



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday 22 June 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 22 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.

Documents

BUDGET 2022-2023

Production of Documents: Order

The Hon. PENNY SHARPE (10:03): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding the budget estimates and related papers for the financial year 2022-23 in the possession, custody or control of the Premier, Treasurer, Minister for Finance, Treasury or Department of Premier and Cabinet relating to the 2022-23 budget:

- (a) all advice, correspondence, briefing papers and documents provided by New South Wales Government departments, agencies and public trading enterprise sectors to the Treasurer, Treasury or the Department of Premier and Cabinet relating to the 2022-23 budget, including but not limited to:
 - (i) any documents that assess the impact of any of the measures outlined in the budget; and
 - (ii) any models or documents that estimate the revenues to be raised as a result of the measures outlined in the budget.
- (b) all advice, correspondence, briefing papers, budget kits and budget electorate reports provided to any members of Parliament relating to the 2022-23 budget handed down on 21 June 2021;
- (c) any documents, excepting any budget papers tabled in Parliament, provided to individual members of Parliament outlining regional electorate capital works summaries, by electorate, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by Treasury;
- (d) any documents, excepting any budget papers tabled in Parliament, which refer to capital expenses by electorate, by agency, funded by appropriations from Parliament as well as funds from asset sales and other sources, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by Treasury;
- (e) any other documents, excepting any budget papers tabled in Parliament, which refer to capital and recurrent expenses by electorate, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by Treasury; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

BUDGET FINANCES 2022-2023

Production of Documents: Order

The Hon. PENNY SHARPE (10:03): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, Treasurer, Minister for Finance, Treasury or the Department of Premier and Cabinet relating to the Government's 2022-23 budget finances:

- (a) any document detailing recurrent and capital estimates at agency level for the financial years 2021-2022 (revised) to 2022-23 inclusive, noting that printouts provided from Treasury's Financial Information System should only be the version consistent with the 2022-23 State budget;
- (b) any document identifying uncommitted, unallocated funds or contingencies within those forward estimates, noting that printouts provided from Treasury's Financial Information System should only be the version consistent with the 2022-23 State Budget;
- (c) all estimates relating to projects included in the State Infrastructure Plan, Rebuilding NSW, Restart NSW, State Infrastructure Strategy, Metropolitan Strategy and the State Plan;
- (d) any document showing economic and other assumptions underpinning the estimates for the financial years 2022-23 to 2025-26 inclusive;

- (e) any document identifying or qualifying risks and contingent liabilities that might impact the financial years 2021-22 (revised) to 2024-25 inclusive;
- (f) any document that relates to the State's future financial position as revealed in the estimates;
- (g) any documents pertaining to 2021-22 actual budget performance not requested elsewhere in this order;
- (h) all documents pertaining to revenue estimates 2022-23 to 2025-26 inclusive; and
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

IDEAS INC

The Hon. MICK VEITCH (10:04): I move:

- (1) That this House notes that on Saturday 18 June 2022, IDEAS [Information on Disability, Education and Awareness] Inc celebrated its fortieth anniversary, "40 Years for IDEAS" at Tumut Racecourse.
- (2) That this House congratulates the IDEAS Inc staff, board and volunteers on their success in providing access to independent information and opportunities for people with disabilities, their supporters and the community to reach their full potential.

Motion agreed to.

AUSTRALIAN SOCIETY OF MEDICAL RESEARCH WEEK

The Hon. TARA MORIARTY (10:05): I move:

- (1) That this House acknowledges that:
 - (a) the Australian Society of Medical Research [ASMR] Medical Research Week was held from 3 June 2022 to 10 June 2022; and
 - (b) the week is a major highlight of the Australian health and medical research community that seeks to showcase the benefits of medical research.
- (2) That this House congratulates Professor Fiona Wood, who was honoured with the ASMR Medal for her work in medical research, particularly in the fields of burn care, trauma and scar reconstruction.
- (3) That this House acknowledges the life-changing and life-saving work of medical researchers in New South Wales and thanks them for their work securing better health outcomes.

Motion agreed to.

Committees

PORTFOLIO COMMITTEES

Establishment

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:06): I move:

That the resolution appointing the seven portfolio committees reflecting Government Ministers portfolio responsibilities adopted by this House on 8 May 2019, and as amended on 9 June 2021, 12 October 2021, 13 October 2021 and 23 February 2022, be further amended to reflect changes to Government Ministers portfolio responsibilities by inserting in paragraph (e) "Flood Recovery" after "Emergency Services and Resilience".

Motion agreed to.

Budget

BUDGET ESTIMATES AND RELATED PAPERS 2022-2023

BUDGET ESTIMATES 2022 TIMETABLE

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:06): I move:

- (1) That the budget estimates and related papers for the financial year 2022-23 presenting the amounts to be appropriated from the Consolidated Fund be referred to the portfolio committees for inquiry and report.
- (2) That, further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2022-23 initial budget estimates hearings be scheduled as follows:

Day One: Monday 22 August 2022

PC 5 Attorney General

- PC 1 Treasurer, Energy
- Day Two: Tuesday 23 August 2022**
- PC 3 Education and Early Learning
- PC 7 Environment and Heritage
- Day Three: Wednesday 24 August 2022**
- PC 5 Families and Communities, Disability Services
- PC 6 Metropolitan Roads, Women's Safety and the Prevention of Domestic and Sexual Violence
- Day Four: Thursday 25 August 2022**
- PC 7 Local Government
- PC 3 Skills and Training, Science, Innovation and Technology
- Day Five: Friday 26 August 2022**
- PC 6 Transport, Veterans
- PC 1 Finance, Employee Relations
- Day Six: Monday 29 August 2022**
- PC 5 Corrections
- PC 7 Planning, Homes
- Day Seven: Tuesday 30 August 2022**
- PC 4 Customer Service and Digital Government
- PC 1 Enterprise, Investment and Trade, Tourism and Sport, Western Sydney
- Day Eight: Wednesday 31 August 2022**
- PC 6 Regional Transport and Roads
- PC 5 Deputy Premier, Regional NSW, Police
- Day Nine: Thursday 1 September 2022**
- PC 2 Health
- PC 1 Premier
- Day Ten: Friday 2 September 2022**
- PC 5 Emergency Services and Resilience, Flood Recovery
- PC 4 Lands and Water, Hospitality and Racing
- Day Eleven: Monday 5 September 2022**
- PC 4 Agriculture and Western NSW
- PC 1 Aboriginal Affairs, Arts and Regional Youth
- Day Twelve: Tuesday 6 September 2022**
- PC 2 Women, Regional Health, Mental Health
- PC 6 Infrastructure, Cities and Active Transport
- Day Thirteen: Wednesday 7 September 2022**
- PC 4 Small Business and Fair Trading
- PC 5 Multiculturalism and Seniors
- PC 1 The Legislature
- (3) That for the purposes of the 2022-23 initial budget estimates hearings:
- (a) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 a.m. to 11.00 a.m., and from 11.15 a.m. to 12.45 p.m., then from 2.00 p.m. to 3.30 p.m., and from 3.45 p.m. to 5.15 p.m., with 15 minutes reserved for Government questions at the end of the morning and afternoon session, if required; and
 - (b) the portfolio of The Legislature be examined concurrently by Opposition, Crossbench and Government members from 9.30 a.m. until 12.30 p.m.
- (4) That, further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2022-23 supplementary budget estimates hearings be held over five days from 24 October to 28 October 2022.
- (5) That for the purposes of the 2022-23 initial and supplementary budget estimates hearings:

- (a) the committees must hear evidence in public;
 - (b) the committees may ask for explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure;
 - (c) Ministers be invited to appear for the morning sessions only unless requested by committees to appear also for the afternoon session;
 - (d) witnesses, including Ministers, may not make an opening statement before a committee commences questions;
 - (e) members may lodge supplementary questions with the committee clerk by 5.00 p.m. within two business days following a hearing; and
 - (f) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members.
- (6) That the committees present a final report to the House by 23 December 2022.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Reports

The Hon. MARK LATHAM: I table report No. 46 of Portfolio Committee No. 3 - Education entitled *Budget Estimates 2021-2022* dated June 2022, together with transcripts of evidence, tabled documents, answers to questions taken on notice and supplementary questions and correspondence.

The Hon. MARK LATHAM (10:07): I move:

That the House take note of the report.

Particularly with the next round of estimates coming up, this is a very important report. It details the poor experience that the education committee has had with the public servants of the Department of Education. Some of the detail in the report shows that they actively misled the committee by withholding information that was available to them. It continues on from the debate we had last night about Minister Kean. This is completely unacceptable behaviour. The two offenders, Yvette Cachia and David Withey, have resigned—which I welcome—and moved on: one to London and the other to the private sector. The Treasurer should go with them. The report sends a clear message that coming to budget estimates off the back of three or four days of rehearsal with a strategy of withholding information, maintaining secrets, and misleading and deceiving the committee, as this department does, is unacceptable.

I say to the head of the department, Georgina Harrison, who seems to see herself these days as an extension of the Minister's media office, that she needs to brief her officials that they have no other duty at budget estimates than telling the truth, the whole truth. They need to understand that, under the Parliamentary Evidence Act, the department has not been sworn in; individuals are sworn in as citizens and they have a legal obligation. This Parliament has a restitution it can apply legally for those who actively mislead committees. I repeat the very important point from last night's debate. Members across the Parliament put a lot of work in for budget estimates—preparation, questions—and have a responsibility to the people of New South Wales to elicit factual information that is in the public interest. That is why we are here.

It is particularly important, triply important for our Chamber, compared with the other House, because we are a House of review and accountability. I say to Ms Harrison that there should be no more rehearsals, no more prepped answers on how she can withhold information and maintain secrets. She can come to the committee and answer the questions straight and not fall to the fate of Cachia and Withey, who were caught out badly and have now left the New South Wales public service. The recommendation in the report is worth reading out:

That the NSW Government remind all of its public servants appearing before Parliamentary committees that:

- they must at all times provide accurate and relevant information
- they have an obligation to assist the committee in its inquiry and not deliberately impede obstruct or delay the committee in its work
- telling the truth is an obligation from being sworn in as a witness, enforceable under the Parliamentary Evidence Act.

Our committee had another bad experience when Geoff Lee appeared before it. Clearly, he had told his then department head, whom he subsequently sacked in a cowardly fashion, "We're not giving these people any information." In particular, Ministers across the board in this Chamber should be telling their lower House colleagues, "No more of this. We are a serious Chamber with a lot serious people who want serious, accurate

answers," and this report goes to the heart of that. I, for one, will be enforcing the recommendation as strictly as possible in the next round of budget estimates. I hope others do across the Chamber.

Debate adjourned.

Documents

AUDITOR-GENERAL

Reports

The CLERK: According to the Local Government Act 1993, I announce receipt of the Auditor-General's Financial Audit Report entitled *Local Government 2021*, dated 22 June 2022, received out of session and published this day.

MR DAVID BAYNIE

Variation of Order

The PRESIDENT: According to sessional order, I inform the House that on 20 June 2022 the Clerk received correspondence from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, containing a request for variations to an order for papers. I further inform the House that the relevant member who moved the motion for the order for papers has not agreed to vary the order as requested by the Department of Premier and Cabinet but has agreed to the following variation:

- (1) Mr David Baynie, instead of the requested due date of 20 July 2022, that the due date be 14 July 2022.

I table the correspondence. The question is that the varied terms of the order for papers be agreed to.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

That, notwithstanding anything to the contrary in the standing and sessional orders or the determination of the Business Committee, proceedings be interrupted at 5.00 p.m., but not so as to interrupt a member speaking, to allow private member's business item No. 1888 to be called on forthwith and take precedence of all other business until adjourned.

Motion agreed to.

Bills

CRIMINAL ASSETS RECOVERY AMENDMENT (UNEXPLAINED WEALTH) BILL 2022

First Reading

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

Second Reading Speech

The Hon. WALT SECORD (10:16): I move:

That this bill be now read a second time.

As the shadow Minister for Police and the shadow Minister for Counter Terrorism, I am pleased to introduce the Criminal Assets Recovery Amendment (Unexplained Wealth) Bill 2022. I am also pleased to advise the Chamber that the NSW Labor Shadow Cabinet and caucus have given the bill unanimous endorsement. This historic bill follows months of consultation, discussion, research and advice. If passed, the bill will show that New South Wales is once again taking leadership in protecting the community and countering sophisticated criminal drug gangs and their activities.

By way of background, on 17 May this year NSW Labor leader Chris Minns publicly called on the Perrottet Government to make good on its promise to introduce unexplained wealth laws. On 6 June Mr Minns indicated

that Labor would be introducing this bill to State Parliament. The bill, therefore, meets a public commitment of NSW Labor and one that is clearly necessary to support our law enforcement services. I remind members that just last month—May—after charging 18 alleged associates of a crime network, the New South Wales police commissioner, Karen Webb, told the Sydney media how it would be alleged that some of those individuals had raked up more than \$250,000 a week. That was despite not having "any obvious forms of employment".

I also remind the House that back on 12 March last year the Government announced that it would give the NSW Crime Commission increased powers to confiscate the assets derived from serious criminal offences. More than a year ago—18 months ago—the Government promised to do what this bill is doing today; that is, increasing powers for handling money laundering and unexplained wealth. The then Minister for Police and Emergency Services, David Elliott, said the NSW Crime Commission would be tasked with a renewed mission to swiftly prevent, disrupt and reduce the incidence of organised and other serious crime across the State.

That did not happen. Where has the progress been? Where was the action to match the tough talk of this Government? After waiting more than a year—18 months—for the Perrottet Government to progress this sensible measure, NSW Labor will seek, from opposition, to give the NSW Police Force a power it urgently needs to fight and disrupt criminal gangs in western and south-western Sydney. We do not do this lightly. However, in the absence of action by the Perrottet Government, the police Minister or the Attorney General to support the NSW Police Force, it is imperative that someone gets the ball rolling on these needed measures.

How we have wound up in this situation is a matter for the Government to answer. There is much speculation in the public arena that Attorney General Mark Speakman is behind blocking the promise to introduce unexplained wealth laws. Whether the Attorney General or the police Minister is behind the current situation, this Government has an inadequate record on policing and responding to gangs in western Sydney. Yesterday in the Government's own budget press releases the police Minister confirmed that the Government is behind in meeting the promise of 1,500 more police officers it made at the last election. In his own media statement, he confirmed that the Government would allocate \$95.9 million to provide the remaining 550 police officers needed to fulfil its 2019 promise. There is concern within the NSW Police Force about the ability to properly train, as the number of young people coming forward to join the NSW Police Force is not what it used to be.

In other areas, New South Wales has the lowest number of operational staff per capita of any State in the nation: 244 police per 100,000 residents. This is woeful compared to Victoria, which has 312 per 100,000 residents. As for police response times, families in western Sydney—and particularly Parramatta—who request urgent police assistance face some of the longest waits in the State, with 30 per cent of calls for help not answered within 12 minutes. At least one in five urgent calls was going unattended across three-quarters of the State's police regions. The 20 areas with the highest percentage of urgent calls not attended are all in the Sydney region, and the majority are in Sydney's west. The NSW Police Force sets its own benchmark of responding to urgent calls within 12 minutes. Of the State's 53 other policing regions, 43 failed to respond to one-fifth of calls within that time frame. Parramatta topped the State for slowest response times, with a 30 per cent failure to respond within 12 minutes, followed by Kempsey and Liverpool with 27 per cent. But I digress.

It is a shame that Attorney General Mr Speakman, who I acknowledge is away with COVID, has headed the resistance to so many reforms in the area of policing. He has been dragging his feet on tackling criminal gangs in western and south-western Sydney. It is a matter of record that senior police are supportive of these tougher unexplained wealth laws. As one senior police officer stated, "We are not after people doing a cashie for a lawnmowing job. We are after people who are killing people or procuring murders in the streets." The Attorney General of New South Wales is trying to stop the creation of these laws. That is extraordinary. I hope there is a turnaround and that members on the other side of the Chamber support this legislation. Make no mistake: The legislation I put forward does not target people who are doing small cash jobs, such as lawnmowing or haircuts. It is not about targeting the small-scale street dealer who is selling drugs to feed their addiction. This is about targeting drug lords and drug barons. It is not about the cashie but about people who have unexplained wealth of \$250,000 a week.

We have seen evidence of family members of well-known criminal gangs, who live in public housing and have no obvious legal income streams, turning their homes into fortresses with tens of thousands of dollars of security equipment and protection that is well beyond their stated means. We have seen those criminals boasting openly in front of police about their eye-watering illicit incomes. I do not see how this Government could object to these proposed laws. The NSW Police Force needs to have the power and the different ways to seize the assets of those who are suspected of organised crime. They are people who are unable to explain why they have extravagances such as expensive Maseratis, Ferraris and Rolex watches but somehow live in public housing without any obvious legal means of financial support.

It is time to reclaim the streets of western Sydney from criminal gangs, and one of the first steps is to seize their ill-gotten gains. The State Government promised to act on unexplained wealth, but yet again it is all talk and

no action. All we hear are excuses. I see no reason why an organised crime leader does not have to explain where they got their wealth but a law-abiding small business person can expect to be hounded by the Australian Taxation Office for any gap in their business income. Why have a higher burden of proof on law-abiding citizens than on those who have obviously decided to live outside the law? In the meantime, the deadly cost of this lawlessness keeps mounting. We have had at least 13 gang-related homicides in western Sydney in the past two years. Make no mistake: All of this violence is ultimately about money and control over lucrative illegal markets. If you take away the wealth, you take away the incentive.

Today NSW Labor says that enough is enough. It is well past time to target these bottom feeders where it hurts them most. It is now time to target them and inflict maximum damage on their illegal operations. With that in mind, I turn to the specifics of the bill. The bill is for an Act to amend the Criminal Assets Recovery Act 1990 to provide that an unexplained wealth order may be made where a court is satisfied a person's total wealth is greater than the person's lawfully acquired wealth, and for other purposes. The object of the bill:

is to amend the Criminal Assets Recovery Act 1990 to provide that the Supreme Court must make an unexplained wealth order if satisfied, on the balance of probabilities, that the total value of the person's current or previous wealth is greater than the value of the person's lawfully acquired wealth. The burden of proof is on the person to prove that the person's current or previous wealth is lawfully acquired.

Currently the Supreme Court must make an unexplained wealth order if the court finds a reasonable suspicion that the person has engaged in serious crime-related activities or acquired property from another person's serious crime-related activity. The bill removes that additional requirement. The bill also enables the Director of Public Prosecutions [DPP] to make an application for an unexplained wealth order in addition to the NSW Crime Commission, which is the only body that may currently make the application.

I will now summarise the main aspects or points of the bill. As I said earlier, the bill requires that the Supreme Court make an unexplained wealth order if it is satisfied it is more likely than not that the person's wealth is greater than the value of their lawfully acquired wealth. The bill clarifies that the burden of proof is on the person against whom an unexplained wealth order is being sought to prove that their wealth has been lawfully acquired. The bill grants the DPP the power to apply for an unexplained wealth order, in addition to the NSW Crime Commission.

The bill will make it easier to make an unexplained wealth order. It removes the requirement that there be a "reasonable suspicion" that the person against whom the order is made is engaged in a serious crime-related activity or acquired their wealth from someone else's serious crime-related activity. Instead, the bill leaves in place the much broader test already in the legislation that the court is satisfied on the "balance of probabilities" that the total value of a person's wealth is greater than the person's lawfully acquired wealth. Once the Supreme Court is satisfied that the balance of probabilities test has been met, and if the person cannot prove that their wealth was not illegally acquired, the Supreme Court must make an unexplained wealth order. This will require the person to pay the Treasurer, as per the current Act:

... an amount assessed by the Court as the value of the unexplained wealth of the person. Sections 28A to 28C of the Criminal Assets Recovery Act 1990 provide for the making of unexplained wealth orders. The provisions were introduced by the former Labor Government in 2010 and were the first unexplained wealth laws in New South Wales. I acknowledge that the then New South Wales police Minister, Michael Daley, is now the shadow Attorney General. Since then, however, criminals and their sophisticated organisations have become more sophisticated at hiding their illegal activities, assets and wealth. The Government has not matched that sophistication with legislation that allows the proceeds of crime to be effectively confiscated. The bill is an attempt to rectify that.

Criminals with unexplained wealth acquired through suspected criminal activity will be subject to applications from the New South Wales Crime Commission and the Director of Public Prosecutions for unexplained wealth orders. Those orders will require them to hand over any unexplained wealth to the State. I hope the bill goes some way to satisfying the NSW Police Force's concerns and will become another tool for it to fight organised drug crime in western and south-western Sydney. Overall, the bill makes it easier for our law enforcement community to seek unexplained wealth orders where there are appropriate grounds to do so. The current legislation requires that there be reasonable suspicion that a person is engaged in serious crime-related activity or that they acquired their wealth from someone who acquired that property from serious crime-related activity. The bill removes that requirement, leaving in place a balance of probability test, which mirrors similar provisions in other jurisdictions like Western Australia.

In order to issue an unexplained wealth order, the bill would simply require a court to find that it is more likely than not that a person's wealth is greater than the value of the person's lawfully acquired wealth. The balance of probability test is already set out in the Act in assessing the value of a person's unexplained wealth. The bill removes the additional narrower reasonable suspicion of serious crime-related activity test. While the burden of proof is already the subject of the application for an unexplained wealth order to prove that a person lawfully

acquired their wealth—under the section 28B assessment of an unexplained wealth order—the bill replicates that requirement in section 28A under the making of an unexplained the wealth order. The bill commences on the date of assent of the Act, and there are similar unexplained wealth laws in Western Australia as well as in the United States and United Kingdom. Indeed, as I said earlier, the model that Labor brings to the House was developed extensively on relevant parts of the Western Australian Criminal Property Confiscation Act 2000.

This is not new; it is 20 years old. It is not radical. In fact, the bill takes a very minimalist but effective approach. Labor believes that this established, tested and balanced model will support the disruption of organised drug crime. Meanwhile, as I said earlier, in New South Wales many well-publicised, wealthy and known criminals and their families live lives well beyond their documented means without consequence. In some cases, extended family members dwell in public housing with extensive and expensive security measures installed around their units. For example, during a police raid for a COVID breach in last year's lockdown, Rashid Alameddine of the notorious Alameddine crime family said, "All three police combined—I make more than them in one week than they make in a year," and he does not have a lawful job. It is quite a boast, especially given Mr Alameddine, aged 31, was listed as unemployed at the time. He said that in a week he makes three times what those three police officers make in a year.

Why is the Perrottet Government maintaining unexplained wealth laws that tie the hands of our law enforcement community? It is time to redress that imbalance. That is why Labor brings the bill to the House. In conclusion, I thank Parliamentary Counsel for its work on the bill. I commend my staffer, Mr Gabriel Sassoon, for his diligence in overseeing the drafting, researching and preparation of the bill. I urge the Perrottet Government to support this important legislative reform to help our law enforcement agencies clean up the crime gangs of western and south-western Sydney. I commend the Criminal Assets Recovery Amendment (Unexplained Wealth) Bill 2022 to the House.

Debate adjourned.

ROADS AMENDMENT (TOLLING TRANSPARENCY) BILL 2022

First Reading

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

Second Reading Speech

The Hon. JOHN GRAHAM (10:35): I move:

That this bill now be read a second time.

On behalf of the Opposition, I introduce the Roads Amendment (Tolling Transparency) Bill 2022. We believe the bill is an important step for the city and the State to take. There will be more discussion on tolls, on what the Government has termed "toll mania" and on toll relief for drivers. But the bill deals with important transparency measures so that the public knows what is going on and so the city and State can have an honest discussion about where we have got to on the important issue of tolling. The bill seeks to amend the Roads Act 1993 to do three things: first, to provide transparency around the agreements entered into for toll roads; secondly, to require the Government to release certain information about tolls; and, thirdly, to require the display of toll charges at the public entrance of a toll road.

The bill is a response to the ever-increasing toll mania we see in Sydney. We should recall where that term came from: Then Premier Gladys Berejiklian coined the term in the days before 4 July 2020, when the M8 tunnels opened. She and then transport Minister Andrew Constance were so embarrassed that neither of them turned up on 4 July 2020 to open the more than \$4 billion piece of infrastructure. There was not a Government Minister in sight. Respected senior public servant Howard Collins performed the duty. In fact, members of the media put to me that I should open the toll road for the Government, but I refused the honour on that occasion. One of my few regrets in the job is that I did not turn up to cut the ribbon on that very big piece of infrastructure. There was a state of concern about toll mania at the time because Sydney is not only the highest tolled city in Australia—home to more than two-thirds of Australia's toll roads—but also regarded as the highest tolled city in the world, which is a remarkable record.

We know where that toll burden falls. The Government's own data shows that of the top 20 tolled postcodes in the city, 17 are in western Sydney and 13 of those were under heavy lockdowns during COVID. We know that people in those toll-paying suburbs pay a triple penalty. They not only have less access to public transport—that is why they are on the road—but also live further from high-paying jobs in the CBD or in Parramatta and are forced to pay high toll costs, which are rising. The costs of going to work, getting the kids to school or getting to medical appointments add up. Even the Government has conceded that a suburban family with three cars in the driveway could easily pay \$6,000 a year in tolls. Labor simply says that is too much for ordinary working families.

The financial impact is not just on households; it is also on small businesses, tradespeople, truck drivers and taxis. The Transport Workers' Union submission to the tolling inquiry highlighted the impact on the freight industry when it said:

Contract Carriers do not have the expectation that as small business operators they are entitled to a free ride. They are not opposed to toll roads per se and appreciate that occasionally toll roads are required for infrastructure projects to be built. The primary concerns of Contract Carriers are the unsustainable increases of toll prices, the unjustifiably high rates they are required to pay as heavy vehicle drivers in order to do their jobs, the lack of transparency and consultation in setting and increasing toll rates and the lack of compensation afforded to Contract Carriers for toll expenses.

This bill seeks to cement the essential governance principle of transparency in the way we manage road tolling in the State. It is desperately needed. Too often the Government has chosen to hide behind commercial-in-confidence or Cabinet-in-confidence arguments. They are important principles, and there is a line here about what is appropriate, but the arguments have been overused and there is extreme secrecy around the tolling arrangements, the tolling contracts and the amount that drivers are actually paying in tolls. The NRMA has been very clear about its position on the need for transparency. Representatives of the NRMA said this to the road tolling inquiry:

User pays tolling needs to be transparent, equitable, and independently assessed to ensure that motorists are receiving a benefit for the toll they are paying.

They went on to say:

The NRMA believes that all tolls and tolling arrangements should be the subject of independent and transparent oversight to ensure value for money.

These are remarkable assets and remarkable roads, but we should be able to have an honest and mature discussion about the benefits but also about the costs. That is not possible while the Government continues its extreme secrecy around these arrangements. I also acknowledge the fact that Road Freight NSW has made similar arguments. It has stated:

Toll road transparency for charging and increases must go first in glove for toll road reform.

They are the issues that have brought the need for the bill to a head. Contrast that call for transparency and this bill, which would implement transparency, with the secrets, the secrecy and the culture of secrecy that the Government has driven. I am introducing the bill following real frustration at the approach taken during the tolling inquiry. The inquiry asked a simple question of the Government: How much are drivers paying? How much are drivers signed up to pay over the total life of the toll contracts that the Government has signed? It is a simple question that the Treasury had to have modelled and put in the data room in order to sell the WestConnex toll road. The committee invited a second Government submission on this question because the first Government submission totally refused to engage with it. There has been no answer from any of the agencies of the Government. There has been a refusal to cooperate and a refusal to answer basic questions so that we can have this debate, which is so important to the State and the city.

That refusal has been evident in answers to questions on notice as well. The normal response we would expect to get—the response that we do get from other agencies and from Transport or Treasury on other issues—has been lacking in relation to tolling. On tolling, the curtain has been pulled across and there just is no information being made available. I will give an example, which is the question of the WestConnex base case financial model. How long should that data remain confidential? How long should it remain behind closed doors? This is fundamental to answering the question of how much in tolls drivers are paying. Recall that the road has been sold. The commercial transactions about the road are now closed, never to be reopened until after 2060.

So do members think that the key assumptions in the WestConnex base case financial model could be released to the Parliament under privilege, or to the public? Treasury's answer is no; that cannot happen until 2060, despite the fact that for other toll roads, the information has been released in whole to the Parliament. That occurred with two toll roads under the previous Labor Government. This base case financial model cannot be released until 2060. Incredibly, this was Treasury's answer to whether, in 2060, we could then level with people about what was modelled and what the expectations were back in 2016 when this was done. Treasury said this:

The question as to whether or not Treasury would support the release of the WestConnex BCFM after 2060 cannot be categorically answered at this time, and would depend on an assessment of whether or not any of the information contained in the model continued to be commercial in confidence at the time.

I invite members to think about that. These secret arrangements were settled in 2016 and will not be released until 2060, but maybe not released even after that. Cabinet papers would have been released decades earlier. The considerations of Cabinet would have been held open to public scrutiny, but these documents related to tolling deals stay in secret until at least 2060 and possibly later. The Labor Opposition says that that is unacceptable. We reject that approach. We are appalled that the agencies have taken that approach.

The bill deals directly with that refusal to cooperate with what the Opposition hopes is a mature public discussion about tolling and what it means for the city. The former Minister was very clear about what was in those contracts. He said that there are very, very significant compensation clauses. What are they? Well, we are not sure. Without the modelling, without the detail, we do not know how much the public is on the hook for as a result of the secret toll contracts that the Government signed. They are the concerns of the Opposition. They are the reasons for bringing forward this bill calling for tolling transparency.

