...

Importantly, pensioners, who already get free rego, will now benefit from this toll relief because they will be able to apply if they spend money on tolls like the rest of motorists do. The article goes on to say:

According to government estimates, a sole trader who spends \$2250 per year on tolls—

that is tradies, generally speaking—

would get more than 50 per cent of that discounted under the plan, when tax deductions are taken into account.

What did Labor leader Chris Minns say? He said that Labor would offer "real toll relief", but he had no policy to announce today. That echoes exactly what he said to the media when he outrageously gatecrashed the tolling inquiry at Bexley, abusing the parliamentary process, and held a press conference where he waffled on for half an hour with no policy announcements. When he was asked by frustrated journalists when Labor would have a policy

on tolling, he suggested that it might not be available until after the next election. I notice today he has backtracked on that. The Australian Labor Party does not have toll mania; it has toll amnesia.

COST OF LIVING

AUSTRALIAN MANUFACTURING WEEK

The Hon. COURTNEY HOUSSOS (15:29): I do not say this lightly: We are living in a cost-of-living crisis.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! Members will resume their seats.

The Hon. COURTNEY HOUSSOS: The inflation rate is the highest in 20 years, at 5.1 per cent. Fresh food costs are continuing to spike and next month energy prices are predicted to increase by 18 per cent. Yesterday the Reserve Bank of Australia raised interest rates at the highest rate for 20 years, increasing the cash rate by 0.5 basis points. Earlier today public servants, represented by the great Public Service Association, rallied outside the Chamber, and NSW Labor members stood with them proudly in solidarity. We understand the pressures being faced by families and workers right across our State as their wages stay flat but prices rise. Inflation is the secret tax eating away at the ability of working families to meet their obligations, to pay their mortgages and to get their kids through school.

Rather than getting ahead, people in New South Wales are struggling to even keep up. At the current rate of inflation, a two-income family is facing a \$6,000 cut to their income. Instead of helping, the Liberal-Nationals Government is making it worse. Tolls, taxes, fees and charges are on the increase. New South Wales is now the highest taxing State in the country. The agreements signed by this Government will allow tolls to be increased by 4 per cent every quarter, or by more if inflation is higher.

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

The Hon. COURTNEY HOUSSOS: Drivers across Sydney are paying over \$2.3 billion in tolls and western Sydney is being hit hardest. Yesterday the Government announced, with much fanfare, its supposed toll relief policy, which will cap out at \$750 each year. Yesterday on social media I saw motorists across western Sydney posting that they will use the extra funding in a month. It shows just how out of touch this Government is. This week is Australian Manufacturing Week, which is a great time to talk about the potential jobs that this Government could have been creating over its past decade in office. It has spent \$4 billion on rail infrastructure, but for the first time ever none of that funding has gone towards building trains in New South Wales. The Government sent those jobs and their valuable multiplier effects overseas. Worst of all, it has given us trains that do not fit the tracks— [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Members will come to order. There is too much audible conversation in the Chamber.

Bills

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2022

First Reading

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

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:33): According to standing order, I table a statement of public interest. I note that this is the first time that such a statement has been lodged to accompany a bill in the House.

Statement of public interest tabled.

The Hon. DAMIEN TUDEHOPE: The announcement of the bill is—

The Hon. Walt Secord: Historic.

The Hon. DAMIEN TUDEHOPE: In some ways it is historic because it represents the new regime of accountability in this place.

The Hon. DAMIEN TUDEHOPE: According to sessional order, I declare the bill to be an urgent bill.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Government Response**

The Hon. DAMIEN TUDEHOPE: I table the Government response to report No. 8 of the Public Accountability Committee entitled *Integrity, efficacy and value for money of NSW Government grant programs – First report*.

PUBLIC ACCOUNTABILITY COMMITTEE**Government Response**

The Hon. DAMIEN TUDEHOPE: I table the Government response to report No. 10 of the Public Accountability Committee entitled *Integrity, efficacy and value for money of NSW Government grant programs – Final report*.

*Visitors***VISITORS**

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I acknowledge members of the Regional Development Australia leadership program, who are present in the public gallery as guests of the Hon. Peter Poulos and Mr Paul Scully. I welcome them to the Chamber and thank them for taking the time to be here.

*Motions***INDEPENDENT COMMISSION AGAINST CORRUPTION****Debate resumed from an earlier hour.**

The Hon. JOHN GRAHAM (15:35): I make a contribution to debate on the motion for the Opposition. I will make a couple of observations. First, I will not reflect on the live investigation of Mr John Sidoti that is currently before the ICAC. That has been done in other places and it would not be appropriate to comment on it here. I note that the Hon. Mark Latham makes the point that the live investigation has been going for quite some time. Secondly, the Opposition does not agree with the part of the motion that suggests that the ICAC budget is voluminous. We have concerns about the ICAC budget and this House has had concerns in the past. I recall the moment where the House sent a view to the other place about the urgent supplementation that was needed for the ICAC to do its job to keep up with inflation and the cuts that had happened over time.

We do not want to stray into territory that suggests that its funding is not needed. The Opposition has expressed two views: first, the quantum needs to be sufficient for the ICAC to do its job unimpeded; and secondly, we believe—as we have supported in the House and in committees—the idea that the ICAC, potentially along with other integrity agencies, should have a level of independence and be regarded differently from run-of-the-mill government agencies in the Premier and Cabinet cluster. We accept the argument that the ICAC has a special role to play as an integrity agency, and its funding should be more independent as a result. We have commented publicly to suggest what that model might be. However, the Opposition has sympathy for the sentiment in the motion about the timeliness of reports. I flag that my colleague the Hon. Adam Searle will propose an amendment to adjust the motion to narrow it to that issue of timeliness.

We believe there is a sense of common purpose across the Chamber and the Parliament in this area. The joint committee has already expressed a unanimous view that is emerging across the Parliament, that a 12-month time standard for producing reports is welcome. The Opposition thanks the member for raising it and it would be a productive exercise for the House to send that signal. The Opposition will seek to delete other parts of the motion. We do not want to conflate the issues and confuse the message because the central message in the Hon. Mark Latham's motion is useful.

The Hon. ADAM SEARLE (15:38): I move:

That the question be amended by omitting paragraphs (a) and (b) and inserting instead "explore ways to expedite its reports, including the possible adoption of a time standard of tabling a report no more than 12 months after public hearings have concluded or final submissions are made in a matter".

In speaking to the Opposition's proposed amendment to the Hon. Mark Latham's motion, I reflect on a live matter that is before the ICAC and also respectfully disagree with the honourable member's analysis of the Sidoti matter. Ultimately, the conclusion reached by the ICAC on that matter is presently unknown. I do not necessarily share his analysis, so we will try to excise that from the motion. There is real value in exploring the issue of a possible time standard. Every court and tribunal in New South Wales and interstate now operates to some time standard. When members of those bodies do not adhere to those time standards, there are, appropriately, tough questions from the head of jurisdiction.

Also, the ICAC is not generously funded. The Hon. John Graham spoke about the Opposition's commitment to an independent funding model for the ICAC and potentially also for other integrity agencies. That issue would be best focused on exploring the time standard. The joint parliamentary committee in its report tabled last November on the reputational impacts of ICAC inquiries made unanimous findings and recommendations. In fact, everything in that report is unanimous. Given the controversial subject matter, that is remarkable. MPs of all Houses and all political spectrums came to a consistent view about those matters, including that time standards should be investigated. I hope that the joint committee will undertake that work in the near future and conclude it before the expiration of this Parliament.

ICAC is an important body. Like the Hon. Mark Latham, I am very supportive of a robust anti-corruption watchdog that is properly resourced to do its work. In some instances there have been significant delays of three years in producing reports. We questioned the chief commissioner and the ICAC about that and found that some of the delay is attributable to resources while some is attributable to the increasing complexity of matters and the like. But even the highest courts in our land deal with very important, multibillion-dollar matters well within a time frame. Whatever time frame is adopted by or for the ICAC, there should be one. Let us start that process.

The Hon. CHRIS RATH (15:42): I speak in support of the Opposition's amendment moved to the Hon. Mark Latham's motion about the Independent Commission Against Corruption. I have sympathy for the honourable member's motion, particularly the notion that justice delayed is justice denied. However, the Opposition's amendments also strike an important balance. That is why the Government will support them. The amended motion calls on the House to ask the Independent Commission Against Corruption to explore ways to expedite its reports, including the possible adoption of a time standard of no more than 12 months after public hearings have concluded or final submissions have been made. It would be inappropriate for Parliament to opine on individual matters before ICAC.

The Government is committed to ensuring that New South Wales has a strong and independent ICAC to investigate, expose and prevent corruption involving public authorities and officials. The Committee on the Independent Commission Against Corruption, of which I am a member, reports to Parliament on the ICAC, ICAC inspectors' performance, and ICAC reports. The committee can report on changes needed to the ICAC and ICAC inspectors' functions, structures and processes. The ICAC committee held an inquiry into the issue of reputational impact and made recommendations about the timeliness of ICAC decisions. The Government supports the recommendations that are addressed to the ICAC in the committee's report on reputational impact. The committee noted in its report that it is concerned that the passage of time between any final hearing and the delivery of a report in a matter by the ICAC can take a number of years.

Recommendation six is that the committee review whether there should be time standards in place for the ICAC to finalise reports, who should develop them, what those standards should be, whether they should be legislated and whether there should be exceptions to those standards. The committee noted that it should examine the practice of like bodies in other jurisdictions. The committee acknowledged that the ICAC has vital work to perform, and it is supportive of that. The committee also acknowledged that those processes take a significant toll on all those involved and that all those involved should know the outcome of inquiries in a reasonable time frame. The committee noted that most, if not all, courts and tribunals now have time standards in place for finalising matters. They are generally developed by the relevant head of jurisdiction in consultation with court or tribunal members and are monitored by the head of jurisdiction. The Government supports the amended motion.

The Hon. MARK LATHAM (15:45): In reply: Looking at the weight of numbers, I concede to the inevitability of the amendment, which is not a bad thing. Across the Chamber there is recognition that ICAC must be more prompt and efficient in delivering its final reports. Twelve months would be a useful standard through the political system and also the judicial system. That is an important step forward. On the Sidoti matter, which is being removed from the motion, the silence is golden in the former Labor-held seat of Drummoyne. If there was a swathe of evidence of wrongdoing, the train killers on the Opposition side would be jumping all over it and campaigning in Drummoyne for the return of their ilk. There was a bit of nodding and cheering earlier on from the Liberal Party, but no-one said a positive word in defence of John Sidoti and the hardship that he has experienced by having his political career trashed for three years by flimsy evidence.

I make this point from the crossbench: I am trying to be fair to Sidoti and the process but also fair to ICAC because you just cannot do that to people. John Sidoti would be disappointed that he has not received any direct support in this debate. But I am sure that he would take comfort that his political opponents are not jumping all over him, as nobody can. What is the wrongdoing on the public record after three long years of ICAC hearings and investigations? It is a step forward to advance the 12-month rule. I am sure it will be examined with greater thoroughness and detail by the joint select committee. Examining ICAC is a good thing. The House has made some progress today.

In terms of the Sidoti matter, I come back to my original point that ICAC is only ever as strong as its weakest investigation. It must be very careful with reputation, evidence and process. You cannot just rub people out and think, "Oh, well, we're not going to concede any fault here. We're not going to bail out of an investigation midstream. We're going to see it right through," when an individual has suffered so much. That is effectively the ICAC story. Obviously Liberal Party members will be banging on about Greiner and Berejiklian and the injustices they experienced. I am definitely not part of that cheer squad. But they must also acknowledge—and it is broadly acknowledged across politics now—that ICAC made a substantial error in the Cunneen matter and that reflected badly on it. In time the Sidoti matter will be seen as a poor piece of judgement just as the Cunneen matter was. That perhaps says it all.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Mark Latham has moved a motion, to which the Hon. Adam Searle has moved an amendment. The question is that the amendment of the Hon. Adam Searle be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

NORTHERN RIVERS FLOODS

The Hon. MARK PEARSON (15:49): I move:

- (1) That this House notes with concern that the Northern Rivers region experienced catastrophic flooding events on 28 February and 30 March 2022 but there has been insufficient action by the New South Wales Government to assist the victims of the flooding.
- (2) That this House notes with concern the devastation caused to many towns and villages, with the city of Lismore suffering:
 - (a) thousands of its residents made homeless and unemployed;
 - (b) homeless tenants experiencing long delays in flood recovery rental support payments with more than 9,500 applications having been lodged but less than 1,300 have been paid;
 - (c) flooding and storm damage to 2,600 homes, most of which remain empty due to a lack of funds for repairs or availability of tradesperson and electricity supplies;
 - (d) 3,000 businesses disrupted or unable to operate, with Service NSW advising that of the 14,964 applications lodged for the small business grants:
 - (i) less than 15 per cent have so far been approved;
 - (ii) nearly 40 per cent have been rejected; and
 - (iii) a further 36 per cent have been sent back to applicants for further information.
 - (e) a central business district lined with broken and empty stores;
 - (f) a road network riddled with massive potholes, damaged bridges and dangerous landslips;
 - (g) entire school campuses relocated to temporary premises;
 - (h) a defective sewage plant that is releasing semi-treated waste into the river; and
 - (i) untold numbers of farmed and native animals drowned in the floodwaters.
- (3) That this House calls on the New South Wales Government to improve the speed and delivery of relief services and grant funds to:
 - (a) enable all homeless residents to be immediately housed in temporary accommodation near to family and employment;
 - (b) assist home owners and tenants to have their homes repaired as soon as practicable and made habitable for their return;
 - (c) provide grant relief for all businesses large and small to enable them to recommence operations and have their workers return to their employment;

- (d) rebuild the road network and replace all bridges;
 - (e) rebuild damaged schools;
 - (f) repair the sewage treatment plant as a matter of urgent public and environmental health; and
 - (g) fund animal rescue groups to care for and rehabilitate animals injured or made homeless by the floods.
- (4) That this House calls on the New South Wales Government to pay the Council rates of flood-affected residents and businesses for the 2022-23 year as was done for the Black Summer bushfire-ravaged towns in 2019-20.

It has now been more than three months since the catastrophic floodings of the Northern Rivers, which caused unprecedented devastation to a number of towns and villages, regional transport infrastructure as well as farmlands, the natural environment, and farmed and native animals. In the space of four weeks, two floods swept through the Northern Rivers, leaving a trail of destruction and death. The region—in particular, the city of Lismore—had only just received the final compensation for the damage wreaked by the 2017 floods whipped up by Cyclone Debbie.

The February flood was of such magnitude that it completely blindsided and overwhelmed emergency services, leaving it to the citizenry to launch their own tinnie rescue fleet. In places such as Lismore, streets and houses that had previously never been flooded were inundated with the toxic floodwaters that contained not just silt but also raw sewage, petrol and diverse chemicals. Drowned farmed animals, including an entire dairy herd, were swept into the floodwaters, unable to find higher ground. Companion animals drowned in backyards or trapped inside houses, and many managed to escape alongside their human guardians. Not so lucky were the native animals that were unable to find safe harbour. Lost companion animals are still being found and reunited with their distraught guardians but, tragically, the number of homeless tenants having to relinquish their beloved animals overshadows the happy stories of retrieval.

Anyone who has visited the region since the floods cannot fail to be horrified at the scale of the task ahead to repair and replace infrastructure, rehouse and relocate residents where necessary and mitigate the damage caused to the environment. A drive around the business district of Lismore reveals a boarded-up ghost town, despite the best efforts of a number of small essential services such as the pharmacy, a grocery store, a bakery and several cafes. There are still no major retailers, banks, supermarkets, restaurants, petrol stations or government services up and running except in pop-ups found around the parking lots of the CBD. The houses in the hard-hit inner suburbs of north and south Lismore remain much the same as they were after the initial clean-up—bereft of life, broken windows, walls stripped to the studs, tarpaulins over damaged roofing.

Essential services such as water, electricity and sewerage are still undergoing repair. Some houses are beyond resurrection and have been marked for demolition. Some may be recovered and relocated to higher ground. Residents do not know what their fate holds, and they camp out in their backyards, couch-surf with friends or are allocated temporary housing far from friends and family. It will be a long haul before life can return to normal for the residents of the North Coast. With climate change increasing, the frequency and intensity of flooding obviously increases. The Government must assist residents and business owners to build their lives, enabling them to become more resilient to the impacts of these challenging weather events.

It is with this in mind that I drafted my motion calling upon the Perrottet Government to improve the speed and delivery of relief services and grant funds. I acknowledge that some level of the funding has been promised to the community, but red tape and bureaucratic obstacles have made it difficult for traumatised survivors to successfully lodge their legitimate claims. It is also encouraging to see the Government has responded to the fears vocalised by many community leaders about the failure to establish an overarching body with the powers to deliver on reconstruction. The recently announced Northern Rivers Reconstruction Corporation, due to commence on 1 July, will hopefully hit the ground running to fulfil its brief of leading and coordinating reconstruction activities. Finally, we have seen that the Government has not heeded the call to help out all those agencies caring for animals and animals affected by the flood. I will comment further in my speech in reply.

The Hon. WALT SECORD (15:55): As shadow Minister for the North Coast, I lead for Labor in debate on the motion moved by the Hon. Mark Pearson of the Animal Justice Party relating to the 2022 floods. I commend him for bringing this motion to the Chamber. It would be remiss of me not to take the opportunity to acknowledge the member for Lismore, Janelle Saffin, and the Deputy President, the Hon. Catherine Cusack, for their tireless efforts to represent, defend, and get justice and support to families on the North Coast. Members would be aware that I am also the chair of the select committee inquiring into the North Coast floods. We have already conducted four hearings on the North Coast. We will talk to government agencies and departments in two further hearings in Sydney next week.

The floods of 28 February and 30 March were devastating and the worst to hit the North Coast since European settlement. Lives have been lost and overturned, communities smashed, and businesses, schools, homes and farms are gone. A conservative estimate states that it would take between three and five years to get

communities back on their feet. Three months later, we find that people are living in their cars, in tents in backyards, in sheds and in garages. There is a genuine fear that a whole generation of young people will leave the region. Businesses told the select committee inquiry that they were unable to get workers in their 20s because they relocated to Brisbane, Sydney and Melbourne. More than 98,500 insurance claims are related to the floods in New South Wales, with a conservative estimated value of at least \$1.67 billion in property lost. In Lismore alone, 5,000 insurance claims are valued at \$400 million—again, a conservative estimate.

Early evidence to our inquiry shows that the State Government had completely let down the region—that the State Government had abandoned the region and left it to fend for itself. One of the very first striking bits of evidence that came forward in the inquiry concerned Resilience NSW, a bloated organisation with more than 100 staff, which is expected to climb to 230 people. That includes 26 State Emergency Service people. The commissioner is paid \$475,000. The ABC described it best: That Resilience NSW "was roasted in a recent parliamentary inquiry". In a situation where it should have provided support to families on the North Coast, we instead heard about nine-to-five people clocking off, demanding people send receipts and proof of a date when the flood occurred. That is extraordinary.

We also found a community where rescues were conducted by members of the community. The true heroes of the community were those who helped people they had never met. As for the State Government support for communities in the region, less than 14 per cent of grants have actually flowed through to the community. Again, the inquiry found the evidence showed that the State Government had mismanaged its response. The community had to rally to support itself, and the Government was missing in action. The true heroes were people who rescued their neighbours—people they had never spoken to before.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:58): As the Minister for Regional Transport and Roads, I particularly address paragraph (2) (f) of the motion moved by the Hon. Mark Pearson. Today is 100 days since the flooding event that took place on 28 February and the extreme weather and flooding commenced on the North Coast. Three months on, we have seen the mammoth recovery effort, particularly in the road and transport space, and rail links are improving. We are ploughing ahead with supporting those communities on the North Coast in their rebuilding.

To provide some key stats, since the flooding, more than 50,000 potholes were repaired across flood-impacted areas in New South Wales, with the overwhelming majority of them on the North Coast. In April alone, 24,000 potholes were repaired across the State road network. The majority of them were on the North Coast. There have been repairs to 112 of the 167 slopes across the State, or 67 per cent, that were damaged across regional New South Wales. Fifty-nine of the 100 permanent bridge repairs have also been completed.

Transport for NSW deployed 228 people and still has those people on the ground. They are mostly in our regional centres up on the North Coast, assisting local governments and communities with on-the-ground, practical and needed assistance. This can be anything from helping with disaster declaration payments to assisting industry, such as dairy milk tankers—getting that connectivity to ensure that dairy farms can continue to produce milk and we can get it out to processing plants. According to Transport for NSW, more than 3,500 hours have been worked directly supporting those councils as well. One hundred per cent of our regional rail passenger services or commuter rail lines are now operational on the North Coast. This is all going towards reconnecting that community and making sure that there is a solid commitment to that community that it has brighter days ahead.

In closing, if members talk about building back better—if we want to build resilience into infrastructure—that is exactly what we are going to do in the road space for the first time in this State's history, with a \$312 million package that will provide a betterment fund. Some \$156 million has been committed by this Government—and a further \$156 million provided by the Commonwealth—to ensure that when we build back infrastructure on the North Coast, it is built back with resilience and that we build it back better.

The Hon. Walt Secord: Not a word about people! Not a word about human beings!

The PRESIDENT: Order! Ms Sue Higinson has the call.

Ms SUE HIGGINSON (16:01): Today I indicate that The Greens will support the motion from the Animal Justice Party. I thank that party for this recognition of the catastrophic flooding that occurred across the Northern Rivers earlier this year. I speak from firsthand knowledge and lived experience. I am from Lismore. The catastrophic climate-induced event that ravaged my home region is, in effect, still occurring. The Minister for Regional Transport and Roads talked about commuter rail line services in my region but we do not have them. Perhaps the honourable Minister might want to think a bit more about my region.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! I ask the member to please direct her comments through the Chair and to please look at me when speaking.

Ms SUE HIGGINSON: As mentioned by the Hon. Mark Pearson, the delivery of relief services and grant funds has been painfully slow for many, with many left homeless and jobless. To this day, they are more traumatised than they should be. I know this as a member of the community and as a participating member on the current Select Committee on the Response to Major Flooding across New South Wales in 2022. I note the rate relief announced by the New South Wales Government for flood-affected residents. On 10 May my colleague Adam Guise, a Lismore councillor and Greens member, put a motion to Lismore City Council that it write to the Premier and other relevant Ministers requesting that the State Government pay the rates and water charges of Lismore local government area ratepayers who were impacted by the floods.

This motion was supported unanimously by the council. Subsequently it was announced on 3 June that the Government would support this call from Councillor Guise. The rate relief will go some way to alleviating the financial stress that flood-affected communities are in. However, there is so much more work to be done to get people back on their feet. Voluntary land buybacks at rates consistent with pre-flood levels, land swaps, repairing vital infrastructure such as water treatment facilities, and taking all necessary steps to adapt to these increasingly frequent extreme floods are all issues that need more attention from government.

The Northern Rivers Reconstruction Corporation is taking too long. While we are holding hope, the waiting and delays imposed on Lismore and other towns put these places and communities in serious jeopardy of not fully recovering. The Insurance Council of Australia made that clear in its letter to the Premier in May. The New South Wales Government is not doing enough. One of my own children, who just turned 22, said to me last week, "Mum, I'm just not sure what to do any more. I just don't see anything here for me anymore in Lismore." We need to do more, and we need to do it more quickly. We are losing our children and our young people. I thank the House.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (16:04): I start by acknowledging the final comment made by Ms Sue Higginson in her contribution to the debate. It is what so many people across the Northern Rivers feel: a sense of desperation, loss and hopelessness. Madam Deputy President [the Hon. Catherine Cusack], as you know better than almost anyone in this Chamber, the event was literally unprecedented in that town and that community, and in the little towns further downriver. Many businesses, organisations and homes got their goods, their life's savings and their life's work above the 12-metre flood line because they thought that was going to be enough. However, it was not enough because an unprecedented event blew the flood marker out of the water.

This Government has done what it can, as quickly as it can. I appreciate the motivation of the member. I live up there too. We are all traumatised. However, we cannot wave a magic wand and fix this. We can do as much as we can as quickly as we can—and that is exactly what we are doing. I appreciate Ms Sue Higginson speaking about the rate relief. That is something concrete on the ground. My friend and colleague the Hon. Walt Secord asked about people. That rate relief is going to affect people. Not having to pay rates, whether it is on a home, a business or a farm, is significant and will be important for the local government areas of Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley and Tweed. If people in those areas have made a successful claim through Service NSW or their property has been assessed as damaged, they will have their rates for the 2022-23 financial year waived. That is extremely important.

We need to take the pressure off. That is what I have tried to do as much as I can in my portfolios: to deliver as much support as possible to Aboriginal communities, to arts institutions and to individuals. There is more that needs to be done. I have said that every time I have spoken about floods in this Chamber. There will be more that needs to be done for the next five or 10 years. But we can do as much as we can as quickly as we can—and that is exactly what this Government is doing. We have got to look at these issues. All members must shine a light on them and the Government's response to them—even Government members must do that. However, I worry about these issues being politicised. It is not what our communities expect. They expect us to be forensic, but not to be political and to play games.

The Hon. SCOTT BARRETT (16:07): As you well know, Madam Deputy President [the Hon. Catherine Cusack], the Northern Rivers is a proud farming and agricultural community. That is why the New South Wales Government is providing primary producers with targeted assistance and support as they navigate the post-flood rebuild and all the challenges that come with it, including pests, disease and weed control issues. Last Thursday Ministers Cooke and Saunders in the other place announced that primary producers in flood-affected regions of New South Wales, including the Northern Rivers, will be able to access a range of technical support and recovery advice through the \$13 million Early Needs Recovery Program, which forms part of the \$150 million Primary Industry Support package provided by the New South Wales and Commonwealth governments.

The Early Needs Recovery Program will help sustain a massive 24,000 jobs across the State's flood-affected areas. As members know, it was not just the Northern Rivers that flooded. The floods also affected the Hunter Valley, Central Coast, Greater Sydney and parts of the south-east. The \$13 million program will also support the important work of valuable volunteer-based organisations across the Northern Rivers such as BlazeAid

and BackTrack to help with the practical things like replacing fences. They played such a critical role in the post-Black Summer recovery and I know they will play an equally critical role in the Northern Rivers area.

Madam Deputy President, it is impossible not to recognise your experience and passion through this, and I say the same thing for the Hon. Sue Higinson. Both of you have been through a lot and it is great to have that experience in this place. I know your hearts bled, as did mine, as we heard the stories in the public hearing in the Northern Rivers. It has been acknowledged by the Premier and others that things could have been done better.

As Minister Franklin said, the people of the Northern Rivers thought they were ready for this as well. They prepared for a 12-metre flood, they moved their stuff up high, but they too were taken off guard. I know Minister Cooke is working tirelessly to make the situation better for those people, and we should not expect any less than her working on this every single day. As we talk of numbers, we need to remember the personal cost—the loss of the family photo album, the sentimental keepsakes, maybe the first school report card. I know what it is like to lose those things and I am sure we can all think of things that we would hate to lose. That is why we need to keep working for this community.

I close by saying that attributing blame, pointing fingers and chasing headlines does nothing to help the people of the Northern Rivers. We need to learn from what went wrong what we can do better so that we can be better prepared next time. We have to do whatever we can to help the people of the Northern Rivers get back into their houses and back on their feet as soon as possible. As much as I possibly can, I wish them all well in getting this done.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I thank the member and I acknowledge his participation in the committee and the time he spent there with the Chair.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (16:10): I acknowledge the work that I have done in my portfolio area as Minister for Families and Communities, particularly with some of the organisations on the ground and also through the emergency accommodation that has been provided. It is fair to say, as we all know, that it has been a very difficult time for all of those impacted in the Northern Rivers area, and also for extended family of people in that area because they have been the support network. We know a number of people have moved in with relatives and friends during this difficult time. From day one the New South Wales Government has been focused on ensuring that people were placed in emergency accommodation. The long-term strategy has been about ensuring not only that people have homes and housing but also that we rebuild the community and that support services are available.

I extend my thanks to the disaster welfare staff—the 280 Department of Communities and Justice staff—who have been on the ground and have provided additional resources virtually, responding to the needs of the community by ensuring that housing is being provided and support services are being delivered. At this stage I can say that we have supported over 7,289 residents in emergency accommodation, which has included motels and short-term accommodation such as caravan parks, recreational camps and motorhomes. From emergency accommodation the focus shifts to moving people into long-term housing or ensuring that support is there for them to rebuild. I particularly acknowledge the work of our non-government organisations [NGOs] and those on the ground. Within the immediate weeks following the first flood, I had an opportunity to meet with some of the key NGOs up there, particularly in my portfolio, who were providing foster care, out-of-home care, homelessness and domestic violence services.

Even though the NGOs as well as their staff and buildings were impacted by the floods, they still had people on the ground providing support. That is why it was great last Friday to announce with Steph Cooke, Richmond Valley Mayor Mustow and the Mid Richmond River Neighbourhood Centre general manager, Rachel McNaught, \$13.3 million on top of the funds that the Government already provides to our NGOs. That funding will go to organisations that are providing services and on-the-ground support, like Orange Sky Australia, which is helping with washing machines. It was great to meet with them again and we will continue to work with them as we help to rebuild the community.

The Hon. PENNY SHARPE (16:13): I speak briefly to this motion relating to the Northern River floods. I was not planning on speaking, but I have been in my office listening to the debate and have rushed down to say something. Accusations of politicisation of this issue should not be used as fig leaves for inaction by this Government. No-one who spent days on the North Coast last week during the flood inquiry was left untouched by the wholesale community trauma that exists in that community. None of us remains untouched by the fact that the confidence of that community in government has been shaken to its core as the events showed the lack of preparedness from government agencies to respond to what was a very challenging—and, yes, unprecedented—action.

We talked to people last week who said to us, "We had a flood in 2017. It was terrible. We had a whole range of reviews and we said that this would never happen again, that we would be prepared." No-one is suggesting that anyone could have understood how high the level of the river would go, but what our inquiry has shown—and even what the Government and the Premier have admitted—is that we were left lacking. The result is a community in trauma. They are wondering when they are going to get into their houses, how they are going to deal with mould and where they are going to find the paperwork—for the fifth time—to prove that they are eligible for assistance. And it is just wrong for Government members to pretend that this motion is some sort of politicisation. It is absolutely our duty to stand in this place to raise the issues of people who are, frankly, tired of talking to politicians. They are tired of us. They are tired of hearing that we are going to do something differently when their experience is that nothing has changed since 2017.

If members go to Richmond and Windsor on Friday, they will be told that nothing has changed in the time since they had floods in 2021. The Government should aspire to be better. It should not be afraid to accept that the hollowing-out of the public service, the centralisation of services and the fact that there are just no people on the ground anymore who are experienced in dealing with these things has had a massive impact on the people of the Northern Rivers. I am glad that we are speaking about this flood event. No-one is trying to politicise it; we are trying to give a voice to people who need our help.

The Hon. MARK PEARSON (16:17): In reply: I thank all members who have made a contribution to this very robust and healthy debate. I will raise one area that has not been looked at more closely, and that is what happened to animals when the floods ravaged the Northern Rivers. Why would I not do that, being in the Animal Justice Party? We have seen that the Government has not heeded the call to help those agencies caring for animals affected by the floods. Funding must be provided for animal rescue groups that care for and rehabilitate animals injured or made homeless by the floods. The Animal Welfare League was able to provide its mobile vet service in the early days after the flood, but local rescue groups have been overwhelmed with native and lost or relinquished companion animals coming into their care.

Dr Stephen Van Mil, the CEO of Byron Bay Wildlife Hospital, said that they have cared for an unprecedented number of native animals, especially those who have been flooded out of their burrows, such as echidnas, platypus and bandicoots. Wildlife groups have rescued and rehabilitated animals that have been washed out through stormwater drains. Freshwater turtles have been swept into the ocean and wallabies have been rescued from floodwaters. Birds, usually resilient in flood conditions, are unable to fly due to waterlogged feathers. In a sense, that is a symbol of everything that happened up there. They have been saturated and are obstructed from being able to help each other. While an appeal for private donations was launched, it is past time for the Government to recognise that community expectations have changed and that the public expects financial support to be provided for the care and rehabilitation of animals harmed during natural disasters.

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

Motion agreed to.

Documents

SMALL BUSINESS AND FAIR TRADING ADDITIONAL BUDGET ESTIMATES

Production of Documents: Order

The Hon. COURTNEY HOUSSOS (16:20): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created since 10 January 2022, in the possession, custody or control of the Minister for Fair Trading or the Department of Customer Service relating to the Portfolio Committee No. 4 - Customer Service and Natural Resources additional Budget Estimates 2021-2022 hearing for Small Business and Fair Trading:

- (a) all documents prepared for Ministers, department secretaries and deputy secretaries for the 11 March 2022 Small Business and Fair Trading additional budget estimates hearing;
- (b) all documents relating to responses to questions taken on notice or supplementary questions from the 11 March 2022 Small Business and Fair Trading additional budget estimates hearing; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

As I often say at this point in the afternoon, there is a long list of business ahead of us so I will try to be brief and to the point.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): That is often said in this House.

The Hon. COURTNEY HOUSSOS: I will try to keep my word. I seek information that I have previously sought in answers provided to questions on notice, which were quite helpful. Some of the answers that were provided at budget estimates, particularly in the Small Business and Fair Trading portfolios, comprised one or two lines and, in one instance, a single word. We are asking serious questions at budget estimates hearings. They form a serious part of the scrutiny by the upper House of the Executive Government, and questions should be answered appropriately.

I seek the information that was prepared by the department and sent up to the Minister's office that someone decided not to provide. That is why Labor seeks that information. In regard to production of the other documents that were prepared for Ministers, departmental secretaries and deputy secretaries, I understand it is contentious and the Government is opposed to producing those papers. My argument is that the information relates to public policy and should be available to the public. That is all we seek in this call for papers. With those brief remarks, I commend the motion to the House. I look forward to the House supporting the motion.

The Hon. SCOTT FARLOW (16:21): The Government strongly opposes the motion moved by the Hon. Courtney Houssos, which seeks the production of documents relating to the 11 March 2022 Small Business and Fair Trading additional budget estimates hearing. I am sure that Opposition members would have strongly opposed such a motion when they were in government, and they will if they form government in future. The motion is not reasonably necessary for the House to fulfil its scrutiny function. If passed, it would be invalid and beyond the power of the House. I refer to comments made by the Leader of the Government in this place in response to a previous motion that sought budget estimates documents, as well as to correspondence from December last year from Minister Don Harwin to the Clerk of the Parliaments, which outlined the numerous issues with motions of such nature.

The budget estimates process is a key pillar of the Legislative Council's oversight function. Each year, Ministers and their secretaries and deputy secretaries appear before the portfolio committees of this House. Committee members have the chance to ask the Ministers, secretaries and deputy secretaries any lawful questions they wish to ask. Any questions taken on notice on the day will be or have been responded to in writing. Committee members also ask numerous written supplementary questions of Ministers, which will be or have been responded to. The Opposition's attempt to call for the preparatory materials of the Ministers, secretaries and deputy secretaries appearing at estimates hearings is an abuse of two important oversight functions of this House: the budget estimates process and the power to call for papers.

Given the budget estimates process, in which the Executive attends to answer any lawful question asked by committee members, such an order for papers is not reasonably necessary for the House to exercise its oversight functions. It is a fishing expedition that would undermine public confidence in the integrity of the House. The Government acknowledges that while the primary role of the Parliament is to pass laws, it also has the important function of scrutinising Executive accountability. The Government does not shy away from proper scrutiny. However, the motion in question bears no relationship to any contemplated legislation. On the face of it, it is unrelated to any actual or proposed decision or official action of the Executive. Rather, its motive appears to be to interfere with the ability of Executive officers to fairly and reasonably participate in one of the most important and well-established parliamentary oversight processes of all.

If the motion is passed, it would undermine the fairness of the process for witnesses appearing before committees of the House, in that witnesses who have appeared voluntarily and in good faith would be required to produce their confidential notes of preparation for attendance before the committee. This will no doubt deter future witnesses from appearing voluntarily before portfolio committees, or from undertaking preparations in the interests of assisting their inquiries, which is frankly a disastrous outcome for the House. I turn the attention of the House to the words of Justice Austin of the Supreme Court, who, in a matter similar to this, stated:

It seems to me necessarily true, and not dependent upon the evidence of the particular case, that if briefings and draft briefings to Parliamentarians for Question Time and other Parliamentary debate are amenable to subpoenas and other orders for production, the Commonwealth officers whose task it is to prepare those documents will be impeded in their preparation, by the knowledge that the documents may be used in legal proceedings and for investigatory purposes that might well affect the quality of information available to Parliament.

The Hon. WALT SECORD (16:25): Symbolically I support the Hon. Courtney Houssos. I will make two points. The motion is about openness and transparency, and this is an important public policy measure. It is about scrutiny, transparency and whistleblowers who come to us and say, "We suggest that you might want to look at these areas." Two or three pages of notes are prepared, but we receive one-word answers. Accessing those preparatory notes will benefit openness and transparency in New South Wales.

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

The House divided.

Ayes23
 Noes16
 Majority.....7

AYES

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

NOES

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

PAIRS

Graham

Mason-Cox

Motion agreed to.**SCHOOL TARGETS AND STANDARDS****Production of Documents: Order**

The Hon. COURTNEY HOUSSOS (16:36): I seek leave to amend private member's business item No. 1829 outside the order of precedence by:

- (1) Omitting "January" and inserting instead "March".
- (2) Omitting paragraphs (a), (b) and (c) and inserting instead:
 - (a) all documents including reports, briefings, memorandum, centrally held emails, centrally held email attachments and centrally held correspondence specifically relating to departmental targets and school targets under the School Success Model;
 - (b) all reports, briefings and memorandum, specifically relating to student outcome targets outlined in the NSW Department of Education annual reports;
 - (c) all reports, briefings, memorandum, centrally held emails, centrally held email attachments and centrally held correspondence specifically relating to the NSW Premier's Priorities for lifting education standards; and

Leave granted.

The Hon. COURTNEY HOUSSOS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the passing of this resolution the following documents created since 1 March 2022 in the possession, custody or control of the Minister for Education and Early Learning or the Department of Education relating to school targets and standards:

- (a) all documents including reports, briefings, memorandum, centrally held emails, centrally held email attachments and centrally held correspondence specifically relating to departmental targets and school targets under the School Success Model;
- (b) all reports, briefings and memorandum, specifically relating to student outcome targets outlined in the NSW Department of Education annual reports;
- (c) all reports, briefings, memorandum, centrally held emails, centrally held email attachments and centrally held correspondence specifically relating to the NSW Premier's Priorities for lifting education standards; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Government will not oppose the motion. I have worked constructively with the Minister's office to come to agreement. However, I will place a few remarks on the record. The annual report of the Department of Education for 2021 finally was released last week. It revealed some very concerning statistics, including that more than one in five New South Wales public school students are below the lowest acceptable standards in reading and numeracy and that the gap between the most and the least advantaged student is widening. Those targets were set by the Government.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! There is too much audible conversation in the Chamber. Members can take their conversations outside the Chamber or whisper. The Hon. Courtney Houssos has the call.

The Hon. COURTNEY HOUSSOS: They are important targets because we know that the biggest thing that we can do to change a child's life to give them more opportunity is ensure that they have a quality school education. But the reality in New South Wales, particularly over the past decade, is that we have seen the fastest-falling education standards anywhere in the world. That is not what I say; it is what the Government's expert says about education standards in New South Wales. Those standards desperately need fixing. The publicly available figures are very concerning.

The Labor Opposition is seeking more information about them. The amendments have been moved to take the pressure off schools to provide the information. We are interested in the information that is being held centrally by the Department of Education. We want to scrutinise the departmental targets and school targets under the School Success Model. The Opposition believes that there is nothing more important that this Government can do than improve the standards that are being achieved by our school students right across New South Wales. I commend the motion to the House.

The Hon. SCOTT FARLOW (16:39): The Government does not oppose the motion. In a bipartisan spirit we thank the Hon. Courtney Houssos for amending her motion to make it amenable to the Minister. It is nice when we can all work together in this place.

The Hon. MARK LATHAM (16:40): One Nation will support the motion, as it is in favour of transparency of departmental and school targets, and the material sent to parents in annual reports. I rather fear that the Government does not oppose the motion because it has pulled a swiftie. The breaking news is that the Minister and the NSW Education Standards Authority have postponed all of the planned strategic improvement work and reporting on targets until after the next election. They are using the all-purpose excuse of COVID. As President Trump once said, "It is all COVID, COVID, COVID."

An announcement went out that schools will not be reporting on improvement targets this side of March 2023. I planned to raise it during question time. It will not be a surprise question now, but it is still worth putting on the record. Three weeks ago a statement went out that it would postpone all the work on strategic improvement plans, targets, reporting, and letting parents know whether the school is moving forward or backwards and living up to expectations. The Government has postponed it until after the next election, which is shameful. It is a political ploy to avoid transparency about the point that the honourable member made: We have the fastest-falling school academic results in the world.

The Government is not worried about this because the Standing Order 52 motion will not bring forward targets that are relevant prior to the next State election. The Government has failed in many areas of education policy. It has a shambolic department that is messing up just about everything, even defying the Premier on mandates. Who is in charge? The morning newspapers are asking, "Who is running this place, Georgina Harrisson or Dominic Perrottet?" In this very important area of driving performance, insisting on improvement, targets, transparency and accountability, the pressure on schools—not just from the avalanche of Gonski funding but to get better results—has pushed it out until after the next State election. The parents will be voting on dated material and information about how the school is going. Nothing will be up to date, and the Government is trying to hide its manifest failures in education. Quite frankly, the only good things it has ever done were the six or seven things that I recommended.

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

Motion agreed to.

Bills

ROCK FISHING SAFETY AMENDMENT BILL 2021

Second Reading Debate

Debate resumed from 9 June 2021.

The Hon. WALT SECORD (16:43): I lead for Labor on the Rock Fishing Safety Amendment Bill 2021. Labor will not oppose the bill, as the aims are to further protect the lives of those participating in the dynamic sport of rock fishing. The overview of the bill is to amend the Rock Fishing Safety Act 2016 as follows:

- (a) to extend its application to all naturally occurring rock platforms or other rock formations exposed to ocean swell within New South Wales,
- (b) to require persons to wear appropriate footwear when fishing at high risk rock fishing locations,
- (c) to permit persons to wear a wetsuit instead of a life jacket when fishing at high risk rock fishing locations,
- (d) to provide that penalty notices can no longer be issued for offences.

I indicate that Labor will not oppose the bill but will move two forensic amendments drafted by my colleague in the other House the member for Lakemba, Jihad Dib. Mr Dib has the honour of serving as Labor's spokesperson in this area.

Regrettably, rock fishing is a very dangerous sport. There is a need for safety measures to protect the community. I understand that there are about eight to 10 deaths annually from rock fishing. Recently, while I was attending the Police Association of New South Wales biannual conference in Wollongong, news came through of a tragic incident at Port Kembla. It occurred as recently as last month. Three fishermen were swept into the ocean at a popular fishing spot at Port Kembla and two of them died. Police were praised for their heroic efforts to save the group. During the rescue operation two officers who were on the rocks suffered minor injuries after they were hit by a wave. I represent the shadow Minister in this Chamber. It is something that he feels strongly about. Labor has consulted key stakeholders and our amendments are in line with what they propose. I will conclude my remarks with that.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:45): The Government does not support the Rock Fishing Safety Amendment Bill 2021, as it will reduce safety for rock fishers and increase the burden on local councils and police around New South Wales. The Act was introduced following a coronal inquiry in which the State Deputy Coroner investigated the deaths of nine rock fishers between 1 November 2012 and 1 February 2015. The Deputy Coroner recommended mandating life jackets for rock fishers and that mandated life jackets should comply with the Australian standard. I repeat: Having heard the evidence, the Deputy Coroner recommended Australian standard approved life jackets, not wetsuits. Allowing rock fishers to wear a wetsuit instead of a life jacket is dangerous and could very likely result in rock fishers drowning when they could have otherwise lived if they were wearing a life jacket.