What is at stake here? One estimate—and this is an Opposition estimate, given the Government's refusal to engage in the discussion—is that between now and the end of the existing contracts, some of which extend to 2060, drivers will pay at least \$115 billion in today's dollars. That is based on some very straightforward assumptions and relates to all toll roads, including the bridge and the tunnel. It is about only the revenue that is flowing through the tolls being paid; it is not about the profits being made. That is an important distinction. It assumes 2.5 per cent traffic growth. That is a key assumption, but growth has certainly been higher than that in recent years. It is for the life of the concessions and no further. It assumes that the tolls stop when the contracts stop—a dangerous assumption, I might add, under this Government—and it assumes 2½ per cent inflation, which is both the assumption for the WestConnex model and the usual budget assumption made by the Treasury.

But that is the extraordinary total, making those reasonable assumptions. The Opposition is happy to have a debate about any of those assumptions, which is why I place them on the record today. But, using those commonsense assumptions, \$115 billion in today's dollars will come out of the pockets of drivers over the life of the contracts. That is why we are here. It is an extraordinary sum. It is an almost unimaginable sum for drivers and almost unimaginable for the citizens of this city, but that is what we have been signed up to.

After years of saying this is not an issue, the Government now says in this budget that there should be further assistance and toll relief for drivers. That is a welcome concession. But what we saw in the budget, which is the reason for the Labor Opposition bringing forward this bill despite the budget measures, is that the Government gave with one hand but took with the other. Drivers got toll relief in the budget but they lost free car registration. For the top toll-paying drivers, that could mean as little as \$200 a year extra in toll relief. That is why the Opposition raises this concern. Of course, those drivers will be hit by bigger toll increases than have previously happened on 1 July, when toll increases will be higher because of the impact of inflation. So assistance was given yesterday in the budget, but assistance will be diminished on 1 July, when toll increases will be double the normal amount. The problem will get even worse as more toll roads open under this Government.

Drivers in Sydney already are paying \$2.3 billion a year in tolls, and there are already a million trips a day on Sydney's toll roads. As I have said, the issue is that the tolls are high and rising, and that is why Labor brings forward this bill. The package announced in the budget represented one step forward and one step back for drivers: They gain toll relief but lose free registration. Of course, some drivers get no help. One example is hardworking truckies. They get no assistance from that policy, and that is why recently the Government's toll policy was described in the media as an embarrassing policy failure.

One of those failures is that in delivering toll relief, the budget delivers a boost to the expected number of cars on toll roads and to the toll revenue of the companies that operate them. My frustration is that if the Government had taken a proper policy approach, toll relief could have been stretched further by asserting one simple principle, which is that any windfall gain and sustained traffic uplift as a result of the Government's policy or another policy should be contributed back to toll relief, drivers and the public interest by the company that benefits from it. That is an alternative policy approach that the Government abandoned.

Toll companies expect their contracts to be honoured, and rightly so. The contracts have been signed by the State; they should not be torn up. For the same reason, a company should not expect a benefit from windfall gains when the Government changes its tolling policy. That is an important principle that Labor asserts. There should be no windfall gains, and the proceeds should be returned to drivers to fund toll relief. Labor asserts that principle as one of the reasons why we believe that under a Labor government tolls will be cheaper than under the approach asserted by this Government, where it is simply a giveaway from consolidated revenue with no policy principle or rigour applied by the Government and its Treasurer.

Fresh from privatising assets, the Premier and the Treasurer have given even more revenue through toll gates rather than insisting that it be handed back to the public interest. There are well-established mechanisms to deal with that, and they come up in a range of toll road negotiations. Those mechanisms have been used in the past to test traffic forecasts and to come to an agreed understanding of traffic uplift. Applying those with independent oversight would deliver a toll relief dividend for drivers. We could simply do more with the same amount of effort from the State. That is not the principle the Government supplied. Ours is a responsible principle, but it has simply been absent from the slipshod way that the Government has dealt with toll relief, and that is one of Labor's frustrations. I turn now to the bill. The bill seeks to legislate a key principle, which is that these tolling agreements must be in the public interest. New section 227B of the bill states:

- (1) The Minister must ensure a tolling agreement is not entered into or substantially amended unless—
 - (a) the Minister has referred the proposed agreement or amendment to IPART for investigation, and
 - (b) IPART has provided a report to the Minister stating that, in its opinion, it is in the public interest ...

That is a key protection that Labor seeks to drive through with the bill. The bill requires that the Minister must ensure that information is published that makes it clear why a tolling agreement is in the public interest and provides the methodology and justification for any differential tolling for heavy vehicles. The lack of transparency around the methodology used to calculate, and the justification for, the three times multiplier on toll roads for heavy vehicles is regularly raised by the freight industry. We should be able to answer its questions. If it is in the public interest, we should be able to spell it out. The bill asks that that be done.

The bill requires the Auditor-General to conduct a performance review into toll road contracts, providing much-needed transparency on tolling agreements. The NSW Audit Office will be granted specific powers for that purpose, which would allow it to audit services contracted to private sector providers. That cannot happen today; it will happen under this bill. That is an important step forward for transparency. The bill prohibits future toll road contracts from containing exclusivity clauses that prevent alternative public transport options being created. An important question that has been raised regularly is: Is the Government constraining public transport options being delivered down the track in these secret agreements? The bill will require that all exclusivity clauses be reported to Parliament within six months of the commencement of new section 227J of the bill. I believe there are few, if any, exclusivity clauses, but it is an important public issue and should be crystal clear rather than being in secret toll contracts behind closed doors. The public has a right to know those matters.

The bill requires that within 12 months of entering into a tolling agreement, the Minister report to Parliament and include a summary of any future tolling agreement and the business case supporting the agreement. In government, Labor went further than the Coalition on important toll roads and released the base case financial model to the Parliament, but the bill would require those summaries to be released. As I have said, the bill requires reporting on the total toll burden and other important measures that agency officials and the Government have refused to provide to the Parliament or to its inquiries. New section 227E of the bill requires that:

- (1) The Minister must, for each financial year 2021-2022, 2022-2023 and 2023-2024, table in both Houses of Parliament a report that includes the following—
 - (a) the total amount of tolls paid ... for—
 - (i) trucks, and
 - (ii) all other vehicles ...

That new section includes a range of other things to be published, including the amount of tolls paid by persons in each local government area, an estimate of the amount of tolls that will be collected for the duration of all toll road contracts, and the total value of toll relief claimed. Other measures are included in that new section. Those are some examples. That new section is unusual, but it is raised in frustration at the extreme secrecy that the Treasury and agencies are providing in their answers that the Parliament cannot know under privilege until 2060 or maybe years beyond. In frustration we are raising those important measures and putting it in the law. The bill mandates signage. New section 216A states that:

A toll operator must prominently display, at every public entrance to a tollway, a sign providing information about the tolls payable for use of the tollway.

We believe that is a commonsense measure that helps drivers. If a person goes shopping at any store in the city, the price of the goods is displayed on a sticker. The same should apply to toll roads. Toll prices change so often, and that is one way that drivers could make an informed choice about the best way to travel around Sydney. Other jurisdictions are already working in that space. A trial of decision point signage has been conducted on Melbourne's CityLink toll road. Its electronic signs feature travel times, but we would like to see the signs include toll prices as drivers approach toll road entrances. The Melbourne trial was well received by drivers, according to customer feedback, and found that:

... almost 70 per cent of people said they would use the sign to inform future travel choices ...

Those are the measures in the bill. I welcome the fact that Treasury and Transport for NSW are conducting a toll road pricing and relief reform review. We look forward to that review and the discussion that Sydney has to have about its tolling deals, which are at such a scale that they are impacting on where people choose to live and work. The system that the Government has signed drivers up to is broken and needs to be looked at. To have a serious discussion about that, we need some transparency and information. That is fundamental to the Parliament and the information should be available to the public. We will have more to say about other forms of toll relief for drivers. The bill is not the Opposition's toll policy but it contains important policy steps to have the discussion as a city and a State on the important issue of tolling. I commend the bill to the House.

Debate adjourned.*Motions***SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS****The Hon. PENNY SHARPE (10:58):** I move:

- (1) That this House notes that:
 - (a) former Deputy Premier John Barilaro was Minister for Regional New South Wales, Industry and Trade from 2 April 2019 to 5 October 2021;
 - (b) on 12 November 2020, former Deputy Premier John Barilaro announced the creation of five Senior Trade and Investment Commissioner [STIC] positions and the creation of an Agent General position in London;
 - (c) during March 2021 NGS Global ran an international and local advertising campaign to recruit the Senior Trade and Investment Commissioners for the Americas, India and Middle East, Greater China, Japan and ASEAN;
 - (d) on 6 April 2021 Investment NSW set out the approval process for appointments to these positions which stated: "All STICs have a structured approval protocol prior to employment. The preferred candidate meets with the Treasurer, Deputy Premier and Premier. If endorsed by all three a Cabinet appointment form is prepared and added as a Cabinet agenda item. Once endorsed by Cabinet, a contract can then be offered to the candidate for negotiation.";
 - (e) on 18 May 2021 two preferred candidates for the Americas STIC were shortlisted;
 - (f) on 17 December 2021 the position for the Americas STIC was readvertised; and
 - (g) on 17 June 2022 the Minister for Enterprise, Investment and Trade announced the appointment of former Deputy Premier John Barilaro as the Senior Trade and Investment Commissioner to the Americas.
- (2) That this House further notes that:
 - (a) taxpayer-funded government appointments must be undertaken with the utmost probity and integrity with all formal processes followed; and
 - (b) the appointment of John Barilaro as the Senior Trade and Investment Commissioner for the Americas was not approved by Cabinet.
- (3) That this House calls on the Government to defer the appointment and commencement of John Barilaro as the Senior Trade and Investment Commissioner to the Americas until the completion of any inquiry and report into the matter by the Public Accountability Committee of the Legislative Council.

Today Labor is asking the House to support a very simple motion, which is that the Government must respect the inquiries and the oversight of the House and that before the Government goes through with any appointment of former Deputy Premier John Barilaro as the Senior Trade and Investment Commissioner to New York and the Americas, it wait until the Public Accountability Committee has undertaken an inquiry and reported to the House. This is a very serious matter. The Opposition was frankly shocked last Friday afternoon, when the New South Wales Government snuck out a pre-budget media release to announce that former Deputy Premier John Barilaro had been appointed as the senior trade and investment commissioner to the Americas, based in New York.

There are serious questions to answer on this matter. What we know so far is that former Deputy Premier Barilaro was the Minister for Regional New South Wales, Industry and Trade from 2 April 2019 to 5 October 2021; on 12 November 2020 he announced the creation of five senior trade and investment commissioner [STIC] positions and an Agent General position in London; and in March 2021 an organisation called NGS Global ran an international and local advertising campaign to recruit senior trade and investment commissioners for all the positions, including for the Americas. It is very clear what the process for the appointment of those commissioners should have been. On 6 April an Investment NSW email stated that a structured approval protocol had to occur for these appointments. The protocol stated that all senior trade and investment commissioner roles should have a "structured approval protocol prior to employment", which requires a preferred candidate to meet with the Treasurer, the Deputy Premier and the Premier. It continues:

If endorsed by all three, a cabinet appointment form is prepared and added as a cabinet agenda item. Once endorsed by cabinet, a contract can then be offered to the candidate for negotiation.

We also now know that on 18 May 2021, two preferred candidates for the Americas senior trade and investment commissioner were short-listed. Today it has been reported that one of those was a very well-qualified and outstanding candidate who had worked for Austrade, Westpac and Telstra and who has won awards, is considered a leading businesswoman, a specialist and an expert in trade, and has had a lot of contact and exposure to both New York and the Americas. At some point this person was accepted for the role and offered the job, and she accepted it. What then becomes unclear is why, at some point, the position that she had been offered was rescinded. She was told, "No, sorry, you don't have the job." Subsequently she also no longer had a position in the public

service and, the Opposition understands, she had to be paid out as a result of this debacle. That in itself is worthy of an inquiry.

What is even more curious is that the position was readvertised on 17 December, just before Christmas, and then last week Minister Ayres announced that the best person for the role of senior trade and investment commissioner to the Americas was former Deputy Premier John Barilaro and that he had been selected. We have also learned that the position did not go to Cabinet, and that the Premier believes it should not have done so. That is a pretty interesting position, given what the Cabinet handbook says and given that any board position that any Minister appoints, even if a person is paid \$10,000, has to go to Cabinet. Why a \$500,000-plus position has not gone to Cabinet is a real question.

Labor welcomes the inquiry into the appointment that the Public Accountability Committee is undertaking. The motion is based on a very simple premise, that there needs to be the utmost probity, integrity and transparency when the Government makes these sorts of appointments. This appointment has been one of the murkiest that we have seen from this 12-year-old Government, and it is unacceptable. The Opposition is asking the House to support a very basic premise: John Barilaro does not get to get on a plane to New York until there has been a thorough inquiry and a report to this House on the circumstances surrounding, and nature of, his appointment.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (11:03): The Government opposes the motion. As currently drafted, the motion contains information that is factually incorrect. Therefore, I move:

That the question be amended as follows:

(1) Omit paragraph (b) and insert instead:

(b) on 4 December 2019 former Premier Gladys Berejiklian, former Deputy Premier John Barilaro and then Treasurer Dominic Perrottet announced the creation of five Senior Trade and Investment Commissioner [STIC] positions and creation of an Agent General position in London, as part of the New South Wales Government's Global NSW Strategy;

(2) Omit paragraph (e) and insert instead:

(e) in July 2021, four candidates for the Americas STIC were interviewed;

These amendments are straightforward and uncontroversial, and seek to correct factual inaccuracies in the motion as currently drafted. I am advised that paragraph 1 (b), as it is currently drafted, incorrectly states that on 12 November Mr Barilaro announced the creation of five STICs and an Agent General. Paragraph (1) seeks to correct the details of that announcement, including when it was made and whom it was made by. Paragraph (1) (e) states that on 18 May 2021, two preferred candidates were short-listed. Again, I am advised that is factually incorrect. In July 2021 four candidates for the Americas STIC position were interviewed. Through these amendments the Government seeks to correct paragraph (1) (d) to ensure that the motion gives a factual account of the initial recruitment process for the STIC Americas position.

More broadly, regarding the rest of the motion, senior trade and investment commissioners are employed as senior executives under the Government Sector Employment Act regulations by the Secretary of the Department of Enterprise, Investment and Trade. It is inappropriate for such public sector positions to be endorsed or approved by Cabinet. The Government rejects in the strongest possible terms that the appointment of Mr Barilaro was—as quoted in media outlets—a "captain's pick" or a "unilateral decision" of the Premier or any other Minister of this Government. I am advised that Mr Barilaro was appointed following an independent and open recruitment process, having regard to the nature of the role and the candidates' qualification, skills and experience. That process recommended that Mr Barilaro was the most qualified and suitable candidate to represent our State's trade and investment interests in the Americas.

Finally, I address paragraph (3) of the motion. By calling on the Government to delay this appointment, pending an inquiry, the motion is asking the Government to interfere with the appointment and employment of a public servant. That is highly inappropriate. It is not the place of elected officials to interfere with the engagement or employment of public servants. To call on the Government to do so is highly unconventional.

The Hon. MARK LATHAM (11:06): One Nation opposes the motion because it supports the appointment. I hope that members see me as hard but fair in my judgements. Every member has probably had reasons to support some of the things that I have said and believe in but would also have had reasons to detest other things. I am strictly independent in that regard. Who better than John Barilaro to be a trade commissioner to the Americas? He was a successful businessman and exporter and, as industry and mining Minister in this State, probably got to know every significant business leader in New South Wales. He has a big personality, and is an engaging and forceful person.

A trade commissioner cannot be a bland, asinine public servant who is too scared to knock on the door. We need someone like Barilaro, who is prepared to knock down the door to open up a new export market into the Americas for New South Wales' enterprises. I would have thought that he is well qualified. He was part of a public service appointment process rather than a statutory one. Alternative candidates who were short-listed in the process included Peter Hendy. Seriously?

The Hon. Penny Sharpe: That was a joke, too.

The Hon. MARK LATHAM: Are you ruling him out, too?

The Hon. Penny Sharpe: No.

The Hon. MARK LATHAM: Okay, Peter Hendy has gone. If you are supporting him, you have obviously never met him because he is as dry as an old boot and as engaging as a Chris Tavaré test innings. He is not the sort of guy who would be a good trade commissioner. Jenny West, who was mentioned earlier, is young and inexperienced and has nowhere near the capability and experience of John Barilaro. It is no contest. To use horseracing parlance, it is Winx versus Itchy Feet. Other candidates included Rob Fitzpatrick, who has done a solid job in the meat industry, but he has nowhere near the credentials and class of John Barilaro; and Anthony Panaretto, who is a banker—nothing fantastic.

The Hon. Catherine Cusack: Point of order: I ask that the member be brought back to the leave of the motion, which does not seek to review and reflect on who the other candidates were. I find the canvassing of other candidates very unseemly. The motion refers to a process.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I accept that. However, an amendment has been moved by the Minister that addresses the other candidates, so I will allow the contribution.

The Hon. MARK LATHAM: There is a critique of Barilaro's appointment. Obviously, it is incumbent upon the Chamber to look at the alternatives. I am just making the point that, by comparison, Barilaro was—

The Hon. Catherine Cusack: I completely disagree.

The Hon. MARK LATHAM: A sobering point of order has been made, but I am not going to be distracted by it. I am entitled to look at the credentials of those who are short-listed, publicised in the paper today. If the Hon. Catherine Cusack has a problem, she can take it up with the media and say, "Do not put those names in the newspaper." There is a leak inside the New South Wales Government. I am reviewing them. I am not being unkind to them. I am saying that they are solid and that they have some credentials. In one case they are inexperienced. Peter Hendy, I would not feed him. Rob Fitzpatrick— [*Time expired.*]

Ms CATE FAEHRMANN (11:09): On behalf of The Greens I support the motion moved by the Hon. Penny Sharpe. The motion calls for the Government to defer the appointment of John Barilaro into this very plum position. The appointment and everything that has come out about it over the past week really does stink. In fact, it has been in the media for not even a week. It is an appointment that stinks of cronyism and "jobs for the boys". It certainly requires a thorough investigation by the upper House, which the Public Accountability Committee will consider at its meeting this week. I am sure this will be a very short, sharp inquiry. We will get to it as soon as we can to get to the bottom of alarming evidence brought forward once again by the upper House doing its job and calling for documents, which is a process that this Government refuses to comply with.

The Hon. Penny Sharpe mentioned the news over night. It is extraordinary that this appointment had been made and this job had been offered to a woman who was incredibly qualified. It was offered to her in August or maybe July—we will certainly get to the time line when we scrutinise the documents and witnesses before the Public Accountability Committee. She had been selected out of a rigorous selection process and then rescinded the appointment in September, it appears, perhaps days or weeks before the then Deputy Premier surprisingly resigned from the Parliament, his role as Leader of The Nationals and his role as Deputy Premier. That certainly smells funny to me. The Public Accountability Committee will look into that. I stress to the Government that the rest of the community thinks this stinks as well. If the Government wants to clean it up and if there is nothing to hide, defer him going to New York and let us put it out in the open. If there is nothing to hide, everything will be absolutely hunky-dory.

Mr JUSTIN FIELD (11:13): I support the motion. The near-universal condemnation at the initial report of this appointment in and of itself justifies the motion. Since we have found out that the person who created the position has been appointed to the position, we have subsequently found out that there was a recruitment process that should have gone to Cabinet. We have subsequently found out that someone else, eminently more qualified, was offered the position and it was taken off her in order to give it to the person who created the position. That just strengthens the argument in support of the motion.

There was near-universal condemnation, and the Government should ask itself why. This is a divisive, destructive, crash-or-crash-through character. Is that the sort of person who should represent New South Wales on the world stage? He was prepared to bring down the Government when he was in government and destroy the Coalition over the right to kill koalas. He then wants to represent New South Wales on the world stage. That is extraordinary. Only a handful of members on the other side of the Chamber think it makes sense in any way, shape or form. It is astonishing that they are doubling down day after day.

The motion makes sense. I implore the Government to support the motion and protect itself. Heaven forbid. Let us look at this so that the Government can crab-walk away from it before it becomes an absolute disaster on the world stage. I support the motion and I support the House looking into this. It smacks of cronyism and nepotism. A \$500,000-per-year job for someone of Barilaro's demeanour is just astonishing. For someone to think that they could be the person who creates the appointment and gets the appointment is astonishing. The motion makes sense, and I support it wholeheartedly.

The Hon. Mark Latham: I support the two amendments. To round off my remarks, there is no doubt that John Barilaro made some enemies in this place because he was a doer.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! The Hon. Mark Latham will—

The Hon. Mark Latham: That is better than someone who is a bludger and does nothing.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will just—

The Hon. Mark Latham: He will be a doer as the trade emissary in the Americas. Speaking in favour of the amendment, the question must be posed in this election season as to why the matter is being raised now.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham will—

The Hon. Mark Latham: What about the other appointments? How did John Robertson, the sponsor of Man Monis, end up as the head of icare?

The Hon. Penny Sharpe: Point of order: I was prepared to let the Hon. Mark Latham go on a little bit, but he is well outside the direct relevance of the motion.

The Hon. Mark Latham: John Hatzistergos is surrounded by all the corrupt MPs. They could not be stopped.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham will resume his seat. The member moved the amendment before the Hon. Mark Latham had the opportunity to speak. He can seek leave to speak for a second time.

The Hon. Mark Latham: I seek leave to speak for a second time.

Leave not granted.

The Hon. PENNY SHARPE (11:16): In reply: I thank members for their contributions to debate on the motion. I do not have a lot of time, so I will deal with the amendments. Labor is prepared to accept amendment No. 1 if that is more accurate. It makes it clear that it was not just the then Deputy Premier, John Barilaro, but it was also, in fact, the Treasurer and the Premier. We are happy to include them in the motion because it is also on them. We would like to move an amendment to the Government amendment No. 2, which is basically a new paragraph (f).

We believe the information in part (e) is accurate, and we have documents to stand by that. We are happy to add in extra information to be accurate. I ask the House to do that when we deal with it at the end. Finally, members have made a good contribution to the debate. It is extraordinary that a position worth \$500,000 per year to go to New York to be the New South Wales representative for trade and investment has been given to John Barilaro. There was a global search for the appointment, and there was a short-list process, as the Government keeps telling us. There was an international search with all the right probity.

A recommendation saying that there was a person who was right for the job was accepted by the former Premier, and she was offered that job. We are not saying that it was approved and nothing happened. This person was offered a contract. We are still not quite sure how much that was. She was offered the job and she accepted the job. Then the person who created the job must have knocked it on the head at some point. If he did not, we do not know who did. We will get to the bottom of it through the inquiry.

The position was rescinded and there was a payout. Again, we do not know how much that was. But we are talking about \$400,000. On top of that, a very well qualified senior public servant, who happens to be a woman, has lost her job in the public service. For the past two weeks Treasurer Kean has been saying how important

women are and how he is going to make every board 40 per cent women. Yet this is the Government's approach to employment in senior roles. That in itself beggars belief. It is a straightforward proposition. I support what Ms Cate Faehrmann said about that. If John Barilaro is genuinely the best person for the job, then show us the process he went through, how he was endorsed and why he is the best person for the job. If not, this stinks to high heaven and it should not stand.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Leader of the Opposition cannot move amendments in the reply speech unless leave is granted.

The Hon. PENNY SHARPE: I seek leave to move an amendment.

Leave granted.

The Hon. PENNY SHARPE: I move the following amendment:

That amendment No. 2 of the Hon. Sarah Mitchell be amended by omitting "omit paragraph (e) and insert instead" and inserting instead "insert after paragraph (e)".

The PRESIDENT: The Hon. Penny Sharpe has moved a motion, to which the Hon. Sarah Mitchell has moved two amendments, to which the Hon. Penny Sharpe has moved a further amendment. The question is that the amendment of the Hon. Penny Sharpe to amendment No. 2 of the Hon. Sarah Mitchell be agreed to.

The House divided.

Ayes21
 Noes17
 Majority.....4

AYES

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

NOES

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

PAIRS

Moselmane Ward

Amendment of the Hon. Penny Sharpe to amendment No. 2 of the Hon. Sarah Mitchell agreed to.

The PRESIDENT: The question is that amendment No. 2 of the Hon. Sarah Mitchell as amended be agreed to.

Amendment No. 2 of the Hon. Sarah Mitchell as amended agreed to.

The PRESIDENT: The question is that amendment No. 1 of the Hon. Sarah Mitchell be agreed to.

Amendment agreed to.

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

Leave granted.

The House divided.

Ayes20
 Noes18
 Majority.....2

AYES

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

NOES

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

PAIRS

Moselmane

Ward

Motion as amended agreed to.*Documents***CASTLE HILL HIGH SCHOOL****Production of Documents: Order****Debate resumed from 8 June 2022.**

The Hon. MARK LATHAM (11:37): No issue is more important for work health and safety than asbestos. It is a slow, dreadful killer for many people, as we know, and this motion calls for papers relating to the severe asbestos concerns at the Castle Hill High School, articulated first by Frank Chung in *The Daily Telegraph* on 2 June when he reported a longstanding problem, which goes back perhaps longer than a decade. Staff members were reported as saying:

... they were so concerned about white dust falling from the ceilings that they repeatedly begged the school to conduct tests, even going so far as to "sweep it up into a zip-lock bag" themselves and hand it to the school.

The article quotes one of the teachers as saying:

People were sweeping up dust from that staffroom, the library and other staffrooms and taking it to the [school] asking for it to be tested for years.

...

One sample, taken from the Human Society and its Environment (HSIE) staffroom in 2016—

that is six years ago—

returned a positive test for both Chrysotile, white asbestos, and Amosite, brown asbestos—considered one of the most hazardous types—but staff were told the test had come back "all clear".

The school reported to the staff falsely that the test was all clear. There is an allegation, repeated by several staff members in my discussions with them, that the school leadership was dedicated to school results and building up the number of overseas students coming in with fees and school revenue. That in itself is a good thing. However, the downside was that the school leadership was so determined to build up that reputation as a school that they swept aside the clear evidence of an asbestos problem. They recklessly pursued school reputation and academic expansion at the potential cost of the safety of students, teachers, staff and sometimes parents. They were worried that if the school reported asbestos, it might be closed down. That is a very serious allegation, and the call for papers should shed light on that material.

Furthermore, it is suggested that the then principal built up her own money pile or account whereby she undertook renovations of the school without departmental approval. Naturally, those renovations would have been knocking down walls and exposing asbestos. The dust was falling from the ceiling. These are very serious allegations. You can imagine how the staff, the teachers, the students and the parents of the school community are concerned about it. Longstanding teachers naturally fear for their health, and they want an explanation as to how, in one clear instance in 2016, there was a finding of dangerous materials but they were told it was all clear. They want an explanation of what happened with building works and other reports of asbestos. The teachers were repeatedly sweeping this material up, putting it into bags and asking for something to be done. However, nothing was done until earlier this year—and now there is this report in *The Daily Telegraph*.

If the House is to call for the papers and examine the documents—to provide accountability and also, hopefully, peace of mind—hopefully, the papers show there was not the level of seriousness that the staff and the students fear. But if that is not the case, we are doing our job to alert the school community to the nature of the problem and belatedly get rectification of something that is a very serious work health and safety matter. At the last sitting I was told that this motion would not be opposed. However, I have made this speech to give the House the detail of where the motion has come from and where it might be going in future. I hope the House can support the motion.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (11:41): At the outset I say that the Government will not be opposing the motion. It is an incredibly important issue. It is also important to put some facts in relation to this on the record. The Government takes the matter of asbestos in schools very seriously. We are open and transparent about our management of asbestos and other materials on school sites, including publication of materials registers on the Department of Education and School Infrastructure NSW websites as well as distribution of works notifications any time work is carried out in relation to asbestos-containing material or suspected asbestos-containing material.

Certainly, there are historic allegations into the conduct of department employees in 2016 regarding the management of asbestos at Castle Hill High School. These are extremely serious allegations, and members should make no mistake about that. They are the subject of investigations by both the Department of Education's Professional and Ethical Standards unit and SafeWork NSW. I understand that there would be anxiety within the school community. However, I can assure the community that the school is currently safe.

In 2020 a program of works was carried out to remediate asbestos at the school. Comprehensive tests were carried out, and all air monitoring returned results below the minimum detection limit. Remediation work was completed, and all relevant clearance certificates were received. Over the course of the 2021-22 holiday period, further works were carried out in the process of improving the staff room. As the area was located in proximity to encapsulated asbestos, the department installed air monitoring to reassure the school community the area was safe. Results from the air monitoring indicated rarer fibres present in a storeroom that were generally not associated with building elements. However, in accordance with the procedures and out of an abundance of caution, the materials were disposed of as contaminated waste.

Testing was in place in other areas of the site where further work was being undertaken. These areas were sealed and made inaccessible to staff and students, with tests returning fibres above the recommended levels. All areas were hygienically cleaned, advice from the hygienists was followed and clearance certificates were obtained signalling the areas were safe to reoccupy. Air monitoring has remained in place to reassure the school community. In March a monitor returned a fibre reading above the recommended level, with further testing indicating that no asbestos was present. No other testing has returned readings that exceeded the recommended levels.

I add that in response to the most recent concerns from the school community, the department has brought forward its annual inspection of the school to ensure that all asbestos matters are appropriately managed. The management is based on the independent expert advice of hygienists and may in some instances include encapsulation of material as the safest method of asbestos management. I further advise that SafeWork NSW has recently issued a statement in relation to Castle Hill High School in which it clearly states that it is confident there are no current asbestos issues at the school. We will continue to work closely with the Castle Hill High School community. However, as I said, I know this order for papers is about historic allegations of matters back in 2016. The Government will not oppose the motion moved by the Hon. Mark Latham.