To put it simply, this bill will reduce safety for rock fishers. The Government's message to those involved in potentially risky activity on or around the ocean is very simple: Wear a life jacket. It goes for rock fishing but also for crossing a bar in a boat, riding on a personal watercraft or in a canoe, or in a variety of other instances as dictated by the Centre for Maritime Safety. This amendment will undercut very clear messaging and create a confusing double standard for other water-based activities where life jackets are mandatory. The Act requires anyone rock fishing or assisting someone rock fishing in a declared area to wear an appropriate life jacket. It also requires an adult to ensure a child in their care or supervision is wearing a life jacket while rock fishing in a declared area. Some wetsuits incorporate buoyancy and are often used for waterskiing, but would likely be uncomfortable to fish in. A wetsuit that complies with the Australian standard for life jackets would be currently considered an appropriate life jacket.

There is a lot of information about life jacket law online. The frequently asked questions section on the Transport for NSW website makes it clear that an AS 4758 compliant wetsuit is an appropriate life jacket. However, a wetsuit that does not incorporate buoyancy and comply with AS 4758 will not provide any assurance that a rock fisher can stay afloat until help arrives, and it will not comply with the Act. The last thing that rock fishers need is to be misled into thinking that they will be just as safe wearing a wetsuit as they would be wearing a standard approved life jacket. A range of life jackets are available that comply with the Act and increase a rock fisher's chances of surviving in the water until they can be rescued. Wearing a wetsuit that is not standard compliant is not the answer. As I said earlier, the Government opposes the bill. The bill seeks to implement the amended Act along the entire New South Wales coastline. At the same time it will make the Act more difficult and costly to enforce by removing the capacity to issue penalty notices.

I note that Labor amendments may be forthcoming in that area, as flagged by the Hon. Walt Secord. Currently the Act requires that rock fishers must wear a life jacket in declared areas. Areas are declared by local government area [LGA] and the declaration of areas is made by the Minister. The Government has made clear its policy that the Minister will declare LGAs under the Act in consultation with local councils. Councils must effectively opt into the Act. That is consistent with the other water-safety responsibilities of local councils. Where council identifies a risk to people within its LGA, it is empowered and responsible to take measures to reduce that

risk. Water-safety measures that councils may take include, for example, lifesaving services, beach patrols, erecting signage and regulatory activities in public places.

The Government supports local councils by providing measures like the Rock Fishing Safety Act, which gives councils a tool to improve safety for rock fishers. The Office of Local Government publishes *Practice Note No. 15 - Water Safety*, which outlines the water safety functions and responsibilities of local councils while also providing advice on risk management, equipment, facilities and signage, and legislation and policy. The bill would take the power out of the hands of local councils and make life jackets mandatory for rock fishing statewide. That would remove the capacity for councils to consider the data and determine the rock fishing safety risk in their area. Councils would no longer be able to make a determination about whether the Rock Fishing Safety Act is the best way to improve safety for rock fishers in their defined area.

The bill would require all coastal councils across the State to dedicate resources to enforce and raise awareness about the Act regardless of whether they had identified rock fishing safety as a high risk in their LGA. Making the Act apply across the entire coastline of New South Wales means it will apply in areas where it is not needed and place additional, unnecessary burdens on councils, which will do little to increase rock fishing safety and which are compounded by removing the capacity for authorised officers to issue penalty notices. The bill will reduce safety for rock fishers and make the Act harder to enforce. Rock fishing is a small but passionate section of our State's fishing community, but the fact remains that rock fishing is one of the most dangerous activities one can undertake. That is why the Deputy State Coroner—

The Hon. Scott Farlow: Point of order: The Minister is trying to address the bill and the level of interjections, which is inordinate, is continuing even now. I ask that the Minister be heard in silence.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! The Hon. Robert Borsak will cease interjecting or I will call him to order.

The Hon. Robert Borsak: Please do.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I call the Hon. Robert Borsak to order for the first time. Order! Members will remain silent. The Minister has the call.

The Hon. SAM FARRAWAY: Rock fishing is a small but passionate section of our State's fishing community, but the fact remains that rock fishing is one of the most dangerous activities one can undertake. That is why, as I highlighted before, the Deputy State Coroner recommended mandating life jackets for rock fishers and that mandated life jackets should comply with the Australian standard. One death is one too many. The New South Wales Government wants everyone to get home safely, whether that is on our roads or from rock fishing. We know life jackets work. They save lives and they drastically reduce the risk of drowning in the event of an accident. Wearing a life jacket can seem like a chore or a hassle, but this sort of irresponsible policy from the Shooters, Fishers and Farmers Party will see a return to the days of multiple, regrettable and ultimately preventable drowning deaths among our fishing community.

The House needs to know some key information. If a person is fishing from rocks exposed to ocean swell in a declared area, then they will need to wear a life jacket. The following LGAs have declared areas: Ballina, Central Coast, Lake Macquarie, Northern Beaches, Port Stephens, Randwick, Richmond Valley and Sutherland shire. The Opposition has spoken to the bill but a quick Google of rock fishing shows that their very own Paul Scully, the member for Wollongong, declared in *The Daily Telegraph*:

... "enough is enough" after the latest rock fishing tragedy off the Illawarra's coastline.

That article is from 28 April 2022 with Labor's Paul Scully and his own views. Mr Scully's comments came on the same day the body of 19-year-old Berkeley man Brendan Buxton Hurd was found off the Port Kembla shores after he was swept off the rocks. That was on Anzac Day.

The Hon. Walt Secord: The Hon. Sam Faraway has been warned about making up quotes.

The Hon. SAM FARRAWAY: No. As I said, if a person fishing off the rocks is exposed to ocean swell in a declared area, they will need to wear a life jacket.

The Hon. ROD ROBERTS (16:55): On behalf of One Nation, I contribute to the debate on the Rock Fishing Safety Amendment Bill 2021. One Nation supports the bill. Anything that introduces additional safety measures must be applauded. The bill does not remove any obligations to wear a life jacket. It simply provides an alternative option—to wear a wetsuit. If I was in the ocean bobbing around in waves, I would much prefer to be in a wetsuit so I could dive under the waves than be floated on top of the waves and smashed into rocks. If I happen to be in the ocean for a period, I believe the support that a wetsuit would give me against hypothermia would also keep me warm while I wait for rescuers to arrive. As for making suitable footwear mandatory, how can one not

agree with that? I understand Labor has two amendments to the bill that enliven me as well. I will see what happens in the Committee stage. One Nation supports the bill.

Mr JUSTIN FIELD (16:57): I contribute to the debate on the Rock Fishing Safety Amendment Bill 2021. We all want people to be safe when they are engaging in dangerous practices. Where we recognise there is a danger, the Government and public agencies have a duty of care to communicate with people about that danger and explain to them how to minimise their risk. There is a line at which it makes sense to have a law that requires people to do a certain thing to protect themselves, often against themselves. But I think we also have to recognise that there is a limit to the capacity of legislation to protect people in certain situations, such as engaging in activities that they choose to engage in and taking risks. I think the bill gets really close to that line. I find it a little strange that the Shooters, Fishers and Farmers Party wants to tell people what they need to wear to go fishing. Nothing is stopping anyone from wearing a wetsuit or appropriate footwear when they go rock fishing. The legislation does not prevent them from doing those things and legislation will not necessarily fix the problem.

The reality is that some people do not want to wear a life jacket; they want to wear a different form of attire. I understand that. To have those things fleshed out through legislation seems slightly crazy. Is the intention not to make sure that people are informed of the risk and that they make informed choices? Why does the Government require a council to opt in when it knows there is a dangerous site? Why do we not have an amendment to the bill empowering the State Government to declare recognised dangerous sites, whether or not the council wants to do so, and establish those limited areas to which the Act applies?

This debate has gone a little bit too far in a lot of ways. There are a lot of places where these risks are not as extreme as others. The bill will place much more of a burden on people who are able to practise this pastime in a safe way using equipment that they currently have, making their own choices about what to wear, what is safe and when it is safe. I do not support the bill as it is written. I think the Government could do more, particularly where councils have not been prepared to take steps that might improve safety for individuals. All members need to be honest about the limitations of legislation to tell people what to do in places that are difficult to reach, where it is unlikely that there will be a large number of enforcement officers who can administer the law and where fines are not necessarily likely to change people's behaviour.

We need to be honest about that or we will lose sight of what we, and the Coroner's recommendations, are trying to achieve—which is fewer unnecessary deaths of people who are often unaware of the risk and do not have the skills, knowledge or equipment to survive. I do not support the bill. The Government needs to recognise that it is untenable to have dangerous sites where the law, as it was intended to protect people, does not apply because a council has chosen not to opt in to a law that makes sense.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:01): I oppose the Rock Fishing Safety Amendment Bill 2021 in support of my colleague the Hon. Sam Farroway. It is astonishing that the bill has been proposed, and it is even more astonishing that Labor is supporting it. At its heart the bill removes a safety requirement.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order!

The Hon. DAMIEN TUDEHOPE: At its heart the bill removes a safety requirement and replaces it with the requirement to wear a wetsuit. Members should ask themselves: Is a wetsuit as safe as a safety vest in the water? If the answer is no then the underlying premise for supporting the bill falls away, and that those opposite support it becomes astonishing. Is a wetsuit equivalent to a safety vest for the purposes of safety? The message is that the wearing of a wetsuit does not have any approved standards attached to it. It does not meet minimum buoyancy requirements and will not keep people as safe as wearing a Standards Australia-approved life jacket.

The member is seeking to use this Parliament to overturn the recommendation of the Coroner. How is it that he can support the recommendation of the Coroner, who has sat through hearings relating to the deaths of three people who were swept off rocks in 2014? How can he do that and call on the Parliament to turn its back on those recommendations? To do so is tantamount to parliamentary negligence. To use this place to turn our backs on the finding of the Coroner, who has sat through the harrowing stories of people who have lost their lives and, as a result of listening to those stories, made recommendations about what the appropriate clothing and footwear and the like are for people to engage in the sport of rock fishing, is an absolute abrogation of the responsibility of parliamentarians.

For Labor to say that it takes this issue seriously and that a wetsuit has some level of equivalence to a safety vest is absolutely incomprehensible when understanding our responsibility as legislators. Fundamentally I would have thought that the findings of the Coroner would rest paramount in the minds of the people who are legislating here, but it appears not. We should remain befuddled. It remains to be heard what The Greens have to say on the bill. I notice that no-one from The Greens has spoken in the debate.

The Hon. Walt Secord: Ms Abigail Boyd is in the chair, so she can't. Don't be unfair.

The Hon. DAMIEN TUDEHOPE: There are two other members of that party who could be down here telling us where The Greens stand on the bill. Mr Justin Field raised a serious question about whether there should be a State Government responsibility in this area.

The Hon. Walt Secord: He's not a Green; he left them.

The Hon. DAMIEN TUDEHOPE: A lot of the views that he holds are very similar to theirs. That is fine, and I accept the philosophical standpoint that he comes from. In his contribution he acknowledged the problem we have: that this is a seriously dangerous activity and that recommendations have been made on the appropriate safety measures that should be taken. He then said that the decisions about where dangerous rock fishing spots are located are so serious that it should not be left to councils to make those determinations; they should be a State Government responsibility. We should listen to his contribution because the risks that we expose our emergency services workers to in circumstances where a rock fishing incident occurs justify making sure that we take the strongest possible action to make sure that they are protected. In his contribution the Hon. Walt Secord made reference to a recent incident that police from Kiama were involved in.

The Hon. Walt Secord: Port Kembla.

The Hon. DAMIEN TUDEHOPE: An incident at Port Kembla. He went on to say that the police were involved in a serious rescue arising from a rock fishing incident, but he also outlined the danger that the police were exposed to as a result of that incident and the injuries that they sustained. That is tantamount to acknowledging exactly how dangerous rock fishing is. Every time emergency services workers are called to rescue people who are involved in this sport and in these circumstances, their lives are potentially put at risk as a result of the actions of others. This bill contributes to the manner in which we are exposing those emergency services workers to additional harm. No-one in their right mind should support this legislation.

The Hon. Mark Banasiak: How many fines have you issued?

The Hon. DAMIEN TUDEHOPE: We should be issuing more. Safety advice in this area is either right or wrong. The safety advice on the wearing of a Standards Australia-approved life jacket is widely promoted. The safety specifications from the Coroner for people involved in rock fishing include staying alert to weather conditions, because it is vitally important that people check the weather conditions; learning how to swim; choosing the safest possible location, which means finding a spot with safety gear like an angel ring and having an escape route if someone is washed out; wearing the right gear, including lightweight clothing and shoes with non-slip soles or cleats; never fishing alone, because if someone is washed out then someone else can get help or throw a floatation device like an angel ring; and, most importantly, wearing a Standards Australia-approved life jacket.

The Government is serious about improving rock fishing safety and water safety. We are partnering with non-government and community organisations to improve water safety using a broad range of safety strategies. We are investing in technology, CPR training and volunteers so that people right across our State can enjoy our beaches, rivers and lakes. But, most effectively, we are joining with organisations in saying that we must abide by the greatest possible embracing of safety requirements for the manner in which people conduct themselves in this sport. For that reason, the Government will be opposing the bill. I make one further observation about the amendments. The Government will be supporting the first amendment but the second amendment is troubling and we will not be supporting it.

The Hon. WALT SECORD (17:10): Under Standing Order 89, I will speak a second time in this debate. I have been misrepresented by the Minister and I would like to clarify my position. The Leader of the Government made reference to my comments about the two men swept off the rocks at Port Kembla. My comments related to the bravery of the police. I want it to be very clear. My comments were in support of the police and their bravery. One police officer swam 100 metres into the water to try to save one of those fishermen. Yes, it is a dangerous sport, but I want the record to show that my comments related to the bravery of the police.

The Hon. ROBERT BORSAK (17:11): I will make a short contribution to debate on the Rock Fishing Safety Amendment Bill 2021. There is much talk from the Government about standards, including AS 4758 and the like. There is much talk about life jacket law and what the Coroner said and what he did not say. Ever since I came to this place we have been talking to this Government, to various Ministers and to stakeholders who are the fishos of New South Wales, especially those who fish on rock ledges up and down the coast, and there is always talk that AS 4758 will sort this out. I defy any member of the Government to go to their own website and look at life jacket law. It says, "Life jackets can only save your life if you are wearing one."

The Hon. Damien Tudehope: That's not what the bill is about.

The Hon. ROBERT BORSAK: Hang on, that is the advice coming from the Government's website. When I go through it, I find that there is not a single mention of any standard that applies to rock fishing. It talks about personal watercraft, vessels over 4.8 metres long, vessels up to 4.8 metres long, towing boats, sailboards and kiteboards, and paddle craft—canoes and kayaks. That is all good stuff. It talks about surf skis, stand-up paddleboards, rowing vessels, life jacket level 50, life jacket level 50S, life jacket level 100, life jacket level 150 et cetera. There is not a single mention of AS 4758 on the Government's own website that deals specifically with safety life jackets for rock fishing. That is a fact. We have been talking to this Government about that for over 11 years, but it does not want to listen.

It is nonsense to say that AS 4758 fixes it all. The Government is cut to the quick by its own nonsense on its own bloody website. No-one has spoken to anyone that specifically knows what is needed. Angel rings were put there with the agreement of the fishing community. We need research so that AS 4758 can recommend a particular life jacket that applies and that will save someone's life if they go in the water off a rock shelf. Government members do not want to agree to it because, guess what? It is not their idea. Instead they put nonsense up there that obfuscates the whole thing. They talk about AS 4758 but I challenge them to find on their website a specific recommendation for one of those life jackets that applies to rock fishing. They will not find it because they do not have one.

The Hon. MARK BANASIAK (17:14): In reply: I was going to make the same comments that my colleague made, but he did it quite well. I will not repeat that because it is quite clear. The Government is trying to say that the bill somehow makes rock fishing less safe. How does the consistent application of a law or practice across the State make it unsafe? Laws and rules must be consistent. That is child studies 101. If we want someone to obey a rule or law, we make the rules consistent. There is no option to opt in or opt out of a law. The Government says that it is going to make it harder to enforce, but we have not enforced it anyway. There have been more rock fishing deaths in this State than fines. Nine fines were issued in 2019. The Government is not enforcing it. The legislation has failed. Deaths have increased; they have not decreased.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! The Hon. Damien Tudehope will cease interjecting.

The Hon. MARK BANASIAK: The bill suggests greater safety precautions. The honourable member even mentioned closed shoes in his own spiel. That is what this law provides for. It prescribes closed, appropriate footwear.

The Hon. Damien Tudehope: The Coroner recommended it.

The Hon. MARK BANASIAK: The Coroner might have recommended it. The Government might have included it in its safety videos that were shot all around the world. Hundreds of thousands of dollars were spent out of the Recreational Fishing Trust Fund for that video and then it was ignored in the legislation.

The Hon. Damien Tudehope: It is education.

The Hon. MARK BANASIAK: I acknowledge the Minister's interjection. Let us talk about education. There has been none. There certainly has not been any for people from non-English speaking backgrounds because that is where a lot of the deaths are occurring. There has been no education. The bill has the support of the fishing industry. I would not have brought it here today without its support. If members are concerned about wetsuits, I encourage them to come and see me afterwards and I will show them the video of the Central Coast man who was swept off the rocks and who struggled to get his life jacket off so he could save himself. Tragically, he could not. If members want to see that video, I will happily show it. The benefit of a wetsuit is that you can save yourself; you are not reliant on emergency services risking their lives. I acknowledge that emergency services take great risks to go out and rescue people. But if those people had the education and the safety equipment to rescue themselves—

The Hon. Damien Tudehope: Are you saying a wetsuit would have saved him?

The Hon. MARK BANASIAK: I am. He would have been able to swim under the waves to safety, rather than being bashed up against the rocks. That is a fact. I challenge the Minister to talk to people who participate in the sport. They will tell him that.

The Hon. Damien Tudehope: I'll rely on the Coroner's report.

The Hon. MARK BANASIAK: The Coroner does not rock fish. I commend the bill to the House. Clearly the bill has failed. I acknowledge that the Opposition will be moving some amendments to reinstate the fines. I will not die in a ditch over that. I removed that because the Government was not enforcing the fines anyway. There were nine fines in one year—more deaths than fines. That is why I removed it, but I will not die in a ditch over it. I commend the bill to the House.

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

The House divided.

Ayes20
Noes17
Majority.....3

AYES

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

NOES

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

PAIRS

Searle

Franklin

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole. I have one sheet of amendments: Opposition amendments on sheet c2022-113B.

The Hon. WALT SECORD (17:29): I move Opposition amendment No. 1 on sheet c2022-113B:

No. 1 **Penalty notices**

Page 2, lines 19 and 20, clause 3(3). Omit all words on those lines. Insert instead—

(3) **Section 4 High risk rock fishing locations**

Omit the section.

I listened very carefully to contributions to the second reading debate, particularly the contribution of the Leader of the Government. Clearly he is a man who has never stepped in the ocean. He talked about wetsuits. The Hon. Mark Banasiak made it very clear, and I know this for a fact, that when a big wave comes you jump under it—but I digress. Opposition amendment No. 1 relates to restoring the fines—

The Hon. Mark Banasiak: He has got you there, Damien.

The Hon. Damien Tudehope: What, that I have never been in the—

The Hon. WALT SECORD: It is very clear that you have never stepped in—

The CHAIR (The Hon. Wes Fang): Order! The Hon. Walt Secord will restrict his comments to the amendment before the Committee.

The Hon. WALT SECORD: This amendment is surgical. It returns penalties to the bill and it is very clear. I note the contribution of the Hon. Mark Banasiak, in which he cited that there were more deaths than penalties and fines. The Government is clearly not enforcing that. However, I think it is important that we restore the penalty notices to the legislation. I note that the Government has indicated that it will support the amendment and the Shooters, Fishers and Farmers Party is not opposing it. I end my contribution on that note and commend the amendment to the Committee.

The CHAIR (The Hon. Wes Fang): The Hon. Walt Secord has moved Opposition amendment No. 1 on sheet c2022-113B. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. WALT SECORD (17:31): I move Opposition amendment No. 2 on sheet c2022-113B:

No. 2 Moratorium on prosecution

Page 2. Insert after line 32—

(7) **Schedule 1 Savings, transitional and other provisions**

Omit "for newly declared high risk rock fishing locations" from clause 2(2).

(8) **Schedule 1, clause 2(2)**

Omit "place that occurs within 12 months after the declaration of the place as a high risk rock fishing location".

Insert instead "high risk rock fishing location that occurs within 12 months after the commencement of the *Rock Fishing Safety Amendment Act 2022*".

The amendment is fair and reasonable. It captures the spirit of what the Shooters, Fishers and Farmers Party wants to do with the bill, which is to improve safety. I have followed the issue of rock fishing since 1995. In fact, I remember that it came up when I worked as media director for former Premier Bob Carr. Rock fishing has always been a dangerous sport. This amendment is about improving safety. Clearly the Shooters, Fishers and Farmers Party members the Hon. Mark Banasiak and the Hon. Robert Borsak have listened to fishers. The amendment is a sensible way forward and I commend it to the Committee.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:33): This is a really surprising amendment. I ask members to think about what it does. At the moment eight LGAs have already opted in to a mandatory arrangement for rock fishing and the wearing of safety equipment. Effectively, the amendment says to all of those councils, "What you've done is now back to square one. The code that you've implemented doesn't apply for the next 12 months. It is a moratorium." Really and truly, that is an astonishing slap in the face for those councils that have recognised dangerous rock fishing locations. It says to them, "We are going to give everyone a 12-month holiday in relation to what you have been doing here." It flies in the face of the conclusions of the Coroner. It flies in the face of the member who has moved this amendment because in May 2022, less than a month ago, he stood shoulder to shoulder with Paul Scully and the Leader of the Opposition—

The Hon. Walt Secord: And Ryan Park. Don't forget that Ryan was there too.