The Hon. COURTNEY HOUSSOS (11:44): Members would be aware that I have spoken extensively in this House about asbestos in schools. In 2019 the Opposition asked in the order of 30 or 40 questions of the Minister about asbestos in schools. We are incredibly concerned about these allegations at Castle Hill High School, so we will support the Hon. Mark Latham's order for papers under Standing Order 52. It is incredibly important that we have the highest standards of asbestos management in New South Wales schools. I note that my concern, as a result of our questioning, is the way that the onus is put on individual principals in this process. If, for whatever reason, the principal is unable to fulfil those duties—which are essentially those of a building

manager and not of an educational leader; let us be really clear about what the Department of Education and this Government have done by pushing that onus onto principals—then there is a real shortcoming in the response to asbestos in schools. That is certainly our concern in this particular case. We will support the motion, and we look forward to seeing what it uncovers.

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

Motion agreed to.

Bills

ANIMAL RESEARCH AMENDMENT (RIGHT TO RELEASE) BILL 2022

Second Reading Debate

Debate resumed from 18 May 2022.

The Hon. MICK VEITCH (11:46): To assist other members in the Chamber, I will break with the convention that the Government speaks first in debate and the Opposition follows. I lead for the Opposition on the Animal Research Amendment (Right to Release) Bill 2022. The overview of the bill states:

The object of this Bill is to amend the *Animal Research Act 1985* and the *Animal Research Regulation 2021* to make provision for the rehoming of dogs and cats that have been used in animal research, and for related purposes.

In her second reading speech, the Hon. Emma Hurst drew attention to the fact that this bill is similar to a bill brought to this Chamber by the Hon. Mark Pearson. In fact, just a moment ago I referred to it as "Mark 2" of the bill. It is important that members reflect on that history as we work our way through this bill. I am glad the Hon. Mark Pearson is in the Chamber. When he introduced his bill—the Animal Research Amendment (Reduction in Deaths of Dogs and Cats Used for Research) Bill 2018—it created a conversation both amongst members of this place and the Minister at the time, the Hon. Niall Blair, and me.

It would be fair to say that the Hon. Mark Pearson's bill shone a light on an area that not a lot of people had cast their minds to. Those conversations created a way forward for some things to occur regardless of whether the bill was carried or not in this Chamber. The Opposition supported that bill, and the Hon. Niall Blair made some undertakings. At the time, the Government did not support the Hon. Mark Pearson's bill, but Minister for Primary Industries Niall Blair looked at data collection and other things that had not been taking place but would then be put in place, so it was a really important moment in the Chamber.

I said to members at the time that they do not often have their bills passed in this place if they are not a member of the Government. Four years later things have changed, and that is generally not the case. It is interesting how the numbers dictate the feeling of the Chamber. It is my understanding that the Hon. Emma Hurst contributed to the Hon. Mark Pearson's bill, so members should not be surprised by the similarities in the bill now before the House, which has picked up on some of the suggestions. The debate on the Hon. Mark Pearson's bill was conducted in a very good manner, and the bill now before the House has picked up some of those changes. At the time, I presented a couple of concerns that were raised by stakeholders, and the Hon. Emma Hurst has accommodated those suggestions in the Animal Research Amendment (Right to Release) Bill 2022.

The bill gave me cause to reflect upon my contribution to debate on the Hon. Mark Pearson's bill in 2018 to try to understand the Opposition's mindset and those of stakeholders. It is interesting. Currently an upper House inquiry is looking into animals in research. However, this bill relates to dogs and cats only, which is really important because one of the stakeholders I spoke to was not clear on that. It is important that people are aware that the bill is not about all animals in research; it looks at the rehoming of only dogs and cats that have been involved in medical research. When I read my 2018 speech, it was clear that stakeholders had very genuine concerns and, given the process that we have gone through since that time, it is pertinent and right that another version of the bill is before the Chamber. I do not think it pre-empted the inquiry. In fact, it complements the inquiry process.

I have had conversations with my colleague the Hon. Tara Moriarty around the activities and work of the committee inquiry as it relates to the bill. In the conversations we have had regarding the bill, it would be fair to say that the majority of stakeholders I have spoken to support it. Some stakeholders have raised concerns so I flag that I will move an amendment to the bill, and we will deal with that at the Committee stage. Essentially, it was put to us that some dogs and cats may need to be subjected to animal research beyond three years, so provision must be made for that. I will be up-front and say that I have had conversations with the Hon. Emma Hurst about that. I do not want to take away from the bill, but I appreciate the evidence that has been put to me about some instances in which animals must be subjected to animal research beyond three years. The amendment does not make it so that all animals are subjected to that. It is very specific.

The amendment will ensure that for a dog or a cat to be subjected to animal research for more than three years, approval cannot come from the local research body but must be sought from a higher body. It would be fair to say that I have learned a fair bit about this process in the past couple of days while drafting the amendment to ensure that I get it right. A lot of discussion was had about whether the authorising body should be the Animal Care and Ethics Committee or the Animal Research Review Panel. Those are the two potential authorising bodies. After having conversations with various people, it is clear that there are differing views as to which would be the appropriate body to undertake consideration of proposals for animal research beyond three years. The amendment has landed on the Animal Research Review Panel but, to be fair, I have consulted a number of people to work that out and it is not as straightforward as it would appear.

I do not profess to be an expert in the area, so I have had conversations with people about the right way to do that, including with the proponent of the bill, the Hon. Emma Hurst. I make it very clear to the Chamber that if the proposed amendment does not get up, Labor will be unable to support the bill in its current form. Of course, we will support the bill during the second reading debate so that consideration of the amendment can be had in the Committee stage. The amendment has been lodged and I hope it has been circulated to members. Somebody asked me one day, "How many cats and dogs are we talking about?" In her second reading speech, the Hon. Emma Hurst stated:

... in 2020 almost 1,000 dogs and 500 cats were still being kept and used in animal experimentation, just in the State of New South Wales—

That is not for Australia but for the State. A lot more animals are being used in animal experimentation and research than people may appreciate. In her second reading speech on the bill, which focuses on rehoming those animals, she stated:

In 2020 no dogs and only 75 cats were rehomed. In 2019, no cats and only 30 dogs were rehomed.

In discussing that aspect of the bill with people it is clear that, because of the nature of the experimentation and research, not all dogs and cats will be able to be rehomed. They must be socialised, and we must ensure that the dogs and cats go to an environment that is appropriate for their mental state and physical wellbeing. We do not want to put them or their new environment at risk, so it may take a little time. What happens to those animals depends on the experimentation and research that they were exposed to. Some experiments can be quite invasive, as evidenced by testimony to the inquiry. The statistics that are being reported and published are an important aspect of the bill. The fact that the people we spoke to did not know how many dogs and cats were involved in animal research means that we must have publicly available data—not just collected, but publicly available—to assist people to better understand the issue. The numbers that the Hon. Emma Hurst put forward in her second reading speech provide some colour around the problem. I spoke with the Hon. Niall Blair about the bill in 2018—

The Hon. Walt Secord: He is here today.

The Hon. MICK VEITCH: There you go, he must be back from Italy. In my conversation with the Hon. Niall Blair, it was clear that the Hon. Mark Pearson's bill created the environment for change, which was important, although some of those changes did not go far enough. That is why the Hon. Emma Hurst has presented her bill. As I have said, data collection was really important and quite critical, although I think some more work needs to be done in that space. In reading the current bill, it is clear that the next iteration of this piece of legislation attempts to achieve a lot with regard to the rehoming of dogs and cats after medical experimentation, and that is not an easy job. It is also an important job. The position is that some of the requirements in the bill pick up the Labor Opposition's previous concerns. I suggest that Labor's amendment covers off on some concerns raised with us by stakeholders. I will commend that amendment at the Committee stage, if this bill can get there. The Opposition will support the bill, if the amendment is agreed to but, if the amendment is not agreed to, the Opposition will oppose the bill.

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

Visitors

VISITORS

The PRESIDENT: I welcome into my gallery Rikkie-Lee Tyrell, who is working in the office of One Nation and is a guest of the Assistant President, the Hon. Rod Roberts. I welcome Rikkie-Lee and hope that she enjoys question time. I wish Rikkie-Lee all the best with her studies.

*Questions Without Notice***SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS**

The Hon. PENNY SHARPE (12:00): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given that one of the State's most highly qualified trade specialists was appointed as the New South Wales Senior Trade and Investment Commissioner to the Americas in August 2021, why was her appointment to the position rescinded and why was she replaced by former Deputy Premier John Barilaro?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:00): I will take that question on notice.

STATE BUDGET AND WOMEN

The Hon. CHRIS RATH (12:00): My question is addressed to Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Will the Minister update the House on how the Coalition's decade of delivery continues to support women?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:01): I thank the Hon. Chris Rath, a great member and a great supporter of this place, for his question. The Perrottet Government is unapologetically supporting women through the New South Wales budget. The 2022-23 budget is assisting women to feel safe at work, to feel safe in our communities, to feel safe at home, and to have greater opportunities across our construction sector as well. The Perrottet Government is investing over \$100 million in Women's Safety, including \$69.6 million in services that support victim-survivors of domestic and family violence. This funding will expand the Safer Pathway program by including support for victim-survivors throughout the legal process in order to minimise trauma. We know how brave they are in coming forward in the first place. We know how important it is to provide wraparound support to them through that process, and the Government is funding those support services to make sure they feel safe.

A further \$30 million is being invested in helping women feel safer on and around our local streets through the piloting of the Safer Cities program in 10 locations at Parramatta and The Rocks where we will be working with those communities to make sure that we have place making and safer pathways through those areas for women. Forty per cent of women in Australia do not feel safe when walking alone at night in the area where they live, in their local area, in their communities and in their homes. The Perrottet Government is delivering lights for night-time pedestrian paths and additional CCTV as part of up to 10 pilot projects across the State so that our women can feel safe when walking at night.

On the weekend the Premier and the Treasurer, and Minister for Energy and I were at beautiful Parramatta Park. It is a gorgeous park during the day but it should also be utilised at night. That is what the Government is funding so that women can feel safe in those areas. An additional \$4.8 million is delivering the Respect at Work Taskforce to reduce harmful workplace behaviour and achieve a safer and fairer environment for women to work in. Women deserve to feel safe and respected at work in all workplaces. However, sexual harassment is an issue that continues to disproportionately impact women in the workplace. This important task force is being delivered by the Perrottet Government and ensures that dedicated resources are focused on eliminating those behaviours by improving channels for workers to report instances of harassment in a safe and supported way.

Our Government is also investing a further \$20 million in our plan to triple the number of women working in the construction industry. After 16 years of inaction from the previous Labor Government, the Coalition has been committed to promising and delivering large motorway projects that reduce congestion and allow the people of New South Wales to spend more time with their families. That includes WestConnex, which will save motorists from Parramatta up to 40 minutes in travelling to the Sydney Airport. At the peak of construction in 2021, female participation in the WestConnex M4 and M5 link tunnels was at 21 per cent, which was almost double the national average of 12 per cent.

SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS

The Hon. JOHN GRAHAM (12:04): In directing my question without notice to the Leader of the Government, Minister for Finance, and Minister for Employee Relations, I point out that on 6 April 2021 Investment NSW outlined a structured approval protocol for the appointment of senior trade and investment commissioners that required:

... the preferred candidate meets with the Treasurer, Deputy Premier and Premier.

If endorsed by all three, a Cabinet appointment form is prepared and added as a Cabinet agenda item; once endorsed by Cabinet a contract can then be offered ...

Why was this protocol not followed?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:05): I would have thought that if Opposition members wanted to have a productive use of question time, they would have taken cognisance of what I said in a previous answer.

The Hon. Mark Buttigieg: Cop-out!

The Hon. DAMIEN TUDEHOPE: I beg your pardon?

The Hon. Mark Buttigieg: I said, "Cop-out."

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: It is absolutely no cop-out.

The Hon. Tara Moriarty: Why wasn't the protocol followed?

The PRESIDENT: Order! The interjections are unhelpful and disorderly. Responding to interjections is also disorderly. If the Minister has anything further to add, I encourage him to do so.

The Hon. DAMIEN TUDEHOPE: In fact, what this question gives rise to is an unbelievable circumstance, which applies to the management of question time. There are no questions about the budget but something else.

The Hon. Daniel Mookhey: Point of order—

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: Here he comes. No questions about the budget. You had two goes and there was not a question about the budget.

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

The Hon. Daniel Mookhey: I have two points of order, Mr President. The first is that a member cannot debate the question, which the Minister clearly was doing. The second is that the Minister was not being directly relevant to the very detailed and specific question that the Deputy Leader of the Opposition asked, which was, "Why was this protocol not followed?"

The Hon. DAMIEN TUDEHOPE: I heard the question.

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

The Hon. DAMIEN TUDEHOPE: In relation to the strategy that the Opposition adopted for question time, I repeat: I will take that question on notice and invite them to ask questions about the budget.

MOREE CULTURAL ARTS FESTIVAL

Reverend the Hon. FRED NILE (12:07): In directing my question to the Hon. Sarah Mitchell, the Deputy Leader of the Government in the Legislative Council and the Minister for Education and Early Learning, I point out that the Department of Education, through the Barwon education network, has announced a Cultural Arts Festival in Moree for 2023—an event that is for public school students and excludes all other students, including Indigenous students in local Catholic and private schools. In the spirit of reconciliation and equity with the Indigenous community, will the Minister open the invitation to all local schools and not just public schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:08): I thank Reverend the Hon. Fred Nile for his question. This is an issue that I am aware of; it has been raised with me by a number of members of this House, including the Minister for Aboriginal Affairs, the Assistant President, the Hon. Rod Roberts, and the Hon. Mark Latham. A lot of people have raised this issue. I know that one of our members of the Aboriginal Education Consultative Group [AECG] in Moree, Glen Crump, was here yesterday. I know Glen. I lived in Moree for a number of years. I am very well aware of that community and how important the work is.

The Hon. Courtney Houssos: We know Glen, too.

The Hon. SARAH MITCHELL: Great. We all know Glen. I know how great the work is that the local AECG does up there. The Government sought advice from the department when this matter was brought to my attention in the last sitting week. My understanding of that advice is that the festival the schools will be running is not due until early next year. The festival is bigger than just Moree and is looking at a number of schools within the electorate of Barwon and the education networks in the region. They are quite large areas of regional New South Wales. The department anticipates that the festival will include students from a number of schools and

communities in public education across the north-western New South Wales area. My understanding is also that at this point in time there has not been a request from any of the Catholic or private schools to take part in that event.

The Hon. Walt Secord: That is not true.

The Hon. SARAH MITCHELL: I have just said that is my understanding. That is the advice I have received.

The Hon. Walt Secord: Maybe the honourable member would get herself up to speed if she knew about this.

The PRESIDENT: Order!

The Hon. SARAH MITCHELL: Someone is cranky. I do not think members opposite like good budgets. They are not very happy, are they? If I can finish my answer, respectfully, that would be great. As I said, the event is due to take place early next year. It is not unusual for department schools to do certain events. I point to things like the School Spectacular and the NSW Primary Schools Sports Association sporting events. It is not uncommon for public education schools to have events that they do. It is not uncommon for Catholic and independent schools to have similar and separate events. The advice I have is that we will work through the issues with the local community and the local AECG.

Part of the areas and some of the school venues where they were intending to hold the festival have a limit on capacity, so they would need to look at bigger venues. As I said, the event is on the books for early next year. There is plenty of time to work through the issues with the local community. The advice I have been given is that we will look at that, talk to the Catholic and independent schools and see what interest there may be from them to take part. It is important that we acknowledge all of the community in Moree. But, again, it is not unusual for public education to run events. We do that in many different scenarios across the State, but we will work with the local community in the region to make sure we get a good outcome for all the kids in Moree.

BRIGHTER BEGINNINGS PACKAGE

The Hon. PETER POULOS (12:11): My question is addressed to the Minister for Families and Communities, and Minister for Disability Services. Will the Minister please update the House on how the New South Wales Government is supporting vulnerable families?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:11): I thank the honourable member for his question. The New South Wales Liberal-Nationals Government is securing a brighter future for New South Wales families through our life-changing Brighter Beginnings package. Last week I joined the Treasurer, Minister Mitchell and Minister Dominello to announce a record investment of \$376.5 million in child development and family support. I acknowledge the Minister for Education and Early Learning, Minister Mitchell, for her leadership on this package, which includes funding for the statewide implementation of the Pregnancy Family Conferencing program so that more vulnerable families will have access to early engagement and multi-agency support to stay together.

The program is offered to pregnant mothers receiving antenatal care whose unborn babies are assessed as being at risk of harm. Staff work in partnership with families to address issues ranging from the use of alcohol and drugs, domestic and family violence, mental health and homelessness. The program has been successfully operating in six metropolitan sites, supporting babies to remain with their parents after risks have been addressed and support is in place. The program also offers health benefits for babies and parents through early diagnosis of health issues and increased access to a network of support in early life. The new funding will allow up to 24 additional prenatal caseworkers and 17 additional health workers to support a full statewide rollout of the program. The Brighter Beginnings package also includes funding to upgrade and expand the number of Aboriginal Child and Family Centres in New South Wales. Those centres provide high-quality early childhood support and services to Aboriginal children in trusted and culturally safe environments.

The New South Wales Liberal-Nationals Government knows that early intervention is vital to supporting families to thrive. A great example of this is the Kids Early Years [KEYS] Network, which I was pleased to visit in Westmead recently. KEYS is a groundbreaking early intervention program providing multi-agency support, with staff from the New South Wales Department of Education, NSW Health, Commonwealth health agencies and the Department of Communities and Justice. They are collaborating to share data and access to services to help families navigate seamlessly through what can sometimes be a complex web of local services.

The success of the KEYS Network shows what can happen when government and non-government agencies work together to support families in need. To date, KEYS has supported 256 families and 971 individuals since it commenced in July 2021. I thank the KEYS staff and acknowledge their hard work, dedication and

passion. It is great to hear the feedback from families and hear about the support provided to them. One story that stuck with me was from a single mother who was providing primary support for her sister who was undergoing treatment for cancer and also caring for her sister's children. She said that with the support from KEYS, her family and her sister's family were able to stay together because her children's needs and the health needs were addressed.

CATTLE AND ANTIMICROBIAL RESISTANT BACTERIA

The Hon. MARK PEARSON (12:14): My question is directed to the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth, representing the Minister for Environment and Heritage. According to a new report by the Monash University Centre to Impact Antimicrobial Resistance, an alarming proportion of antimicrobial resistant bacteria has been found in packaged beef. We know that the vast majority of New South Wales cattle are sent to feed lots prior to slaughter and they create mountains of contaminated waste that ends up in our soils and waterways, impacting adversely on the environment. Is the Minister aware of this report? What is he doing to address the threat to the health of our waterways and native animals?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:15): I thank the Hon. Mark Pearson for the question. To begin my answer, I give a particular shout-out to my parliamentary adviser, Mitch Coveney, who has just sent me a text from the gallery saying, "We have nothing on this." Members will be shocked to know that I also have nothing on this subject, but I am nonetheless delighted on behalf of my colleague and friend the Hon. James Griffin to take the question on notice and ask him to respond to this no doubt important Monash University study and provide an answer in due course back to the honourable member.

SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS

The Hon. ROSE JACKSON (12:16): My question without notice is directed to the Minister for Women. Given the Government's stated aim to appoint more women to senior positions, was the Minister involved in any discussions about the appointment of Jenny West or John Barilaro to the role of New South Wales Senior Trade and Investment Commissioner to the Americas?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:17): No.

COFFS HARBOUR BYPASS

The Hon. SCOTT FARLOW (12:17): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the progress of the Coffs Harbour bypass?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:17): I thank the honourable member for a fantastic question. I am pleased to report to the House that we are another step closer in delivering the biggest infrastructure project in Coffs Harbour's history, the Coffs Harbour bypass. The Government is committed to building what matters to local communities and securing a bright future for regional New South Wales. That is why, in partnership with the Australian Government, we have committed \$2.2 billion to build the 14-kilometre bypass. That is \$2.2 billion invested straight into our regions to make daily life easier and more efficient for not only commuters but also our freight industry using our road network.

On Sunday, I joined Deputy Premier Paul Toole along with the hardworking local member for Coffs Harbour and good friend Gurmeh Singh to announce the Ferrovial-Gamuda joint venture as the successful tender of the major contract. The joint venture will bring together the Coffs Harbour bypass project team which will work towards the milestone and unlock the potential of the missing link on the Pacific Highway and better freight connectivity.

The project will be delivered using a single design-and-construct contract to ensure that innovation, efficiency and value for money are considered when bringing in the planned bypass to life. Completion of the project will see travel in the region completely transformed by diverting 12,000 vehicles away from the CBD, saving motorists around 12 minutes off their trip, not to mention the 12 sets of traffic lights that will be removed—we always love removing traffic lights. It will ease highway congestion, improve safety and make the CBD a more attractive place to visit, shop and work. The Liberal-Nationals Government is listening to local communities and building what matters to deliver a brighter future for those who live in our regions. The community made it clear that the three tunnels were incredibly important to their vision for the bypass.

With the planning approvals now in place, that is exactly what this Government will deliver for the North Coast and Coffs Harbour communities. The benefits of the project to the region will continue for generations to come. The bypass is expected to open to traffic from late 2026, with construction to be completed in 2027. The Government has made it clear that the expectation is for more jobs for locals, and I am pleased to say that many of the jobs will be filled by local people who were involved in the Pacific Highway upgrade that this Government

jointly delivered in 2020. Members on this side of the House are delivering a brighter future for New South Wales families, which those opposite will never get the chance to do.

CAMPBELLTOWN PERFORMING ARTS HIGH SCHOOL

The Hon. MARK LATHAM (12:20): You would not bet on that, would you? My question is directed to the Minister for Education and Early Learning. Why on the Minister's watch has Campbelltown Performing Arts High School become a sexuality school? Is the Minister aware of parental and student concerns that when the school organised a live production of *Romeo and Juliet* last month, the two lead performers were female and engaged in passionate romantic kissing in front of the children? Also, why does the school have large signs on both sides of its office building promoting lesbianism, homosexuality, bisexuality, transgenderism and pansexuality? Given that our high school students are three to four years behind Chinese students in several subjects, why is sexuality such as this even needed for a good public education in New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:21): I thank the member for his very specific question relating to the performance of *Romeo and Juliet* at Campbelltown Performing Arts High School. He asked if I was familiar with the play at the school; I am not. I am not familiar with a lot of the issues that he raised in his question. I do not have information regarding some of the allegations in the question. To comply with your ruling to be directly relevant, Mr President, I will take the question on notice. As I said, I do not have any knowledge of the matters to which the member is referring. I will seek advice and come back with a response in due course.

SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS

The Hon. TARA MORIARTY (12:22): My question without notice is directed to the Minister for Women. When did the Minister first become aware of the decision to rescind Jenny West's appointment to the role of New South Wales Senior Trade and Investment Commissioner to the Americas?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:22): I find this line of questioning so disappointing—the constant personal attacks on people all the time. I would expect better, I really would. The question was, when did I become aware of—

The Hon. Walt Secord: The rescission of the appointment of Jenny West.

The Hon. BRONNIE TAYLOR: I have not been made aware of any particular appointments. They did not involve me, as I stated in my previous answer.

STATE BUDGET AND ABORIGINAL OUTCOMES

The Hon. TAYLOR MARTIN (12:23): 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 New South Wales Government is prioritising Aboriginal outcomes and Closing the Gap to support Aboriginal communities throughout New South Wales?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:23): I thank the honourable member for his question. This week the Government has made an unprecedented investment in Aboriginal communities that is both prioritising Aboriginal outcomes and Closing the Gap to support Aboriginal communities in this State. I am so proud to announce that as part of this year's budget we are allocating an additional \$716 million over four years to bolster Aboriginal outcomes and Closing the Gap. This is the largest investment in recent history into Aboriginal outcomes and will significantly shift the dial on Closing the Gap targets.

Gone are the days when the Government tells Aboriginal people, "We know what's best for you." We cannot keep writing the narrative without Aboriginal people, which is why we are listening to and working with Aboriginal communities, and investing in programs that reflect local priorities. I know that past governments have not adequately supported Aboriginal people. But now, in partnership with the Coalition of Aboriginal Peak Organisations, also known as CAPO, we are in a position to make significant and meaningful progress. That funding will be allocated across three key areas: first, directly to Closing the Gap initiatives; secondly, to other projects across government that are improving Aboriginal outcomes; and thirdly, to other investments such as the transfer of Me-Mel, formally known as Goat Island, back to the Aboriginal community.

Across all three key areas the Government is foregrounding a locally driven approach. For example, \$30 million was allocated to the Community and Place grants program. This flexible program will provide grants of up to \$250,000 to initiatives that will deliver immediate on-the-ground activities to help Close the Gap. A few months ago, the Premier and I travelled to Coonamble on Gamilaraay and Weilwan country to meet with local Aboriginal communities. We were told the community needed better infrastructure to deliver stronger health

outcomes in that region. In particular, the Coonamble community needed a bus to transport patients from Coonamble to Dubbo, allowing them to access quality treatment. That can be made possible through the Community and Place grants program.

I am telling this story to stress the fact that we cannot measure success on money alone; we need to measure success on outcomes. This Government is keeping Aboriginal children at school and helping them thrive. This Government is facilitating Aboriginal economic empowerment. This Government is improving health outcomes, the justice system, housing and access to land rights. And last but not least, this Government is supporting Aboriginal languages and culture, respecting and acknowledging the past as the cornerstone to a diverse New South Wales. Aboriginal outcomes and Closing the Gap are top priorities in this State. We will achieve success. I thank the House for its ongoing bipartisan support.

FISHING SANCTUARY ZONES

The Hon. MARK BANASIAK (12:26): My question without notice is directed to the Minister for Regional Transport and Roads, representing the Minister for Agriculture. In a written question regarding a senior Department of Primary Industries who was caught fishing in a sanctuary zone I asked, "To what extent did the employee and the other anglers present have the potential to threaten or harm such species and otherwise damage the conservation value of that sanctuary zone?" The answer provided by the Minister was, "Negligible, given the line fishing method used." Given the Minister's answer, when can New South Wales fishers expect all sanctuary zones to be opened for line fishing?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:27): I thank the member for his question directed to the Minister for Agriculture, whom I represent in this place. As the member is seeking an extension to the answer I have given to the question that he originally posed, I will take it on notice and get an answer from the Minister for Agriculture in due course.

SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS

The Hon. PETER PRIMROSE (12:27): My question without notice is directed to the Minister for Women. When did the Minister first become aware that John Barilaro was under consideration for the role of New South Wales Senior Trade and Investment Commissioner to the Americas?

The Hon. Scott Farlow: Point of order: In the questions that were asked by the Opposition before this one they touched upon the Minister's portfolio responsibilities. This question has no bearing whatsoever on the Minister's portfolio responsibilities and should be called out of order.

The Hon. Courtney Houssos: To the point of order: A number of Opposition members want to participate in this. The question goes to the Minister's responsibilities with a public appointment. This could be an appointment that was made by the Cabinet. If it is not, as the Minister has previously outlined in her response, she is welcome to provide a short answer. But the Opposition is well entitled to ask her about her ministerial responsibilities, and this is an important issue to be pursuing.

The PRESIDENT: I do not uphold the point of order. I refer members to the ruling given by former President Willis and former President Ajaka that questions not relating to public affairs in New South Wales are out of order. The question relates to public affairs in New South Wales. This appointment's processes have been contemplated today. One of those processes was a Cabinet process. As the Minister is a member of Cabinet, I rule the question in order. The Minister has the call.

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:29): It would be really nice if those opposite would take the topic of women in senior roles in the public service seriously and stop using it to their political advantage. That is all they do.

The Hon. Courtney Houssos: Point of order: The Minister is debating the question instead of providing a directly relevant answer. It is a specific question and not one that invites a spray across the Chamber. We invite her to provide a directly relevant answer.

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

The Hon. BRONNIE TAYLOR: Talking about women in senior roles, I wonder how Jodi would feel about this. We have women in 42.7 per cent of senior roles. Those opposite do not like that, do they? They do not like it.

The PRESIDENT: Order! The Minister will resume her seat. I cannot hear what the Minister is purporting to say. It would be most fortunate if members would give the Minister the respect to address the Chamber and respond to the question. The Minister has the call.

The Hon. BRONNIE TAYLOR: As I said, 42.7 per cent of senior roles in the public service are filled by women. We are working towards 50 per cent, which is great. For anything else, I refer to—

[Opposition members interjected.]

The PRESIDENT: The Minister has the call and will complete her answer.

The Hon. BRONNIE TAYLOR: I refer to my previous answer.

The Hon. PETER PRIMROSE (12:31): I ask a supplementary question. I thank the Minister for her response. In light of her support for the appointment of women to senior positions, did she ring Jenny West to congratulate her on her appointment?

The Hon. Sarah Mitchell: Point of order: That is a completely new question that in no way relates to anything the Minister said.

The PRESIDENT: Order! Members on my right will restrain themselves for a moment. The question is drawing a particularly long bow. On this occasion, I will not allow it as a supplementary question.

STATE BUDGET AND EDUCATION

The Hon. SHAYNE MALLARD (12:32): My question is addressed to the Minister for Education and Early Learning. Will the Minister please update the House on what the New South Wales Government is doing to support students in New South Wales through the 2022-23 budget?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:32): I thank the honourable member for his question. It is good to be talking about the budget. If only those opposite would ask us some questions about it. The Government has made significant investments in education through the 2022-23 budget. Just yesterday I spoke about our commitment to the early years with historic, unprecedented and generational investment in building the early childhood workforce, making it more affordable and accessible as well as supporting health, development and learning in the first 2,000 days of life through our Brighter Beginnings initiative, which my friend and colleague Minister Maclaren-Jones touched on in her answer earlier today.

The landmark reforms complement our ongoing investment in students across New South Wales, with a record \$25.9 billion across early childhood education and care, schools, and skills and training in this year's budget. The budget allocates \$17.2 billion to the Department of Education to support public schools and continue our reforms to modernise the New South Wales schooling system. We will continue with the implementation of the Ambassador Schools program to identify and drive school excellence, a keystone of the School Success Model, which drives student outcomes through whole-system, evidence-based teaching and learning. We are supporting professional development and creating a centralised teaching resources hub to support the rollout of the curriculum reform. We are building on measures to attract and retain high-performing teachers for New South Wales schools.

The funding also maintains our commitment to the National School Reform Agreement, supporting students across the State through a needs-based, sector-blind funding model. We are continuing our investment in school building with an additional \$1.6 billion for new capital works, supporting the delivery of 23 new and upgraded schools. That takes our total investment over the next four years to \$8.6 billion, to deliver 160 new and upgraded schools. Since 2017-18 we have invested \$9.1 billion in our school building program and the funding in this year's budget continues that record of growth, which now stands at a total investment of \$17.7 billion. That is the biggest investment in public school infrastructure by any government in history. The budget also includes an additional \$1.2 billion for maintenance, taking the total investment over the next four years to \$2.2 billion, ensuring that schools right across the State are well maintained.

Of course, learning does not end when students finish school, and the Government continues to invest in skills and training. I give a shout-out to my friend and colleague Minister Henskens for his work in this space. The budget allocates \$25.1 million for Careers NSW to provide career guidance to residents, with a view to supporting both adults and high school students. Some \$82.7 million has been set aside to support a further 70,000 fee-free training positions, and we are continuing to roll out the Educational Pathways Program. The budget makes it clear that the Liberals and The Nationals are investing record amounts in education. We are building schools, modernising the system and driving the best educational outcomes for New South Wales students, starting from the early years with investment in early childhood education and care, right through to skills and higher education.

FIREARMS REGISTRY

The Hon. MARK BANASIAK (12:35): My question without notice is directed to the Hon. Sarah Mitchell, representing the Minister for Police. In a media release yesterday, the Minister for Police announced \$434 million in capital expenditure, including upgrades to the NSW Firearms Registry in Tweed Heads. How

much of that capital expenditure will specifically relate to the upgrade of the NSW Firearms Registry and how can we trust that the Minister is going to upgrade the right building, given that the NSW Firearms Registry is actually located in Murwillumbah?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:36): I thank the honourable member for his question. I have every faith that the Government will deliver on the commitments it made in the budget yesterday, particularly about upgrading the Firearms Registry.

The PRESIDENT: I call the Hon. Walt Secord to order for the first time. I know he is upset that he has not been called to order yet, so I will not disappoint him. The Minister has the call.

The Hon. SARAH MITCHELL: In all seriousness, it is an important question wanting specifics about budget commitments that were made by the Deputy Premier and Minister for Police about investment in capital projects within his portfolio. I will take the question on notice and we will go from there.

SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS

The Hon. WALT SECORD (12:37): My question without notice is directed to the Leader of the Government. Given that board appointments that pay more than \$10,000 per year are required to go to Cabinet, why did the \$500,000 per year appointment of the Senior Trade and Investment Commissioner for the Americas not go through that process?

The PRESIDENT: Order! The Minister has the call and does not need assistance.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:37): The premise of this question—

The Hon. Daniel Mookhey: Is accurate.

The Hon. DAMIEN TUDEHOPE: —is inaccurate. The question is predicated on transparency. Those opposite want to ascertain exactly what has happened. So where is the Parliamentary Budget Office's bill—

[Members interjected.]

The Hon. Penny Sharpe: Point of order: My point of order relates to direct relevance. If the Minister does not have anything to say, he can just take the question on notice and we can move on.

The PRESIDENT: I uphold the point of order. The Minister will resist temptation.

The Hon. DAMIEN TUDEHOPE: I am always struggling to resist temptation on a whole variety of things. I will resist that temptation. Those opposite are seeking transparency about this issue. I am sure that they have other vehicles to explore it over time. For the purposes of today, I will not contribute to the vault of information they are seeking to uncover and the volume of questions they are asking about this issue. I will take the question on notice.

STATE BUDGET AND MENTAL HEALTH SERVICES

The Hon. WES FANG (12:39): My question is addressed to the Minister for Mental Health. Will the Minister update the House on how this year's State budget is delivering support for people facing suicidal or mental distress?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:39): I thank the honourable member for his policy-related question. After the extraordinary events of the past couple of years, supporting people's mental health is more important than ever. That is why I am pleased to announce that we have had the largest increase in the State's mental health investment in our history. More than \$300 million in additional funding will go towards continuing and expanding the Towards Zero Suicides program and supporting post-pandemic mental health recovery. The additional funding will also see the New South Wales Government roll out universal aftercare to anyone who survives a suicide attempt. This will ensure that everyone discharged after a suicide attempt in New South Wales will receive at least three months of follow-up and wraparound support, reducing the incidence of a second attempt.

For the first time, New South Wales will jointly fund the Commonwealth headspace network, the new adult Head to Health centres and the child and adolescent hubs—or junior headspaces, as we call them. This budget will deliver \$143.4 million across four years for Towards Zero Suicides to fund suicide prevention initiatives. This expands on the Government's \$87 million investment in 2019-20. It will deliver \$60.7 million over four years for aftercare, which I just spoke about, to support people who have attempted suicide or experienced a suicidal crisis. That is on top of the \$9 million previously invested in a trial of aftercare in 2019-22 that clearly demonstrated the benefits of the program.

The Government will invest \$46.5 million over four years to substantially expand and enhance headspace services, ensuring it can reach more young people across the State. We are also establishing Head to Health hubs that will see multidisciplinary teams operating with a "no wrong door" approach to support for adults experiencing mental health challenges. There will be new child and wellbeing community-based hubs to strengthen support for parents, improve intervention early in life and increase access to multidisciplinary care for children aged zero to 12 years and their families. The Government is helping new and expectant parents to access mental health support and counselling early. There is also an additional \$28.5 million for Lifeline to boost crisis counselling services. This funding builds on the \$25.5 million already invested in supporting its vital services since 2019. I thank those at Lifeline, particularly all the volunteers, for the incredible job they have done.

I am very pleased to confirm that we will fund a major expansion of the new Banksia Mental Health Unit beyond that originally committed to by this Government in 2019. We will see a new floor added and the establishment of child and adolescent services in Banksia, and this will include additional beds. It is all about building a better Banksia. The investment is focused on people and supporting their mental wellbeing during a difficult time. I am proud to stand here as the State's longest serving mental health Minister to deliver this budget.

GLENDALL MINE AND RAVENSWORTH ESTATE

Ms SUE HIGGINSON (12:43): My question is directed to the Hon. Bronnie Taylor, representing the Minister for Planning. Given that the final decision about the Glendell continued mining project is near, will the Minister ensure that the Department of Planning and Environment will allow all of the relevant information and evidence about the cultural heritage significance of the Ravensworth Homestead and surrounding estate before the Independent Planning Commission? In particular, will the Minister ensure that the Department of Planning and Environment stops misrepresenting and downplaying the cultural heritage significance of the Ravensworth Estate?

The Hon. Scott Farlow: Point of order: The Ravensworth Estate is listed as an item of business on the *Notice Paper* for today. It is item No. 19, from memory. Mr President, I invite you to consider whether a question can be asked in anticipation in that regard.

The PRESIDENT: I uphold the point of order as a result of the topic being listed in the order of business for today.

SENIOR TRADE AND INVESTMENT COMMISSIONERS

The Hon. MARK BUTTIGIEG (12:44): My question without notice is directed to the Leader of the Government. Did the senior trade and investment commissioners for North Asia, India, the Middle East and the Association of Southeast Asian Nations—or ASEAN—go to Cabinet for approval?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:45): This tests my memory. Again, I will take that question on notice.

The PRESIDENT: Order! The Minister has the call.

The Hon. Daniel Mookhey: You have the memory of an elephant. You remember every slight.

The Hon. DAMIEN TUDEHOPE: I accept the interjection. I do remember every slight that I receive. I remember every one of them, and the Hon. Daniel Mookhey is a professional at delivering them. He is a professional, but tomorrow will be his day. Tomorrow we will find out about the debt position that the Opposition will deliver, and whether it will engage in tax reform for the people of New South Wales.

The Hon. Daniel Mookhey: Point of order: The Minister is not being directly relevant to the excellent question that my colleague asked.

The PRESIDENT: I thought the Minister had taken it on notice.

The Hon. DAMIEN TUDEHOPE: I have, in fact, taken it on notice.

The Hon. Daniel Mookhey: You can't remember.

The Hon. DAMIEN TUDEHOPE: I do not remember, is the short answer. That is the reason why I will take it on notice.

The Hon. MARK BUTTIGIEG (12:46): I ask a supplementary question. Will the Minister elucidate that part of his answer where he said, "This tests my memory"? Are we to take it that, therefore, he has no recollection whatsoever? Or does he have some recollection? Testing the memory is an ambiguous term that I would like the Minister to elucidate.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:46): I congratulate the member, because that is exactly the sort of cross-examination I would engage in if I was in a court case and someone had answered the question that way. I congratulate the member. It is an improvement, generally, on the way he performs. He delights us all with his ability to engage in the debate. But there are two ways that you can remember things. You can have a direct recollection of something, or you can have a process recollection of something. I do not have either a process or a direct recollection of the matters that were articulated in the question. In those circumstances, so that I could never be accused of misleading the House—and that would be a dreadful thing to do—I would prefer to make sure that I refresh my recollection—

The Hon. Mick Veitch: Assist your recollection.

The Hon. DAMIEN TUDEHOPE: —and assist my recollection. So that I can assist and refresh my recollection, I will provide the answer on notice, as I previously alluded to.

SPORT AND WOMEN'S SAFETY

The Hon. LOU AMATO (12:48): My question is addressed to the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Will the Minister update the House on how the New South Wales Government is working with the sporting sector to improve women's safety?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:48): I thank the honourable member for his question. The topics of women's safety and sport are particularly close to my heart. On Monday 20 June I was joined by incredible leaders from many sporting codes across New South Wales to discuss the issue of women's safety in sport. The roundtable focused on exchanging ideas on how the New South Wales Government and the sporting sector can work together to create an environment of respect, consent and safety for women, both on and off the field. The panel—which included Tiffany Robertson, Head of AFL NSW/ACT; Raelene Hooper from the Sports Bra Project; Campbell Aitken, one of my absolute icons and Head Coach of the NSW Waratahs Women, such a successful team—discussed what initiatives and opportunities are available for women as players and how they are important role models in our community.

Furthermore, the panel discussed how women in our sporting organisations are driving change across the various sporting codes. To that discussion, we had guidance from Maria Nordstrom, the very tall CEO of Basketball NSW; Stephanie Brantz, well known to many in the media and who is also the director of Football NSW and a great advocate; and Dave Trodden, CEO of NSW Rugby League. While each sporting code is unique—they have their different nuances and we have our different favourites—we all agree that women deserve respect, both on and off the field, whether they are grassroots or elite players. From the sidelines to the boardroom, we are looking at ways to encourage that message of respect, consent and safety across our sporting sector.

As the former sport Minister, I understand the love that we have for sport and the influence it has on Australian society and our community. It is regularly broadcast on television and radio. It brings together different cultures and communities across our country, and there is no more beloved issue than talking about a grand final or a game on the weekend. It is a setting where the values, attitudes and behaviour are learnt and are replicated. That is an important point, because the sporting sector offers a unique and influential way to meaningfully address gender inequality, promote respectful relationships and prevent violence against women.

The roundtable provides the Government an opportunity to discuss best practice within the sporting sector and explore opportunities to collaborate and replicate those outstanding achievements, progress and initiatives. The Perrottet Government is committed to promoting women's safety through significant investment into the prevention of domestic, sexual and family violence. That is why we have a dedicated Minister in that role. It is a great privilege for me to serve in that role, and that is why we have record investment that goes with that commitment. This sporting roundtable is an important opportunity for the New South Wales Government to consult with the industry to drive long-lasting social change to address domestic, family and sexual violence in New South Wales.

NURSE-TO-PATIENT RATIOS

Ms CATE FAEHRMANN (12:51): My question is directed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Given the \$4½ billion investment in new healthcare workers is significantly more than the \$1.3 billion that the Parliamentary Budget Office costed for nurse-to-patient ratios to be implemented in New South Wales, why did the Government not implement ratios in this budget to ensure nurses and midwives will be able to work in an environment that is safe for both staff and patients—something that frontline healthcare workers, particularly in regional New South Wales, have been saying is so essential for them to stay in the job?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:52): I thank the honourable member for her question. In New South Wales, we have a ratio system. It is called "nursing hours per patient day". That is how we work out how we staff our hospitals. The Government has always been open and transparent about that, and that is what we have supported. I know there has been some confusion because the Labor Party originally supported ratios but then backflipped on that during the parliamentary inquiry when it voted against ratios—but Ms Cate Faehrmann held firm with her view on that. The Government has always been transparent and up-front about what it uses for the ratio system.

I welcome the 10,000 new employees coming into the New South Wales health system. We should see about 4,000 of those new employees coming into rural and regional New South Wales. I am really proud of the Government's incentive package. We have worked towards shaking up the incentive program in New South Wales for health workers. As I said, when I first came into this portfolio, my immediate priorities were workforce and looking at the Isolated Patients Travel and Accommodation Assistance Scheme. We have delivered in spades on both of those priorities in this budget. It has been wonderful to see the third-party endorsements coming through from Can Assist, the Cancer Council and the Isolated Children's Parents' Association, saying how that investment is needed.

The member's question was specifically about the investment package of three quarters of a billion dollars to increase the workforce. I am hoping that when we fill those critical, empty roles in rural and regional New South Wales that package will take pressure off nurses who have been doing double shifts and fill those vacancies. There is a lot ahead, but we have had a cracking start and we have had a great response from the ground. The Government has always been clear about the nursing hours per patient day system. That is how we work it out. As I said, the Labor Party backflipped on that, but Ms Cate Faehrmann did hold firm.

Ms CATE FAEHRMANN (12:54): I ask a supplementary question. The Minister referred to New South Wales already having in place the nursing hours per patient day system. Why is it then that nurses on wards in regional and rural hospitals are still saying that they are the only nurse for sometimes 12 to 16 patients, whereas legislated ratios would ensure that that type of untenable situation did not happen? Is the Government's nursing hours per patient day system actually working? Will the Minister elucidate how the system is working to keep patients and nurses safe?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:55): Respectfully, as we know, this is a workforce issue. It is really difficult to work a double shift; it is exhausting. We have asked health workers to do it multiple times because we have a workforce shortage in rural and regional New South Wales. Of course, COVID has made it difficult. The high number of people who are still furloughed has been a real issue. Regardless of whether it is nursing hours per patient day or whether it is ratios, the real issue is workforce shortages. When all those positions are filled I think that will create a much better outcome because we will have more workers on those shifts doing those jobs in our rural and regional hospitals and hopefully we will not be seeing any doubling up.

As I said, the Government is constantly looking at things. We have had the nursing hours per patient day system in place for a long time. That is why we have always been so honest and so transparent about it from the beginning. I have done many pre-poll days with the nurses' union and with the Labor Party, which used to support ratios but which does not support it now. We have always been up-front about that because nursing hours per patient day relate to the acuity of patients and whether someone can manage four or five patients. Patients might have cellulitis or something else that can be easily managed or patients with higher acuity might be really unwell and need one-on-one care. That is why we stand by the system. We have always been open, honest and up-front, and we have had the integrity to stand by our convictions.

The Hon. DANIEL MOOKHEY (12:57): I ask a second supplementary question. Will the Minister elucidate a reference she made in her original answer to the additional health staff who are to be employed over the next 12 months? How many of them will be nurses, and how many of them will be midwives?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:57): I thank the honourable member for his second supplementary question. When we plan things in health we look at where the shortages are and those are the positions that we will fill. That is exactly what we will look at. I cannot give the exact number of nurses and midwives right now, but we will look at where those vacancies are across the board and what we need to concentrate on. We do things responsibly and effectively, and we look at where the most need is, whether that is nursing, allied health or whatever the profession. Health is a multidisciplinary service that has multidisciplinary functions and a responsible approach is what works best for patients. We have evidence that demonstrates that. That is exactly what we will do. We will continue to do that and we will continue to move forward. This budget for regional health is absolutely amazing. It has been great to have third-party endorsements.

The Hon. Daniel Mookhey: Point of order—

The PRESIDENT: The Minister has completed her answer.

TEACHER SHORTAGES

The Hon. ANTHONY D'ADAM (12:59): My question without notice is directed to the Minister for Education and Early Learning. What is the Government's response to parental and teacher concerns about severe teacher shortages in New South Wales continuing to impact on the education of children across the State?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:59): I thank the Hon. Anthony D'Adam for his question relating to our teaching workforce in New South Wales. It is a great opportunity for me to put a few facts on the record, not least the fact that New South Wales has the largest public education system in the country. We have more than 92,000 teachers in public education in New South Wales. The vacancy rate in New South Wales public schools is less than 3 per cent and has remained largely consistent over the past few years. We are doing a lot to support our teaching workforce, particularly around recruiting additional teachers in New South Wales. We are on track to deliver our 2019 commitment to recruit an additional 4,600 teachers over four years, with more than 3,400 teachers already recruited.

The PRESIDENT: Order! The Minister will resume her seat. If members want to chat across the table, I ask them to wait until after question time or to take it outside the Chamber. The Minister has the call. I ask that they show her that respect.

The Hon. SARAH MITCHELL: Mr President, thank you for your ruling; it is a very good one. So far this year the department has also granted more than 3,000 approvals to teach. Schools have more and more positions thanks to record funding. Some 7,300 full-time teachers have been employed to provide additional support across the system, which is 12½ per cent higher than necessary under enrolment-based staffing entitlements. These bonus positions have led to an unprecedented ratio of one teacher to every 14 students.

Obviously, in last year's budget \$125 million was allocated for our NSW Teacher Supply Strategy. That is a four-year funding roll-out. We are rolling out many of the initiatives under that program. We are also continuing to work around issues such as teacher workload and reducing red tape. We have set targets for a 20 per cent reduction by the end of the year to improve teacher workload and reduce some of that administrative burden. There is a range of initiatives under our curriculum review, including the online resources that I mentioned earlier in question time. It is all about helping to address some of the issues around teacher workload, which is something that we need to be doing as a government.

I make the point, as I have in earlier question times in relation to these matters, that we are still feeling the impacts of COVID and the flu season in our school communities at the moment. There is no question about that. Part of the challenges that schools are going through at the moment is having large numbers of staff calling in sick and recruiting the casuals they need to fill those higher numbers, which are unusual. COVID and flu are impacting our communities, and our school communities are no different. As a government, we are continuing to invest in our teaching workforce and we have a range of initiatives under our Teacher Supply Strategy. We want to work constructively with our teachers, who are on the ground each and every day doing a great job to educate our kids, and we will continue to do that.

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

Supplementary Questions for Written Answers

SENIOR TRADE AND INVESTMENT COMMISSIONERS

The Hon. WALT SECORD (13:02): My supplementary question for written answer is directed to the Leader of the Government. On what days did the North Asia, India and Middle East, and ASEAN trade and investment commissioners go to the Cabinet?

CAMPBELLTOWN PERFORMING ARTS HIGH SCHOOL

The Hon. MARK LATHAM (13:03): My supplementary question for written answer is directed to the Minister for Education and Early Learning. Will the Minister address the concerns of the working-class parents of Campbelltown about the way in which the Campbelltown Performing Arts High School has emerged in several respects as a sexuality—

The Hon. Rose Jackson: I don't know how to tell you this, but working-class people—

The Hon. MARK LATHAM: You might treat these people with disdain but I do not. I represent them, unlike you.

The PRESIDENT: Order! The member might return to his supplementary question for written answer.

The Hon. MARK LATHAM: Working-class parents in Campbelltown want a school based on education rather than sexuality, addressing the issues I mentioned earlier in question time.

The Hon. Penny Sharpe: They want performing arts.

The Hon. MARK LATHAM: There is nothing to do with the performing arts with what happened there. If you were their parent, you would—

The PRESIDENT: Order! Has the member finished the supplementary question for written answer?

The Hon. MARK LATHAM: —sympathise instead of being an inner city elite who could not give two hoots about working people in Campbelltown.

The PRESIDENT: The Clerks have asked me to request that the Hon. Mark Latham clarify the supplementary question for which he is seeking a written answer. There is a bit of confusion.

The Hon. MARK LATHAM: People can raise their kids the way they like. The working-class parents in Campbelltown want an answer as to why the school has become a sexuality school, with the theatre performance I mentioned earlier on, the signage inside the school and the deterioration in education standards. What is the Minister's response to these parents, who have been on the phone to me in distress about what is happening at the only high school that they have available to them in Campbelltown?

Written Answers to Supplementary Questions

STATE BUDGET AND FORSTER PUBLIC HOSPITAL

In reply to **the Hon. COURTNEY HOUSSOS** (21 June 2022).

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health)—The Minister provided the following response:

As noted in the budget papers, completion dates provided in the budget papers are the expected financial completion of a project, which is when all contractual obligations have been met. As detailed in the budget papers, the financial completion of the hospital will be in 2025.

Completion of construction often occurs prior to the financial completion. Construction timelines will be confirmed as planning progresses.

Health Infrastructure and Hunter New England Local Health District continue to focus on site selection and planning for the new public hospital in Forster-Tuncurry.

The PRESIDENT: I will now leave the chair. The House will resume at 2.30 p.m.

Private Members' Statements

MODERN SLAVERY ACT

The Hon. GREG DONNELLY (14:31): In a private members' statement in February last year I said:

... I do not believe that the Premier and the Government are genuine or acting in good faith when it comes to getting the Modern Slavery Act 2018 proclaimed and operational in this State. They say they are but their actions demonstrate something very different.

It is not my intention to re-examine the Government's dishonest behaviour over a long period regarding this important piece of legislation. Suffice to say that, having passed this Parliament with almost unanimous support in both Houses, the Act received royal assent on 27 June 2018. But then, without a word to anyone, the Government deliberately placed it in the deep freeze. Proclamation was denied and the Act languished, not for months but years. That shameful act will forever be a dark stain on the Government. In October and November last year the Government finally brought to the Parliament amendments to the unproclaimed Act—amendments, I might add, that were proposed by the Government on a take-it-or-leave-it basis. In other words, either they were agreed to or the Act would never make it onto the New South Wales statute book.

Many honourable members and I and MPs from the other place saw the amendments as retrograde and damaging to what was acknowledged as a world-class piece of anti-slavery legislation. Nevertheless, the bitter medicine was very reluctantly swallowed, given we effectively had no real choice in the matter. We are nearing the end of the first six months of operation of the Act. Although the Government managed to get the legislation proclaimed—it commenced on 1 January 2022—once again the Government is spiking this Act from becoming fully operationalised. Not satisfied with thwarting the will of the Parliament once, the Government is now doing all it can to strangle this legislation at birth.

Key to the legislation is the appointment of the anti-slavery commissioner. Part 2 of the Act outlines in detail the extensive range of work and activities to be undertaken by the anti-slavery commissioner. The fact is

that without the appointment of the anti-slavery commissioner, the Act will not come to life and achieve what it was intended to do. I call on the Government to appoint the anti-slavery commissioner without further delay and enable that important work to commence.

The Hon. Damien Tudehope: We have been.

The Hon. GREG DONNELLY: That is good news. I could not get that from the Attorney General's office. There is not only a moral obligation but also a legal obligation to do so.

UKRAINE AND ANIMAL WELFARE

The Hon. MARK PEARSON (14:34): Earlier this year Ukrainian animal welfare organisation UAnimals reported that Russian forces had shelled Best Friend, a private animal shelter on the outskirts of Kyiv. UAnimals wrote in a post on Facebook, "More than a thousand dogs died in the fire." "The Ark wild animal shelter was also attacked," it wrote, "with Russian forces shooting both guards and animals." Meanwhile the ADA Foundation, a no-kill animal shelter in Przemysl, Poland has been providing homes to displaced animals. Even as bombs fall, ADA staff risk their lives by driving into Ukraine, emptying out shelters and offering space, food, medicine and veterinary care to animals that refugees cannot keep with them or carry over the border. Even larger wild animals have been rescued. A bear and a wolf from Ukraine found a new home at a bear sanctuary in Romania.

Even when their own lives are at stake in explosive and violent situations, people still care about animals. Even in the middle of a warzone, animals are not objects. They are members of our family. Even wild, free creatures have their own personalities, thoughts and feelings, and the same ability to suffer as humans. Once the forgotten victims of war, the stories of animals caught in warzones now make television news. From families and their companion animals hiding in makeshift bomb shelters, to homes and animal shelters being violently obliterated, we are seeing how animals suffer and die as a result of war. Recognising this fact does not negate human suffering. In fact, it deepens it.

When animals suffer in war, the people who love them suffer too. Having seen photos and real-time coverage on social media of the war's impact on animals and of lives torn apart, people around the world are holding their cats and dogs tighter. Pets not only suffer in wars, but also domestic, farmed and wild animals, including those animals that are forced to serve in battle. Some 16 million animals served in World War I and most of them never came home. In World War II on the Eastern Front the German Army lost 179,000 horses in just two months. During the Afghan and Gulf wars of the 1990s more than half of the farmed animal population in Afghanistan was killed by mines, and over 80 per cent of farmed animals in Kuwait were killed. It is time to learn from animals. They do not kill or maim humans or each other over their beliefs, nationality or religion.

THIRLMERE FESTIVAL OF STEAM

The Hon. LOU AMATO (14:37): In the Southern Highlands we know how to put on a real show. This weekend Wollondilly Shire Council and Transport Heritage NSW are powering up the locomotives for the 2022 Thirlmere Festival of Steam, which will take place this Saturday and Sunday on 25 and 26 June. Thanks to the work of member for Wollondilly Nathaniel Smith, Transport Heritage NSW and the New South Wales Government, heritage trains will return to Colo Vale for the first time in over 30 years. In mid-2023 the \$14.6 million Government-funded project will see the loop line, an historic rail corridor stretching from Sydney's south-west to the Southern Highlands, open for our prized steam locomotives.

The investment will contribute significantly to the local visitor economy in the Southern Highlands and support the continued success of the NSW Rail Museum. The Southern Highlands is one of the jewels of New South Wales with its wide-open spaces, green hills, forested valleys and beautiful colonial towns. It dwells in a time when life was simple and the air was fresh. Where else would one go to experience the forgotten times of steam locomotion? The Southern Highlands, of course. The Southern Highlands is not only the steam train capital of New South Wales, but possibly Australia—maybe even the world.

During the 2019 election, Nathaniel Smith, MP for Wollondilly, campaigned hard to make Wollondilly the steam train capital of Australia. Since his election, we have seen the return to service of the much-loved 3801 steam locomotive and the largest steam locomotive ever to operate in New South Wales, the Beyer-Garratt 6029. We can now look forward to the much-anticipated loop line in mid-2023. The loop line will be open to take time travellers on a memorable trip through long forgotten railroads in ancient valleys and gorges. Can you hear the sound of the whistle echoing in your mind upon the green rain-washed hills of the Southern Highlands?

This coming weekend, the 2022 Thirlmere Festival of Steam will showcase the amazing work that has been achieved in preserving our rail heritage. That event is not to be missed. There will be market stalls, steam train rides and a chance to visit the rail museum, which is packed full of fully restored and operational locomotives, including relics of a time that has passed. Bring the kids, who will be delighted to see a life-size Thomas the Tank

Engine locomotive. Come along and enjoy the yearly celebration of our rail heritage in the beautiful township of Thirlmere. As Nathaniel Smith would say, "Toot, toot! All aboard!" We hope to see you all there.

FAMILY AND DOMESTIC VIOLENCE LEAVE

The Hon. PETER PRIMROSE (14:40): For more than eight years the union movement, spearheaded by the mighty Australian Services Union [ASU], has been campaigning for 10 days of paid family and domestic violence leave to be part of workplace entitlements. While men can, and do, experience family and domestic violence, it is an issue that disproportionately affects women. We already know that women who are experiencing or who have experienced family and domestic violence have disrupted work histories, have lower wages, will change jobs frequently, and generally work in insecure and part-time work.

In 2018, as part of the regular review of awards, the Fair Work Commission put five days unpaid leave into over 100 awards. It was a small step, but one that applied to only 2.6 million workers covered by an award. That decision did not provide access to the leave for the approximately 11 million workers covered under the Federal industrial relations system, as this provision was not included in the National Employment Standards. Having family and domestic violence in the National Employment Standards means that award- and agreement-free workers have access to that leave, should they need it. In an award, they do not. In continuing to campaign on this issue, the ASU and the union movement generally finally achieved what they set out to do.

Recently the Fair Work Commission gave a provisional decision that 10 days paid family and domestic violence leave should be an award entitlement. Paid family and domestic family leave gives women the time, support, and job security they need to escape and recover from an abusive relationship, without experiencing a financial impost that comes from not working. With the recent Federal election, and Labor's commitment to including 10 days paid family and domestic violence leave in the National Employment Standards, in one of his first acts as Minister for Employment and Workplace Relations, the Hon. Tony Burke wrote to the Fair Work Commission, and confirmed:

Consistent with the commitments made in the Government's Secure Australian Jobs Plan, the Government intends to introduce 10 days paid family and domestic violence leave into the National Employment Standards as soon as possible.

This means that more than 11 million workers, rather than 2.6 million workers, now will have access to this paid leave, should they need to use it. Michele O'Neil, the Australian Council of Trade Unions President said, "No worker should ever have to choose between their income and their safety." The Federal Labor Government has set the standard for other jurisdictions to follow. There are many policies, and many things have been achieved and will be achieved by governments of all the flavours, but this one is particularly special. I commend it to the House.

SPEED ADVISER APP

The Hon. ROD ROBERTS (14:43): I speak on a matter that requires common sense to prevail. Any road injury or fatality is one too many. As parliamentarians we should be trying to do everything we possibly can to ensure that New South Wales drivers are safe on the road. So far, I must say the Government is doing a pretty good job—credit where credit is due—at improving road safety with New South Wales road deaths the lowest since 1923.