The Hon. DAMIEN TUDEHOPE: And Ryan Park. An article on the Wave FM 96.5 website states:

Member for Wollongong Paul Scully, has used Tuesday's Police Association of NSW gathering in Wollongong, to call for funding to resume for Port Kembla, and lifejackets to be mandatory for rockfishers.

Yet the Hon. Walt Secord has moved an amendment to give a moratorium to people who would not be wearing life jackets. And it gets worse. On his website, Paul Scully stated—

The Hon. Walt Secord: I was there.

The Hon. DAMIEN TUDEHOPE: Okay. Paul Scully stated:

My thoughts are with the family and friends of Brenden Buxton Hurd who was swept off the rocks at Hill 60 on the weekend.

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

The Hon. DAMIEN TUDEHOPE: What did Paul Scully say? He said:

Enough is enough.

I've said it before and will keep saying it - this site needs to be designated as a location requiring life jackets to be worn; a warning or emergency alert system needs to be installed; and an awareness campaign beyond the Illawarra about the dangers at this spot needs to be launched. Waiting for another coronial report that will most likely again recommend the wearing of life jackets is wasting time.

Yet today the Hon. Walt Secord comes into this Chamber and says he wants a moratorium for exactly that activity. He says, "Give them 12 months off." Which part of that hypocrisy does he not understand? If the Opposition was fair dinkum about rock fishing safety, it would have backed the Government in opposing this legislation. But it did not do that. To then move this amendment—which would give a holiday to people who do not want to abide by existing mandatory lifesaving laws observed by eight responsible councils that have identified dangerous spots—just defies belief. The Government opposes the amendment.

The Hon. MARK BANASIAK (17:37): I was not going to speak to this amendment. However, I think the Committee needs to be clear: The moratorium is actually for new spots and the new requirements.

The Hon. Damien Tudehope: No, it's not.

The Hon. MARK BANASIAK: Anyway, that is besides the fact. The Government has given rock fishers a holiday since it brought in the Act because it has not bloody enforced it. Why is it starting now? I am not going to die in a ditch over this. We will support Labor's amendment and we will move on from there.

The CHAIR (The Hon. Wes Fang): I remind members to observe parliamentary language. Potentially kids are tuned in to watch the Chamber. I would like to think that we are setting a good example for them.

Mr JUSTIN FIELD (17:38): The Chair brings up an important point that children are sitting down and watching something right now. I suggest that if *Bluey* did an episode on rock fishing safety we would all be better off. The reality is that what is currently in operation and what is being proposed by the bill, which I recognise was supported by the House at the second reading stage, will not address those issues. If Wollongong City Council has not opted in at this stage, and we are now making it mandatory for all councils to opt in if they have not before, someone still has to declare those sites as high risk. Someone still has to send enforcement officers to monitor it. Someone still has to put education programs in place, which the Hon. Walt Secord indicated the proposed 12-month transitional period is for. Someone still has to erect the signage. Who is going to do it? If councils do not do it, State governments should. They should have always done it, recognising that those sites are high risk.

What is the education campaign that the Hon. Walt Secord thinks is going to happen during this 12-month period if it has not been happening already? The point is that we have missed the intent of what we are trying to do here, which is to educate people about the risks and for government to help them as much as it possibly can by taking steps to mitigate those risks. I do not think that is addressed by the bill or the amendment in any way, shape or form. It is not much better than the legislation as it currently stands.

The Hon. Robert Borsak: Where is your amendment?

Mr JUSTIN FIELD: I did not introduce the bill; this is your bill.

The CHAIR (The Hon. Wes Fang): Order! Mr Justin Field will resume his seat.

Mr JUSTIN FIELD: This is a Shooters, Fishers and Farmers Party bill.

The CHAIR (The Hon. Wes Fang): The cacophony is unacceptable. Members will be heard in silence while they are making contributions to debate on the amendments. If another member wishes to make a contribution, they can do so when a member has finished. Mr Justin Field has the call.

Mr JUSTIN FIELD: This is not my bill. When this legislation came to the House in 2016, I made a contribution and I am not saying anything today that is different to what I said then. I refer honourable members and all those watching this debate at home right now to that contribution. I am speaking to this amendment because I do not think it will do what the honourable member suggests, which is to provide for 12 months of education. There is no evidence that the councils that did not opt in previously are going to do anything different, that they have the resources to do anything different or that they have the resources to enforce the Act as it stands. We will leave the House tonight with this legislation probably passing and we will be in the same situation where the onus is clearly going to be on the Government to fix the problem.

The Hon. WALT SECORD (17:41): There have been many misrepresentations and distortions of the bill by the Leader of the Government. When the Leader of the Opposition, the member for Keira and I went to Wollongong to visit the member for Wollongong, there was a passionate plea made to the council and to the State Government—

The Hon. Damien Tudehope: A Labor-Greens council.

The CHAIR (The Hon. Wes Fang): The Hon. Walt Secord will address his remarks through the Chair.

The Hon. WALT SECORD: There was a passionate plea for community safety. It was a complete misrepresentation and distortion. There was a passionate plea by the locals who are fed up with the inaction by this Government on safety in rock fishing. This amendment is sensible and I commend it to the House.

The CHAIR (The Hon. Wes Fang): The Hon. Walt Secord has moved Opposition amendment No. 2 on sheet c2022-113B. The question is that the amendment be agreed to.

The Committee divided.

Ayes20

Noes16

Majority.....4

AYES

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

NOES

Amato	Maclaren-Jones	Poulos
Barrett (teller)	Mallard	Rath
Cusack	Martin	Taylor
Farlow (teller)	Mason-Cox	Tudehope
Farraway	Mitchell	Ward
Field		

PAIRS

Moriarty Franklin

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): The question is that the bill as amended be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes21
 Noes15
 Majority.....6

AYES

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

NOES

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

PAIRS

Moriarty Franklin

Motion agreed to.

The Hon. MARK BANASIAK: I move:

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

Motion agreed to.

Adoption of Report

The Hon. MARK BANASIAK: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. MARK BANASIAK: I move:

That this bill be now read a third time.

The PRESIDENT: The question is that this bill be now read a third time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes20
Noes16
Majority.....4

AYES

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

NOES

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

PAIRS

Moriarty

Franklin

Motion agreed to.

Documents

HEALTH ASSET MANAGEMENT

Correspondence

The CLERK: According to the resolution of the House of Wednesday 11 May 2022, I table correspondence relating to an order for papers regarding asset management for health, received this day from the Secretary of the Department of Premier and Cabinet stating that the relevant departments hold no documents covered by the terms of the resolution and lawfully required to be provided.

CENTRAL BARANGAROO

Return to Order

The CLERK: According to the resolution of the House of Wednesday 11 May 2022, I table documents relating to an order for papers regarding Central Barangaroo, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

MASCOT TOWERS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 18 May 2022, I table documents relating to an order for papers regarding Mascot Towers investigations, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I also announce receipt of a return identifying documents received this day that are considered to be privileged and should not be made public or tabled. According to standing order, the documents are available for inspection by members of the Legislative Council only.

SCHOOL INFRASTRUCTURE NSW

Return to Order

The CLERK: According to the resolution of the House of Wednesday 11 May 2022, I table documents relating to an order for papers regarding school infrastructure planning documents, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I also announce receipt of a return identifying documents received this day that are considered to be privileged and should not be made public or tabled. According to standing order, the documents are available for inspection by members of the Legislative Council only.

Bills

GREAT KOALA PROTECTED AREA BILL 2021

Second Reading Debate

Debate resumed from 18 November 2021.

The Hon. PETER POULOS (18:06): I thank Ms Cate Faehrmann for her advocacy and initiative in introducing the Great Koala Protected Area Bill 2021. The bill reflects widespread concern about the plight of koalas in this State and a deep desire to make sure we take effective action now and in the future. It is a concern held across the New South Wales community and by this Government. We know that without strong and decisive action koalas are at risk of extinction. The evidence is indisputable. This year we have seen the Australian Government upgrade the koala's conservation status from vulnerable to endangered in New South Wales, Queensland and the Australian Capital Territory. The NSW Threatened Species Scientific Committee followed suit, upgrading the species to endangered under the New South Wales Biodiversity Conservation Act 2016.

It is a decision that is both shocking and welcomed for the spotlight it has shone on the need for urgent action. The bill reflects good intentions. However, dealing with koalas on the North Coast alone will not stop the decline of the species. We need a comprehensive strategy. This Government can and will do more. In 2021 we made a commitment to double the number of koalas in New South Wales by 2050. Since then we have been working hard to make sure we have the best possible package of initiatives to deliver on our commitment.

On 9 April the New South Wales Government released its new koala strategy. This five-year plan provides a comprehensive road map that will help to deliver our long-term ambition to double the number of koalas in New South Wales by 2050. It will be no surprise to anyone that finalising this strategy has not been easy. We have been criticised for seeming to delay key actions. But it takes time to undertake detailed analyses and extensive negotiations to do important things well. This bill has been introduced without the necessary groundwork.

Any proposal to transfer 175,000 hectares of State forest land into the reserve system around Coffs Harbour inevitably will have significant social, cultural, economic and environmental implications that cut across a range of communities and industries. This is not to say it should not be done but, in this case, those implications have not been rigorously considered. The present bill is not backed by a thorough examination of the operational and financial implications of transferring State forest land to the protected area estate; the cultural, social and economic implications of new land acquisitions as well as implications for existing land uses; the additional resourcing requirements associated with new reserve acquisitions, including for the management of fire, pests, weeds and visitation; and local and Aboriginal community perspectives.

For example, the bill provides for a transition plan to be developed within 12 months. The transition plan must provide for, among other things, the transition of persons employed in connection with forestry operations on relevant land to alternative employment. The Government welcomes this attempt to recognise that there will

be an impact on the forestry industry and its workers. The bill allows only 28 days for consultation. These are real families, businesses and communities facing life-changing events. If the bill was passed into law, those families and communities could be forgiven for thinking that their aspirations, concerns and livelihoods are unimportant. That has the very real potential to deliver a perverse and unnecessary outcome, creating deep divisions among communities who all support the important goal of koala conservation.

What about funding? As Ms Cate Faehrmann has noted, the best the bill can do is include a recommendation for the appropriation of funds out of the Consolidated Fund to support the implementation of the transition plan and compensation for relevant workers. They have a right to expect greater certainty and clarity about what the bill will mean for them. The broader community has a right to know what level of government funding will be needed to implement this proposal, as well as the potential financial and other benefits it could bring. The introduction of this bill is premature. Ms Cate Faehrmann has asked where the Government is up to regarding the key recommendations made by the upper House inquiry into koala populations and habitat in New South Wales, particularly recommendations 7 and 15.

They are legitimate questions. The recommendations focused on koala habitat protection, including on private land and through the transfer of State forest land to national parks. Ms Cate Faehrmann concluded that the bill is the action that koalas need now. This Government respectfully disagrees. Koalas need much more, and we will deliver it. Rather than create a single great koala protected area on public lands in northern New South Wales, the Government will take action across the State, including supporting landholders to protect koalas on private lands. Since 2018, the Government has committed more than \$244 million for koalas in New South Wales. It has committed \$193.3 million over the next five years towards delivering its goal of doubling the number of koalas in New South Wales by 2050.

That is the biggest financial commitment by any government to secure the future of koalas in the wild. That funding will be invested under our new koala strategy, which was developed in consultation with the Deputy Chief Scientist and Engineer, and an independent expert panel. It is informed by the best available science and expertise. The strategy includes detailed targets and expenditure. It builds on the previous Koala Strategy 2018-21 and maintains a focus on conserving habitat, supporting communities to conserve koalas, improving the safety and health of koalas and building our knowledge around this iconic species. Crucially, our strategy is fully funded.

The previous strategy was a resounding success, but the list of achievements it delivered is too long to outline. It included more than 25,000 hectares in total of koala habitat that was purchased for the national park estate or set aside and committed for parks and reserves, and protected through conservation agreements on private land; developing new databases and electronic systems like the Koala Habitat Information Base and the I Spy Koala app, which will allow us to better track and understand koala spatial data; investing more than \$3.5 million to fix priority roadkill hotspots across New South Wales through the construction of koala exclusion fencing and wildlife underpasses; establishing partnerships with Aboriginal community organisations to develop knowledge and skills on protecting koala habitat; strengthening a network of wildlife hospitals; establishing training programs for vets and vet nurses in koala and wildlife care; and much more.

The Taronga Conservation Society has partnered with Koala Conservation Australia to establish a dedicated koala conservation breeding program. This work is part of a broader program that will strategically reinforce or reintroduce koala populations in areas of suitable habitat within New South Wales, to build up the resilience of koala populations to ensure the future of koalas in New South Wales. There is no doubt that the magnitude of the 2019-20 bushfires resulted in sudden, significant losses of koalas and habitat. The bushfires struck some regions particularly hard, especially the South Coast of New South Wales, increasing the vulnerability of many species, including koalas. In the wake of the fires, the Government delivered a range of immediate, medium- and long-term actions to support koalas and other vulnerable species. They included post-fire surveys, caring for injured wildlife, monitoring initiatives, undertaking research and many other actions that are ongoing as those affected communities heal.

The Government has created new Private Native Forestry [PNF] Codes of Practice that introduce a better framework for protecting koalas. The codes put in place robust protections for koalas, including maintaining forestry exclusions in more than 10,000 hectares of core koala habitat identified in existing koala plans of management and applying koala protections to more than 2.8 million hectares of potential PNF land that has highly suitable koala habitat. The Government is working with landholders to restore and conserve koala habitat on private land and build community knowledge. It is also supporting the acquisition of koala habitat to add to the national park estate. There is much more that can and is being done by this Government. Anything worth doing is worth doing right. This Government is delivering on its commitments by using evidence-based approaches, consulting with communities and taking into account the broad range of interests and concerns that need to be balanced. The Government is striving to move in the right direction. On that basis, the Government respectfully opposes the bill.

The Hon. PENNY SHARPE (18:17): I am not sure where to start after that contribution from the Government member. I lead for the Opposition on the Great Koala Protected Area Bill 2021. It was only a few weeks ago that koalas in New South Wales were officially listed as endangered. This new classification upgrades the koala's threatened status from vulnerable to endangered. That means that koalas are at serious risk of extinction. The New South Wales listing for koalas comes after the Federal listing in February that declared that New South Wales koalas are endangered. Koalas were previously listed as vulnerable 10 years ago in 2012. Ten years ago, this Government was in office and it put in place its first koala strategy. It was not the resounding success that the Government astonishingly claimed today. It has taken koalas backwards.

Recent research has informed us that over 90 per cent of koala populations in New South Wales are in decline, while some have vanished altogether. Members who were on the koala inquiry sat in front of ecologists who wept as they talked about the forests that previously had koalas but now no longer do. It is a serious matter. Our koala populations, like millions of other native animals, were hit very hard in the Black Summer bushfires. It is estimated that over 5,000 koalas were lost and 24 per cent of their habitat across New South Wales was severely impacted. In some places over 81 per cent of habitat was lost. Research and tracking tells us that in just over 20 years the population of koalas in New South Wales has halved. The trajectory is getting worse, not better. In just over a decade, koalas have gone from no listing to being listed as vulnerable and then listed again as endangered. While we do not know for sure, the number of koalas in New South Wales could be as low as 12,000 to 15,000. In short, koalas are in trouble.

The endangered listing comes after the cross-party koala inquiry spent 12 months taking submissions, conducting public hearings and making a series of site visits to assess the health and wellbeing of koalas and their habitat in New South Wales. The committee made 16 findings and 42 recommendations. It found there is an urgent need to protect habitat for koalas and that fragmentation and loss of habitat is the biggest threat to them. The committee found that climate change, drought, bushfire, and urban and peri-urban development contribute to pressure on koala populations, and that koalas are also significantly impacted by being knocked over on the roads and killed by dogs. The evidence from the inquiry led to the most challenging finding: That koalas are on track to be extinct in the wild by 2050.

The 42 recommendations provide a blueprint for turning around koala numbers in New South Wales. They recommend action to preserve wildlife corridors; support local government to protect koalas; offer stronger protections for koalas in private native forestry operations; reshape activity in State forests to protect key koala habitat; include koala-friendly infrastructure such as overpasses and underpasses; offer better support for private landholders to preserve koala habitat; finalise the State environmental planning policy for koalas; reinstate stronger land-clearing rules; and make changes to biodiversity offsetting. Recommendation 41 was the investigation of the establishment of the great koala national park. The New South Wales Government's response noted 14 of the recommendations, supported 10 and said it supported 18 in principle. When it came to recommendation 41, the New South Wales Government noted it. There has been no further action that anyone can discern as a result of this.

Two Government approaches have been evident since the release of the koala inquiry report. On the one hand, the previous environment Minister, Matt Kean, went on his usual public relations offensive, talking about how much he cares about koalas. He even admitted that his Government had not done enough. His solution was to make a bold commitment by setting a new target to double the number of koalas in the wild by 2050. This target would be welcomed if it was backed by any demonstrable action that would assist in dealing with the key threatening process for koalas: the loss of the trees they need to live in. On the other hand, the reality is that in the past decade the New South Wales Government has done everything it can to undermine the prospect of ever meeting this target.

Let us look at the record. In addition to cutting over \$120 million out of national parks, the creation of national parks was almost at a standstill for the first eight years of this Government. More recently there have been important additions to the national park estate in western New South Wales; however, these are not where there are any koalas. The gutting of land clearing laws has led to a 13-fold increase in land clearing on private land. There have been none of the promised reviews or monitoring of the impact of these changes on koalas and other threatened species and zero willingness to even discuss tightening the rules. The Nationals almost tore the Government apart over modest planning policy changes that would assist in protecting koala habitat on private land. I note that the Hon. Catherine Cusack has had a bit to say on this, and I am sure she will contribute to this debate later tonight. I will not go into the detail of it, but she will. She points to the deals done behind closed doors over koala protection. Suffice to say, the koalas have not won under that arrangement.

Over the past 11 years there have been ongoing changes to forestry operations in our State forests. The changes to the forestry rules have chipped away at habitat protection, and that too is having a negative impact on koalas. One of the most egregious issues is the failure of the Government to respond to the report of the special

review undertaken by the Natural Resources Commission on the Coastal Integrated Forestry Operations Approval, investigating the health of our forests after the Black Summer bushfires. The review revealed an extreme impact on the health of our forests and made several recommendations for action.

The Government has not made this report public and has failed to respond to any of the recommendations. Just last week, The Nationals Minister responsible for forestry announced that he would extend wood supply agreements from 2023 to 2028 with no environmental assessment of the health of the forests, the availability of the wood supply, the impact on koalas, or even an assessment of the cost to taxpayers if they are unable to meet those supplies. It is simple: If we are to save koalas in the wild, the single biggest action that the New South Wales Government can take is to save the trees that koalas need to survive.

I now turn to the specifics of the bill, which is the result of years of dedicated work from the National Parks Association, the Nambucca Valley Conservation Association and the Bellingen Environment Centre. This group of dedicated people has developed the concept of a great koala national park. If created, it would bring together 140,000 hectares of national parks with 175,000 hectares of State forests to create a 315,000-hectare national park. Extensive scientific work done on the creation of the park as well as economic modelling shows the potential for employment as a result of its creation. The bill has been brought forward by Ms Cate Faehrmann on behalf of these groups and the many thousands of people who want to see the New South Wales Government take serious action to save our koalas. If established, the great koala national park would be an important step in protecting 20 per cent of the koala population of New South Wales.

The bill has been brought forward largely in frustration at the lack of action from the Liberal-Nationals Government. Labor shares this frustration. The objects of this bill are to:

- (a) establish the Great Koala Protected Area and include certain land within it, and
- (b) require the Secretary of the Department of Planning, Industry and Environment (the Department) to include further land in the Great Koala Protected Area that is land within State forests or state conservation areas by reserving the land as, or as part of, a national park, regional park, nature reserve or Aboriginal area, and
- (c) require the Secretary to prepare a plan of management for the Great Koala Protected Area to ensure the Area is managed in a way that promotes the conservation and growth of the koala population and koala habitat, and
- (d) require the Secretary to prepare a transition plan for the inclusion of land as part of the Great Koala Protected Area to provide for—
 - (i) the transition of persons employed in connection with forestry operations on the land to alternative employment consistent with the principles of ecologically sustainable development, and
 - (ii) opportunities for developing public understanding and appreciation of heritage values associated with the koala population

I acknowledge that there are at least 1,500 people and organisations who would like Labor to support the bill today. I know that many will be disappointed that Labor cannot support the bill in this form. I inform the House as to why. Labor's record on the creation of national parks when it was last in government was without precedent. Labor increased the national park and reserve estate by 75 per cent, adding 3.05 million hectares, equivalent to 3.8 per cent of all New South Wales land. I have been in this place long enough to remember the extensive work done to create those national parks. I also remember the extensive community consultation undertaken with industry, community, First Nations people and unions. There was not just consultation; there was serious negotiation and agreements made to establish those national parks.

When NSW Labor established the Riverina red gum national parks, I had carriage of the bill through this place. When presented to the House, it had already been through a rigorous process with the Natural Resources Commission. The bill created protected areas, but it also created the process for an Indigenous protected area. The bill was explicit in providing the local forestry industry with a transition arrangement that continued harvesting in some areas until new controls were put in place. Many millions of dollars in funding were allocated for park management, capital expenditure, support for First Nations communities, a regional community employment fund, industry development assistance, business exit, worker assistance and industry structural adjustment. This work can only be done from government. It requires resources, consultation and negotiation.