It has come to my attention that the Government has created an app for mobile phones that provides audio and visual warnings when the user exceeds the speed limit. That is a great idea and just goes to show what this Government can come up with if it really wants to. The Speed Adviser app provides accurate speed zone information across the entire New South Wales road network. It is so accurate that it announces when school zones are active and even announces when winter-only speed zones are active in the Snowy Mountains region. However, this is where the praise stops.

I was surprised to find out that the Speed Adviser app is not available for L-platers or P-platers. Why is that the case? The Minister, who fortunately is present in the House, says that young and novice motorists "are particularly vulnerable to distractions and risks on the road—and no-one would disagree with that—as they are still developing their driving skills. This is why the New South Wales road rules prohibit learners and provisional drivers from using a mobile phone, handheld or hands free, while driving or riding. Accordingly, these motorists are not permitted to use the Speed Adviser app."

Now young inexperienced drivers arguably need the app the most. The Minister is concerned about young drivers being distracted but at the same time she is happy for novice drivers and riders to be constantly taking their eyes off the road to check their speed. How is this less of a distraction than hearing an alert from the Government's own app? Furthermore, L-platers and P-platers are allowed to use a global positioning system [GPS] device, as long as they are in an approved cradle. The crux of the matter is how is a GPS in a cradle any less

distracting than having a mobile phone in a cradle only running the Speed Adviser app? Also, it is worth noting that many new cars have a built-in GPS, speed zone recognition and speed alert warnings.

Mr Deputy President, I do not know what sort of car you drive—I suppose I do—but I can tell you for a fact that most young drivers on their L-plates and P-plates do not have that sort of technology available in their cars. Most young people buy their first car from money they have saved up from working a casual job while still at school. Those cars are often older vehicles that are not fitted with the same safety features of newer cars. That is another reason why L-plates and P-plates should be allowed to use technology like the Speed Adviser app. Finally, as mentioned in this Chamber yesterday, the Hon. John Graham noted in a different debate that even experienced drivers such as he often struggle to know what the speed limit is. What chance do young, inexperienced drivers have when even the Hon. John Graham often struggles to know what the speed limit is? Allowing L-plates and P-plates to use this app on a device fixed in a cradle is common sense. [*Time expired.*]

HAWKE GOVERNMENT ECONOMIC RATIONALISM

The Hon. CHRIS RATH (14:46): I see today that the Leader of the Government is reading an autobiography of an amazing Australian and finance Minister during the Hawke Government, Peter Walsh. I looked through the books in my office and thought that I would add to this discourse by bringing to the House's attention two of my favourite books: *The March of Patriots* by Paul Kelly and *The Longest Decade* by George Megalogenis. With that in mind, today I rise to pay tribute to two economic rationalists who, unlike those opposite, understood market mechanisms in economic policy: Bob Hawke and Paul Keating.

The Hon. Rose Jackson laughed at my comment in the take-note debate after questions without notices yesterday, but I will repeat it now. There is no doubt that Bob Hawke and Paul Keating would today sit on the Government side of the House—the side of productivity reform, the market and economic liberalism. In 1983 both the unemployment and inflation rates were above 10 per cent. Australia had suffered for years under stagflation—a result of low productivity combined with disproportionate wages growth. It was the same year that Prime Minister Bob Hawke famously took the initiative to sign the Prices and Incomes Accord.

The accord was a genius deal with the Australian Council of Trade Unions [ACTU]. The unions had agreed to curtail wages growth and reduce industrial disputes. Why would Hawke and the unions agree to curtail wages growth? The answer is simple: to prevent a price-wage inflationary spiral. Union-demanded wage increases cause price increases, which in turn cause further union-demanded wage increases, creating a positive inflationary feedback loop. Hawke and the ACTU understood that the superlative wage increases will only ever make the average worker worse off. What they gain in nominal salary growth they lose in inflation. Hawke proved this theory in the booming years to come, enabled by his rationalist economic framework. By comparison, those opposite seem to have no comprehension of the macroeconomic impacts of their promises.

It is easy for Chris Minns to say that workers deserve better than the 3.5 per cent wage cap rise offered by the New South Wales Government. But if Bob Hawke was alive today, there is no doubt he would reject the deceptive and misinformed rhetoric of NSW Labor. Minns similarly continues to disparage privatisation and competition policy reforms. He need not be reminded that one of the country's earliest major privatisation projects was the three-stage privatisation of the Commonwealth Bank of Australia, going from one of the most inefficient to one of the most profitable retail banks. That was a project implemented by Labor Prime Minister Paul Keating, accompanied by the privatisation of Qantas, by floating the dollar and by major tariff protection reductions.

RELIGIONS FOR PEACE

The Hon. WALT SECORD (14:49): Since 2012 I have been hosting the New South Wales chapter of Religions for Peace at State Parliament, and on 20 June we held a special session in the President's dining room to mark the tenth anniversary. It was also a fitting occasion to honour and formally acknowledge the work of its convenor, Josie Lacey, OAM. I take this opportunity to say a few words about Mrs Lacey and the organisation. I have known and loved her since 1988. She adopted me and became my Aussie mum when I was a journalist at the *Australian Jewish News*. Since then we have had countless Shabbat dinners and Pesach Seders together. Born in Romania, she came to Australia as a Jewish refugee fleeing Nazi Europe in 1939 with her parents and brother. In 1992 Mrs Lacey was awarded an OAM for services to community relations and the Jewish community.

The New South Wales chapter of Religions for Peace comprises spiritual leaders and adherents of the Buddhist, Bahai, Jewish, Muslim, Sikh and Hindu faiths as well as the various Christian denominations, including the Uniting Church in Australia, the Catholic Church and the Egyptian Coptic Orthodox Church. It has since added other faiths, including Indigenous beliefs and Zoroastrianism. The group is a model of how we should conduct ourselves. It carries out all of its activities with respect and dignity for others. It is also a model for New South Wales as we strive for a harmonious and tolerant society.

Importantly, I also acknowledge Josie's husband, Ian Lacey, AM. Impressively, they have been married for 61 years. Their work and their relentless fight against injustice have always taken place in the context of their inspiring and loving partnership, with each complementing the other's skill set and achieving great things as a team, including, notably, the historic anti-racial vilification laws in New South Wales. Together they have three daughters, Ruth, Dr Judith and Rebecca. In November 2018, Josie published her memoir *An Inevitable Path*, and I was proud to be at the Sydney Jewish Museum for its formal launch. As the title of the book suggests, she was always on a path to fight intolerance and injustice. Finally I end on a formal message from the Executive Council of Australian Jewry's co-CEO Mr Peter Wertheim, AM, which was read out at the meeting. It reads:

Heartiest congratulations from all of us at the Executive Council of Australian Jewry on completing ten wonderful years as Convenor of Religions for Peace in NSW.

Under your dedicated leadership, the group has brought together distinguished representatives of eight different faith communities to share with one another the spiritual treasures of their respective religious traditions, and to contribute the knowledge and experience that has grown from those traditions to put forward solutions to contemporary problems that leave no one behind.

The group's inclusion of First Nations people has served to broaden and deepen our understanding of First Nations spirituality and connection to country. That has helped demonstrate that religions are more powerful, inspiring and impactful when they work together in mutual respect. All of the work has been enhanced immeasurably by the many decades of experience that Josie and Ian had at the cutting edge of interfaith and intercommunal cooperation and by the many close friendships they formed with a wide range of political, civil society and communal leaders. We know that they did that work as a labour of love, but we are indebted to both of them all the same. By strengthening the ties that bind us together as spiritual beings, they have enhanced the cohesiveness of our diverse society for the benefit of all. I thank Josie and Ian for their magnificent contributions to our beloved Australia.

STATE BUDGET AND TAXI INDUSTRY

The Hon. MARK BANASIAK (14:53): Slapping the taxi industry in the face is becoming somewhat of a habit for the Government. This time, Treasurer Matt Kean's 2022-23 budget delivered the slap. The budget does not include the proposed increase in compensation for the taxi industry despite eight long years of tireless lobbying by the industry and the Shooters, Fishers and Farmers Party, and despite the undertaking given by members of the Government that \$1 billion would be delivered to the industry. I have personally spent the last 24 hours talking owners, operators and drivers down off the ledge. The industry has followed due process. It has respected protocols. It is time that it is treated with respect in turn. The Treasurer has been in the media responding to negative press on the missing compensation, saying that a compensation package already exists for taxi licences. That is a blatant lie.

In 2016 the industry received an assistance package from the Baird Government that was taxed to the hilt. Prior to rideshare coming to Australia, taxi licences in New South Wales were bought for upwards of \$300,000 per licence plate. Transport for NSW's own data shows a capital loss of \$1.59 billion as a result of the Government's mismanagement in regulating the industry. The assistance package still has money in it to this day because the Government refuses to spend it appropriately. Industry advocates have followed due process; they have respected parliamentary and government protocols. They have been patient, but their patience has run out. Industry groups have met with Ministers, the Government, the Opposition and crossbench members, and over 50 members signed the Taxi Industry Pledge, which states, "I support fair compensation for taxi owners who lost the value of their licence."

There is little doubt that support for compensating the industry is strong in this Parliament and in the community, but obviously not strong enough for the Premier and his Treasurer. The industry has the support of everyone except the two people it needs the most. Having closely observed the Treasurer's political rise through the Liberal Party to the position he currently holds, it appears to me that the only thing he reacts to is pressure in his own electorate. One negative pop-up sign in his electorate is enough to send him scurrying under his office table seeking cover. I am sure the taxi industry could easily muster dozens, if not hundreds, of taxis to drive around his electorate office, honking as they drive past, bringing attention to their plight.

To be clear, I am not attacking rideshare. The mess and tragedy were created by the Government, and now we have another Minister getting his marching order from the Uber lobbyist Michael Photios. He is just another in the conga line of Liberal Ministers who do not give a damn about the industry. They would rather splash \$600 million on electric vehicles that no-one wants to drive. If the Government wants cars off the road, it needs to back a point-to-point industry instead of throwing money away. I call on transport Minister Elliot and regional transport Minister Faraway, who I know have met with the industry, to speak to the Premier and Treasurer and urge them to show some respect to an industry that, despite its desperation, has shown nothing but respect to them.

STATE BUDGET AND THE ILLAWARRA

The Hon. PETER POULOS (14:55): The 2022-23 New South Wales budget, as outlined by Treasurer Matt Kean, reaffirmed several key financial commitments to the Illawarra, complemented by new announcements, which I welcome in my role as Parliamentary Secretary for Wollongong and the Illawarra. I will recognise some

of the milestone projects that will transform the Illawarra for the better. Some of the budget highlights include the Government's commitment to spend \$113 million over the next four years to deliver three new state-of-the-art rugby league centres of excellence to support the development of future male and female NRL players.

As acknowledged by both the University of Wollongong and the St George Illawarra Dragons, the contribution by the New South Wales Government helped cement the \$50 million plan to establish the St George Illawarra Dragons Community and High-Performance Centre at the University of Wollongong Innovation Campus. I also welcome the \$3.5 million allocation—\$4.5 million in recurrent expenses over two years—to develop a detailed business case and master plan for the Illawarra Sports and Entertainment Precinct, which has been long-awaited.

As a result of the \$1.76 billion boost to frontline emergency care, NSW Ambulance will now recruit 2,128 new staff and open 30 more stations. One of the first new ambulance stations to commence will be based at Warilla, and I know the local community will welcome that. Furthermore, with the \$8 million investment support provided, essential health workers will now have access to onsite extended hours child care. An onsite service will be established at Shellharbour Hospital because we recognise that our essential health workers need to have access to flexible child care. The new \$721.9 million Shellharbour Hospital integrated services and car park is funded and will be delivered on a greenfield site. It will fundamentally enhance current and future health services available in the region.

Vital road networks will continue to be funded by the Government. The Mount Ousley Interchange is a significant road project jointly supported by the Commonwealth and will receive a \$286.7 million contribution towards its planning. Important infrastructure such as planning for upgrades along Picton Road, which will receive \$119.5 million, and construction of the Nowra Bridge over the Shoalhaven River, which will receive \$44.2 million, will encourage better and safer traffic movements along regional destinations and growth corridors. The budget will also allow the NSW Police Force to establish its multipurpose active armed offender training facility in Dapto.

Other worthwhile initiatives that the budget reinforces include the \$16 million Restart funding to activate the Illawarra Regional Airport and the continued delivery of the \$31 million Great Southern Walk, a four- to five-day walk from Bulli Tops to Kamay Botany Bay National Park, incorporating the Illawarra Mountain Biking Network. That will enhance visitor experience and reveal the natural wonders associated with the northern Illawarra. There are also other important and transformative projects for the Illawarra. As always, I will continue to passionately advocate for those initiatives as part of the Government and directly with Ministers to ensure that the region continues to get its fair share.

QUEEN'S BIRTHDAY HONOURS LIST RECIPIENT STEPHEN BIRNEY, AM

The Hon. MARK BUTTIGIEG (14:58): I take the opportunity to acknowledge and congratulate Stephen Birney on receiving the Member of the Order of Australia in the 2022 Queen's Birthday Honours List, announced on 13 June. Steve was awarded the honour for his significant service to industrial relations and the community. He is incredibly deserving of this honour due to his relentless commitment to bettering working people's lives. Steve is the former president of the United Services Union [USU] and an absolute giant of the union movement. Another giant of the movement, General Secretary of the USU Graeme Kelly, said about Steve:

I am proud to say that members of the United Services Union and Australian Services Union have had the fortune to be led by one of the most dedicated and committed Honorary Trade Union leaders of modern times.

Graeme is right; Steve's untiring commitment to workers' rights has been instrumental for the union movement. Steve Birney gave over 41 years of service to the United Services Union and the former Municipal Employees Union, and to the Australian Services Union [ASU] nationally. He held positions at all levels and demonstrated a great deal of dedication to all members in each and every role that he held. Since the early 1990s Steve has represented the workers of Tweed Shire Council. In 1994 he was elected as branch secretary to the northern branch committee of management of the Municipal Employees Union. That same year he was elected as the northern branch executive member. In 1999 Steve continued his fight for fairness in the workplace when he was elected as president of the Municipal Employees Union and national ASU executive alternative. In 2003, after the amalgamation with the Federated Clerks' Union, Steve was elected the inaugural president of the United Services Union. He retained that position until mid-2019.

A huge testament to his tremendous commitment to workers' rights was when Steve was honoured with the opening of the Stephen Birney Conference Centre at the United Services Union office in Sydney in 2012. The conference centre was named after Steve, as he always worked tirelessly for the best interests of workers. Another testament to his dedication to workers came in 2015, when he became president of the Australian Services Union. He was elected unopposed by over 130,000 members across Australia. Steve has always demonstrated the highest

levels of integrity, and the union movement has been privileged to have had the service of such an inspirational leader.

Bills

DISABILITY INCLUSION AMENDMENT BILL 2022

CHILDREN'S GUARDIAN AMENDMENT BILL 2022

CHILD PROTECTION (WORKING WITH CHILDREN) AMENDMENT BILL 2022

Returned

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I report receipt of messages from the Legislative Assembly returning the bills without amendment.

TREASURY LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022

Messages

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

Committees

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Reports

The Hon. CHRIS RATH: I table report No. 4/57 of the Committee on Children and Young People entitled *Support for Children of Imprisoned Parents in New South Wales*, dated June 2022.

The Hon. CHRIS RATH (15:03): I move:

That the House take note of the report.

Debate adjourned.

Bills

ANIMAL RESEARCH AMENDMENT (RIGHT TO RELEASE) BILL 2022

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. PETER POULOS (15:03): I make a contribution to debate on this very important matter. Let me be absolutely clear: Ensuring the welfare of animals across the State is of paramount importance to the New South Wales Government. There is no question that the Animal Research Amendment (Right to Release) Bill 2022 is undoubtedly born of good intentions. However, the bill is a solution in search of a problem, as well intentioned as it may be. The New South Wales Government supports and encourages the rehoming of dogs and cats used in research, where it is appropriate to do so. That is why the current regulatory framework is designed to support that outcome.

In New South Wales the Animal Research Act 1985 regulates the use of animals in research. The regulatory framework is underpinned by the Australian code for the care and use of animals for scientific purposes, which forms the basis of a nationally consistent approach to regulating animal research. The Animal Research Act sets out a co-regulatory model, under which the New South Wales Government accredits animal research establishments like universities which, in turn, can issue animal research approvals to individual researchers seeking to undertake research projects involving animals. At the heart of this framework is the animal ethics committee, which is responsible for providing ethical review and oversight of research involving animals. The Australian code sets out strict requirements around the make-up of animal ethics committees. They bring together a range of different members, including researchers, veterinary practitioners, animal welfare advocates and independent community representatives.

Under the code, animal ethics committees are responsible for reviewing applications and only approving projects that are ethically acceptable and conform to the requirements of the code. They are also responsible for overseeing and monitoring the care and use of animals, including things like housing conditions, and conducting follow-up reviews of approved projects. That provides a robust framework of ethical review and ongoing oversight at every stage of a research project. When discussing the bill, it is important to highlight two key pieces of context: first, unpacking what we mean when we are talking about animal research; and secondly, providing an overview

of the ways in which the current regulatory framework delivers good welfare outcomes for animals used in research, including by facilitating rehoming.

Under the Animal Research Act, the definition of "animal research" is broad. It should not be taken as a synonym for "animal experimentation" or other terms that are frequently used in these discussions that bring to mind certain preconceptions of what animal research is. To think of animal research in terms of highly invasive experimentation is a misnomer. That is simply not what the term means as a matter of law. The definition of "animal research" is broad. It captures all studies, investigations, inquiries, experiments, tests and procedures that involve animals. This broad definition ensures that all these types of activities are subject to the high standards of ethical oversight provided by animal ethics committees. Similarly, the definition of "scientific purposes" in the Australian code includes "all activities conducted with the aim of acquiring, developing or demonstrating knowledge or techniques in all areas of science". That ensures that both the Animal Research Act and the Australian code cast a wide net. This is entirely appropriate, given the benefits provided by having a robust ethical review and oversight process in place.

This means that for dogs and cats animal research covers a lot of ground. It involves veterinary clinical trials seeking to understand new ways of treating injuries and diseases suffered by dogs and behavioural studies aimed at better understanding why cats act the way they do—something that I am sure all cat owners, including cat owners in this place, would be interested in. Animal research involves observational projects, where highly trained detector dogs help to sniff out and track endangered species, such as those trained to find koala scats in forests and national parks. We need to keep in mind the wide range of activities that fall under the term "animal research" when debating the bill.

Something that might be fit for purpose in one research setting may be completely unfit for purpose in another. That is one of the strengths of the animal research regulatory framework. The oversight provided by animal ethics committees ensures that every project is assessed on a case-by-case basis by a range of experts, making sure that each one is vetted and subject to the right conditions based on its individual circumstances. That cannot be legislated from on high with blanket rules and no flexibility. It is also worth highlighting that the Australian code already includes provisions for animals at the conclusion of their use in research. I quote from the code:

Opportunities to rehome animals should be considered wherever possible, especially when the impact of the project or activity on the wellbeing of the animal has been minimal and their physiological condition and behavioural attributes indicate that they can be introduced to a new environment with minimal, transient impact on their wellbeing.

Further, the code sets out that animal ethics committees must approve the rehoming of animals and requires that safeguards are put in place and approved by animal ethics committees to ensure the ongoing welfare of the rehomed animals. Additionally, the New South Wales Government and the Animal Research Review Panel are active in providing guidance and assistance to animal ethics committees to facilitate rehoming, including through the development of research animal rehoming guidelines and hosting webinars focused on promoting the rehoming of animals used in research. The rehoming of animals used in research is one of the many areas in which the panel's expertise has been critical in driving continuous improvement in welfare outcomes.

In December 2020 the Animal Research Review Panel Guideline 27: Research Animal Rehoming Guidelines was published. Those guidelines support research establishments, individual researchers and rehoming organisations to most effectively rehome animals that have been used in animal research projects. The rehoming guidelines set out ways in which research establishments can develop robust rehoming policies and procedures that maximise the animal's suitability for rehoming, and maximise the ongoing welfare of the animal in its new home. For example, the rehoming guidelines set out that dogs and cats used in research should be provided with appropriate socialisation, habituation and training, including enrichment, to maximise the chance of the animals being suitable for rehoming.

The rehoming guidelines also outline the specific steps that researchers should take to ensure the welfare of rehomed animals, including health examinations by veterinarians and appropriate vaccinations. While the rehoming guidelines are not mandatory, they have been designed to complement the provisions of the Australian code that encourage rehoming. Taken together, the provisions of the Australian code and the rehoming guidelines set a strong basis for animals used in research to be rehomed, while maintaining the flexibility for animal ethics committees to consider the individual circumstances of particular animals and make appropriate decisions. That approach is working.

Data shows that no dogs or cats that were used in research in 2020 were euthanised because they were not suitable for rehoming, or because a suitable home could not be found. If that is not a clear endorsement that the current framework is delivering outcomes for animals used in research, I do not know what is. It clearly shows that researchers and research establishments are highly capable of keeping and managing the dogs and cats in their care in such a way as to ensure that they are suitable for rehoming. Let me repeat that: Not a single dog or cat

used in animal research in New South Wales in 2020 was euthanised because they could not be rehomed—not one.

The system is working. We know the system works because in 2019 the New South Wales Government introduced new mandatory reporting requirements. Research establishments are now required to provide data relating to the fate of dogs and cats used in research. That data feeds into the annual *Animal Use in Research Statistics* report, which is made available on the Animal Ethics Infolink website. I highly recommend that anyone interested in animals in research visit the website. It includes a wide range of important and informative material, such as the annual statistics report as well as guidelines, fact sheets and the annual reports of the Animal Research Review Panel. It is a great resource.

The new reporting requirements and their inclusion in the *Animal Use in Research Statistics* report ensure that there is transparency around what happens to dogs and cats that have been used in animal research. The data is telling. Beyond the fact that it clearly demonstrates the success story that is the current approach to rehoming, the numbers help us to understand the scales that we are talking about. I will delve into the statistics, which are important context when understanding the aims and implications of the bill before us. Of the 2,553 dogs and 884 cats used in research in 2020, 62 per cent of dogs and 38 per cent of cats were privately owned, meaning that those animals are not kept for research; they are pets living in the family home. Those pets were involved in things like behavioural studies or enrolment in veterinary clinical trials to access new treatments for an injury or disease. For those madly working it out on their calculators, I will save them the time: 1,575 dogs and 332 cats used in research do not need rehoming in the first place. They already live with loving families.

Additionally, the statistics are clear about the type of research dogs and cats are used in: Almost all animal research involving cats and dogs has minimal impact on the animal. Only 9 per cent of dogs were used in what might be termed "high impact" research, and that was within the category of major surgery with recovery. That is 223 dogs, and it is worth noting that 170 were privately owned. The proportion for cats is even smaller: Only 2 per cent were used in high impact research, and were within the category of major surgery with recovery. That is 17 cats in total, and all were privately owned.

When the numbers are broken down to quantify how much animal research involving dogs and cats would look like the scenarios that form our first reaction when the words "dogs and cats used in research" are used, they are incredibly small. Some 53 dogs and zero cats were used in high impact research in 2020 and kept as research animals. Importantly, no dogs or cats were used in research that ended in the death or euthanasia of the animals. Let me repeat that: In 2020 no dogs or cats died or were euthanised as part of their research project or otherwise related to their use in animal research.

Much of the debate is based on the mistaken notion that terrible things happen in laboratories to dogs and cats used in research. The data shows that this simply is not the case. The reality is dogs sniffing out endangered species to help us understand where they are so we can protect them. The reality is cats tasting new pet food products to see which formulation they like the most. The reality is veterinarians using new medications as a way of treating disease in someone's fur baby, or a new surgical technique to treat an injury in a much-loved working dog. The bill before us, well-intentioned as it may be, is based on misunderstandings and sets out to solve a problem that simply does not exist. It is all cost and no benefit.

The current regulatory framework does an exceptional job at encouraging rehoming and delivering the desired outcomes, and that is reflected in the publicly available data. The bill before us is a solution searching for a problem. It fails to recognise the clear successes achieved by the New South Wales Government's work to date on this issue. In doing so, the bill undermines the current nationally consistent approach to animal research regulation that is based on the oversight of animal ethics committees, which do an important job of providing ethical oversight of decisions relating to animal research, including the rehoming of dogs and cats used in research.

The bill would result in inflexible blanket provisions set down in statute that fail to consider the circumstances of individual projects and sideline the extensive expertise and experience of animal ethics committees. I am sure that the intentions behind the bill are good. All members of this place would agree that rehoming dogs and cats used for research purposes is the preferred approach, where it is appropriate to do so. As I said at the outset, the New South Wales Government supports and encourages the rehoming of dogs and cats used in research in New South Wales. This is not a point of contention in the eyes of the Government. Given the unintended consequences associated with the bill, and given the success of the current framework in delivering positive rehoming outcomes, the Government cannot support the bill.

Ms ABIGAIL BOYD (15:19): On behalf of The Greens, I support the Animal Research Amendment (Right to Release) Bill 2022. The aim of the bill is to require the right to be released for dogs and cats used in medical experimentation. During the ongoing medical research inquiry, we have heard of the deplorable conditions suffered by animals used in medical research. I think that most people in our community are unaware

of those conditions, particularly that, as we speak, dogs and cats are being medically experimented on in this State. As the Hon. Emma Hurst noted in her second reading speech, many universities and private research facilities have long phased out the use of dogs and cats. However, in 2020 almost 1,000 dogs and 500 cats were still being kept and used in animal experimentation, just in New South Wales. In 2020 no dogs and only 75 cats were rehomed. These animals are living for unrestricted periods of time in barbaric conditions, repeatedly subject to harmful invasive medical procedures, until they die or are killed. We should be moving towards adopting new technologies that will no longer require animal medical research.

During our inquiry hearings, we repeatedly heard evidence of the scientific shortcomings of this old-fashioned style of research. This bill is pragmatic in that it does not seek to immediately end the use of animal research but merely ensures that the animals being used for medical and scientific ends are still able to enjoy a full and fulfilling life. The bill will insert a new part into the Animal Research Act 1985 that specifically deals with rehoming, which will require researchers to take reasonable steps to prepare animals for rehoming, including ensuring that the animals are appropriately socialised, enriched and exercised while they are residing within animal research facilities. This is a vital component as, unfortunately, the current conditions that dogs and cats are kept in can leave them in a state that makes it extremely difficult for them to adapt to a normal life.

In combination with that requirement, the bill requires researchers to take reasonable steps to rehome a cat or dog once the animal is no longer being used for animal experimentation, or if it has been kept for animal research for three years—whichever is sooner. Applying this time limitation will ensure that the dogs and cats being used for research, which can live for 10 to 15 years or longer, have the opportunity to live the majority of their lives in safe, nurturing and comfortable homes. Currently, animals often find themselves condemned to a lifetime of experimentation cycles. These cycles only cease once the animal dies or it ceases to be useful and is put down, which occurs due to expedience rather than any real barriers to rehoming.

I note the amendment to the bill foreshadowed by the Opposition. Although I am not convinced of the need for it, I appreciate that it will be moved in good faith. In terms of which bodies need to be consulted for the extended period of time to be granted, the better of two options has been chosen. On the basis that the amendment will be necessary in order for the Opposition to be comfortable about passing the bill, and in the hope that the bill as a whole will pass the House today, The Greens will not oppose the amendment when we get to it.

The bill will increase the transparency of an industry that is largely opaque, as we have heard during the inquiry process. It will require greater reporting around cats and dogs used in medical research as well as require greater reporting of the number of cats and dogs that are rehomed, and the reasons why each animal may not have been rehomed if they were unable to be so. Greater transparency around the use of animals in all of our industries is absolutely vital. The public and the Parliament deserve to know what is going on in these medical research facilities and to determine whether the standards agreed to by scientists meet the standards expected by the public. The animals deserve the chance to be companions, not commodities, but currently they are being commodified and used up in a brutal and morally unacceptable way. The bill will go some small but meaningful way to alleviate some of that needless suffering and equips us with greater information regarding how much longer and in what form we will support the use of dogs and cats, and other animals, in medical research.

The Hon. MARK PEARSON (15:23): I speak in debate on the Animal Research Amendment (Right to Release) Bill 2022. Four years ago, I brought a bill, which the Hon. Mick Veitch referred to, to address this issue.

The Hon. Mick Veitch: "Mark 1."

The Hon. MARK PEARSON: "Mark 1." I did that because, when I brought this to the attention of the Minister for Primary Industries of the day, the Hon. Niall Blair, he, like others, presumed regularity. There is usually the presumption of regularity. When he questioned his own department about this very issue, he was shocked by what was not happening. Even though it is a guideline or a recommendation that has been there for a long time, upheld by the National Health and Medical Research Council, it is still only a guideline. It is still only a recommendation. It talks about "you may" and "you should". We are back here, these many years later, because there are still problems. These are the hidden animals.

When animals are hidden behind laboratory doors, or when they are hidden in research facilities, they need greater protection to ensure that they are given the best possible chance at living a life that they would otherwise choose to live. Once, in animal research, the animal was called a subject. At the end of the research, the subject was sacrificed. That was the terminology used. The view of animal research was that these animals had to be sacrificed for us. A lot of changes have happened since then. The public and the community would now consider it abhorrent to even think of it that way.

Whether it is 30 dogs and 20 cats, 130 dogs and cats, or just one, legislation is needed to ensure—not suggest, not recommend, not guide—that every attempt is made to enrich the animal while it is being experimented

upon, and to ensure it will have the best possibility of being homed. I will not use the word "rehomed", because the confinement of a laboratory or a yard or a research institution is not a home. These animals deserve a home. That is all this bill is about. That is all we are asking. Let us start there.