The bill before us today has not been through that process. Because it originates in this place—and Ms Cate Faehrmann knows this—the bill cannot allocate funding. The best we can do is recommend an allocation. That is not something that Labor can accept as the way to establish this protected area. That is not the way to establish national parks. Labor cannot support the bill because it is too limited in the way it sees the transition plan for workers in the forestry industry, and as a result does not allow a broader community-based approach to the transition. The bill, if passed, puts into the hands of an underfunded government department the creation of a national park that a hostile government does not want. Without being able to allocate the funds necessary for capital work, such as tourism and education centres or koala hospitals, or for ongoing park management, Labor

does not trust this Government to be able to deliver on the vision of the great koala national park. It is a risk that Labor is not willing to take.

In conclusion, Labor supports the urgent need to protect koala habitat for koalas. We know that this must mean the creation of more protected areas, curbs on land clearing, changes to the planning system, the protection of wildlife corridors and the implementation of infrastructure that supports koalas. I thank Ms Cate Faehrmann for bringing this important bill to Parliament and helping to push this recalcitrant Government to do what it says it wants to do and save koalas in the wild. I thank the community organisations and individuals who are working so hard to save koalas and the trees they need to survive. I thank those who continue to work to establish the great koala national park. I look forward to continuing discussions about the urgent need to increase the protected areas of koala habitat in the lead-up to the next election and, hopefully, in government, where strong and decisive action to save koalas can be delivered from a government that is committed to saving them.

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

Ms SUE HIGGINSON (20:01): I fully support and commend the Great Koala Protected Area Bill 2021 to the House. I thank my colleague Ms Cate Faehrmann for introducing the bill and for her incredible professional and tireless advocacy for the great koala national park and koalas. She is a champion of and for koalas. That is not just because, like millions of people around the world, she loves this unique ancient beautiful creature; it is also because she is connected enough to the non-anthropocentric world to know that the koala is an evolutionary phenomenon, which under our watch is on the very slippery slope to extinction.

The koala is one of the world's most iconic animal species. It is right up there with the panda, the tiger, the elephant, the dolphin and the polar bear. They are found nowhere else in the world but here in Australia. Koalas have great cultural significance to First Nations people. They feature in Dreamtime stories, songs and rock art. Through Ms Cate Faehrmann's expert and professional initiative and guidance, the upper House inquiry into koala populations and habitat in New South Wales shone the much-needed light on the very sad and tragic conservation state of our most iconic, unique little creature, the koala. I also acknowledge the incredible work that the Hon. Catherine Cusack has done in championing this iconic little animal, the koala.

That inquiry found that unless we do some serious work, the koala will be extinct in the wild by 2050, and that we are down to some 15,000 to 20,000 animals in the wild and the koala will not be here for my grandkids' kids—or yours, Mr Deputy President. The inquiry found that before the devastating fires of 2019-20 koalas were in trouble. Koala numbers plummeted by a third in the 20 years between 1990 and 2010. That is only three koala generations. Then came those awful fires. We saw those images; they are etched in our national psyche forever. With at least 5,000 koalas burnt to death in the climate fires, potentially many more, so much habitat was lost and damaged. It is no understatement to say the koala is literally on the absolute frightening edge of extinction.

In 2012 the Australian Government listed the koala as threatened. I seriously wonder whether people actually understand what that means. We say it. Do we understand it? Amongst other things, it is a very loud alarm bell. It was the chance to do something to turn things around for the koala. "Threatened" means threatened with extinction. It is the first part of the fast slippery slope to extinction. It is the alarm to do everything to recover the species, because recovery is very hard. But we did not act. We failed to understand the situation. We ignored the very law that intersects with conservation science that we are supposed to respect and uphold. We have ignored the science.

In February this year the Australian Government listed the koala as endangered on the basis of the very strong evidence of the koala's parlous state. Endangered—that means we are nearly at the bottom of that very slippery awful slope where we crash to extinction. I do not know about other members in this place, but I find that unfathomable. I find it unacceptable. I find myself outraged at our selfish, uncontrollable greed, our carelessness and our deeply callous anthropocentric way. It is a creature that has existed through ancient times, deep time, some 25 million years of genetic and evolutionary work, and we come along and take it all away in the face of its voicelessness. In this place we will show our true colours, each and every one of us. Here we are, able to do something—to really do something.

With the endangered listing of the koala, the Australian Government announced \$50 million to help the animal. Similarly, in 2018 the New South Wales Government invested \$44.7 million to stabilise koala populations. Money alone will not stop the koala becoming extinct. That is why less than a month ago, in spite of that \$44.7 million, the koala was listed as endangered here in New South Wales. In its determination, the NSW Threatened Species Scientific Committee found the koala "is facing a very high risk of extinction in the near future". The only way we reverse the extinction trajectory of the koala is through habitat protection, habitat restoration and habitat recreation. That is the mechanism, whatever that costs.

In direct response to the release of the report of the upper House inquiry into koala populations and habitat in New South Wales over 12 months ago, the State Government set the goal to double koala numbers in New South Wales by 2050. Like so many, I wished that was true. But it was clearly a crock. The Government soon went to war over the State's koala habitat protection planning instrument in what was an appalling and barbaric display of politics where the facts, the evidence, the science, the law and the public interest were all clearly completely ignored. The politics was vulgar and violent, and our poor defenceless, voiceless koala was the victim. Now is the chance for us in this place to do something really meaningful for koalas.

The great koala national park would be the world's first national park dedicated to protecting one of the world's favourite animals. It is a sensible vision to add 175,000 hectares of publicly owned forests to existing protected areas to form a 315,000-hectare reserve in the Coffs Harbour hinterland. We know it will make a huge difference for koalas because environment groups, koala carers and government scientists have all identified those forests as being excellent koala habitat. Most importantly—this is the fundamental aspect—it is where koalas are and the places that koalas use. The single most important first step to protecting the koala and saving it from extinction—if, in fact, that is still possible—is to protect the habitat where we know koala populations are currently living and using. That is exactly what the great koala national park will do.

Currently, most koalas live outside protected areas. Our national park network is made up of higher, more infertile country and does not include much of the habitat that koalas prefer: fertile, coastal forests that produce more nutritious leaves for the animal. The forests that make up the areas within the great koala national park are all publicly owned already. It is a cheap option for the State. According to one study, buying private farmland of that size would cost between \$1.2 billion and \$2.5 billion. The great koala national park would give an enormously good bang for buck, giving us maximum koala habitat for minimum cost. Some of the public forests that make up the areas within the proposed park are currently subject to industrial-scale logging, with many others earmarked to be logged in the coming years. In fact, more than 2,500 hectares of the area that has been identified is scheduled to be logged. Logging is identified scientifically and legally as a key threatening process to the survival of the koala. It further threatens the koala with extinction.

We all know that logging our public native forests is not going well for us as a State. In fact, it is a darn right shambles because it is actually costing us money. We have been subsidising the industry for decades now. I ask members to think about that for a minute: We are paying to destroy some of the most important koala habitat in the State at the same time as making our landscapes more vulnerable. The great koala national park would replace logging with sustainable tourism that will return millions of dollars in revenue to the region. It will add significantly to the growing regenerative culture of our northern regions. It will become an international showcase for our region. I am from the north. I will find it richly insulting if this regional opportunity is denied to my neck of the woods.

Everyone knows that creating the great koala national park is the right thing to do. As is so often the case, The Greens have listened to the community and the experts and have come up with a solution. It is a serious and good solution that will go a significant way to solving one of the wicked problems upon us: the loss of one of our internationally significant, beautiful, deep-time wild animals, the koala. I will be bitterly disappointed if the bill is not supported. To Government and Opposition members I say that if they do not support the bill, they will regret it—not just here in this place but outside this Parliament, and in their own hearts and minds. I ask all members in this Chamber to do the right thing now for koalas, for all of the other forest-dependent animals and for our grandkids and their grandkids. I urge members to support the bill and the creation of the great koala national park.

The Hon. CATHERINE CUSACK (20:11): I support the Great Koala Protected Area Bill 2021 proposed by Ms Cate Faehrmann, based on the work of the conservation movement that I first became aware of 12 years ago. It is supported by many members of the community who are working passionately to support surviving koala populations in their area. It is not a radical bill; it is common sense. A measure of this order is urgently needed because we are sadly losing the fight to save our koalas. We are losing so many endangered species, including our adorable coastal emus.

The initiative proposed by the bill will be a critical step to halt the ongoing logging of core habitat relied on by so many species, including koalas. The bill is consistent with Australia's decision at COP26 just last November to sign an agreement to end deforestation by 2030. The 124 signatories to the declaration pledge that their leaders "emphasise the critical and interdependent roles of forests of all types, biodiversity and sustainable land use in enabling the world to meet its sustainable development goals; to help achieve a balance between anthropogenic greenhouse gas emissions and removal by sinks; to adapt to climate change; and to maintain other ecosystem services."

Australia signed that declaration. The agreement explicitly recognises that retaining and restoring existing forests will store nearly three times more carbon than planting new trees. Of course, we must do both. The lopsided investment scheme here in Australia incentivises revegetation but not maintaining existing vegetation—and this

urgently needs to change. In other words, currently you need to chop down the tree before they will pay you to revegetate, which makes no sense to me. Some 200 years ago the Northern Rivers boasted a magnificent 750,000-hectare forest known as the Big Scrub. Sadly, 99 per cent of it is gone due to logging, land clearing and urbanisation. Only 1 per cent survives, and it is part of what our once-thriving koala population is clinging onto, against the odds, in order to survive.

Between 1990 and 2010 koala numbers dropped by one-third, with habitat loss named as the main culprit. It is always the main culprit. Koalas have become locally extinct in many locations, from a small colony in Pittwater to an estimated 15,000 koalas in the Pilliga, which were referred to by the Hon. Penny Sharpe in her contribution earlier in the debate. All our wildlife is threatened by climate change. The thinking in the environment agencies is that it will be especially challenging to maintain the species west of the Great Dividing Range. The range, including the Snowy Mountains and coastal regions, is likely to be the last refuge for koalas to survive in the wild—yet we are currently logging it to pieces. That includes core koala habitat trees that are clearly being used by koalas—where you can see the scratchings and scat—but have been approved for logging in pre-existing agreements.

Those approvals, most of which predate the bushfires, have been grandfathered. Under the reforms announced a few weeks ago, those approvals can continue for another five years. We are killing koalas vicariously by destroying their homes in order to make power poles. There does not seem to be any cut-out point for the clearing and logging of our remnant native vegetation. Even though the Black Summer fires killed one-quarter of North Coast koalas, 140,000 hectares of forest has become subject to intensive harvesting zones. Almost all the trees in those areas will be cut down. Last financial year 54,500 hectares of native vegetation were cleared in New South Wales, eroding soil and undermining water quality.

The logging industry runs at a loss and is heavily subsidised by taxpayers. In order to maintain logging in State forests, \$60 million has just been announced to restore North Coast logging roads and bridges destroyed by the floods. The costs of vegetation mapping are now being met by the State, as is the full cost compliance, which was found to be utterly deficient in a 2019 report by the Auditor-General. I support calls for an end to logging native forests. The ACT, Queensland and South Australia do not log native forests. Western Australia and Victoria have announced the intention to end it, leaving just New South Wales and Tasmania. I repeat that Australia has signed an international agreement to end deforestation by 2030 because we know it is such a bad thing. Allegedly it is going to end here by 2030, so New South Wales needs a plan to end it. If we do not have a plan, the logging will end itself. That is what is happening on the North Coast now. The logging is in the process of ending itself because there are no more trees. So much money has to be spent on roads and freight subsidies because the timber has become so expensive to collect.

Although the mid North Coast has national parks, only 14 per cent of koalas reside in them. Some 20 per cent live in State forests and 66 per cent live on private land. Koalas have recently had their threatened status upgraded to "endangered". How can this Government tell the New South Wales public with a straight face that its koala strategy is succeeding? The proposed great koala protected area would require an industry transition package estimated at \$169 million over 10 years. I will put that into perspective for members. During the Black Summer fires, the World Wide Fund for Nature raised \$120 million in donations, mainly from small donors overseas who were so distraught about what was happening to our koalas.

Mill owners would require compensation to buy back wood supply agreements. The proponents of the bill estimated this would cost up to \$30 million. However, that estimate may be out of date because a few weeks ago the Minister for Agriculture gifted a five-year extension to every single timber agreement in State forests. That has created new property rights for industry and will massively increase compensation. If we are ever to repair all that damage, I am so dismayed that the cost to taxpayers and the environment has just escalated by tens of millions of dollars at the stroke of a ministerial pen.

I understand the attitude of "ownership rights" held by The Nationals, where everything in the landscape is the property and entitlement of the landowner. However, in 2022 most of Australia is moving towards a custodianship model of ownership that recognises the connectedness of the landscape and our responsibility to future generations. In government, the Liberals are supposed to be curbing those excesses, but during the 2020 koala wars with the National Party we seemed to travel at lightning speed from a strong and principled position to total capitulation in the space of a few months. I am not a member of Cabinet, nor am I privy to the details, but I can share my own narrow experience, which left me utterly bewildered and gutted. I now realise there was more to the story than I had grasped at the time. I was minding my own business, re-establishing myself and my career as Parliamentary Secretary for the Hunter, when, on 3 September, Matt Kean contacted me. He asked, "Have you thought about going out and slamming the Nats on this koala thing?" I replied, "Sure, if that's what people want."

Matt Kean assured me by phone that it was what Premier Gladys Berejiklian wanted, and he then contacted *The Sunday Telegraph*. Linda Silmalis phoned me for a comment. I never contacted the media; they contacted me—for which I received plenty of praise from Matt and other Liberal Ministers. The then Deputy Premier was obviously furious with me as the first story ran on Father's Day and, though I did not realise it at the time, his father had died. He saw this as cruel and calculated by me. So fast-forward through the koala wars, which escalated, and the Premier appeared to stand her ground. The Deputy Premier went on leave and the matter reverted to then Acting Deputy Premier Paul Toole and Cabinet to resolve.

I had no inkling of what was going on, except that the most shocking legislation, stripping environment controls and oversight for logging and clearing native vegetation, was suddenly introduced to this Parliament. That obviously triggered an outcry, and for two weeks I tried to resolve the problems with Rob Stokes, as I had been asked to do by the Premier. But I was basically ignored. He said to me that he did that to protect me, but to this day I do not understand what that means. He told me that was a story he would one day share. It was clear that Adam Marshall had changed the bill from what was approved by Cabinet, and it should not have even been in the Parliament. The situation was a total reversal of the position Matt Kean and the Premier had taken six weeks earlier, when everyone was my friend for standing up for koalas. Now nobody wanted to tell me what on earth was going on.

I communicated to the party room that I could not vote for the bill, and nothing happened for a week. But then, on the morning of the debate, Gladys called me for a meeting and I told her it was too late. She then sent Matt Kean to see me. I was relieved because I thought we were in agreement on koalas—but no. The significant part of the conversation went like this. I said, "Matt, this bill is a stain on your reputation as environment Minister." He was angry and said, "That's rubbish. I am one of the greatest—probably the greatest—environment Ministers in Australian history." I was stunned. I thought, "Oh, he's joking", but he was not. He started talking about his energy bill and how he had broken through where nobody else could. When I asked, "What about koalas?", he said, "I don't know anything about that. It's all Rob Stokes." This was the Minister who, six weeks earlier, had been completely winding me up to go out into the media attacking the Deputy Premier.

I asked Matt Kean, "Why did Gladys send you up here?", to which he shrugged. When he asked me what I was offered in exchange for my vote, I said, "Nothing." He replied, "No wonder you won't vote for it. What do you want?" I said, "You can't do deals on koalas." He said, "Catherine, how else do decisions get made?" like I was some kind of stupid little two-year-old. An hour later, I was back in Gladys's office with Matt Kean and Rob Stokes, and she was offering me a job, to which I said, "Unbelievable." She misunderstood me and said, "I will put it in writing and issue a media release. Matt has all the details." The meeting went on with me refusing and them insisting. Finally, we agreed that Rob would brief me on the amendments, which happened later on in my office. But then those amendments never appeared in the House, and that outrageous and flawed bill was debated in the upper House, with me moving a motion to refer it to a committee.

The rest is known: I was sacked, the 2020 State environmental planning policy [SEPP] was repealed—which really shocked me—and they went off to work out how to get what they wanted without the need for Parliament. I can honestly say I had zero support from anyone. I was furious at the whole process and bewildered as to what had changed. I asked both Matt and Gladys the same question. I said, "This started when you asked me to speak out and ended with me having to cross the floor, get sacked and now a defective 1994 planning instrument is protecting koala habitat." I have no idea what happened in the middle of this story, though that has become blindingly obvious in the past week as Matt Kean has bragged about his energy deal with The Nationals.

I looked up the legislation and saw that the second reading speech for the energy bill was due to go before the upper House on the day the koala bill was supposed to pass—I was obviously completely distracted that day—and they were clearly connected. The Liberals were supporting something we hated a few weeks earlier, and The Nationals were supporting something they hated a few weeks earlier. I checked with a Nationals MP, who confirmed that a deal was done, as did a former staffer in Gladys' office. I checked with Rob Stokes, but he never replied. So here we are—and I fully realise how completely stupid I look, trusting these people and trying to help them. Gladys had sent me a lot of text messages talking about a deal—that mystified me. To be honest, I was distraught by the news that she was sending Rob Stokes to Government House to repeal the 2020 SEPP, which was not even a strong SEPP but at least updated the species list.

Councils like Clarence were begging us to update the species list because none of their koala trees were protected by the 1994 SEPP and their koala plan of management, which was lodged with the Government in 2015, still had not been approved—and that situation persists to this day. The 1994 SEPP is still in force for all rural zoned land. Only residential land has been protected, and hardly any koalas are assisted by that. Land zoned R1, like Ruins Way in Port Macquarie, could be cleared and then rezoned. That situation was saved by taxpayers and wildlife donors, who paid millions to buy that block strategically. But this approach is totally unsustainable; it

cannot save koalas. We cannot buy our way out of this problem. Regulatory protection is essential to ensure the survival of koalas.

The NSW Koala Strategy is based on the idea that we can buy our way out of the problems created by private native forestry, native forest and native vegetation clearing—which is accelerating destruction by a factor of three. The plan sees volunteers and wildlife funds planting and revegetating areas for the future, while across the road established trees that are being used by koalas are being cut down—and it is subsidised by taxpayers. This is sheer madness. The spin about "doubling koala numbers" is such a joke. There are no numbers to tell us what that means. The announcement was made before the Black Summer fires, and now the joke among conservationists is that the New South Wales Government is seeing how low it can get koala numbers because then it will be much easier to double them.

The evaluation of the previous koala strategy features the word "success" 11 times. The fact that the number of animals plummeted by perhaps one-third does not count. The strategy was a success; it was the koalas who failed. I am voting for this bill tonight because our koalas are so far gone—and our volunteers are upset and exhausted in their fight to save them—that we must do some really big things to pull them back from the brink. With the private native forestry announcements during the Federal election campaign, the open slather extension of every single timber agreement for five years, the \$60 million that taxpayers now have to spend to upgrade logging roads and bridges, and the millions more in freight subsidies that are paid to timber mills, the absolute determination to destroy habitat—and spend as much money as possible doing it—is just grotesque.

It would be much cheaper and better to pay the farmers not to cut down koala habitat. Make it worth their while to keep the trees and use the NSW Koala Strategy funds to establish a great koala protected area, which is our best hope of having a substantial wild koala population that can roam and have the genetic diversity—which is another key issue that was missed in the strategy—they need as a species to survive. The current strategy is focused on the translocation of koalas, but we know that does not work—at least half the koalas die. And why would we need to translocate them if all the Government assurances about their homeland habitat were true? Of the 50 koala populations identified in New South Wales, 19 have been prioritised for funding. That means 31 populations are not funded at all.

For example, the Iluka koala population has been abandoned. All of those Government decisions—like the impact of the M1 freeway, the increase in the speed limit from 80 kilometres per hour to 100 kilometres per hour and the bushfires that occurred in areas where bushfires should not occur at all—have put more pressure on koalas. It appears as though a decision has been made, as if to say, "Sadly, we will just let them go." The koala strategy is better renamed a "rescue what we can from logging and deforestation" strategy. It is actually a waste of money to be so ineffective—and, frankly, cruel—in order to avoid protecting their trees and paying the farmers to look after them.

The great koala protected area would not assist Northern Rivers koalas, especially those in Clarence, who have the least protection of all because the Government says it will not allow any more koala plans for councils to protect koala homelands. There are so many problems in Clarence: They rarely get funding, and a biodiversity offsets scheme does not work for smaller farms, so there is very little they can do but watch as koala populations, like in Iluka, collapse and go locally extinct.

I do admire the volunteers—their passion, their knowledge and their determination—and it is really for them that I am speaking so bluntly today to express my solidarity with them in this cause and to insist that we focus on the truth and not glib rubbish like doubling koala numbers. For sure I will be voting for this bill today. I totally give up trying to save koalas through my membership of the Liberal Party. I see now that is impossible. I will continue, when I can hopefully leave the chains of party politics and Parliament, to do more to progress this cause in my new life—which I greatly look forward to.

The Hon. MARK PEARSON (20:30): The Animal Justice Party overwhelmingly supports the Great Koala Protected Area Bill 2021. The bill clearly comes from a position of utter frustration because these animals are in peril. We cannot wait around for more plans, more inquiries and more scientific panels. The evidence, the truth, is clearly before us. The message that resounds from that evidence and those facts is that we need to act urgently. That is why I commend this bill, and I commend Ms Cate Faehrmann for having the courage, insight and vision to see that we really have to do something. There might be concerns that it is a bill that has not done all the consultation and gone through all the various phases and stages, but I can assure the House that if we were to look back over every question, inquiry and scientific panel analysis, we would know that we have all the information we need to act for these animals.