The Hon. EMMA HURST (15:26): In reply: I thank everyone who contributed to the debate, including the Hon. Mick Veitch, the Hon. Peter Poulos, Ms Abigail Boyd and the Hon. Mark Pearson. I note a couple of concerns from the Government's response. The argument that the bill may capture cats and dogs who are residing in family homes and participate in some small bit of research at their local vet, or as part of a food palatability study, is simply incorrect. The bill was specifically drafted with advice from the Parliamentary Counsel's Office in a way that avoids capturing any animals who are not ordinarily kept by a research institution. To suggest that the bill is going to require research institutions to attempt to rehome cats and dogs that already have homes is an absurd interpretation and not one that would be upheld by the courts. If the Government was truly concerned about that, it could have proposed an amendment to clarify the language or issued some guidance to research institutions.

The Government member mentioned several times that no animals were killed in these research facilities. There seems to be two lots of data being discussed. Some people are talking about the fact that no animals have been killed, and other people are talking about how very few animals have made it out and have been rehomed. We do not have much data to go by, because this data has only been available since 2019. We do not have any historical records to understand how many animals have been killed inside these facilities. Excluding companion animals, we are looking at roughly 1,000 dogs and 500 cats. That is in high-impact research and other impact research. These are animals that are not already in homes. What is happening to these animals? If they are not being killed, and they are not being rehomed, the sad reality is that these animals are kept and recycled through multiple research projects for their entire lives.

The welfare impact on an animal that is kept inside an institution for 16 years, or longer for some of these animals, and recycled through research experiment to research experiment, never having the experience of being in a loving home, completely ignores one of the major welfare issues that the bill rectifies. The fact is that this bill does not mandate rehoming. Rather, it ensures that efforts are made to attempt to rehome those animals. The guidelines are not good enough. We can see that the guidelines are not working from the very low numbers of cats and dogs that are making it out and being rehomed. They are not making their way outside of those facilities, and that is simply not good enough.

This is a straightforward bill. It is 100 per cent supported by the community and will make a huge difference for cats and dogs currently being kept and used for experimentation. The bill requires researchers to take reasonable steps to rehome dogs and cats used for research, and that is the bare minimum that we should expect and require from this industry. It is time to enshrine the right to release. I commend the bill to the House.

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

The House divided.

Ayes23

Noes15

Majority.....8

AYES

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

NOES

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

PAIRS

Moselmane

Farraway

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 amendment: Opposition amendment No. 1 on sheet c2022-123C.

The Hon. MICK VEITCH (15:40): I move Opposition amendment No. 1 on sheet c2022-123C:

No. 1 **Certain animals may be kept for longer than 3 years**

Page 4, Schedule 1[3], proposed section 54C. Insert after line 18—

- (3A) Subsection (1)(b) does not apply to an authorised person who keeps an animal for animal research if—
- (a) on application from the authorised person, the Minister approves the keeping of the animal for research for longer than 3 years, and
- (b) the authorised person complies with any conditions of the approval.
- (3B) The Minister must refer an application for approval under subsection (3A) to the Panel for advice.
- (3C) If the Panel recommends the Minister refuse an application for approval under subsection (3A), the Minister must refuse the application.
- (3D) The regulations may make provision about applications for the Minister's approval under subsection (3A).

I spoke at length about the reason why we would move this amendment in my contribution to the second reading debate. I do not think there is any need to progress that further. I am keen to hear what the Government has to say.

The Hon. PETER POULOS (15:41): The Government will be opposing this amendment. The proposed amendment addresses the most significant unintended consequence associated with the bill: the effective prohibition on using dogs and cats in research for longer than three years. This time limit fails to reflect the breadth of the term "animal research", which includes things like observational behavioural studies, pet food palatability trials and trials associated with new veterinary medications.

Introducing provisions that enable animals to be used for longer than three years where it is appropriate to do so is a sensible step, and the Government supports it in principle. However, this amendment places new responsibilities on the Animal Research Review Panel and there has been no opportunity to consult with the panel on this proposed new role. It is important to take the time to work with the panel to ensure that this role is workable and provides sufficient guidance on what matters it is expected to consider when assessing whether an approval under section 3A is appropriate and determining whether to apply conditions to such an approval. Further, the amendment places the ultimate sign-off on the decision on the Minister but requires the Minister to accept advice from the panel. If the Minister is simply acting as a rubber stamp for a decision that is made by the panel, it is unclear why this power has not been granted to the panel directly.

The Hon. EMMA HURST (15:42): Briefly I speak to the Labor amendment on behalf of the Animal Justice Party. Currently under the bill a research institution is required to take reasonable steps to rehome a cat or dog after the research experiment has concluded, or after three years, whichever is sooner. From consultation with the research industry, I understand that that animal ethics approval is generally given for a period of three years and that funding is also often provided for three years, so it makes sense as a time frame. It also gives a dog or cat used for research the chance of a decent life.

The Labor amendment would allow for a cat or dog to be used in research for longer than three years if the Minister and the Animal Research Review Panel have put it through an approval process. For the sake of passing this bill, the Animal Justice Party does not oppose this amendment. However, we caution that this process should not be used to rubber stamp any request to extend beyond the three-year period. Should this bill pass into law, we will be watching the Minister's actions very closely to ensure that this does not happen.

The CHAIR (The Hon. Wes Fang): The Hon. Mick Veitch has moved Opposition amendment No. 1 on sheet c2022-123C. The question is that the amendment be agreed to.

The Committee divided.

Ayes17
 Noes9
 Majority.....8

AYES

Banasiak
Boyd
Buttigieg (teller)
D'Adam (teller)
Donnelly
Faehrmann

Field
Higginson
Hurst
Latham
Mookhey
Moriarty

Nile
Pearson
Roberts
Sharpe
Veitch

NOES

Amato
Barrett (teller)
Cusack

Farlow (teller)
Mallard
Martin

Mason-Cox
Poulos
Rath

PAIRS

Graham
Houssos
Jackson
Moselmane
Primrose
Searle
Secord

Farraway
Franklin
Maclaren-Jones
Mitchell
Taylor
Tudehope
Ward

Amendment agreed to.

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

Motion agreed to.

The Hon. EMMA HURST: I move:

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

Motion agreed to.**Adoption of Report**

The Hon. EMMA HURST: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. EMMA HURST: I move:

That this bill be now read a third time.

Motion agreed to.*Documents***TREASURY PROJECTS****Production of Documents: Order**

The Hon. DANIEL MOOKHEY (15:57): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, Treasurer and Minister for Energy, Minister for Finance, Minister for Transport, Minister for Regional Transport and Roads, Minister for Metropolitan Roads, Department of Premier and Cabinet, Treasury, Transport for NSW, Sydney Trains, Department of Planning and Environment, Essential Energy, NSW TrainLink or the Transport Asset Holding Entity of NSW relating to certain projects:

- (a) all documents regarding Project Hawke;
- (b) all documents regarding Project Cooper;
- (c) all documents regarding Project Eagle;
- (d) all documents regarding Project Mawson;

- (e) all documents regarding Project Crow;
- (f) all documents regarding Project Phoenix;
- (g) all documents regarding Project Bruce;
- (h) a document that lists or identifies the names of projects undertaken by Treasury since 1 April 2019 which are referred to by using a code word of any type; and
- (i) 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 call for papers results from the confirmation that some creative souls within various ministerial offices and government departments now refer to policy development using project names. The particular proposals outlined in the motion have been given project names. I understand from people who have contacted my office and other people who have reported on the issue that this has occurred to deliberately ensure that documents are not captured by freedom of information applications, nor by calls for State papers, which members of this House often make. That long-term practice of the Government is being used more and more, which has inspired me to move the motion.

On Sunday *The Sunday Telegraph* reported that Project Cooper may relate to proposals to franchise and then privatise Sydney Trains and/or NSW Trains or, alternatively, it may relate to a Formula 1 race that may or may not appear on the streets of Sydney or elsewhere in the State. Others have discovered that Project Phoenix, which has surfaced in the public domain, may or may not be a project to acquire or otherwise reacquire energy assets owned by Eraring Energy. A few others also were referred to.

If, after 12 years in government, this is becoming normalised practice in order to circumvent the scrutiny of this House as well as the Government Information (Public Access) Act, then it is incumbent on us to understand what the Government is doing when it is having Project Cooper, Project Hawke and Project Mawson meetings, which, I understand equally from reporting and other information that has been provided to my office, have involved the Premier's officers' time. It is a disturbing development if, in response to scrutiny by the upper House and from citizens through our public information access regime laws, the Government, rather than cooperating not just legally but within the spirit of those laws, is now resorting to those types of practices. They are practices that have emerged from a 12-year-old Government. Other practices deal with how certain jobs are reported, which we heard today the House has already scrutinised, but this is important.

Last year in the scope of interrogation in the Transport Asset Holding Entity matters, we uncovered one particular solution to the dilemma that the Transport Asset Holding Entity was posing. Apparently the solution that PwC came up with was to corporatise the entire transport department and franchise out Sydney Trains and now NSW Trains. That was one of its preferred options that was recommended to Cabinet. Now we know that allegedly there was something called Project Cooper that was also apparently—at least according to one interpretation—to do with the franchising and/or potential privatisation of Sydney Trains. It is just a little bit suspect. I encourage the Government to spend less time acting like characters from a third-rate thriller novel and more time acting like a proper government that is responsive to scrutiny. I commend the motion to the House.

The Hon. TAYLOR MARTIN (16:01): The Government does not support the order for papers. It is another example of the fishing exercise that has become far too common with orders for papers in this House on private members' day. The Government has not opposed Standing Order 52 [SO 52] motions when they are reasonable and support the important principle of accountability and transparency. But Treasury also takes its obligations in responding to standing orders very seriously. However, Treasury also has statutory obligations in ensuring the work, health and safety of its employees. With an exponential increase in SO 52 orders for papers in recent years with tight time frames in the context of Treasury staff being asked to work over weekends to prepare the budget and to respond rapidly to the COVID-19 pandemic as the situation developed, this order for papers is now imposing an unreasonable burden on Treasury staff.

Let me be clear: This motion is a slap in the face of hardworking Treasury staff after their hard work on the recent budget. I also note that the Government has already agreed to the annual budget paper SO 52 motions. Treasury will get on with it straightaway. This order for papers is an unnecessary burden on top of Treasury's workload. It is the third motion today for an order for papers to be returned in 21 days. The breadth of this SO 52 call for papers is quite astounding—it is an SO 52 motion on steroids. In fact, it is seven separate calls for papers that seek to draw the widest possible net and call for all documents relating to a shopping list of projects. The Hon. Daniel Mookhey is not being genuine in moving this motion. He does not have a basis for requesting those documents in the public interest. He just wants to have a look. It shows that he is getting quite lazy by wrapping them all together.

It should be drawn to the attention of members that on 11 May this House passed an SO 52 motion from the Hon. Mark Latham that captured all documents relating to Project Phoenix. Documents responsive to the order

have already been returned, which underlines just how frivolous this fishing expedition is. It is calling for papers already returned to be returned again, which will require Treasury to undertake searches on the same items yet again. If the Hon. Daniel Mookhey has a particular project he would like to look at, he should amend his order to target that project. I encourage all members of this House to not support the motion. However, recognising that Wednesday is not a particularly lucky day for us, I move:

That the question be amended by omitting "21" and inserting instead "49".

That will allow Treasury an appropriate time to collate all documents for the seven projects.

The Hon. DANIEL MOOKHEY (16:04): In reply: First, I commend the Parliamentary Secretary for that valiant effort—well done. I too have great sympathy for our hardworking Treasury officials. However, I point out that apparently the Government's sympathy is not extended to the other agencies which are responding. Nevertheless, I also have sympathy for them. Secondly, I have no doubt, nor any reason to doubt, the confidence in the productivity of our Treasury officials and their ability to respond. I do not say that glibly because the irony is that, as we uncovered last year, Treasury has invested \$400,000 in an IT management system that will allow it to be more responsive to other agencies' requests. But it has the additional ancillary benefit of responding to this House's scrutiny, so I am glad that we are giving Treasury the opportunity to use its new software.

Regarding the third point that was raised by the Parliamentary Secretary, which is the fact that there are lots of documents to be produced, it makes me more eager to have this motion passed because it is confirmation that those project names exist. I want to know exactly what it is that the Government suggests all those documents—when produced—will tell us about matters such as projects Cooper, Hawke, Mawson, Crow and Phoenix. Regarding the fourth point that the Parliamentary Secretary made relating to Project Phoenix, if he was to digitally compare the motion I have moved to the one moved by the Hon. Mark Latham, he perhaps will find that other agencies are being asked to respond in light of the additional information that has been produced.

Finally, as for the argument that this motion is simply a fishing exercise, when it comes to this Government I prefer to continue to fish because the more we fish the more we learn about what has been going wrong, the more we understand how certain appointments are made to certain positions in foreign postings, the more we learn about certain secretive corporations, and the more we learn about the intentions relating to how negotiations have been staged when it comes to our hardworking public service workers. We also learn a lot about how perhaps our workers compensation system is going. So I say once more to the Parliamentary Secretary, in the lexicon of the NSW Treasury: On a cost-benefit analysis for the people of New South Wales, the benefits are on the side of scrutiny. I am disappointed that the Government thinks the benefits are on the side of secrecy.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Daniel Mookhey has moved a motion, to which the Hon. Taylor Martin has moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

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

The House divided.

Ayes17
Noes9
Majority.....8

AYES

Banasiak	Field	Pearson
Boyd	Higginson	Primrose
Buttigieg (teller)	Hurst	Roberts
D'Adam (teller)	Latham	Secord
Donnelly	Mookhey	Veitch
Fachrmann	Nile	

NOES

Amato	Fang	Martin
Barrett (teller)	Farlow (teller)	Poulos
Cusack	Mallard	Rath

PAIRS

Graham
Houssos
Jackson
Moriarty
Moselmane
Searle
Sharpe

Taylor
Ward
Maclaren-Jones
Franklin
Mitchell
Tudehope
Farraway

Motion agreed to.**TAFE NSW STUDENT MANAGEMENT SYSTEM****Production of Documents: Order****The Hon. MICK VEITCH (16:18):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created since 1 January 2019, in electronic format if possible, in the possession, custody or control of the Minister for Skills and Training, TAFE NSW or Department of Education relating to the TAFE NSW Student Management System:

- (a) all documents relating to the development of TAFE NSW's Student Management Systems project;
- (b) all documents relating to cost variation of TAFE NSW's Student Management Systems project;
- (c) all documents which brief the Minister or former Minister about TAFE NSW's Student Management Systems project;
- (d) all documents relating to the timeline for the completion of TAFE NSW's Student Management Systems project; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The motion is pretty straightforward, so I do not need to take up too much time on it. I commend the motion to the House.

The Hon. TAYLOR MARTIN (16:19): This motion is completely unnecessary and a waste of time and energy. TAFE NSW has been completely transparent with the development, cost and time line for the completion of the new Student Management System [SMS]. SMS will improve outcomes for students and teachers by supporting the full student life cycle from application to enrolment, progression, completion and student finance. SMS is a system for the largest training enterprise in the country, and building it is a complex process. I am advised that the rollout of the first phase of SMS for higher education is planned for July 2022. That will give TAFE NSW the ability to assess the change on a smaller scale, inform and assist full implementation, and then go live. The remaining phases of the SMS program will be rolled out in 2023 in alignment with the academic calendar to ensure that cutover does not occur in peak periods.

TAFE NSW has been transparent with the costs of the project and has previously disclosed that the total budget for SMS was revised up to \$107 million following the scope of the project expanding after it was brought in house in 2020. Those scope changes included the addition of timetabling and scheduling functions after a full design review was conducted following its transition in house. TAFE NSW has confirmed that the new budget amount is far less than the estimated \$154 million that would have been required to complete the project with the previous vendor. Additionally, the in-house delivery of SMS by TAFE NSW will result in significant net savings, when compared with the original costings, through a reduction in operational expenses such as ongoing service fees. This motion is a waste of resources and the Government will not support it.

The Hon. MICK VEITCH (16:21): In reply: Everything the Parliamentary Secretary has just put on the record will be confirmed with the delivery of these documents. It adds more weight for the House to support the Standing Order 52 motion.

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

Motion agreed to.

*Bills***BAIL AMENDMENT BILL 2022****First Reading**

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

The Hon. TAYLOR MARTIN: According to standing order, I table a statement of public interest for the Bail Amendment Bill 2022.

Statement of public interest tabled.

The Hon. TAYLOR MARTIN: 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. TAYLOR MARTIN: I move:

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

Motion agreed to.

*Documents***SENIOR TRADE AND INVESTMENT COMMISSIONERS****Production of Documents: Order**

Mr JUSTIN FIELD (16:24): 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 October 2020 in the possession, custody or control of the Premier, Treasurer, Minister for Enterprise, Investment and Trade, Deputy Premier and Minister for Regional New South Wales, Department of Premier and Cabinet, Treasury, Department of Enterprise, Investment, and Trade, Investment NSW or Department of Regional NSW relating to the appointment of Senior Trade and Investment Commissioners under the NSW Trade Statement:

- (a) all documents relating to the development of the final *NSW Trade Statement* which specifically refer to the creation of trade commissioner positions as noted in action plan point 1 on page 26 of the *NSW Trade Statement*;
- (b) all documents relating to the recruitment search, selection, applications and appointment of senior trade and investment commissioners;
- (c) all documents relating to the NGS Global contract relating to the search and recruitment of senior trade and investment commissioners;
- (d) all documents relating to the remuneration packages, allowances, conflict of interest, declarations and other governance arrangements for the senior trade and investment commissioners;
- (e) all documents relating to the public announcement of appointments of senior trade and investment commissioners;
- (f) all minutes that discuss the appointment of senior trade and investment commissioners; 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.

The context around this Standing Order 52 motion was spelt out quite clearly in this morning's debate: It is about the curious case of Mr Barilaro and the \$500,000-a-year trade commissioner position in New York, the circumstances of which seem to have grown curiouser and curiouser not only in the past week but also today. It is in the public interest that all the information about what has happened is brought out through the production of these documents via support for this Standing Order 52 motion. I commend the motion to the House.

The Hon. TAYLOR MARTIN (16:25): The Government does not oppose the motion.

The Hon. PENNY SHARPE (16:25): Labor supports the motion and encourages others to do so.

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

Motion agreed to.

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

The Hon. ANTHONY D'ADAM: On behalf of Ms Abigail Boyd: I move:

That private members' business item No. 1781 outside the order of precedence be postponed until a later hour of the sitting.

Motion agreed to.

*Bills***INDUSTRIAL RELATIONS LEGISLATION AMENDMENT (PUBLIC SECTOR REMUNERATION CAP REPEAL) BILL 2022****Second Reading Debate**

Debate resumed from 8 June 2022.

The Hon. MARK LATHAM (16:28): One Nation supports the Industrial Relations Legislation Amendment (Public Sector Remuneration Cap Repeal) Bill 2022. We support the lifting of the public sector wage cap, which has been a crude and controversial item of economic management. It is somewhat ironic that for three years in a row the Government has breached its own fiscal responsibility legislation and broken its own fiscal laws but still maintains that the wages cap is some form of cost control. It was only ever a crude item designed out of desperation by the Government to hold down costs when in other areas its budget is completely out of control. The expenditure increases for this financial year are over 25 per cent. They are of Whitlamite proportions from 1974. This is the sort of budget that Jim Cairns did not get to deliver, yet the Government, as the biggest employer in New South Wales, wants to hold down a wages cap for its employees.

In terms of the right structure of economic and fiscal policy, the crude cap should go. I welcome that the Opposition has announced a policy to abolish the cap and move to productivity-based wage increases in the public sector. That is the right approach. The whole point of the beginnings of the deregulation of the Australian labour and wages market in the time of the Keating Government—that was in 1995, when Laurie Brereton was the industrial relations Minister—was to move to a productivity-based system coming off the back of the income and wages accord that was struck by the Hawke Government. The best form of economic policy in the labour market, and for the payment of wages and the determination of conditions, is always based on productivity.

An unfortunate aspect of Australian economic policy in the past 15 years is the complete absence of productivity policy. There is a classic example in this budget. The big productivity measure that could be undertaken at a New South Wales Government level is the full stamp duty reform. Some 25 per cent of home owners are locked into their house and would like to move closer to their work or perhaps where their children go to school, but stamp duty is a barrier to that mobility. There is an increasingly mobile labour market in the modern economy, but the massive barrier of a \$50,000-plus up-front stamp duty cost in Sydney is locking people in inefficient, inappropriate and congestion-prone locations. That is the big productivity reform. What does the Government do? It removes stamp duty for new home buyers instead of recognising the efficiency gains out of the full stamp duty package.

It is an unfortunate aspect of economic policy since the Howard Government that there has been no productivity agenda. Productivity must be recaptured, and it is possible in the New South Wales public service. The House would be familiar with my long list of irrelevant, distracting and woke activities on the day of the unfortunate appointment of Jim Betts as the head of the Federal transport department. I am sure he will resurrect the Bruce Pascoe book club and all the other absurd woke programs, and then at 4.55 they actually do some real work that is efficient and productive. Let us remember that long list of distractions that public servants complain about. They do not go to work to do woke activities and virtue signalling; they go to work to do their real jobs which they have been trained for, are qualified for and are dedicated to for the public interest of New South Wales.

There is an obvious productivity gain in the public sector. If you eliminate the long list of ridiculous virtue signalling programs, including the rainbow Waratah logo, the rainbow cake-cutting ceremony, the flag raising, the book clubs, the imaginarium and all the other nonsense, there is an immediate productivity gain that can be part of the bargaining process. The modern industrial relations agenda, which faded when we lost the productivity agenda, is enterprise bargaining—the capacity of workers to bargain off the back of productivity for real wage increases. Because of the productivity, it is not inflationary. That is the Keating magic, if you like. That is the Keating formula.

The Hon. Daniel Mookhey: And Brereton.

The Hon. MARK LATHAM: If the shadow Treasurer had been here for the beginning of my remarks, he would have heard me mention Laurie Brereton as the industrial relations Minister in 1995, as the deregulation

of labour market policy and wages policy began, coming off the back of the prices and incomes accord with Kelty and the Hawke Government. The whole purpose then was enterprise bargaining, productivity and the bargain to ensure that there were real wage increases off the back of the productivity gains. So why did we lose sight of that? I suppose the reality is that WorkChoices poisoned the well. The Rudd, Gillard and Abbott governments had a different approach. All that dead, buried and cremated talk shied away from it.

Surely in New South Wales—when the economy is poised at such a delicate stage with rising inflation, rising interest rates and rising cost of living, and with a budget that has become completely irresponsible in terms of fiscal management—now is the time to lift the wages cap and return to productivity-based enterprise bargaining in the public sector, leading the rest of the New South Wales employment sector and the economy. Productivity gains are possible in the public sector. That is the best formula. We must also take note of the advice of the Reserve Bank of Australia in the past 48 hours that any wage increases over 3.5 per cent would be inflationary, adding to an inflationary spiral and wage push inflation. Other people speculate the return of stagflation from the 1970s because of rising interest rates, the energy crisis and international problems. I do not agree with that analysis, but the economy is at a tipping point. That was completely ignored by Matt Kean in the budget yesterday. He is off on an election spending spree instead of looking at the economic fundamentals.

We must restore productivity and things like the full stamp duty reform package. We must go to productivity-based enterprise bargaining, having lifted the crude and unacceptable wages cap. I will mention for the benefit of the shadow Treasurer that that cap has to be the greatest contradiction ever in fiscal policy. It is supposed to be a cost control for a government that has lost control of all costs elsewhere in its budget. It is a Jim Cairns-Whitlamite expansion in this current financial year of expenses rising by over 25 per cent. We have not seen anything like it.

The Hon. John Graham: It was never that high.

The Hon. MARK LATHAM: Cairns did not deliver a budget. In the Whitlam Cabinet he was driving the expenditure increases, along with Tom Uren and others.

The Hon. John Graham: It never hit 26 per cent.

The Hon. MARK LATHAM: I think it was edging up. I will go to the very well researched book *The Whitlam Government* and look at the tables that were produced. They had to bring in Bill Hayden to restore some decent austerity. We have not seen anything like it. Keanism is the modern State equivalent of Cairnsism. It is remarkable that this formerly conservative Government has got to that. I suppose that is what teal does. When you inject teal into your veins, this is the outcome. If you are paranoid about losing North Shore seats, this is also what happens. But that is a diversion from the real argument.

The One Nation policy is to support the lifting of the cap, go back to enterprise bargaining, have real wage increases based on productivity and also, on top of that, recognise that in special circumstances there should be payments to frontline workers. We supported the one-off payments at the time of the wages freeze. That should go to all frontline workers, including nurses, paramedics and police. I urge the Government to expand the health-related bonus payments to others workers who put in hard work in that difficult environment, notably the police and the emergency service workers. That would be the best structure, and it is possible if this legislation passes the House.

It will not be supported by the Government because it is locked into the 1970s-type economic framework of a crude cap, no enterprise bargaining, no productivity and a ballooning budget in all other respects. Unfortunately, under the economic management of this Government, we have the worst of all worlds. Everything that was wrong with the Australian economy in 1983 at the time of the Hawke Government has been replicated in the Kean budget. It is a trip back in time, it is retrograde and it is dinosaur economics. We can do so much better if we support the bill and restore the modern framework of the Hawke-Keating period to economic policy in New South Wales, which gives non-inflationary productivity-based wage increases, productivity benefits in the economy at large, and a reasonable chance with cost control elsewhere to stabilise the extent of debt and deficit in New South Wales.

Who would have thought this would happen when Mike Baird moved the Fiscal Responsibility Act 2012? No excuses. There was no subclause about there being a pandemic, bushfire or flood. The whole idea was to hold down expenditure below the long-term average of expenses growth. Who would have thought then that we would end up with \$115 billion of net debt, over \$170 billion of gross debt and a budget deficit that is permanently out of control? The economic settings are all wrong. Unfortunately, the extent of the deficit will add to inflationary pressures. Big economic stimulation coming out of Macquarie Street adds to inflation, adds to interest rate rises and tips the economy further into the danger zone that I mentioned earlier.

The golden formula is to lift the wages cap, stabilise the budget, restore productivity and have non-inflationary real wage increases. It is a win-win-win-win. It has been done in the past at the Commonwealth level, and it must be done here. If the shadow Treasurer is in charge of the Treasury after the next election, I have personal faith in him to understand these arguments and implement them. He would certainly do a lot better than the reincarnated Jim Cairns that we have in the seat of Hornsby. Whether or not he finds a certain kind of love, I do not care. I love the idea of sound economic policy, and that is what I am advocating.

The Hon. SCOTT FARLOW (16:39): I respond to the introduction of the Industrial Relations Legislation Amendment (Public Sector Remuneration Cap Repeal) Bill 2022. As the Government understands it, the bill proposes to do two things. Firstly, it seeks to restrict the regulation-making power in section 146C of the Industrial Relations Act 1996 to prevent any regulations thereby made from limiting public sector employee remuneration increases by reference, directly or indirectly, to a per annum percentage. Secondly, it proposes to dismantle critical provisions of the Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2013 that provide for additional wage increases above the cap set in the wages policy, contingent on the achievement of sufficient employee-related cost savings to fully offset the increased employee-related costs beyond the cap. Increases are not payable until the employee-related cost savings are achieved.

The provisions that the bill targets provide a strong and responsible limit on public sector remuneration increases above and beyond the current 3 per cent cap. To put it bluntly, the effect of this bill, if passed, would be to render ineffective the current New South Wales Government wages policy, as facilitated by the aforementioned Act and regulation. That wages policy has enabled us to deliver more than \$112 billion in infrastructure investment. In addition, through the majority of this term, before we were struck by COVID and floods, droughts and fires, we have had revenue growth in New South Wales above expenditure growth. This is very different from the years before, when Labor was in power. The passage of the bill would mean that public sector employees and unions would have an unfettered ability to pursue wage outcomes without legislative constraints, and the Industrial Relations Commission would be potentially unrestrained from awarding public sector employees wage increases higher than the current cap, irrespective of whether employee-related cost savings had been achieved.

This would be a detrimental outcome for the people of New South Wales. To put it simply, an inability to control or forecast employee-related expenses would mean less money to spend on other parts of our community. It would mean less money for health services, less money for our schools and TAFE, less money for roads, transport and other critical infrastructure, and less money for mums and dads through affordability and cost-of-living measures. The underlying policy intention has always been clear from the Government. It is simply to ensure that the Government maintains an appropriate balance between public sector wage increases and the availability of funds for the delivery of the Government's commitments and value for money for taxpayers. It is the policy approach of a fiscally responsible government determined to deliver services and projects to the people of New South Wales.

With all this said, the Government acknowledges that there needs to be some change. The policy approach is not immutable or set in stone. The Government has recognised that the circumstances faced by our hardworking public sector employees are now different to those that existed when the wages policy was first made and, indeed, when previous amendments to it were made. Labour market conditions have changed. Recognising this, the Government recently increased the public sector wage cap to 3 per cent per annum for two years, with an additional 0.5 per cent available in the second year, where there is a substantial employee contribution to productivity-enhancing reforms. As I heard the Premier say in question time today, and as I remarked in my adjournment speech last night, the Governor of the Reserve Bank, Philip Lowe, outlined that about 3.5 per cent was the figure where wage increases needed to be. The wage increases need to have three in front of them, but they do not need to go any higher than that. That would create further inflationary pressures. The Government is outlining a 3 per cent increase this year, with a 0.5 per cent increase in the following year, with productivity-enhancing reforms.

As with the previous policy, further wage increases can be awarded where there are sufficient employee-related cost savings to fully offset the increased employee-related costs beyond the cap. Our new two-year policy will provide our public service employees with among the highest public sector wages growth across the nation. All we need to do is look south to Victoria, where it is 1.5 per cent; we are double that rate. It is a policy that has been developed to support productivity-enhancing reforms and the modernisation of the public sector. In addition, in this year's State budget we have acknowledged our health employees with a \$3,000 bonus in recognition of their service in going above and beyond during the course of the pandemic. Other similar bonus measures are in place in other States as well.

However, the basic policy motivation of striking a fair balance between managing the limited financial resources available to the Government on the one hand, and properly rewarding and recognising the value of public sector employees on the other, remains unchanged. This approach has delivered fair and reliable growth in

wages for public sector employees since it was introduced in 2011. The bill proposes a radical departure from these established arrangements, with public sector pay rises unanchored by real productivity improvements and unrestrained by reasonable limits. This is being proposed, presumably, with the knowledge that under the current temporary wages policy, pay increases above the cap—that is, greater than 3 per cent next year and up to 3.5 per cent in the following year—are still possible, provided that the employees concerned can demonstrate and deliver employee-related cost offsets.

The bill would have a detrimental impact. It would discard a well-established policy goal and create a situation where public sector wage increases beyond the Government wages policy can be awarded without the achievement of suitable employee-related cost savings. That, in turn, may create a situation where public sector wage expenditure escalates haphazardly. As I said last night in my adjournment speech, this is a shunning of the accords. The Hon. Chris Rath touched upon that with his reference to *The March of Patriots* and *The Longest Decade* in his private member's statement. Effectively, the reforms of the Hawke-Keating era, when Labor members were responsible economic managers, are being shunned with bills such as this.

What is being proposed is a return to the world of Labor many decades ago, with unlimited public sector pay rises unsupported by real gains in productivity. Perhaps not many decades ago, under the last Labor Government, wage growth was out of control and infrastructure was not delivered across the State. There was significant volatility, making it impossible to predict wage outcomes or budget effectively, essentially depriving the State of the infrastructure and services that it needed. That is why we have had to play so much catch-up in the past 11 years of Coalition Government. Those that suffer as a result will inevitably be the people of New South Wales, as the delivery of services and projects will no doubt be impacted by the burden of uncontrolled public sector wage expenditure, as it was during the tenure of the last Labor Government.

It must be remembered that it is also the general public, and perhaps even these workers, who will find themselves in a position where their purchasing power will be whittled away as further increases in line with inflation would continue to beget more and more inflation and greater inflationary pressures. The Governor of the Reserve Bank cautioned as much in his address yesterday. Those effects may not be limited to New South Wales. Given what is now a common policy approach across jurisdictions, discarding wage policy here may create pressures to do the same in other States as well. Those opposite disregard the point that public sector wages are funded through the hard work of the taxpayer. Uncontrolled expenditure of public sector wages is neither a responsible nor a fair use of taxpayer money.

We must remember that the New South Wales Government is the largest employer in the nation, with over 300,000 employees. Governments have limited fiscal resources at their disposal—particularly the New South Wales Government—and reasoned decisions about the best and most efficient deployment of those resources must be made. The current wages policy is just one such decision, being a means to arrive at a reasonable and fair balance between two critical policy goals. This is neither an unprecedented nor unusual policy approach. Most other State jurisdictions—even Labor ones—have very similar provisions in place.

I note that the State governments of Western Australia and Queensland each fund annual increases of 2.5 per cent for public sector wages. Any increases above 2.5 per cent in these jurisdictions must be offset by productivity gains or other savings. In Victoria, as I mentioned before, increases in wages and conditions are capped at a rate of growth of 1.5 per cent per annum. Additional changes to allowances and other conditions are capped at 0.5 per cent per annum, just like the New South Wales wages policy. Such additional changes to allowances are only allowed if the Victorian Government agrees that the changes will address key operational or strategic priorities for the agency.

Despite the New South Wales wages policy being far more generous than its Victorian counterpart, public sector workers have not marched in protest in Melbourne, despite the Victorian State election being only a few months away. As Deidre Chambers would say, "What a coincidence!" It is funny that the unions in New South Wales would employ that policy here when they do not in Victoria—a Labor State—even though wages in Victoria are much less than they are in New South Wales. When it comes to Mark Morey and Unions NSW, it has been said this is the year of strikes. It is a political campaign being run in the New South Wales political arena by a union movement, which is the master of Opposition members. We can go through whether it be the Electrical Trades Union or the Transport Workers' Union in New South Wales.

The Hon. Daniel Mookhey: Take your time.

The Hon. SCOTT FARLOW: I think I will take my time. The puppetmasters in New South Wales are really calling the shots. The problem is, as we will see next week when teachers walk out on strike across the State, it is the poor people who are left to pay and left to suffer. It will be the mums and dads across this State who will be taking days off work. Productivity will drop as teachers go on strike across the State. When the Government has come to the table with a very reasonable pay rise of 3 per cent, teachers will be striking and it will be the

people and businesses of New South Wales that will pay. Businesses as well as our regional communities have already done it tough through COVID. They are finally getting back on their feet after floods, fires and droughts but they will be hit once again just before the end of school holidays because several million people across the State will have to take time off work to look after their children.

It is action that is meant to disrupt. It is part of a political campaign. It is called for by the masters of members opposite just to make a point in the lead-up to the New South Wales State election. When we look at other States—whether it be Victoria or Queensland where similar wages policies to those in New South Wales are in place—we are not seeing this kind of industrial dispute. That is not because this State is not coming to the table. The State Government has shown it is ready to move with the offer of a 3 per cent pay rise and has 3½ per cent in line for next year with certain productivity gains. This Government has shown that it can move further while keeping the balance right. It is ensuring that our hardworking public servants will see an increase in their income while at the same time ensuring that it is being responsible. When it comes to the State budget, this Government is being responsible and it is also being responsible when it comes to the inflationary pressures that exist in our economy at present.

The public sector unions across New South Wales are running a political campaign in concert with the Opposition members in this Chamber. The people who have to wear the cost, no doubt, are the mums and dads across New South Wales. The current public sector wages policy is fair and reasonable. It strikes a fair and reasonable balance between the policy goals that this Government must grapple with every single day. We look forward to hearing from the Hon. Daniel Mookhey tomorrow. No doubt the Leader of the Opposition in the other place, Chris Minns, will outline Labor's response to the State budget. The first thing he can tell us is whether Labor will keep the measures in place or make some cuts. Will Labor take a wages policy like this or will programs in the current budget be cut? Will there be more pressures on our credit rating in New South Wales by taking on an even bigger deficit and challenge, which will make it harder to return our State budget to surplus? They are the challenges this Government faces and it has to make choices about where investment goes every single day.

Members across this Chamber would recognise the great work of the budget in ensuring that State infrastructure will continue to be delivered or that the State will continue to meet its challenges to ensure that we stay on top. Members on this side of the Chamber fought hard for the wages policy. The policy was taken on by Premier O'Farrell when he first came to government and was spearheaded by Treasurer Mike Baird. It may have taken many hours of sitting in this House to see it realised and potentially record times of members speaking when it came to this legislation—maybe it was workers compensation; I cannot remember—in trying to frustrate the passage of the wages cap in this State. However, it was a significant policy that needed to be made to keep our expenses under control and to get our State back on track.

That decision saw New South Wales return to surplus under the Coalition Government. The State got to a position of negative net debt and had a positive balance sheet. It also set this State up for what is now a \$112 billion infrastructure program. The policy has been the lynchpin of being able to deliver more than 190 new and upgraded schools and several hospitals across New South Wales. I do not think we can find a hospital in this State that has not seen significant growth. It is a policy that has ensured that New South Wales could withstand droughts, fires, floods and, of course, a global pandemic to boot. We came out on the other side better, stronger and ready for a bigger and brighter future in this State.

The union movement in New South Wales is leading the introduction of this legislation. We hear the Opposition leader saying that there is no link between the union action and the election ambitions of NSW Labor, but we have heard in this House before that its administrative committee is in charge of election campaigns for public office. More than three-quarters of the admin committee members are union-affiliated and union bosses in the industrial disputes are represented. We have gone through the list: Justin Page, Secretary of the ETU; Bob Nanva, the National Secretary of the Rail, Tram and Bus Union; Dominic Ofner, the National Executive Officer at the Australian Rail, Tram and Bus Union; and Alex Klaassens—who could forget him—the New South Wales secretary and national executive member of the Rail, Tram and Bus Union.

The list also includes Mark Morey, Secretary of Unions NSW and the Executive Officer at the Rail, Tram and Bus Union; Rita Mallia, the president of the Construction, Forestry, Mining, Maritime and Energy Union (Construction and General Division)—that one is for the Hon. Anthony D'Adam; George Simon, the National Communications Director at the Australian Manufacturing Workers' Union; Vanessa Seagrove, Assistant Secretary of the Unions NSW, AMWU—the Opposition Whips provide me with a new and updated list—Cory Wright, the State secretary of the Australian Manufacturing Workers' Union. The list goes on. Of course, there is Daniel Walton, the National Secretary of the Australian Workers' Union; and Chris Hayes, the former member for Werriwa, who is the Assistant National Secretary of the Australian Workers' Union.

When the Opposition leader was first elected, he said he would stand up to the union bosses. If the Opposition supports this legislation today, it will show that it is not standing up to the union movement in New South Wales. In his inaugural speech, the Opposition leader said:

... Labor also needs to represent those who are not in a trade union. That will mean taking steps to reduce union control on the floor of our conference and increasing the representation of ordinary members of our party ...

We have seen none of that. Instead, we are seeing legislation such as this brought before the House. Opposition members have a real option before them today as to whether they support legislation such as this or whether they will take a stand against the union movement and say, "Enough is enough." To take Labor's top job, the Opposition leader had to come to an arrangement with the union bosses. That is why he is silent now as the unions are causing chaos across New South Wales. We do not know in this Chamber what the deal was between the member for Kogarah and the union movement, but now the unions are the most militant they have been in decades, vowing to carry on until the election. That is a risk for New South Wales because we cannot risk our economic recovery to a weak Labor leader beholden to the union bosses, who are the masters of Opposition members.

On this side of the Chamber, the Government's commitment to the wages policy remains resolute. We oppose the bill before the House so that we can manage public sector wage growth to deliver the best outcomes for every person in New South Wales. We will stand against the strikes and stand steadfast for the people of New South Wales. We will continue to deliver the infrastructure that this State needs. We will continue to make sure that the people of New South Wales are well looked after, with great service delivery. We will deliver the items in this budget. We will make sure that wages in New South Wales are kept under control, but we will also ensure that the wages policy is fair and reasonable and looks after the workers, which includes public sector workers.

We will ensure that we are providing a better and brighter future for the people of New South Wales, keeping wages under control, limiting inflationary pressures and, most importantly, ensuring that members opposite do not come to this side of the Chamber so they can wreak the economic chaos upon the people of New South Wales that the Hon. Daniel Mookhey is no doubt planning.

The PRESIDENT: According to the resolution of the House this day, business is now interrupted to consider the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022, standing in the name of Reverend the Hon. Fred Nile.

Announcements

LEGISLATIVE COUNCIL PHOTOGRAPHS

The PRESIDENT (17:01): I inform members that a staff photographer will be present in the Chamber to take photographs.

Visitors

VISITORS

The PRESIDENT: I welcome into the galleries of this House a number of guests of Reverend the Hon. Fred Nile to witness the introduction of the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022. It is quite an extensive list, and I ask the visitors to please forgive me if they are not on it. The visitors include representatives from the NSW Aboriginal Land Council, including the chairperson, Danny Chapman; Nathan Moran, representing the Metropolitan Local Aboriginal Land Council; Brendan Moyle, representing Darkinjung Local Aboriginal Land Council; Geoff Scott, representing the Metropolitan Local Aboriginal Land Council; and Roy Ah-See and Geoff Scott, representing the Uluru Dialogue.

The visitors also include Paul Newman, representing the Black Pages; Lindsay McDowell from Southern Cross Ministries; Professor Berice Anning from the University of Technology Sydney; Peter, Maria, Peta and Estelle from the Christian Fellowship; Terrence Robinson and Ramona Walker, representing the Grafton Local Aboriginal Land Council; Lex Bewley, representing Greening the Gaps; Glen Crump, representing Moree Local Aboriginal Education Consultative Group; and Ash Walker, community member of the Aboriginal Cultural Heritage Advisory Committee. I welcome you one and all to the New South Wales Parliament today for this important moment.

*Bills***ABORIGINAL CULTURAL HERITAGE (CULTURE IS IDENTITY) BILL 2022****First Reading**

Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.

Second Reading Speech

Reverend the Hon. FRED NILE (17:03): I move:

That this bill be now read a second time.

In introducing the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022, I acknowledge the Gadigal people of the First Nation, the traditional custodians of this land, and pay my respect to Elders past, present and ongoing. I thank the supporters of this bill from the Aboriginal community, many of whom are sitting in the gallery today. I acknowledge representatives from the NSW Aboriginal Land Council, including its chairperson; Nathan Moran from the Metropolitan Local Aboriginal Land Council; Brendan Moyle from Darkinjung Local Aboriginal Land Council; Roy Ah-See and Geoff Scott from the Uluru Dialogue; Professor Megan Davis from the Indigenous Law Centre, University of New South Wales; Geoffrey Winters from Just Reinvest NSW; Emeritus Professor Lyndall Ryan from the University of Newcastle; Dr Grant Saunders from the Wollotuka Institute; Jonathon Hunyor from the Public Interest Advocacy Centre; Greg Bondar, former CEO of the Tharawal Local Aboriginal Land Council; Reverend Lindsay McDowell from Southern Cross Ministries Australia; and Paul Newman from Black Pages.

I also thank the co-sponsors of the bill: the member for Sydney, Mr Alex Greenwich; the member for Lake Macquarie, Mr Greg Piper; the Hon. Mark Pearson and the Hon. Emma Hurst, representing the Animal Justice Party; and Mr Justin Field. Particularly, I thank my staff: Mr Will Jennings, Mrs Diamantis and Ms Ayoub. I thank the Parliamentary Counsel's Office for its tireless and diligent work. Of course, I thank Roy Ah-See. Without him, none of this would have been possible.

I note with pride that the Australian Aboriginal flag flies outside the Parliament and accompanies the Prime Minister at all press conferences. The flag will be a permanent fixture on the Sydney Harbour Bridge. This is a symbolic but ultimately tokenistic show of respect to the First Australians. We need to do more, as symbolism alone is not sufficient. As my good friend Roy Ah-See has told me, "Whitefellas are good at talking; blackfellas are good at listening." There are no members of the State Parliament, in either place, who are of Indigenous heritage. This is a disgrace.

I have listened to the Aboriginal community for over 40 years, and they want self-determination. The culture is identity bill provides custodianship of Aboriginal cultural heritage to the Aboriginal community rather than Macquarie Street politicians and their departments. The culture is identity bill furthers the relative conversation towards self-determination and, most importantly, an Indigenous voice in Parliament, which we have all been looking forward to. Yesterday the NSW Coalition of Aboriginal Regional Alliances [NCARA] published a media release entitled *The NSW Government Has Again Failed*—I hope that is not true. Co-chairs Des Jones and Vickie Parry detailed their "disappointment and disgust" towards the Minister for Aboriginal Affairs and the State Government. The key sources of anger were directed at the recent budget announcements that failed to capture the voices of communities in local decision-making. Des Jones said:

This is typical of the NSW Government's attitude towards self-determining models designed to represent community voice on community issues ... gaps will not close and voices will be silenced under the current leadership.

I remind members that NCARA was created by the O'Farrell Government in 2013 under then Minister for Aboriginal Affairs Victor Dominello. Clearly some things have not changed. Yesterday I was heartened by Minister Ben Franklin's answer to a question from the Hon. Sue Higgs on Mungo Man and Mungo Lady. He said:

The New South Wales Government supports the rights of the Aboriginal community to determine the management of their ancestors.

Those are important words, but they must be backed up with legislative change. The Minister went on to say:

Heritage NSW and the National Parks and Wildlife Service planned to commence the reburials with Mungo Man and Mungo Lady on 24 May 2022.

This flawed approach continues to place custodians of Aboriginal cultural heritage [ACH] in the hands of the Government rather than the local Aboriginal community, which I am endeavouring to change. Worse, Aboriginal cultural heritage is still managed by the National Parks and Wildlife Service. This is the very height of disrespect to a community that is still healing from generational trauma. My bill empowers local Aboriginal communities right across New South Wales to make decisions about their heritage for their present living culture and for their

future. I thank the Minister for Aboriginal Affairs and the Premier for meeting with me and other representatives this week. We provided an executive briefing to them and they agreed that the current system is lacking and needs reform.

The bill establishes a temporary, independent task force comprised of peak bodies in the Aboriginal community. The sole purpose of the task force is to elect the first members of the Aboriginal Cultural Heritage Council. The body will be comprised solely of members from the Aboriginal community. Five will be appointed by the Aboriginal community and six will be appointed by the Minister. Once established, the council will be self-sustaining and may conduct its own appointments and affairs. The functions of the Aboriginal Cultural Heritage Council will include providing oversight of the Aboriginal cultural heritage system; promoting public awareness of Aboriginal cultural heritage; developing guidance materials in the recognition, protection, conservation, preservation and management of Aboriginal cultural heritage; and making decisions in relation to protected areas, Aboriginal cultural heritage permits and Aboriginal cultural heritage management plans.

The council will serve three primary roles. First, the council be an advisory and resourcing body whose purpose is to preserve both tangible and intangible Aboriginal heritage in New South Wales. Secondly, the council will be able to create local ACH services. The appointment of a local ACH service must be a consultative process with all Aboriginal stakeholders in the local community. The appointment is expected to be the incumbent knowledge holder. The bill does not seek to disestablish existing cultural authorities or reinvent the wheel. The appointment process is established under subdivision 2 (23) of the bill entitled "Designation of local ACH service", which states:

- (1) The ACH Council may determine the entity to be designated as the local ACH service for an area subject to the Commonwealth law, cultural rights and legal rights of interested Aboriginal parties to Aboriginal cultural heritage on or off the land.
- (2) In this section—
Aboriginal owners has the same meaning as in the Aboriginal Land Rights Act 1983.
interested Aboriginal parties include the following—
 - (a) Aboriginal owners of the land,
 - (b) a Local Aboriginal Land Council,
 - (c) a registered native title body corporate for the area or part of the area.

Thirdly, the council is a medium between the local ACH service and the Government. Any decision made by the local ACH service is conveyed to the council, which in turn will ratify the decision to the Government and relevant project operator. A local ACH service will be given functions in relation to engaging and negotiating with persons intending to carry out activities in the area and native title parties and knowledge holders for the area. The functions also include facilitating or making ACH management plans for the area, providing advice to persons about whether Aboriginal cultural heritage is located in the area, providing information to the ACH Council about Aboriginal cultural heritage in the area and reporting on other matters relating to Aboriginal cultural heritage.

This bill recognises that members of a local Aboriginal community are the most appropriate and qualified to determine the future of their local heritage. The local community can provide a unique insight into the nature of their local heritage. Most importantly, it is their heritage. It does not belong to Macquarie Street politicians or to their respective departments. Aboriginal heritage belongs to the Aboriginal community. The ACH service will receive requests to modify, move, damage or otherwise harm artefacts of Aboriginal cultural heritage. A non-exhaustive list of these artefacts includes, but is not limited to, fauna, flora, places, waterways and the intangible. After a required consultation period with all Aboriginal stakeholders the ACH service provides the final determination on the project request to the ACH Council, which informs the project sponsors making the application of the outcome.

This bill will not impede growth in New South Wales but rather it will ensure that we build responsibly and respectfully. The other key reform of this bill deals with the frequent and reckless use of powers in the Environmental Planning and Assessment Act 1979. Currently, there are little to no means by which to prevent the use of State significant development or State significant infrastructure powers. The process to appeal is flawed and rarely successful. The process is to appeal through the local Land and Environment Court. This bill exempts artefacts of Aboriginal cultural heritage from these powers. This leads me to a frequently asked question that my staff and I encountered throughout the consultation period: Why create yet another agency when we have the Aboriginal Cultural Advisory Committee? It is a good question, but one easily answered.

The Aboriginal Cultural Advisory Committee has not been able to protect Aboriginal cultural heritage in this State. The Aboriginal Cultural Advisory Committee and its decisions are not independent from the Minister. Since 2010 there have been over 1,450 Aboriginal heritage impact permits granted by the Aboriginal Cultural

Advisory Committee. Not a single application has ever been declined. Either this means that we have a flawless approval system or there is something seriously wrong with the process. The Aboriginal community is crying out for an independent body and process that is representative of their community and protects their culture and heritage. That is what this bill does and creates.

For example, the Chinese mining company Shenhua Watermark applied to create an open-cut mine on Gomeri lands in the Liverpool Plains. The site is considered to be culturally and historically significant to the Gomeri Aboriginal people. The site, which was on a protected heritage list, included a mortuary trail, multiple burial sites, multiple grinding grooves and a site of where the First Australians, which are the Aboriginal people, were massacred. The site is so significant that it has been compared to Gallipoli and a war memorial by the local Aboriginal community. So fierce was the opposition to that mine that it has even resulted in legal action against Federal environment Minister, Susan Ley.

The New South Wales cultural heritage laws are ambiguous. The Gomeri people applied for a protection order in 2015 and a follow-up application was made in 2017. Both applications contained over 1,000 pages of evidence. The environment Minister appreciated that the mine would irreversibly destroy sacred sites. The Minister also agreed that this would result in emotional and spiritual devastation to the local people. The common consensus among all parties was that the Gomeri's culture and heritage were of immeasurable value. Despite this, the Minister decided against the protection declaration in 2019, citing the economic and social benefits to the community that would outweigh its cultural and historic significance. The local Aboriginal peoples and other activists claimed that the commercial interests of a foreign-owned company were being placed before their own and the decision was made without local consent.

After years of fighting the mine, the New South Wales Government agreed with Shenhua to end the mining lease in April 2021. Fears of the mine's impact on the area's soil were cited as the reasoning for the end of the lease. The concerns of the local Aboriginal community were not mentioned. This was a clear case of institutional racism. The Aboriginal Cultural Heritage (Culture is Identity) Bill 2022, my bill, would have prevented such a terrible outcome and protracted conflict. If indeed a mine were to be approved then the local ACH Service, which is a truly representative and independent voice of the local Aboriginal community, would have been able to endorse it, or prevent it.

More recently, the New South Wales Government is proceeding with the Dungowan Dam. This is despite a tripling in project costs from \$449.2 million to \$1.275 billion. This is despite a lack of water. This is despite no business case or any other environmental approval being given and, most importantly, despite strong objections from the local Aboriginal communities. Yet the process is out of their hands. It is in the hands of the Government. For this project to proceed it would require the approval of a truly independent, truly representative local ACH service.

Another important aspect of the bill is on commercial practices in part 3 division 5 entitled "Other rights". The section allows the local Aboriginal community to have greater commercial use and access to their own land. That can include, but is not limited to, hunting, fishing and farming. Earlier this month we concluded National Reconciliation Week with a theme of "Be brave. Make change." Additionally, NAIDOC Week starts from 3 July and concludes on 10 July. We will celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander People. This year's message is "Get up! Stand up! Show up!" The best way to truly live those important messages is by voting for the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022. Prime Minister Albanese has already identified the need for an Indigenous voice in Parliament. My bill provides the framework for that voice to grow. Vote Compass found that most Australians support an Indigenous voice to Parliament, and it has grown since the last election. Its report stated:

Overall, in 2019, 64 per cent of voters supported the push for a referendum ahead of the last election. In the latest survey ahead of this year's election, 73 per cent supported the move.

...

Labor voters are significantly more likely than Liberal-National voters to back a Voice, with 82 per cent supportive of a potential referendum.

The Aboriginal Land Rights Act 1983 owes its existence to the Wran Government and those vital crossbenchers who voted for it. On 30 March 1983 the Aboriginal Land Rights Act passed the Legislative Council by 21 ayes to 18 noes. I was very proud to be amongst those 21 ayes. This is complex and culturally sensitive legislation. I have no doubt that my colleagues in the Chamber will move amendments. I only stress that said amendments are focused on preserving Aboriginal heritage and furthering the righteous cause of self-determination. In other words, the amendments should follow through with the objectives of the legislation.

Disgracefully, New South Wales is the only jurisdiction in Australia that does not have laws to protect Aboriginal culture and heritage. The Aboriginal Cultural Heritage (Culture is Identity) Bill 2022 closes that gap.

The bill is bigger than any one person or party, and members of Parliament in both Houses across ideological divides have come to me to co-sponsor or support it, and I have stated many of their names. Peak Aboriginal bodies, Aboriginal businesses, Aboriginal churches, key academics and others have endorsed the bill, and I thank each one of them.

My colleagues should vote for the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022 because the Aboriginal community supports it and has asked them to. They should vote for the bill because it establishes the legal framework for an Indigenous voice in Parliament. They should vote for the bill because it has been promised by both sides of the Chamber for nearly four decades. They should vote for the bill because it empowers local communities. They should vote for the bill because it provides a fair balance between the needs of the community and those of the State. I commend the bill to the Chamber.

Debate adjourned.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

Ms ABIGAIL BOYD: I move:

That standing and sessional orders be suspended to allow private members' business item No. 1781 relating to an order for papers regarding anti-protest legislation to be called on forthwith.

Motion agreed to.

Documents

ANTI-PROTEST LEGISLATION

Production of Documents: Order

Ms ABIGAIL BOYD (17:35): 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 2022, in electronic form if possible, in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Attorney General, the Department of Communities and Justice, the Minister for Transport and Minister for Veterans, the Minister for Metropolitan Roads and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence, the Minister for Regional Transport and Roads, Transport for NSW, the Deputy Premier, Minister for Regional New South Wales and Minister for Police, or the NSW Police Force, relating to anti-protest legislation:

- (a) all documents relating to the Roads Amendment (Major Bridges and Tunnels) Regulation 2022, including but not limited to:
 - (i) all emails, text messages, correspondence and other documents relating to drafting of the regulation;
 - (ii) all correspondence, minutes and records relating to meetings held about the regulation;
 - (iii) all legal advice and communication with external or departmental legal advisers;
 - (iv) all correspondence relating to the operational and policing aspects of the regulation; and
 - (v) briefings relating to Legislative Council debate on the disallowance of the regulation on 31 March 2022.
- (b) all documents relating to the Roads and Crimes Legislation Amendment Bill 2022, including but not limited to:
 - (i) all emails, text messages, correspondence and other documents relating to drafting of the bill;
 - (ii) all correspondence, minutes and records, relating to meetings held about the bill;
 - (iii) all legal advice and communication with external or departmental legal advisers;
 - (iv) all correspondence relating to the operational and policing aspects of the bill; and
 - (v) all briefings relating to Legislative Council debate in the House and committee of the whole on the bill on 31 March 2022 and 1 April 2022.
- (c) all documents relating to the Roads Amendment (Major Bridges and Tunnels) Regulation (No 2) 2022, including but not limited to:
 - (i) all emails, text messages, correspondence and other documents relating to drafting of the regulation;
 - (ii) all documentation, including correspondence and minutes, relating to meetings held about the regulation;
 - (iii) all legal advice and communication with external or departmental legal advisers; and
 - (iv) all correspondence relating to the operational and policing aspects of the regulation.
- (d) all documents relating to the Roads Amendment (Major Roads) Regulation 2022, including but not limited to:
 - (i) all emails, text messages, correspondence and other documents relating to drafting of the regulation;
 - (ii) all documentation, including correspondence and minutes, relating to meetings held about the regulation;

- (iii) all legal advice and communication with external or departmental legal advisers; and
- (iv) all correspondence relating to the operational and policing aspects of the regulation.
- (e) all documents relating to the Crimes Amendment (Major Facilities) Regulation 2022, including but not limited to:
 - (i) all emails, text messages, correspondence and other documents relating to drafting of the regulation;
 - (ii) all documentation, including correspondence and minutes, relating to meetings held about the regulation;
 - (iii) all legal advice and communication with external or departmental legal advisers; and
 - (iv) all correspondence relating to the operational and policing aspects of the regulation.
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This order for papers is deeply necessary in order to assist us in understanding exactly what the process was in formulating the Roads and Crimes Act 2022 and related regulations, after the Act was rushed through at the start of April this year. The legislation was roundly condemned by a coalition of 40 leading civil society organisations who disputed its constitutionality and its legal and ethical foundations. The legislation was undeniably controversial, and regardless of one's instinctive support for or opposition to the legislation, it will be illuminating for all members to fully understand the process that was undertaken in developing the legislation, which has been condemned by organisations like the Human Rights Legal Centre, the NSW Council for Civil Liberties and also Unions NSW and its constituent member unions. I have been seeking clarity from the Government as to what process was undertaken. The Minister for Metropolitan Roads, the instigator of this legislation, was in many ways its public face. On 31 March I asked her:

What external legal advice did the New South Wales Government obtain in relation to the legality or otherwise of the draconian anti-protest laws otherwise known as the Roads Amendment (Major Bridges and Tunnels) Regulation 2022 before it was made?"

The Minister sought to avoid answering the question directly, but when called back to the question, the Minister could only tell us that she had asked the advice of her department before signing off on the regulation. It would be gravely concerning if that sloppy, inadequate process, lacking the appropriate due diligence that this astonishing assault on our democratic rights deserves, was common to the legislation and regulations that followed it shortly thereafter.

This order for papers will also give us some oversight over what consultation occurred between the Government and the NSW Police Force in the lead-up to the legislation being rushed into place, as well as what was communicated to the police after it was put in place as to how to interpret and enforce the new laws. I asked Commissioner Webb about that process during budget estimates and received unsatisfactory and incomplete answers. In response to a question taken on notice it became apparent that there were multiple instances of statewide messages to all police as to how to interpret this new power, which we deserve the right to see and understand.