The Government was trying to tell us that there is nothing to worry about: "Everything's fine; we have it sorted and over the time of our governance we have helped koalas." Then why does the Government not see how the main measure of its success is preventing koalas from becoming an endangered species? But in this time the

world experts have declared the koala an endangered species. What is now grotesquely obvious is that this Government is absolutely captured—in fact, paralysed—by industries, particularly the logging industry and the mining industry. What this bill is about is the realisation that we have to draw a line. We have to be absolutely clear that we have to stop taking these trees. We have to stop destroying the habitat of these animals. When we set that date and that time when we start this construction, then all the industries that have been relying on timber or other products are having to face the fact and move on. With government and community support, we will find alternative incomes and livelihoods.

After serving for seven years on the Legislative Council, I have come to the same conclusion as my fellow crossbench colleague Ms Cate Faehrmann—that the only chance for survival of the koalas in New South Wales is to declare a great koala protected area, which will be the land identified by the National Parks Association of NSW in 2015, and to add 175,000 hectares of State forests to existing protected areas to form 315,000 hectares of reserve in the Coffs Harbour hinterland. We have to do something like that. We have to move; otherwise, we will keep swimming round and round with smoke and mirrors and lovely statements. But meanwhile koalas are falling and being crushed under trees while we say these words. Sadly, this bill will not protect the koalas in the Cumberland Plains, the Pilliga or Gunnedah, but it will create a haven for North Coast koalas living in one of the last bastions of high-quality koala habitat in New South Wales. It will serve as an exemplar of what can be done.

We might have to amend things, but we can then move into the other areas and start working in the same way to declare the proper protection for these animals. We have managed to wantonly destroy our natural heritage. It is estimated that between 77 per cent and 88 per cent of the State was originally covered with forests, woodlands and tall shrubs. But between 1788 and 1921, 35.3 billion hectares of forest was ringbarked, which is 44 per cent of the land area of the entire State of New South Wales. It was not until the 1940s that any real attempt was made to reduce logging by establishing native and pine plantations. This Government, with successive Premiers—Baird, Berejiklian and now Perrottet—has shown its contempt for the environment and the protection of native animals, including the koala. By repealing the Native Vegetation Act and watering down environmental protections in the Biodiversity Conservation Act and codes of practice, New South Wales is a global villain when it comes to deforestation and habitat loss.

Logging intensity and widespread clear-felling have increased over the past 10 years, placing koalas at great risk due to this Government's demolition of environmental protections. The recent Legislative Council inquiry into koala populations and habitat in New South Wales found that high-quality koala habitat is being logged out at frightening speed on both public and private lands. Felling of habitat and corridor trees makes them particularly vulnerable to predation and starvation due to their reliance on only a select number of food trees. Loss of habitat combined with the effects of the Black Summer bushfires and the impacts of climate change are placing koalas at extreme risk of extinction within 30 years.

The inquiry made a number of recommendations, but of particular importance was the recommendation that the New South Wales Government consider the impacts of logging in all public native or non-plantation forests in the context of enabling koala habitat to be identified and protected by transferring land to national parks. The North East Forest Alliance obtained through the Government Information (Public Access) Act documents that showed years of illegal clearing across 75,000 hectares of the North Coast's public forests that contained huge segments of prime koala habitat. Forestry Corporation of NSW is transforming the north-east forests into plantations that will never recover their natural structure and function, given the pace and extent of logging. The only chance remaining for the North Coast koalas is the declaration of a great koala national park where logging is forever prohibited.

The Hon. MARK BANASIAK (20:38): I join in debate on the Great Koala Protected Area Bill 2021 introduced by The Greens. If passed, the bill will add 175,000 hectares of native forest to existing protected areas and, in the words of Ms Cate Faehrmann, "will put a stop to any further logging of critical koala habitat". The conservation reservation system has been proved to fail. It has failed koalas. It has failed biodiversity. It has failed our threatened species, and it has failed our ecological communities. It would be foolish for us to think that it would somehow succeed here. I stand here today representing the Shooters, Fishers and Farmers Party to say from the outset that we do not support this bill. If passed, the bill will provide the legislative and regulatory framework to fast-track our koalas into extinction.

It is only The Greens and the army of academic activists and billion-dollar charity organisations who could think that adding 175,000 hectares to a failing conservation reserve system could actually protect koalas from extinction. The ideology behind the bill is outstanding in its hypocrisy. Reserve systems are based on a lock it up and leave it idea that Australia's so-called wilderness will prosper without human intervention. To stand in this place yesterday and acknowledge our First Nations people and pay respect to their culture and, in the same week, completely wipe out and ignore 40,000 years of Aboriginal land management and perpetuate the wilderness myth rooted in the racist ideals of terra nullius is quite mind boggling. In fact, every time a member comes to this place

and proposes a new national park, they are disrespecting the rich history of traditional landowners. Here are a few facts based on science and proven through research: This country has been managed by humans for thousands of years through mild fire. Koalas are naturally rare and irruptive and, historically, according to award-winning historian Bill Gammage, koala habitats under Aboriginal management were, "distinct, lightly populated and few".

It was not until half a century after the British landed that the first koala irruption occurred. According to historical records, "They were common and numerous in thick stringybark forests on the fringes of the Blue Mountains." Those forests developed after Aboriginal burning was disrupted by Europeans. When koalas become excessively abundant, they destroy their habitat. Native forestry has not been responsible for any species extinctions. Timber harvesting is not the same as land clearing. Research has shown that koalas occupy harvested forests at the same rate as unharvested forests. One of the biggest threats to biodiversity is the unhealthy state of our forests, partly due to the disruption of cultural burning. In fact, koala activity is closely associated with regrowth from integrated harvesting and bushfire, particularly in Coffs Harbour and the North Coast, where research has shown that koalas were three times more frequent in heavily logged forests than unlogged forests.

But those facts do not sit well with The Greens and their corporate charity buddies, whose main source of income is timber harvesting propaganda. Let us call this bill out for what it is: another attempt by The Greens to completely shut down the native forestry industry, despite the risks it poses to biodiversity and threatened species. This bill solely focuses on the remaining 10 per cent of land available to timber harvesting. Rather than approach the declining health of our forests, the increase in pest species, the decline in controlled burns and, more generally, the overall condition of our forests, The Greens would rather focus on one species. They believe one species is more valuable than a holistic approach to all of nature. The South East Timber Association made a submission to the inquiry into the long-term sustainability and future of the timber and forest products industry, which I chaired. The opening paragraph of its conclusion stated:

The remaining native biota in Australia is trapped in a terra nullius environmental regulatory framework, that will underpin the next wave of flora and faunal extinctions, unless there is a fundamental rethink as to how truly ecologically sustainable management is delivered.

The Greens propose creating 315,000 hectares of tinder that will light up and obliterate everything—not just koalas—when the conditions are just right, like we saw in the Black Summer. Vic Jurskis, a well-known ecological historian, said, "The Black Summer was a lesson we didn't need and haven't learnt. Only a paradigm shift can restore healthy, resilient and productive forests." The bill is not a paradigm shift. It perpetuates the wilderness myth, denies history and will condemn our forests to further decline, resulting in mega fires that will decimate communities, both ecological and human. Instead of helping our forests, The Greens are shoring up political donations by selling Blinky Bill to the masses—and I mean that. How many times did Ms Cate Faehrmann talk about how important koalas are to the world? Why koalas? What about the sharp-snouted day frog or the little pygmy perch, the short-nosed sea snake, the western swamp tortoise, the Christmas Island shrew—

The Hon. Mark Pearson: They're not pretty enough.

The Hon. MARK BANASIAK: Exactly. What about the southern bent-wing bat or the boggomoss snail—

The DEPUTY PRESIDENT (The Hon. Adam Searle): Order! I remind members that interjections are disorderly at all times. The member should not respond to interjections.

The Hon. MARK BANASIAK: —also known as the Dawson River snail? What about all those critically endangered species? No Greens party member is dressing up as a boggomoss snail and rattling a tin for donations, are they? There are no draft bills suggesting a great snail national park. There is no State environmental planning policy dedicated to them because snails do not sell like koalas, with their big furry ears and deep, dark eyes. They are not the charismatic animal you can leech off for votes and Facebook likes. Yet the smallest and most unattractive elements of our biodiversity are going extinct at the greatest rates.

First impressions have a lot to do with how much money people are willing to donate, and the koala is one charismatic little guy. There is big money in koalas, just ask the World Wildlife Fund. It is hypocrisy and it is environmentally negligent. Ms Cate Faehrmann said in her second reading speech that logging is one of the biggest threats to koala populations, which is categorically untrue. Multiple studies have proven that and research has demonstrated it. Timber harvesting is ironically one of the few activities that consistently creates a food source for our koalas.

In Coffs Harbour, koalas irrupted in the 1960s along with urban sprawl and the consequent reduction of grazing and burning, then disappeared in some suburbs as urban development progressed—not timber harvesting, urban sprawl. By 1991 koalas were increasing again and—get this—they were increasing in dense regrowth created by intensive logging. In fact, they were three times more frequent in heavily logged forests than unlogged forests. Then in 2011 a mail-out survey sent to Coffs Harbour locals produced some interesting data that at the

time the Office of Environment and Heritage [OEH] did not agree with, so it manipulated the data. The report from the mail-out stated:

While the raw data shows an increase in the number of koalas ... they do not account for the forgetfulness of people.

So they down sampled and adjusted the results to the "forgetfulness" of people and found "a small, yet statistically significant, decline" in the number of koalas. The honourable member quotes figures from the OEH, such as, "The north-east of New South Wales, the mid North Coast, is one of the last refuges for our koalas. It contains 76 per cent of OEH identified koala hubs in the State." We cannot guarantee that is fact. The mover of the bill said, "The glaring truth about koala protections is that nothing can replace habitat protection; nothing is more effective." Habitat protection means the conservation reservation system such as national parks that did nothing to protect the 5,000 to 10,000 koalas that allegedly perished during the Black Summer. There is something more effective than adopting a lazy framework of protection that promotes avoidance, and that is active management. Actual human land management would be the biggest paradigm shift this State has seen.

The honourable member believes that by creating protection areas, jobs will flow. Again, that is categorically untrue. In a recent Portfolio Committee No. 4 inquiry into the timber industry, we were able to debunk the job myth. Professor Roberta Ryan, Professor of Local Government and executive director of the Institute for Regional Futures at the University of Newcastle, appeared in a hearing to talk about the 9,800 jobs that the great koala park would create. There would be 675 direct job losses if the koala park went ahead, but that data did not include the trickle-down impact those losses would have on the local mechanic or the local handyman. In fact, that data did not even include the job losses from the local mills, like machinery operators or the logistics industry. The jobs created included things like ecotourism and baristas, which are said to be full-time equivalent jobs, but we all know tourism is seasonal. The professor could not provide the inquiry with a breakdown of where those jobs would be or how many would be temporary, permanent, casual or seasonal.

In another hearing for the same inquiry, we heard from the Bellingen Nature Company, which would be a beneficiary of the great koala national park. It is one of The Greens' "great ecotourism employers". As of the hearing date, 29 April, they had no employees. The owner of the company said, "I would hope within five years to have five to 10 employees. I have already kind of got them as friends and affiliates." The employees will not be retrained timber mill operators or ex-forestry workers, as the report makes out. No, they will be that bloke's mates. The great job bonanza is a poorly constructed lie that falls apart even under minor interrogation. The data and supposed research conducted and cited in the member's second reading speech is all half-baked. I finish with a quote from the book by renowned Australian zoologist, Professor Grahame Webb, *Wildlife Conservation: In the Belly of the Beast*. He writes:

Public opinion on conservation tends to be based on charisma, and through political processes, that public opinion ultimately sets the national and local conservation agendas. Thus, we end up in Australia with a recovery plan for sea turtles—

or, in this case, koalas—

and a budget to match when they may already be at carrying capacity.

I urge every member in this place to put their warm and fuzzy feelings aside and consider the real science. No-one wants to see koalas go extinct, but protecting unsustainably dense populations of koalas in unhealthy forests will exacerbate their decline and fast-track their demise.

The Hon. WES FANG (20:49): It has been an interesting evening, with a lot of contributions by members of this House. It is all too easy to stand up in this Chamber and use this opportunity to rant and rave and put our party political allegiances on the record. As a reformed bad boy—

The DEPUTY PRESIDENT (The Hon. Adam Searle): Honourable members will remain orderly and allow the speaker to be heard in silence.

The Hon. WES FANG: As a reformed bad boy, I will make a very considered contribution to this debate. What I have heard tonight is a lot of rhetoric, some of which has included reference to The Nationals. Some members have spoken about how the Nats have been the villain in this debate. Some have said that the Nats have been lauded for the success that they had by having a win in relation to the State environmental planning policy [SEPP] issue. The reality is that The Nationals just listen to our communities. We listen to our communities because that is where we live. Our communities told us that they believe we can do both things. We can have a sustainable and productive forestry industry, and we can protect and improve our koala numbers.

The whole principle of what has been progressed by some of the speakers tonight is that the members of The Nationals, including me, must hate koalas. Nothing could be further from the truth. I love koalas. My kids love koalas. In so many ways, the communities that we represent love koalas. They are iconic and part of the Australian identity. When a landowner finds a koala on their parcel of land, it is something they cherish as being uniquely Australian. They cherish that their little part of the world has played home to a koala. The idea that we

come into this Chamber with no regard whatsoever for koalas is a fallacy that is progressed in order to champion a political intent. I do not know how many times members of The Nationals, in both this House and the other place, have said that they cherish that identity and look to improve and increase those koala numbers.

But we cannot ignore the science, which is clear. Those forestry jobs and, as the previous speaker indicated, the flow-on effects into our communities through other jobs and the economic benefit to the communities, can sustainably coexist with protecting koalas. On the koala SEPP issue, The Nationals ensured that the ridiculous, nonsensical, nonscientific restrictions put on landholders in our communities were not supported. It is what our communities wanted. We wanted our people to have their land rights recognised. But at no time did the Government say that it was going to forgo koala numbers or the koala population. The fallacies that have been progressed tonight are only being progressed for a political cause. I note that a lot of the members who have spoken to the bill do not have a strong connection with a lot of the communities that would be directly affected by it. There are members from the Opposition and the crossbench who do. Ms Sue Higginson and Mr Justin Field are two regional members whom I recognise are from the regions and perhaps do not share the same view that I do. By and large, National Party members in this House and the Legislative Assembly live in those communities.

The Hon. Penny Sharpe spoke earlier of the river red gum issue and the land lock-up in the southern part of New South Wales. That had a devastating effect on towns like Deniliquin, where the inability to source the fibre that the river red gums provided the town with saw large swathes of investment and jobs and prosperity leave the region, all with the stroke of a pen. I do not know what the environmental benefit was in locking up that area. When I was in Deniliquin speaking to the forestry people, the environmental groups and Indigenous land groups that operate in that area, they said that the red gums grow like wildfire when left unchecked and that part of the native manner of managing the forest was to thin it out. The thinning program would provide an opportunity for the forestry industry to source fibre. It provides more light and space for trees to grow, allowing the trees that are suitable for the region to grow to a proper height instead of having a very overgrown canopy where the floor sees no light. That is the way it used to be managed for years; now it is unmanaged.

We have seen devastating effects on employment in that area and I do not know of any environmental benefits, and for what? When we come at this issue with concern and a critical eye, it is based on the experiences we have had previously, and it is based on our communities' desire to not only have the jobs that are provided but also make sure that the restrictions we put in place are ones that are going to make a real difference to koalas. It is that sensible, practical and pragmatic approach that we take to the issue that makes what we are trying to do the right plan for the State. I do not begrudge the members for putting forward a plan. I understand that it is of concern. It is of concern to us, and that is why we have a plan to try to increase the koala numbers. We just differ on the method, but we also differ on the methodology that we are going to put towards it.

I note that the Government, for the most part, noting some of the other contributions, will not be supporting the bill. But from my perspective, I believe we can do both things. We can sustainably and ethically continue to have the forestry industry in this State, to have that fibre, which is a sustainable, renewable resource, and to provide that fibre for us into the future, and we can also look to increase the koala numbers. Because, at the end of the day, there is nobody who values those koalas more than the people who live in that area. It is the rural and regional people, and that is who the National Party represents. With that, I conclude my remarks.

The Hon. EMMA HURST (21:00): I speak in support of the Great Koala Protected Area Bill 2021. The bill draws on the findings of the 2019 parliamentary inquiry into koala populations and habitat in New South Wales, which was deputy chaired by my colleague the Hon. Mark Pearson. I am pleased to see the bill before the House today, put forward by Ms Cate Faehrmann from The Greens. That 2019 parliamentary inquiry found that koalas in New South Wales will likely become extinct by 2050 without significant intervention and protection. It is easy to blame the 2019-20 bushfires, where we tragically lost over three billion animals and 70 per cent of the New South Wales koala population, but the decline of the koala population began long before the fires.

Decades of excessive land clearing for agriculture, logging of native forests and urban development has meant a catastrophic decline in eucalypt tree forests. The fragmentation of those forests means koalas are forced to travel from one area to another to seek food and shelter, making them more vulnerable to other threats such as being hit by cars as they cross major highways and falling victim to diseases such as chlamydia. Now here we are in early 2022 and, rather than making any progress in recovering koala populations, these animals have actually been declared an endangered species, and that was before the shocking floods we have experienced, which wiped out more koala habitat in northern New South Wales.

It is shocking to think that koalas are now even closer to extinction than ever before. That is the legacy of the New South Wales Liberal-Nationals Government. The bill will take a critical step towards protecting koala habitat. It identifies 315,000 hectares of national parks and State forests as a great koala protected area, which will be dedicated to the protection of koalas and their habitat. The Secretary of the Department of Planning and Environment will be required to prepare and enact a plan of management for the protected area, which must

provide for, amongst other things, the conservation of koala habitat, the prohibition of works and activities that may harm the koala population or damage koala habitat, and a written scheme of operations in relation to how the great koala protected area is to be managed consistent with the primary purpose.

Of course, the great koala protected area is not a complete solution to the threats facing koalas in this State. We know that over half of all koala habitat in New South Wales is on private land and, rather than seeking to protect this critical habitat, this Government has shown willingness to pass legislation that makes it easier for private landholders to harm koalas and their habitats. This is something we must change urgently if we are going to turn the tide on the decline of koala populations. We also know that threats to all animals and the environment are only accelerating as the climate emergency worsens and brings even more extreme weather events to our shores. If we do not address the climate emergency, then all species of animals, including the endangered koala, are at risk. However, the great koala protected area would be a significant step forward.

I acknowledge and thank the Hon. Catherine Cusack for her brave and honest contribution and her ongoing tenacity and advocacy for koala protection. I also acknowledge Ms Cate Faehrmann from The Greens, who introduced the bill, chaired the inquiry and has fought for koala protection. The situation for koalas is urgent. There is no time to play politics on this issue, and protection needs to happen immediately. I commend the bill to the House.

The Hon. SCOTT BARRETT (21:04): I oppose the Great Koala Protected Area Bill 2021. There are a couple of fundamental flaws in the bill that mean I cannot support it. It is worth mentioning the work of the Portfolio Committee No. 4 inquiry into the long-term sustainability and future of the timber and forest products industry. The inquiry terms of reference compelled the committee to consider a number of things, including koala habitat protection. Over several months committee members conducted a number of site visits and hearings, including visits to the koala park that has been discussed. The inquiry report is still being developed and it will be thoroughly considered by the committee. I imagine that comments around the koala park will make up a big part of the report. As such, and out of respect for the committee process, we should wait to see what the committee comes up with in relation to this matter.

The bill relies heavily on the report that was delivered by the University of Newcastle, released in February 2021, which supports the establishment of the great koala national park. The report was commissioned by Bellingen Shire Council, Coffs Harbour City Council and Destination North Coast. Its analysis has a few flaws, including that it fails to account for the existing and potential benefits of State forests from an economic, tourism and ecological perspective. The report claims that the koala park will deliver some wonderful things—so many jobs and so many dollars into local economies—but some of what it says just does not add up. For instance, the jobs that it claims will be created include indirect jobs all the way through to the barista in the cafe. But, for some reason, when referring to job losses, the report only talks of direct losses.

At the recent forestry inquiry the author of the report admitted to omitting consideration of any impacts on jobs in support service industries that relate to timber harvesting or the impact of local timber mills. However, the regional economy and associated industries were incorporated. It does not include the mechanics who are needed to service the machinery, the retail workers who sell the work clothes or the real estate workers who look after the rental houses. Those jobs are all at risk under this proposal, as are the local clubs and community organisations. We will lose volunteers from the RFS, members from the local footy team, kids from the swimming club and even students from the local school. We should never underestimate the importance of those things to our local communities because when they are lost, our community is lost.

The report did not even consider the impact on the mills, which, of course, would be enormous and have attached flow-on effects. To give members some idea of what those flow-on effects might be, the committee heard evidence that there are 2,600 jobs on the North Coast in forestry and first-stage processing—mills et cetera. That figure does not include indirect jobs, such as mechanics and tyre fitters, so the actual number would be significantly higher. The bill puts at risk all jobs, a number much higher than written about in the report. In a bit of sneaky maths to advance the cause of the bill, proposals and arguments include baristas, who will all of a sudden be needed, but the indirect jobs that will be lost are not counted. The report is not comparing apples with apples.

While the University of Newcastle report claims an array of potential economic and environmental opportunities from the proposed park, many of those purported benefits are purely speculative. While the report fails to explain why it is necessary to create a new national park to achieve them, they are all clearly possible on State forest land tenure. All the evidence I have heard points to the fact that more recreational activities can be conducted in a State forest than a national park. I am unclear how changing the status of a well-managed State forest will, all of a sudden, attract more visitors. Bushwalking, camping and horseriding can all be undertaken in State forests. Multi-day hikes, mountain bikes, cultural practices and beekeeping are all allowable in a State forest.

To me this casts doubt over the reported economic benefits this park would bring and therefore the overall benefits in general.

It is possible to have a sustainable timber industry while providing rigid protections for threatened species. State forests are managed sustainably for a range of values, including biodiversity conservation, preservation of Aboriginal cultural heritage, tourism and recreation, and renewable timber production, all complementing and contributing to New South Wales' world-class conservation network. In New South Wales the majority of public forests are set aside for conservation, and only a small proportion is available for renewable timber production. About 1 per cent of the State forest estate is harvested for timber and regrown each year, which is around 0.1 per cent of the broader New South Wales forested landscape.

The New South Wales Government must balance a range of considerations, including environmental, social and economic outcomes, to supply renewable timber from the small proportion of public forest designated for timber production. The New South Wales Forest Management Framework outlines how all forestry operations are regulated by a robust set of environmental safeguards. These have been developed following extensive research and protect wildlife habitat across the landscape and the ongoing biodiversity of the forests. Such research is ongoing. It is this science, together with appropriate policy settings, that the New South Wales Government through DPI Forestry and its other agencies will use to continue the Forest Management Framework of regulatory and statutory settings.

The New South Wales Government's science and forest monitoring will continue to play a key part in ensuring the protection of the koala and other threatened species, and we will continue our commitment to getting the balance right. Well-managed forests that include harvesting operations carried out under the agreed forest management and environmental prescriptions are not a threat to koala habitat. This is supported by the recent work of Dr Bradley Law. His peer reviewed "before and after" harvesting study found koala density was similar between paired national park and State forest sites. I bring attention to the recent work of the New South Wales Natural Resources Commission Forest Monitoring and Improvement Program. This program aims to improve the evidence base for decision-making for forest management across tenures. This will strengthen the New South Wales Government's ability to manage forests strategically and adaptively over time, including State forests, national parks, private native forests and Crown forested land.

In the case of koala protection, the Office of the Chief Scientist and Engineer reported in 2016 that landscape-scale threats, including habitat loss and climate change, are exacerbated by the impacts of local threats, such as vehicle strike, dog attack and disease—not timber harvesting. People have spoken about the declaration by the Threatened Species Scientific Committee determination that the koala be listed as endangered and the impacts of native forestry upon koalas. I point to the Natural Resources Commission again for a bit more guidance on this, from whom I learnt that in this determination, amongst the human activities identified as resulting in loss, fragmentation and degradation of koala habitats, forestry barely rates a mention. Other activities did, including urban expansion, mining and land clearing for grazing, certainly. But none of these activities are permitted in State forests. Again, I am not convinced of the current need for the bill.

Forestry operations provide substantial economic benefit by supplying dozens of local mills and businesses that harvest and process forest products and employ local community members. State forests in New South Wales have been sustainably managed and regrown for more than 100 years. This careful management continues to ensure they will provide environmental, economic and social benefits for future generations. The New South Wales Government has put in place a range of programs, protections, regulations and policies that help to secure the future of koalas in the wild. The bill is not supported by strong science or evidence, which is why I do not support it. However, I acknowledge the intentions of Ms Faehrmann and compliment her passion and commitment to this cause, which I find admirable. I say the same about others who have spoken with genuine passion on the bill. No doubt there are more speeches to come. I look forward to further discussions on this topic in the context of the timber inquiry being conducted by the House and beyond that. Let us keep doing more to protect this wonderful animal.

Mr JUSTIN FIELD (21:14): I begin by particularly acknowledging the contribution of the Hon. Catherine Cusack to debate on the Great Koala Protected Area Bill 2021. She has very succinctly articulated the challenges faced not only by koalas but also by all those in the community who have spent much of their lives trying to protect these animals, supporting sick or injured koalas and working within their communities to build an understanding of what is needed to create a more sustainable future. It is not just for one species; protecting koala habitat has such profound benefits for broader biodiversity in New South Wales. I also acknowledge the honourable member's courage in pointing out—I can imagine it is a very challenging thing to do—the way in which the transactional approach of the Coalition Government to issues of biodiversity really struggles to come to terms with the challenge before us.

Like many people, after the 2019-20 fires I had an instinct that something would have to change. Business as usual was not possible. Yet there has been a total failure by the Government to recognise that there has been a change that calls for a significant reaction. It seems that the transactional nature that enables the Coalition to exist and the Coalition agreement to function, that holds together the competing views within the National Party and the Liberal Party, has been particularly detrimental to biodiversity protection in New South Wales. Putting aside the benefits that an energy policy change might have had, I think that the transactional approach of the Government to issues of biodiversity is really important for the community to understand. It is simply not enough to have the rhetoric of "let's double koala populations by 2050". There is substance that needs to flow from that. That is impossible when every single decision that will make a difference—particularly when it comes to koalas, but also for biodiversity more broadly—ultimately rubs up hard against policies that are deeply opposed by other elements of the Government.

It is really important for people to understand this debate and the challenges that we face in policymaking in New South Wales. A few weeks ago I was in the North Coast forests, visiting a site there pre-emptively. We were visiting for the timber inquiry, but I went early to look at some active logging coupes on the North Coast. It was not quite in the area of the great koala national park but an area that had been recently logged in the past six months. I was walking up the slope of a logged area at Wedding Cake Rock in the State forest and came across the stump of quite a substantial grey gum. It would have been nearly a metre across—a very old tree. In fact, it just fell under the very large tree prescriptions in the Coastal Integrated Forestry Operations Approval [CIFOA] that would have protected it from being logged. There was about a metre of stump left in the ground and perhaps another couple of metres of stump on the floor that were a bit gnarly and so were not taken once the tree was felled. This tree stump was absolutely covered in koala claw markings. It was just so obvious.

I am not an ecologist. I have not studied the science of koala health and population. I did not need that background to see that this was a tree that was actively used by the local koala population. The reality is that the law in New South Wales allows for this substantial tree—which would have been several hundred years old, would no doubt have contained hollows, was one of the preferred feed trees and was obviously actively used by the koala population—to be logged and sold, in the absolute best case, for decking. Perhaps it was for a power pole, as the Hon. Catherine Cusack pointed out. But it is okay because about five twiggy tallowwoods were kept for the koala feed tree requirements under the CIFOA. That is what we are talking about when we come to understand what is actually happening on the ground and the consequences for this animal.

Later on during that visit, I had the chance to go for a drive up to Killiecrankie Mountain, an absolutely beautiful lookout over the New England National Park. With the caldera there, it is an amazing scene. If you turn around and look back towards the coast, you see the headwaters of the Kalang and Nambucca rivers. Nearly all of that area, which looks no different from the New England National Park, has not been logged for 40 or 50 years. It looks like old-growth forest has returned. Obviously a lot of it has been historically logged, but not at the scale and intensity of the current day logging under the Coastal Integrated Forestry Operations Approval. There is a lot of rainforest in the old-growth forest that is quite steep, but it is all State forest.

We know how Forestry Corporation operates. When we look at the plan portal, we see that this prime area of mature forest will be heavily targeted in the next few years by Forestry Corporation. It is targeting the next three years of timber supply. There is no doubt it is some of the best-quality timber, but there is also no doubt that it is some of the best-quality koala habitat in New South Wales. It is the cornerstone of the great koala national park proposal that is on the table tonight. I know it is some of the best koala habitat in New South Wales because I prepared some background information on the great koala national park when the proposal was put forward by the National Parks Association and the then Department of Planning, Industry and Environment. It was prepared for the Hon. Matt Kean, MP, when he was the Minister for Energy and Environment. He is now the Minister for Energy, and maybe that is part of the problem.

Work had been done by the department to understand where the quality koala habitat was in New South Wales. One thing it had to consider was the impact on logging, but also the validity of the proposal that it was able to improve koala protections. The department found that there was a substantial crossover of what it defined as areas of regional koala significance [ARKS] and koala hubs. But there were ways of identifying koala populations and then the critical areas of those populations. The DPIE identified 10 koala focus areas within the great koala national park. These areas are contained within three existing ARKS, which were Coffs Harbour to North Bellingen, Clouds Creek and north Macleay to Nambucca. They contained 61 identified koala hubs. The ARKS and hubs identify areas that are known to support koala populations and, when used in conjunction with the koala habitat information base, suitability layers provide the best available means of prioritising sites for koala conservation.

If we overlay the koala hubs, which are the most critically important areas, with the great koala national park and with the proposed Forestry Corporation logging plans over the next few years, they meet. This is a live

issue now because Forestry Corporation recognises that it is in the dying days of its industry. There is a broad recognition, even by members in The Nationals who have spoken tonight, that native forest logging in New South Wales does not have a future. All North Coast logging contracts will conclude in 2028. Given the way things have gone in Western Australia and Victoria, as well as the national debate about biodiversity protection, it is entirely reasonable to assume that this industry will end. The worst possible thing we could do is allow Forestry Corporation to destroy some of the best-quality koala habitat during its last few years of operation. We can do better.

This debate attracts such emotion and intensity of discussion because the Government has tried to make a virtue out of its koala protection plans. We all know that Matt Kean announced, with great fanfare, the intention to double koala populations by 2050. He has thrown a lot of money at it. At the same time, we are actively allowing logging of critical koala habitat in State forests in New South Wales. The Government has just amended the private native forestry code, which has grandfathered pre-existing private native forestry approvals in known areas of core koala habitat. It will allow those areas to continue to be logged. It will prevent new koala plans of management being created that might have been able to identify and protect those areas of core koala habitat as well. Some 500,000 hectares of land clearing has been approved in New South Wales in the past three years under the Government's biodiversity reforms. Much of that is impacting on biodiversity. Some of it is also impacting on koala habitat.

I asked some questions in the recent forestry inquiry of Department of Primary Industry officials—scientists—who appeared before us. I considered the fact that those koala hubs were overlain with areas of forestry activity and that the scientific analysis that was being quoted by The Nationals suggested that, effectively, koalas' presence is not necessarily reduced in logged areas compared to unlogged areas. So I asked this question of the scientists: "If those areas of koala hubs that the department of environment has identified as critical for future protection were protected from harvesting, would koalas be better off than they currently are or would it be neutral?" The answer that I got was "I will have to take that on notice." Those are the scientists who are supporting the New South Wales Government in being able to make a decision.

Our scientists have been tongue-tied by the cognitive dissonance of members of the New South Wales Government and their idea that continuing to log, destroy and develop areas of koala habitat will not have an impact on koala populations. My six-year-old knows that koalas need trees. My six-year-old could understand the concept that, if we log koala habitat or if we allow it to be knocked down for urban development or cleared for agricultural development, that will not be good for koalas. But I could not get a straight answer from experts within the department about whether or not protecting those areas of identified critical habitat for koalas from logging would be beneficial for koalas. They said, "I will have to take it on notice." Why? Because—I suspect—they did not want to have to answer to Ministers who did not want to have to answer this question. That is what is going on. It is made worse by the fact that we have a way out of this.

I have done a bit of analysis based on what I have learnt through the koala inquiry and through my investigations over a number of years into this—what I and activists have found through the Government Information (Public Access) Act—and what I understand of the industry in particular. The net area of the great koala national park that is currently harvestable in State forests represents about 20 per cent of all the harvestable area on the North Coast. The volume of high-quality timber—which is the valuable stuff that most wood supply agreements are really about—represented by that 20 per cent of net harvestable area is about 50,000 cubic metres a year of high-quality sawlogs, large and small. As an example and comparison—just to get a sense of the value of that—in 2014 the Government bought back 50,000 cubic metres of quota off Boral because of historical over-logging. It was not able to meet its supply contracts at that time, so it bought out the quota. It paid \$8 million in 2014 for 50,000 cubic metres of blackbutt of the highest value high-quality sawlog.

That should give members a sense that the value of this timber is around \$8 million. I am just putting it out there. We will round it up to \$10 million just to make it easy. The Natural Resources Commission [NRC], which did a report for the Government on the impacts of post-fire logging on the industry, recommended that substantial additional conditions be put on logging in the North Coast and recognised the jobs impacts of that. Before the fires, there were 590 direct jobs in the North Coast native timber sector. We are talking about direct jobs in Forestry Corporation, logging contractors, haulage contractors and millers. Let us assume that the 20 per cent loss of wood supply results in a 20 per cent loss of jobs. I note that the NRC says that that will happen as a result of the fires anyway. It is a problem that exists for the Government irrespective of whether or not we develop the great koala national park. At 20 per cent, that is 118 jobs.

Down on the South Coast, when Blue Ridge Hardwood lost its contract, the Department of Regional NSW announced a \$150,000-per-person package as part of an industry transition support package in the region. If those 118 or 120 jobs were to be paid out in the same way, that would represent about \$18 million. For between \$25 million and \$30 million, the wood supply contracts could be bought out and every affected worker could get

\$150,000. That is about \$30 million in total, which represents just 15 per cent of the total \$193 million that the Government has put towards its koala strategy. How easy is that? How easy is it to find the money to deal with this problem in a substantial way right now?

It makes it even easier to analyse the value for money. The modelling that the New South Wales Government's experts did on the great koala national park identified that about 27,000 hectares of modelled habitat exists within the koala focus areas of the park. It is the good stuff—27,000 hectares. By comparison, the NSW Koala Strategy aims to protect 22,000 hectares. By all accounts, from the questions I have asked, about \$107 million of the \$193 million will be dedicated to buying land to protect koala habitat. Is anyone from Treasury listening to me? We can pay \$107 million to buy and protect 22,000 hectares of koala habitat, or pay about \$30 million and protect more—27,000 hectares—by creating the great koala national park, alongside the flow-on value that that creates for the North Coast region. It is not a difficult argument to make, I would think, even within the Liberal Party. The reality is we have to do it anyway.

It is disgraceful that in the past week the NSW Nationals renewed the North Coast wood supply agreements that were due to expire next year. That represents a volume of timber not much more than what the Government would need to buy out to create the great koala national park, in all honesty. It is disgraceful for two reasons. One is that the Government has failed to respond to the Natural Resources Commission's advice on how to manage the impacts of post-fire logging. The idea that a decision would be made about the future of that industry when that report identifies industry restructure is needed to address the wood supply constraints after the fires is totally ridiculous.

Worse still, it is nonsensical to renew those contracts at pre-fire levels when we know that the timber is simply not there. I note the comments by the Hon. Catherine Cusack that it puts us in a position where future governments may need to pay much more to buy out those wood supply agreements—those rights, essentially, to timber that may not even be there. It is astonishing that that has been allowed to happen. I am glad that it has been called out in this place tonight. It would have been a fantastic opportunity to address the need for additional koala protection and to start the industry on a journey.

The Government—or the National Party, which made the decision—has decided to kick the can down the road. But I think I have made an argument to say that the money, the science and the justification are there to fix both problems: the need to preserve koala habitat at a scale, and the need for the native forest timber industry to start the inevitable transition away from native forest logging towards more sustainable forms of logging or to transition away from the low-value products it currently produces towards higher value products.

I hope the Government, even though it will not support the bill, takes seriously the need for that transition to happen and the need to actually look at what is happening on the ground with koalas and uses the rest of this parliamentary term to address an issue that I think has captured the mind of the public. We expect better from governments. I acknowledge the comments by the Hon. Catherine Cusack, and I do not think the Government can hide any longer behind the fact that its rhetoric does not meet its actions. I commend the bill to the House.

Ms CATE FAEHRMANN (21:34): In reply: I thank those who contributed to the second reading debate on the Great Koala Protected Area Bill 2022. I thank the House from the outset for graciously allowing so much time for debate on this very important bill, on an issue that people obviously feel so passionately about. I thank the speakers, the Hon. Peter Poulos, the Hon. Penny Sharpe, Ms Sue Higginson, the Hon. Mark Pearson, the Hon. Emma Hurst, the Hon. Mark Banasiak, the Hon. Wes Fang, the Hon. Scott Barrett, Mr Justin Field and the Hon. Catherine Cusack.

I note at the outset the courage and integrity that the Hon. Catherine Cusack has to once again signal her determination, as she did two years ago, to go against the party and the Government that she is a part of on an issue that is so fundamentally important to her, that is, the survival of koalas in New South Wales. She is really putting everything on the line for koalas. I chaired the inquiry that Catherine, the Hon. Penny Sharpe and others sat on. With the evidence that we received during that inquiry, we really could not do anything else but agree to dedicate as much of our lives as possible to doing everything that we can to save koala habitat—because that is what we are talking about here. That is why the inquiry made the very strong finding it did, which we deliberated over very carefully, that koalas will become extinct in New South Wales before 2050 unless urgent government action is taken to protect any further koala habitat from being destroyed.

That is why we have brought the bill to this place at this time. As the Hon. Catherine Cusack said, the proposal has been around for 12 years or so. It has been generated through science, mapping, consultation, research and years of work. I note Mr Justin Field's contribution that the environment department has researched the issue. It has looked at its own maps of the arcs where core koala habitat and areas of regional koala significance occur, and it has realised that the great koala national park falls over much of our very significant koala habitat. So much work has been done.

I also give a shout-out to the community, who are so passionate about the issue that they set up an information centre that, for all intents and purposes, looks like an official government tourism centre for something called the great koala national park in Urunga, advertising to tourists and visitors that the mid North Coast is indeed home to a great koala national park. It is absolutely extraordinary how much the community have thrown themselves behind this. Another example is that members of the mid North Coast community came down to Sydney today to attend a rally outside Parliament in support of the bill. People have begged us, and I know that the Hon. Penny Sharpe has received at least 1,500 emails urging Labor to support the bill.

I quickly address the Government's contribution. The Hon. Peter Poulos, who spoke for the Government on the bill, talked up the koala strategy as a resounding success but then said that protecting koalas takes time—it takes time to roll out the koala strategy. In the words of the Government member, it is premature to bring forward this bill. Well, koalas do not have time. It is extraordinary that the Government contributed those words to this debate only a few weeks after the koala was declared endangered in New South Wales. I note the contribution to this debate of my colleague Ms Sue Higginson. She spoke of what it means when an animal or threatened species is declared endangered. You have to pull out all stops to prevent any further loss—or else that species will become extinct. That is what it means. It takes time? It is premature? No, this bill is not premature; this bill is urgent.

I will address Labor's contribution to this debate. From the outset, I acknowledge that I have no doubt the Hon. Penny Sharpe is incredibly passionate about saving koalas. I worked alongside Penny on the committee that inquired into koala populations and their habitat. Of course, in both the 2015 and 2019 State elections, NSW Labor committed to establish a great koala national park, but Labor did not win those elections, so we did not see that park established.

The basis of Labor's opposition to the bill in this Chamber today is that it is going to take the policy to the election—that it does not trust this Government to establish the great koala national park. That to me is quite extraordinary. I repeat that koalas have just been listed as endangered in New South Wales. For Labor to put at risk the halting of a significant amount of logging in koala habitat based on whether it wins the election is just extraordinary. Tonight members have once again seen, in the revelations from the Hon. Catherine Cusack, that politics always wins out. Politics is winning out over koalas. NSW Labor is more about politics than it is about koalas.

The Hon. Penny Sharpe: It's about funding communities and having money—

Ms CATE FAEHRMANN: No, it is not. I approached the Hon. Penny Sharpe and said, "Let's talk about this." I said, "I'm very happy to talk to you about what it looks like, in terms of amending the boundaries of the national park and what we can do to get this bill through, because we potentially could have the numbers." I also said this to the Government. The Government has the excuse that the bill is premature. The excuse from Labor is that it is a money bill and that we have to do all this consultation and work with communities. Of course we do. The Government could have come to The Greens and said, "Hey, 28 days is way too soon. Twenty-eight days just isn't enough. Really, Cay, we'll need to have three months. Can we work on this?" This is how you do this stuff.

But no, we have a commitment by Labor if it wins the next election. But what if Labor does not win the next election? We had the opportunity tonight. The Hon. Catherine Cusack is voting for the bill. That means it comes down to Labor tonight—and Labor is not voting for the bill. We could have had the bill pass the upper House with the Hon. Catherine Cusack's vote, which would have put pressure on the Government. Once again we would have had the whole issue of koalas in the media, and we could have seen what would happen in the lower House.

I said to the community today that this bill may not pass but we will do everything we can to ensure that it does. If it does not pass, and it clearly is not going to, this will continue to happen in those areas of the mid North Coast. We often forget what we are talking about when we are in here. We are talking about areas being logged, protecting those areas and everything else. There are 32 forest areas within the great koala national park that are scheduled for logging over the next 12 months. We have already lost parts of the existing great koala national park that is before us today. Some areas have already been logged and are actively being logged. The 32 areas of forest that are scheduled for logging have been approved and are ready to go at any point. That makes up 2,596 hectares of land within the boundaries of the proposed great koala national park that is set to be logged within the next 12 months. That is about 2,600 football fields, which is massive. A lot of that is koala habitat.

I note that I walked through some of those forests recently, like Pine Creek State Forest, which is home to not just koalas but an extraordinary range of threatened species. It is subject to logging possibly within months. I also note the contribution from Mr Justin Field about doing the work on getting a rough indication of how much it would cost to buy out the contracts and compensate every worker for \$150,000. It is disappointing in some ways. I spoke with the environment Minister, James Griffin, about this yesterday. He knows that this has been on

the cards for some time, and the Government possibly could have done better than Labor tonight. It is \$30 million, which is quite extraordinary for buying out the contracts. Once again, we have empty words from the Government.

After the koala inquiry handed down its report and its significant finding that koalas will become extinct by 2050 without urgent government intervention to protect their habitat, the then environment Minister, Matt Kean, said he was going to double koala numbers by 2050. At that point, I was not the only person who realised they were empty words. In fact, he was just doing it for a headline and to try to look like he was doing the right thing on koalas.

But what an extraordinary contribution from the Hon. Catherine Cusack tonight. She revealed the dirty deals that were made between the Liberals and The Nationals to get the so-called "koala wars" out of the headlines and off the front pages of the newspapers. Tonight it was revealed that the former Liberal environment Minister and the Liberal Party, in fact, threw koalas under the bus for their own political self-interest and self-gain. That is what we heard tonight. That is the ongoing situation in this State for koalas. None of the political parties that have the ability to support these bills and pass legislation have the guts to do the right thing. I commend the bill to the House. I thank all members for their considered contributions to debate on the bill. It may not be until after the election but, if Labor wins and if the Hon. Penny Sharpe becomes environment Minister, I hope one of the first things she does is to bring a bill quick smart before this House to get something in place, because every day we are waiting, koala habitat is being cleared and opportunities for action are being lost.

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

The House divided.

Ayes7
Noes30
Majority.....23

AYES

Boyd (teller)	Field	Hurst
Cusack	Higginson	Pearson
Faehrmann (teller)		

NOES

Amato	Graham	Moselmane
Banasiak	Houssos	Poulos
Barrett (teller)	Jackson	Primrose
Borsak	Latham	Rath
Buttigieg	Maclaren-Jones	Roberts
D'Adam	Mallard	Searle
Donnelly	Martin	Sharpe
Fang	Mitchell	Tudehope
Farlow (teller)	Mookhey	Veitch
Farroway	Moriarty	Ward

Motion negatived.

Documents

CASTLE HILL HIGH SCHOOL

Production of Documents: Order

The Hon. MARK LATHAM (22:00): I move:

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created since 1 January 2008, in the possession, custody or control of the Minister for Education and Early Learning, Department of Education, or the Department of Customer Service relating to Castle Hill High School:

- all documents regarding asbestos identification, complaints, reports, rectifications and testing at Castle Hill High School;
- all documents regarding building works at Castle Hill High School, including documents relating to the funding and asset management approvals of such works funded by either the Department of Education or from school funds; and
- 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.

Given everyone supports the motion, I would appreciate if it could be carried now and then we can knock off.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (22:00): I appreciate that the Hon. Mark Latham is interested in this topic and, yes, it is an important issue relating to asbestos at Castle Hill High School. The Government will support the motion, but I also am conscious that there are a lot of calls for papers on the agenda for the Department of Education. Ensuring that we can deal with those matters in a timely manner is important.

The PRESIDENT: According to standing order, it being 10.00 p.m. proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

According to standing order, members made the following statements.

RURAL HEALTH SERVICES

The Hon. WES FANG (22:01): During question time today, we heard questions about the health system in regional New South Wales. Those questions had a singular purpose: to alarm those in regional, remote and rural New South Wales about the level of health care they receive. That kind of questioning, which is scaremongering at its worst, has a fundamentally detrimental effect on our hardworking and dedicated healthcare workers who work day in, day out for our regional communities. While we are, of course, aware of the criticisms and work towards improvements, there are also positive stories that should be shared to instil confidence in the healthcare system for those who call regional New South Wales home.

Last month the Murrumbidgee Local Health District welcomed an extra 65 newly graduated registered nurses, making a huge difference to our region. Nearly all the graduates chose to relocate from metropolitan areas, including western Sydney, Newcastle and the Sutherland shire. It is wonderful that the graduates have elected to begin their careers in our region. The influx to the local workforce follows an earlier recruitment boost in February that resulted in 54 graduate nurses commence in roles across the district. A further 49 newly graduated registered nurses also will come on board in August, making 2022 the largest graduate intake for the district. Those extra nurses will bolster our local health workforce, ensuring that our communities can live healthy and full lives.

As my colleague and Minister for Regional Health has said, it is our workforce that makes the New South Wales public health system the envy of the world. It is wonderful to see the newly graduated registered nurses choosing to begin their careers in rural and regional New South Wales. This year's intake of graduate nurses is more than double compared with last year's recruitment, meaning that extra nurses are in Batlow, Boorowa, Deniliquin, Finley, Griffith, Leeton, Lockhart, Tumut, Tumbarumba and Wagga Wagga—to name just a few.

Graduates are provided with opportunities in a variety of clinical settings to ensure that they gain a range of experience and consolidate their skills and knowledge developed during their studies. Having spoken to former graduates, I know that they have applauded the learning opportunities that regional facilities across the Murrumbidgee Local Health District have offered, and the reward of working as a part of our local tight-knit communities. We must also remember that those relocating to the Murrumbidgee bring with them their families and friends to the wonderful regional communities that we call home. I am delighted that the graduates will call our part of the world home and become such important members of that community.

We know how hard the past few years have been for our healthcare workers, which is why the Government recently announced an additional one-off payment of \$3,000 to be provided to employees of NSW Health in recognition of their work on the front line during the COVID-19 pandemic. It recognises the contribution of a workforce that went to extraordinary lengths during the pandemic to protect and look after our communities and loved ones. Let us not forget, despite some of the rhetoric, that there are more nurses and midwives in New South Wales public hospitals than there have been at any other time in history.

While there are always issues to work through and improvements to be made, we must also embrace and celebrate the positives: namely, our healthcare staff and their tireless dedication to their work and to bringing better outcomes to the people of New South Wales every day. In the nation's largest-ever health workforce boost, a record 10,148 full-time equivalent staff will be recruited to hospitals and health services across New South Wales over the next four years. Part of the New South Wales Government's 2022-23 budget, this \$4.5 billion investment over four years is intended to relieve pressure on existing staff and ensure that there are appropriate levels of health staffing for the Government's massive pipeline of investment in health infrastructure projects. As part of this investment, 7,674 more workers will be recruited in the first year to help ease pressure on COVID-fatigued health staff and to fast-track more elective surgery for patients.

I raise the important initiative, which is an Australian first, that women undergoing IVF and accessing other assisted reproductive treatments will be given a cash rebate of up to \$2,000 to reduce the treatment cost as part of the New South Wales Government's 2022-23 budget. Let us be clear: The New South Wales Liberals and Nationals have delivered 170 hospitals and healthcare facilities since coming into government in 2011, with a further 110 underway. We have undertaken important reform initiatives and delivered the largest-ever health workforce boost in Australian history. It is a track record of which we can be proud, and which will be one that we continue to build upon.

PITT TOWN PROGRESS ASSOCIATION

The Hon. PETER PRIMROSE (22:06): Over the past few months I have raised on many occasions the concerns of the Pitt Town Progress Association, ably led by Mr Peter Ryan. Historic Pitt Town is a growing area near Windsor in the Hawkesbury where promises of government funding for basic services are always being given but rarely become reality. A number of the issues relate to local government, including the poor quality of the footpaths, which makes it impossible for the elderly and those with disability to move around their local community. The people of Pitt Town are rightly proud of where they live, but they also rightly get upset when long-promised community facilities and infrastructure fail to be delivered. A key issue is the upgrading of the flood evacuation corridor to a minimum width of 11 metres, plus centre and shoulder lines. The State Emergency Service signs are up, and the floods keep coming, but the designated evacuation route remains a dangerous, potholed goat track.

Pitt Town residents keep hearing about funding having been allocated for a final business case to be developed across the whole Hawkesbury-Nepean Valley for what are known as road resilience improvements along evacuation routes. But, as always, the "investment decision" has not been made as of this date. There is no timetable, and no actual funding is being allocated. There are only floods. This is a gross failure of the duty of care owed by the New South Wales Government to these local residents. I sought to raise this issue yet again in formal business earlier today but, of course, the Government denied me leave to do so. The appalling Mulgrave railway station car park is another example of unfulfilled promises made by the New South Wales Government. The car park is so dangerous because of the potholes and the remnants of concrete foundations that many commuters will not use it, yet promises to upgrade it date back at least to the time of former State member the Hon. Dominic Perrottet.

Similarly, the Government has refused to upgrade various dangerous intersections along Pitt Town Road. For instance, despite the concerns of local residents, the safety of the Schofield Road intersection has been assessed by Transport for NSW as being "satisfactory". The Glebe Street intersection will not be upgraded until the Pitt Town bypass is completed but, despite the increasing volume of B-double trucks, no-one will say when this will be done. I asked the Minister for Metropolitan Roads for specific details about property acquisition, tendering timetables, construction and completion dates. But, as always, she has refused to provide local residents with any information beyond referring them to a website which provides no answers to their questions. The latest news on the website is from July 2020. The Pitt Town bypass was supposed to be part of the so-called jobs and infrastructure pipeline; instead, it seems to be stuck in a void somewhere and is still listed as "in planning". The Transport for NSW website states that the next step is for Transport for NSW to consider "the best option" to deliver the project. No updates have been issued for almost two years. Justifiably, the local community can only conclude that the project has stalled and will now be part of the review of the major infrastructure projects being undertaken by the State Government. Possibly it will not go ahead at all. I sincerely hope that is not the case.

In the 2017-18 budget infrastructure statement the Pitt Town bypass project is listed as having no start or completion date. It provides no information about the estimated total cost. That was also the case in the three subsequent budget infrastructure statements. I examined the 2021-22 budget infrastructure statement. It makes no reference to the Pitt Town bypass. The flippant answer provided by the Minister gives no information, nor do the website and this year's budget infrastructure statement. Instead the people of Pitt Town can only keep asking, "Where is our bypass?" Again I ask the Government to meet with the Pitt Town Progress Association, not as a public relations exercise but to honestly address with clean hands the community's concerns and provide factual and reliable information in response to these important issues. They are not demanding miracles; they ask only to be treated with the respect that citizens of this State deserve.

ENERGY AND FUEL PRICES

The Hon. ROD ROBERTS (22:10): With winter setting in, this is the time of year when families are turning on their air conditioners, firing up their gas heaters and settling in for the night. They might be watching TV. Perhaps tonight they are watching the State of Origin. However, tonight they have decided they cannot afford to keep the heater on to stay warm. The cost of electricity and gas is now so high that they can no longer afford to heat their homes. That scenario is playing out right now in New South Wales. In its latest snapshot of the national

electricity market, the Australian Energy Market Operator said wholesale costs soared by 141 per cent in the three months to 31 March compared with the same period last year.

Andrew Richards, chief executive of the Energy Users Association of Australia, has said that we as a nation are probably facing the biggest energy crisis in 50 years. A number of reasons explain the massive increase in cost. One major factor is the gas shortage that is currently affecting New South Wales. I was shocked to learn that New South Wales is only 5 per cent self-sufficient in gas. This crisis has shown that is simply not good enough. Adding to the shortage is the fact that New South Wales coal generators are not operating at full capacity due to units being offline for repairs. Essential maintenance to keep those units online is not being done because operators simply do not know whether they will be forced to shut down entirely. If Matt Kean gets his way, New South Wales will have no coal or gas generators. A spokesman for the Australian Energy Council has said:

Plant outages, as well as seasonal low levels of renewable energy, are contributing to the current tight energy situation ...

I have said it before and I will keep saying it until I am blue in the face: When the sun is not shining and the wind is not blowing, we need baseload generators to provide affordable, reliable electricity. Matt Kean has made an absolute mess of the New South Wales electricity network, leaving us with a shortfall of baseload power. Last year in this Chamber my colleague Mark Latham and I warned of this exact situation. Only One Nation and the Shooters, Fishers and Farmers stood up against Matt Kean's renewable road map. Just as we warned would happen, we are now experiencing a crisis of this Government's own making. After destroying the New South Wales electricity grid, Matt Kean is now in a state of panic. He is pleading with existing coal generators to bring offline units back online. Only last year he said that to reach net zero in 2050 New South Wales must stop using fossil fuels by 2030. The Treasurer does not know whether he is the proverbial Arthur or Martha. The energy crisis is impacting families when the cost of living is going through the roof.

Fuel prices are cutting heavily into family budgets. Average petrol prices for the last week of May reached over \$2 a litre and the impending reintroduction of the fuel excise will only push it up further. The weekly grocery shop is now getting more expensive. Australian Bureau of Statistics figures released last week show the annual rate of inflation soared to its highest level since 2001, with food prices up by 4.3 per cent over the year to March, and 2.8 per cent from the previous quarter. Housing costs are through the roof. It is estimated that a household is said to be in housing stress if the household has an income level in the bottom 40 per cent of Australia's income distribution and is paying more than 30 per cent of its income in housing costs. In New South Wales as of today many households are in housing stress. People are struggling. How on earth are people meant to get ahead in life with the current cost of living making saving virtually impossible for many Australians? We are a developed First World nation with an abundance of natural resources, yet Matt Kean is trying his hardest to send us back to the Stone Age through his fanatical commitment to green ideology.

HUNTER HEALTH SERVICES

The Hon. TAYLOR MARTIN (22:15): Earlier this week the Government announced a \$1.76 billion boost to frontline emergency services to deliver over 2,100 new recruits and 30 more ambulance stations, as part of the Government's 2022-23 budget. This record investment will have a significant impact across the Hunter, ensuring the community has access to a quality ambulance service for years to come. With ambulance services across the country experiencing unprecedented demand, the Government is ensuring our communities and our paramedics are well placed for the challenges ahead. We have never seen demand like this before, with an average of around 3½ thousand 000 calls every day. That is an increase from before the pandemic, when 3,000 calls a day was a busy day. Gateshead and Swansea in the Hunter along with Kincumber and Lisarow on the Central Coast are four of eight new ambulance stations that were announced on Sunday, with 22 more stations across the State to come in the next few years.

This is in addition to the previous investment in the \$232 million Rural Ambulance Infrastructure Reconfiguration program. That program has resulted in new ambulance stations at Rutherford and Birmingham Gardens in stage one and Medowie, Stockton and Tea Gardens in stage two. The new station in Medowie on Ferodale Road is already under construction, and the community is watching it take shape. The new purpose-built ambulance station will ensure local paramedics have the equipment and facilities they need to deliver high-quality emergency care now and into the future. When complete in early 2023, the Medowie ambulance station will include internal parking for up to six emergency ambulance vehicles, relief accommodation, administration and office areas, logistics and storage areas, an internal wash bay and staff parking. I am advised that NSW Ambulance and Health Infrastructure worked to identify the new location using best-practice demand modelling software, which maps 000 calls, and determined Medowie as the most suitable location for mobile emergency care in the region.

The new Medowie ambulance station is being built in the optimal location and will enable paramedics to deliver the best out-of-hospital emergency care to the Medowie and the greater Port Stephens area. The additional

funding and frontline support announced on Sunday will be a massive boost, which will deliver extra paramedics, ambulance support staff, nurses and doctors, and will increase capacity from call centres to call-outs. We rely on our local paramedics. They will now have additional support to continue the invaluable work they do for us and will continue to deliver the high standard of care that they provide to our community. I have no doubt the funding boost will mean improved patient outcomes and, through enhanced ambulance performance and response times, we will see better services for the community of New South Wales. Since 2011 the Government has invested nearly \$11 billion in NSW Ambulance.

The statewide workforce enhancement program announced in June 2018 supported our growing workforce, adding an additional 750 paramedics and control centre staff over four years. I have already mentioned the \$232 million Rural Ambulance Infrastructure Reconfiguration program and now the \$1.76 billion over four years that will provide New South Wales with 1,857 extra paramedics, 210 ambulance support staff, 52 nurses and eight doctors for NSW Ambulance. The paramedics will be based in both metropolitan and regional areas, boosting numbers at existing stations and also staffing the new stations we are building.

Our paramedics and the people who support them are available 24/7, every day of the year, for their local communities. I have seen the organisation's dedicated work and pay tribute to all at NSW Ambulance, from the frontline paramedics to the 000 call takers, dispatchers, doctors and nurses. Each of them makes a vital contribution to the care and wellbeing of patients and the community, responding to emergencies, as well as comforting and showing compassion to people going through difficult and vulnerable times in their lives. We thank them all.

PRESS FREEDOM

The Hon. DANIEL MOOKHEY (22:20): Today I express my alarm at a recent New South Wales Supreme Court order that sent a chill through all of us who value our free press and the role of journalism in holding power to account. Two weeks ago a judge pre-emptively censored the broadcast and publication of an investigation into the cosmetic surgery industry. The investigation was by one of Australia's most respected and prolific investigative journalists, Adele Ferguson. According to the previews that aired for the *60 Minutes* program before it was pulled from air by order of the court on 13 May, Ms Ferguson and her producer, Joel Tozer, were reporting on allegations of horrific abuses of patients by cosmetic surgeons in this fast-growing and often unregulated industry. There is no question that the publication of this story was in the public interest, but we know that threats to use defamation laws are now routinely made in an effort to silence journalists who are pursuing reporting in the public interest.

This order was particularly chilling because, as well as stopping the segment from being aired, it required Nine Entertainment to hand over a draft copy of the program and its allied print story in full to the complainant and the litigant in this matter. Let us be clear about how unprecedented an order of this kind is. It has never happened before to a piece of journalism in Australia. Experts say that a court in the UK would be highly unlikely to issue such a stifling order, and it would never happen in the United States. Another respected investigative journalist, Nick McKenzie, described this as the scariest legal development he had seen in media law in 20 years.

The good news is that Nine and Adele Ferguson were back in the Supreme Court today and they won their appeal. Three judges of the Supreme Court overturned the order. I congratulate Adele Ferguson and Nine on fighting this latest attack on a free press, which is critical for the functioning of our democracy. But this fight is not over. It is not only that the plaintiffs in this case have today launched fresh proceedings against Nine. Whether or not they are successful, defamation laws in this country already routinely chill the publication of journalism in the public interest. Australia is renowned for having one of the most plaintiff-friendly defamation court systems in the world. We already set a very high bar for our journalists when they publish in the public interest, compared to a jurisdiction like the United States or other peer countries of ours. This fight today in the Supreme Court was about stopping orders that would have given every person or organisation who is the subject of a media investigation an effective veto over its publication.

Of course, the organisations that have the most to gain from suppressing information in this way are governments. As members in this Chamber know well, I perform my public duty often by trying to unearth government information that is in the public interest. Often that is information that the current New South Wales Government does not want in the public domain. If court orders like the ones that held off publication of this story today were ever enforced, governments could exercise a frightening right of veto over the public's right to know—a veto they could exercise on their own behalf or on behalf of powerful friends and interests. To be clear, governments of both political persuasions would be tempted to apply this precedent.

If we are not vigilant, we could see a future in this State and in this country where the public never gets to see investigations like those Ms Adele Ferguson led, which led to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. Nor could we ever read stories like those from *The*

Newcastle Herald's Joanne McCarthy, which prompted the Royal Commission into Institutional Responses to Child Sexual Abuse. Nor would the public benefit from investigations by Nick McKenzie into alleged Australian war crimes as well as revelations of corruption and money laundering through our casinos.

Censorship orders like the ones being flirted with by our judiciary could allow the Government to halt the publication of investigations into the mismanagement of the insurer icare, a scandal that saw tens of thousands of injured workers denied compensation and led to the departure of its then CEO. Such orders could have stopped revelations of some of the accounting trickery in the Transport Asset Holding Entity. Court orders like the one faced by Adele Ferguson and Nine would create a system where battles have to be fought by media organisations before publication. Stories would be routinely killed off because it is too expensive to lawyer up and get them published. In defending the work of his journalist Ms Ferguson, *The Sydney Morning Herald* editor Bevan Shields called Australian defamation laws broken and in need of urgent reform. He is right.

DUBBO ELECTORATE

The Hon. MARK BANASIAK (22:25): On a recent trip to Dubbo to officially open the Shooters, Fishers, Farmers Party [SFF] Dubbo office, I was shocked to hear from locals about the many and varied concerns they have for their beloved electorate. To sum up their concerns, there is a sense of overall neglect for their area, whether it be in education, unemployment, violence, police presence or the state of their roads—to name just a few. It is an absolute disgrace that roads like those in the Dubbo electorate can exist in New South Wales, and the situation has deteriorated rapidly over the past couple of years. I travel all over the State and I have never seen such neglect. Luckily I was driving a four-wheel drive, otherwise I would surely have ended up in a ditch. The potholes strewn across and all along most roads were simply unbelievable.

However, there could be a light at the end of the tunnel because the only way the current member for Dubbo will act is through community pressure, particularly when the blowtorch is being applied by the SFF. Positive things happen when an SFF member represents an electorate. Take the electorate of Orange and the electorate of Barwon as examples. I urge anyone who shares concerns for Dubbo's roads, or who has unfortunately had an accident or done any sort of damage to their car as a result of them, to send me photos. I will share them on my Facebook page and the party's page to shine a light on the problem. The electorate of Dubbo needs to seize the opportunity now in the lead-up to next year's State election so something can be done.

Dubbo also has some worrying crime statistics, and little is being done to represent the people who suffer because of them. Nearly everyone I spoke to asked the same thing: Where is Dugald? I explained to them that unfortunately he spends more time doing the rounds in adjoining electorates than looking after his own backyard. An article in the *Daily Liberal* from March this year reported Dubbo as among the worst areas in the State for break-and-enters, with the likelihood of having your home broken into four times higher than anywhere else in the State, according to statistics released by the NSW Bureau of Crime Statistics and Research. That is about 10 break-ins a week. There was a spike in car thefts and malicious damage to property, robbery, sexual assault and domestic violence, and drug use and possession over a five-year period are up as well.

Those statistics are bad enough, but when one considers there are only two 24/7 police stations in the Orana Mid-West Police District, it is of great concern. Those two police stations cover around 170 towns. It is not hard to understand why there is an increase in crime. That is simply not good enough, and SFF will pursue the issue with great vigour over the coming months. There is light at the end of the tunnel. If electorates vote for a Nationals member, they will unfortunately get more of the same if not worse. But if an SFF member represents an electorate, all of a sudden the electorate becomes a high priority for government funding. As they say, the proverbial happens when SFF comes to town. I will have plenty more to say in the coming months about Dubbo. I will spend every little bit of available time travelling around the electorate and being at the SFF office on the main street.

I make one final point on the state of the health system in Dubbo. The Government wants people to believe that significant steps have been taken to improve access to health and hospital services in rural, regional and remote parts of New South Wales, yet stories of systemic failings with poor systems, processes and leadership continue to emerge. One particular case was about a family member of a patient who passed away following inadequate treatment at Dubbo Hospital in early 2020. He was flown to the hospital after sustaining multiple injuries in a motor vehicle and remained there for 5½ weeks where he was allowed to become grossly unwell and septic. Subsequently, he was transferred to Royal Prince Alfred Hospital in a critical condition where he died. While the case is still before the State Coroner, it is evident from it and many more I have heard about that the ability to manage an emergency situation or to diagnose a medical condition quickly and accurately is lacking because this Government continues to hold back the required funding needed to upgrade health services for communities to the level of their peers in Sydney and on the east coast.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The House now stands adjourned.

The House adjourned at 22:29 until Thursday 9 June 2022 at 10:00.