I also hope that we will be able to see what specific advice may have been served to operatives within the newly formed strike force aimed at targeting peaceful protesters. That was the same police strike force that initiated the militarised raid on a camp of campaigners on the weekend following covert surveillance on private property, the legal basis of which is currently disputed as a warrant for the surveillance is yet to be made public. The encroachment of police powers into our civil society must be fully understood, assessed and debated by all members of Parliament. This order for papers will hopefully give us some understanding as to the basis on which those decisions and recent actions have been made. I commend the motion to the House.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (17:39): This Government and Transport for NSW are committed to complying with parliamentary processes such as orders for papers and parliamentary inquiries. From time to time they have produced many good outcomes and I am pleased to have been involved in many of them. However, it is important that the legislative and Cabinet process is respected. Decisions of government must be well informed. We expect our departments to provide us with full and frank advice on a range of options and outcomes; that is what governments do. We must be able to seek full and frank advice and departments must feel comfortable providing it. It is expected that during that process drafts will be redrafted, views will be reviewed, and thoughts and opinions may be expressed. That is what governments do when they take advice and consult with a number of advisers.

The focus must be on the value of the bill—or the Act, as it stands—rather than unpicking the internal machinations of the Government and government departments in a way that could prevent the provision of fulsome advice at the risk of calls for papers. We want departments to give that advice without fear or favour. We want to make decisions that are based on a range of options then assess those options and decide what is best for government. That is why governments are elected. Through the Act, I was pleased and proud to be part of a

government that responded quickly and effectively to—and I will repeat it—selfish protesters who held up hundreds, if not thousands, of commuters on affected roads, selfishly putting their views ahead of others. I sat in a car on the Spit Bridge that morning and I saw with my own eyes that people were being held up. In the car next to me were three schoolchildren and a parent who was just trying to get them to school. After a period of lockdown, that is unacceptable.

The Government enacted the bill to ensure that families, business owners and workers could get to where they needed to go on our roads on their daily commute. It was called for by the people of New South Wales; we wanted to get people across the road network. The Act was passed by this House. That is a fact; it is done. This call for papers will divert police, Transport and justice employees from their roles. In the circumstances it is not a worthwhile exercise. It will not alter the meaning of the Act or lessen the severity of the offending. It will only distract from the provisions that are already in operation.

I seek leave for a one-minute extension.

Leave granted.

The Hon. NATALIE WARD: The changes that have stopped unauthorised protesters from blocking our roads and other transport infrastructure have been an important component of responding to this issue, keeping people moving on our roads. Unauthorised protesters have no place in our State. Those increased penalties serve as a message from this Government: We will not stand for stunts and blockades of our roads, which impact commuters and our important freight services getting where they need to go. I normally support the Standing Order 52 process, but in these circumstances I absolutely do not. The Government opposes the motion. It is unnecessary and frivolous, and should not be supported. The Act has passed and we need to move on.

The Hon. JOHN GRAHAM (17:42): The Opposition supports the call for papers. It is well known in the House that the Opposition supported the passage of those laws. However, we do not believe that they should be shielded from scrutiny. How the laws were implemented is obviously very important and should be important to the Parliament. For those reasons, the Opposition supports the call for papers, as we have for a wide range of other areas. The Minister raised concerns about matters that might be returned as part of the call for papers. The Government is welcome to use the functions of the House when returning those papers, including if they are privileged. They have been used for other agencies. The Government is entitled to give its view about whether they are appropriate to be used in this case. However, that does not mean that there should be no scrutiny of those laws.

Ms ABIGAIL BOYD (17:44): In reply: I thank Minister Ward and the Hon. John Graham for their contributions. The Hon. John Graham said it very well: It does not matter which side of the debate members are on, but it is extraordinary that we can make laws incredibly quickly and that their constitutionality can be in question without that process being investigated. If external legal advice was given to which privilege is claimed then those privileged documents can be provided under the Standing Order 52 process and we can battle over whether or not they should be privileged. Nothing should stop this Government from being scrutinised when it rushes through laws of this nature.

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

The House divided.

Ayes21

Noes14

Majority.....7

AYES

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

NOES

Amato	Farraway	Poulos
Barrett (teller)	Franklin	Rath
Cusack	Maclaren-Jones	Taylor

Fang Farlow (teller)	Mallard Mitchell	NOES	Ward
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Moselmane Secord	PAIRS	Martin Tudehope
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Motion agreed to.

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 Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

KANGAROO HARVEST MANAGEMENT PLANS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 17 November 2021, as amended on Wednesday 24 November 2021, I table additional documents relating to an order for papers regarding compliance with kangaroo management programs, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

FLOODPLAIN HARVESTING

Return to Order

The CLERK: According to the resolution of the House of Wednesday 8 June 2022, I table documents relating to an order for papers regarding floodplain harvesting metrics, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

Bills

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

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. DANIEL MOOKHEY (17:56): I lead for the Labor Party on the Industrial Relations Legislation Amendment (Public Sector Remuneration Cap Repeal) Bill 2022. When this Government introduced a wage cap in 2012 the Labor Party stood for hours, fighting over six days. I pay tribute to the shadow Minister for Industrial Relations, who joins us in the gallery. She stood at that rostrum for six hours, laying out the defence of public sector workers to meaningfully bargain over their pay and conditions. At the time, the honourable shadow Minister, Sophie Cotsis—she was honourable at the time and she will be honourable again soon—made

the point that if the cap passes, we will break real wage growth in New South Wales for public sector workers and private sector workers. How right we were.

Over the past 10 years, prices have risen year after year and real wage growth has fallen year after year. It has been negative now for more than two years. That was not by accident; that was the intent—to reduce real wage growth, otherwise known as the income of working people, and their entitlement to a fair share of pay. As we gather now, 10 years later, we are glad that more and more parties in this place are coming to the same position. But we are also clear that it is not easy to reconstruct a wage system that delivers real wage growth over time for public and private sector workers which delivers productivity growth that can be reinvested into delivering world-class public services. The system is so broken in New South Wales that it will require a change in government to fix it. We have not hidden this.

The Leader of the Opposition in the other place has repeatedly said, in repeated forums, that the wage bargaining system that applies to public sector workers is fundamentally broken. There are unions that have worked in partnership with their members to come up with visions for how they can transform their professions in a manner which allows them to deliver higher wages for their members and for everybody else. At the same time, they can save money for the public and deliver better services. Every single one of them says, "We have nowhere to go to talk about it." That applies to our police, to our health workers, to our teachers—three of the principal groups we employ in this State.

The Opposition thinks there should be a system where workers have the ability to make suggestions and meaningfully negotiate with government and, should they not reach agreement, have recourse to an independent umpire. We have been fighting for that principle since 1891 in this place. We are not suggesting for a second that that level of transformation will be easy. It requires—

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! I will have no hesitation in calling the Minister to order. The Hon. Daniel Mookhey has the call.

The Hon. DANIEL MOOKHEY: It requires careful thought and careful deliberation. Opposition members have big ambitions when it comes to restoring real wage growth in New South Wales. We are eager to consider the recommendations of the future of work inquiry, which touches on the Industrial Relations Act 1996. May I say that inquiry has an excellent chair. We are working through the findings, and we hope that the Government is too. We can do a lot more in the New South Wales industrial relations system to ensure that not just our public sector workers but also our private sector workers have access to a wage system that delivers justice and a fair return on their work. We will not suggest for a second that it is going to be easy to do. It requires expert deliberation and serious policy development, as does every industrial relations system and every change to the industrial relations system, because it affects so many people. That is particularly so when it applies to the New South Wales Government.

The Hon. Scott Farlow said that the New South Wales Government is the biggest employer in New South Wales. It is the biggest employer in Australia, actually. It sets the rates that apply in the private sector. Members do not necessarily need to believe the Hon. Scott Farlow or, for that matter, me about that. They can just listen to any speech given by Dr Philip Lowe of the Reserve Bank of Australia. He has made it clear that the Government is the wage price setter. How we fix this system has a deep effect. The Opposition is absolutely of the view that in order to properly develop the future of the New South Wales bargaining system, in order to repair a broken Act that this Government broke and in order to make sure that it remains fit for purpose and suited to the times it will require great deliberation by this Parliament over this year and the next. That should start with a parliamentary inquiry. I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 1 for inquiry and report."

We think that is an appropriate way to start to develop the policy transformation that is possible and necessary to get real wage growth over time. I pay tribute to the Hon. Robert Borsak and the Hon. Mark Banasiak for bringing forward this bill. It allows us to trigger that process. I thank them for the respectful dialogue that I and Ms Sophie Cotsis have had with them on this bill over the past few weeks. I understand that they might not be amenable to our suggestion tonight. We have indicated to them that we think that this is such a fundamental transformation it must be done carefully and deliberately. We also indicated that, as a result, if there is a desire to put this to a vote tonight, we are not in a position to support it.

We hope the House agrees that an inquiry is the right step forward. If the House does not, let us be clear: The wage system is broken. It was broken because of the cap. The cap will go. We will take a plan to the next election. We will get a mandate. We will bring it back. We will make sure we consult with the experts. We will consult with employers and unions. We will consult with public service workers and gig workers. We will consult with many, many others who want to see the State get back into the business of industrial relations. We

compliment the Federal Labor Government, which has just been elected with a platform to deliver reform at a Federal level, for its actions. We reject the idea that the States have no role in industrial relations. We maintain that the ability to set our industrial relations laws in New South Wales is fundamental to delivering economic justice for working families. Regardless of what prevails in the House tonight, Labor's commitment to abolishing this cap goes on.

The Hon. CHRIS RATH (18:05): I almost need to rehash the private member's statement I delivered earlier today, but in debate on the Industrial Relations Amendment (Public Sector Remuneration Cap Repeal) Bill 2022 I will try to keep to some different points than those that I already have spoken about. There are two issues. One is the issue of debt and deficit and the other issue is of inflation. On debt and deficit, the Labor Party seems to want to attack the Government from the right. It seems that we have been too big spending, that we have been going down the path of too much debt and deficit. But they cannot have it both ways. They cannot say, "On one hand the Government is going down into deep debt and deficit, but on the other hand we also support getting rid of the wages cap and we need to increase wages at the rate of inflation." All that will do is lead to even larger budget deficits than we are currently facing. I am encouraged that we will be going back to surplus in 2024-25.

Yesterday we heard members of the Opposition talk about the triple-A credit rating in question time and in the take-note debate. The Hon. Daniel Mookhey spoke about the interest on debt that the Government has to service. The thing is, if you remove the cap on public sector wages, then you will just have a deficit blowout and more debt. We need to look at that issue with regard to this bill. The other issue is inflation. I mentioned in my private member's statement that when you increase wages at 5 per cent, inflation goes up at 5 per cent. If you increase wages at 6 per cent, you will increase inflation and it will lead to a wage price spiral.

The Hon. Tara Moriarty: That is nonsense.

The Hon. CHRIS RATH: I hear the interjection about how that is nonsense. It was not nonsense to Bob Hawke, Paul Keating and the Australian Council of Trade Unions in the early 1980s, when they brought in the accord. If you just increase wages at an ever-exponential rate, then inflation will go up and real wages will not have increased at all. You cannot do that. You cannot just forever increase wages and expect that standards of living will be higher. It requires the three Ps—productivity, participation and population. That is what we have been addressing in the budget, and over 11 years in government.

Inflation is a situation where too much money is chasing too few goods. If you put more money into the economy through increased wage demands, you will create inflation, unless you produce more goods and services—or more widgets, if you take it from an economics textbook. The Hon. Mark Latham said that there need to be productivity improvements. I completely agree that wages can go up if productivity goes up, but we must put in place productivity-improving reforms, like tax reform—which this Government has been doing, as seen in yesterday's budget, with stamp duty—and increasing participation, which is also in the budget, through increased access to child care and preschool. It is all well and good to say, "Let's just remove the cap," but that will not lead to improvements in standards of living. Removing the cap will lead to huge wage demands, and then all of a sudden the inflation rate will be at the same rate as the very wage demands that the unions have put in, which is why we need the productivity improvements.

In New South Wales, as the Hon. Scott Farlow previously mentioned, we have a 3.5 per cent increase, compared with Victoria's increase of 1.5 per cent. As the Hon. Scott Farlow said, there is no industrial anarchy in Victoria, but in New South Wales, with far more generous wage increases as delivered by this Government, we have industrial anarchy. What is the difference? Why is it that in New South Wales trade unions are marching down Macquarie Street but it is not the same in Spring Street in Victoria? Maybe that is because it is a Coalition government in New South Wales and it is a Labor government in Victoria. Maybe that is the difference. I do not know.

Ms Abigail Boyd: Maybe the cost-of-living pressures are totally different.

The Hon. CHRIS RATH: Inflation is everywhere. It is not just in New South Wales; it is also in Victoria, which has the same wage demands that we do, but it is just a different political colour in New South Wales. We must ensure that we keep the cap. We must keep wages at a manageable level for two reasons. First, we cannot go into enormous debt and deficit. Secondly, we must make sure that we do not let the inflation genie out of the bottle in a more radical way than it already has been. I urge members to vote against the bill.

Ms ABIGAIL BOYD (18:11): The Greens will be supporting the Industrial Relations Legislation Amendment (Public Sector Remuneration Cap Repeal) Bill 2022. We thank the Hon. Robert Borsak, as well as the Hon. Mark Banasiak, for introducing the bill on behalf of the Shooters, Fishers and Farmers Party. I am used to sitting in this place and listening to the Liberals' 1950s—even 1850s—style of economics that seems to be completely divorced from reality. I am used to hearing about this idea of productivity magically happening from

people who have their wages pushed down into the ground, who have mounting cost-of-living pressures and who live in a State where the Government does nothing to provide for their basic needs. I am used to hearing this from the Liberals. This is the same party that claims that we need to keep people in poverty so that we do not raise inflation. However, I do not expect it from the Labor Party. Labor must be called out on its position on this bill, which I will come to in a minute.

Coming to the wage cap, in order to stop the so-called debt and deficit, to boost the economy or to somehow keep it running, if what this Government needs to do is push down the wages of some of the most vital workers in this State and it cannot give people a fair wage because otherwise it will somehow break the economy, it is doing the economy all wrong. That is not an excuse. The Government cannot say, "Well, sorry, we want to give a couple hundred million in fossil fuel subsidies to the fossil fuel companies. We want to give a few hundred million to the racing industry. We want to give some money here and some money there. But when it comes to workers, we're going to make sure that we put a cap on their wages because the workers can cope; the workers don't matter."

That is what the Government is telling the people of New South Wales. It is telling them that it cannot manage this economy in such a way that it could pay a decent wage to public sector workers, who are holding this State up. That is an absolute disgrace. It shows me and the people of New South Wales that this Government does not understand what economic management is, because it is giving to the rich, the wealthy and the people at the big end of town while absolutely screwing over the workers who keep this State running.

I cannot put it better than the Hon. Adam Searle did in his adjournment speech a couple of weeks ago when he talked about Labor's position on lifting the public sector wage cap. He referred to the Governor of the Reserve Bank, Philip Lowe, a noted left-wing economist, saying in 2019, "Wage caps in the public sector are cementing low wage norms across the country." The Hon. Adam Searle further said:

The effect of removing them would be to address the decline in real wages of public sector workers, increase wages in the private sector and increase State income, consumption and product.

... increases in public sector pay would stimulate the economy ...

I dispute a lot of what the Hon. Chris Rath says in his idea of economics. Even in a very basic economics 101, it is very clear that people must have money in their pockets in order to buy any goods. I understand that the Hon. Chris Rath does not understand where the current inflation is coming from and that it is supply motivated, not demand motivated. If the idea is that—because of inflation or because of a lack of creativity and ingenuity in getting around the inflation problem—the only way is to keep people in poverty and to keep their wages low, then the Government is doing things all wrong. It is absolutely amazing that it always talks about inflation as being some reason not to do things, even when it is giving money to the people who are the hardest done by. We are fine with giving tax cuts to the wealthy. Apparently, that will not cause inflation and that is fine. Having more money in the pockets of the wealthy, that does not cause inflation. But, my God, if we try to lift someone out of poverty, whoo, we have to be worried about inflation. Going back to the wonderful comments from the Hon. Adam Searle, he said:

... the quality of State public services through lower staff turnover and absenteeism ... lead to higher employee morale and motivation. It is not a huge leap to see that productivity would also increase.

Of course it would. He then ends with, "... stop tinkering at the edges and just scrap the cap," which then brings me to Labor's position on this bill. It comes as a huge surprise that Labor does not want to "just scrap the cap". Instead, Labor wants to have a look into the matter through an inquiry. That is most curious, I think, because there is nothing in the bill that would stop Labor from going and doing its homework to find out how else it might bolster the industrial relations rights of workers in this State. There is nothing in the shooters bill that would prevent Labor from, I do not know, even initiating a separate inquiry if it wanted to do it through the parliamentary process instead of listening to public sector workers in the ordinary course of their jobs.

Yet Labor is saying that it will not vote to lift the wages cap without having done a bit of an investigation into how else it might reform industrial relations law in this State. It is extraordinary. I do not know how we got to a point where a Labor Party does not want to lift the wages cap despite many of its members having stated so and, in fact, the whole union movement calling on it to lift the wage cap. I am perplexed by that and concerned and, frankly, horrified. Despite that, The Greens will support—and will always support—scrapping the wages cap. It will be very sad to not see the bill pass this House today, but there we are.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (18:19): I contribute to debate on the Industrial Relations Amendment (Public Sector Remuneration Cap Repeal) Bill 2022. In fact, I endorse that part of previous speaker Ms Abigail Boyd's contribution where she said it is very sad that, after 11 years in opposition, the Opposition Treasury spokesman does not have a policy on industrial relations. Today he wants to have an inquiry into industrial relations. He says he has been fighting against the

wages cap all this time, yet today he comes into this Chamber and says, "We're going to oppose this bill, but we don't have a replacement policy."

I agree that Ms Abigail Boyd should be dismayed about that. Today in this Chamber the Opposition had an opportunity to say it has an insight into the future of industrial relations in this State, yet the Hon. Daniel Mookhey says, "I want an inquiry." That is the best he can do. That stamps him as a potential Treasurer in a new government—if he was ever to be elected—who would have no idea. When you come into government, your responsibility is to come in with ideas, not to have an inquiry for someone else to tell you what your idea is. I would like to know what his idea is.

In fact, his boss has an idea. In April of this year his boss said, "We will lift the cap to the inflation rate." Chris Minns is on the public record as saying, "Whatever the inflation rate is, we will lift the cap to that." If ever there was a policy that would undermine the fiscal responsibility of this State, that is it. The Hon. Chris Rath has absolutely identified the problems with that policy, which states, "Whatever the inflation rate is, that is what we will always seek to achieve." All it does is play into the inflation scenario where you get larger and larger inflation and, therefore, larger and larger increases of the wage cap. In effect, those opposite say that the inflation rate always has to be the wage cap for the public sector unions. No government with any iota of an idea of fulfilling its fiscal responsibility would embrace that as a policy, yet that is what Chris Minns has articulated in the public arena as the Labor Party's policy.

The shadow Treasurer may not think that is such a good idea. He wants an inquiry because he does not want to have to say what he thinks. He does not want to come into this Chamber and say, "I will tell you what I think good industrial relations policy would be." Instead he says, "I want an inquiry so that I can hide." That is what today was about: hiding. His failure to articulate a policy in this place today marks him out as wanting a spot to hide because he does not want to have to tell us what his policy would be. "Clearly," he says, "once I tell you what my policy is, I will then be branded with all the fiscal irresponsibility which will be identified with that policy position." He knows it. In fact, he will go anywhere other than stand at this lectern, in this place, and tell members what that policy is. This is scary for the people of New South Wales.

We had an opportunity in this place to debate a bill for the establishment of a Parliamentary Budget Office. Labor would have had an opportunity to have its policies assessed in that forum by Treasury officials. However, the other House passed a condition to make that available to all the crossbenchers. In failing to debate that bill Labor is making sure, at its whim, that the crossbenchers do not get access to the Parliamentary Budget Office as well. Do members know why the Opposition does not want to debate that bill? It is because there is a provision in the amended bill that came to this place which stated that those using the proposed office must be transparent—by all means, put in the policy and get it costed, but once it has been costed it must then be published. The Government publishes budget papers, which are an absolutely transparent articulation of the Government's position in relation to Treasury's analysis of the budget performance. But the Opposition, and this particular shadow Treasurer, would run and hide anywhere so as not to have to articulate a policy position that would bind the Labor Party to where it would go with industrial relations.

I say to the Opposition: Tell us today what your policy position is. Do not hide any longer! When we have strikes in the street and public servants saying they want higher wages, the Opposition ought to tell us what its position is in relation to those strikes. Does it support them? On one day those opposite are out there on Macquarie Street addressing those strikers, saying, "We march with you." However, on the next day they are saying, "But we're not going to support your demands." You cannot have it both ways. Be honest with the people of New South Wales about where you stand. The Opposition's message in response to the budget, which emanates from this place tonight and will continue tomorrow, is "We don't want to have to tell you one word in relation to our policy positions."

What we should be very scared about is that they are opposing a position adopted by the Government on the wage cap regulation that has been endorsed by the Reserve Bank Governor. On the subject of what the responsible fiscal position should be, it was reported: "Yesterday when speaking on the topic of wages inflation, the Governor of the Reserve Bank, Mr Philip Lowe, indicated that pay rises should start with a three in order to avoid a 1970s-style wage price spiral and stop higher unemployment." That is where the Labor Party wants to take us at the moment. It does not want to accept the Reserve Bank's position in relation to proper fiscal responsibility; it wants to take us back to the 1970s. I was grateful that the Hon. Mark Latham provided me with a copy of a book by Peter Walsh entitled *Confessions of a Failed Finance Minister*. It makes for interesting reading about where we would go if we were to return to a 1970s-style approach to wages policy. Walsh writes:

Labor's fiscal credibility was ... jeopardised by public sector unions' pursuit of 'second tier' wage increases based on phantom productivity gains. Though I delayed implementation as long as I could, the public sector, in addition to its already generous superannuation scheme, had received the general 3 per cent funded superannuation benefit, also rationalised on dodgy productivity gains. The ACOA, which had long used and got away with the imposition of 'work bans' i.e., some public servants refusing to do the job for which they are paid, but continuing to receive their wages. In my view it had never been a legitimate tactic, hardly ever used

in the private sector, but standard practice for cosseted public sector unions, especially the ACOA. Why not when governments, Labor and Liberal, allowed them to get away with it—and still do?

Well, members on this side of the House do not let them get away with it. In fact, we have adopted a wages policy which has allowed us as a government to deliver absolute reform to this State. Today I ask whether in fact those opposite have adopted another policy, which they are refusing to tell us about, which takes the wages cap out of the equation or is some sort of hybrid version of the wages cap. Those opposite failed to address that this Government has embraced productivity reform as part of a wages policy.

Labor may have overlooked that, but the wages policy as articulated by the Government will deliver a 3 per cent increase this year and a 3 per cent increase next year, plus an additional 0.5 per cent for productivity reform. This Government was offering public sector unions a 6.5 per cent wage increase over two years, with an additional 0.5 per cent increase predicated on a 0.5 per cent return. The wage cap was invoked by the Government after a period of time. We ought not forget the wage cap was introduced by the Labor Government, which the Hon. Anthony D'Adam failed to address. He told us about how much they fought—

The Hon. Anthony D'Adam: That is not true. It was not a wage cap; it was a wages policy.

The Hon. DAMIEN TUDEHOPE: Okay, a wages policy.

[*An Opposition member interjected.*]

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! The Minister will resume his seat. I had no problem chastising the Minister earlier for his interjections. The rules are exactly the same for all members. The Hon. Anthony D'Adam may participate in this debate in the proper manner if he chooses to do so. In the meantime, he will cease interjecting. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The wages policy that was introduced by Labor was 2.5 per cent, but then Labor could not control it. For example, the last time there was a combined teachers' strike was in 2006 with the Independent Education Union of Australia and the NSW Teachers Federation, and it occurred under almost identical circumstances. The wage rise that was sought and delivered by the Labor Government was a 12 per cent increase in wages. No government can afford that.

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

The Hon. DAMIEN TUDEHOPE: Mr Deputy President, it is great to see you in the chair for this debate. The last time this issue was filibustered in this place, there was a vote that the member in the Chair, who is now presiding over these proceedings, be no longer heard. I want to ensure that is included in *Hansard* because it was in respect of this issue that the House resolved the Hon. Adam Searle be no longer heard. I am pleased that that would not apply to me because I am sure all members opposite would endorse me speaking for a period of five hours.

The Hon. Daniel Mookhey: We censure you. We do not silence you.

The Hon. DAMIEN TUDEHOPE: But I digress. One of the things about the wages cap, which has been lifted by the Government and is now the most generous cap in the country paid to public sector workers, is that when compared to Queensland and Victoria where I think the cap is 2 per cent—both Labor States—New South Wales has a more generous public sector wage cap than both States, and guess what? There is no industrial activity. No strikes; no unions coming out and complaining about not keeping up with real wages; and no-one demanding that the wage cap be lifted.

The Hon. Scott Farlow: Why not?

The Hon. DAMIEN TUDEHOPE: It is not happening. So we have to ask ourselves: Why not? It was interesting that last week in Victoria a journalist asked a union official, "Why was there no industrial action in relation to the wage cap in Victoria?" The answer was, "The difference between us and New South Wales is, up there it's political." The industrial action that has been taken over recent times, and the industrial action that Mark Morey has so robustly forecast for the people of this State, is all about a political outcome, not an outcome for workers. They do not have any interest in looking after workers. It is about them and their craven attitude to try to win government. That would be the worst thing that could happen to the people of New South Wales. The wage cap and wages policy underpin a lot of what has occurred in New South Wales.

The Hon. Daniel Mookhey: That's true. There is no wage growth.

The Hon. DAMIEN TUDEHOPE: I note that interjection. That is a lie. That is an untruth. Under the 2007 wages policy, wages increased by 4 per cent per year. However, only around half of the required savings to fund the increase were realised. Prior to the 2011 policy, there was significant volatility between years, making it

difficult to predict wage outcomes and budget efficiency. Under the current policy, the 2.5 per cent cap provides stability, addressing both those issues. Public sector wages increases have moderated under the 2011 policy but have still increased in real terms by 5.6 per cent to December 2021. When the shadow Treasurer says that there has been no real wage increase for public sector workers, that is just untrue. At a time when inflation was at 1 per cent, they were still receiving the 2.5 per cent wage cap increases year after year. In real terms their wages were increasing above the wages paid to people in the private sector, many of whom were not receiving any wage increases at all.

To suggest in this Chamber that there were no real wage increases for public sector workers from 2011, when the cap was introduced, to 2021 is just plain wrong. Tomorrow we will be looking forward to when Labor potentially announces that there is an opportunity for reviewing industrial relations policy and identifying opportunities for increasing the cap or removing the cap, or whatever it is Labor is proposing to do. We do not know because the opportunity of disclosing it to the House tonight was avoided. I want the Opposition to tell us which of the policies announced in the budget they are going to cut.

The Hon. Daniel Mookhey: The land tax.

The Hon. DAMIEN TUDEHOPE: No, you are not.

The Hon. Daniel Mookhey: Yes. The land tax.

The Hon. DAMIEN TUDEHOPE: No, you are not.

The Hon. Daniel Mookhey: We are cutting the land tax.

The Hon. DAMIEN TUDEHOPE: What you are doing is replacing the land tax concession—

The Hon. Daniel Mookhey: Your land tax on every home, brought in by your party.

The Hon. DAMIEN TUDEHOPE: —by giving an additional cap in respect of first home purchases.

The Hon. Daniel Mookhey: Bronnie called you a socialist—Bronwyn Bishop. She called all of you guys socialists.

The Hon. DAMIEN TUDEHOPE: Let me tell you that will not be the answer, but we would encourage you because productivity, as the Reserve Bank Governor said, is dependent upon delivering tax reform. One of the things that Labor members can never get their heads around is how to deliver tax reform. It is only Coalition governments that can deliver the productivity outcomes that are attached to tax reform. I began my speech by referring to Peter Walsh but I want to conclude my speech by quoting Frank Sartor:

From 1997 to 2010 public sector wages and salaries in New South Wales grew at a rate way above not only their interstate counterparts, but those in the Commonwealth public service and the NSW private sector in real terms. That is, even after taking into account the higher cost of living in New South Wales, NSW public sector workers were being indulged compared to their counterparts ...

Given that employee-related costs constituted 49 per cent of the \$56.9 billion of total government expenses for 2010-11, the additional cost of 5.6 per cent (above other jurisdictions) equates to an additional cost to the taxpayers of New South Wales of over \$1.5 billion each year. In other words, because of union control of the Labor government, a very significant economic rent was being paid to the NSW public sector workers.

He concluded by saying:

The new Labor Opposition, led by John Robertson, filibustered in Parliament for three days, insisting that the government's action was an assault on the living ...

The O'Farrell government will now have more control over the state's finances than the unions ever allowed the Labor government.

The Opposition wants to return control of the State's finances to the union movement, and for that we should resist them. [*Time expired.*]

The Hon. MARK BANASIAK (20:08): On behalf of the Hon. Robert Borsak: In reply: I thank all members who contributed to this important debate: the Hon. Mark Latham, the Hon. Scott Farlow, the Hon. Daniel Mookhey, Ms Abigail Boyd, the Hon. Damien Tudehope and the Hon. Chris Rath. Before I address some of the comments that have been made, I will make a few observations. I have been in this place for only a few years and I generally call a spade a spade. This bill is not for the benefit of members in this place to indulge in some sort of backslapping competition about who has the best fiscal policy. It is a bill to help alleviate the enormous burden that is being faced by hardworking people across this State. It is about offering real incentives to enter our frontline professions. I sadly stand in this Chamber and say that I could not honestly in good faith encourage anyone to join the former profession that I loved as a teacher because of what it has become and the lack of incentives to remediate that.

The increased costs on households are extreme, but the Government wants us to believe that New South Wales is leading the way in easing that burden. It wants us to believe that the increased costs are not of its doing. That is a load of bovine excrement, as is the latest statement by the Governor of the Reserve Bank of Australia [RBA], who claims that inflation is solely the result of COVID and the Ukraine crisis. Unfortunately, like the Government, he conveniently ignores that the cost of essential items has been rising well before those two events. How the war in Ukraine affects the cost of iceberg lettuce being priced at \$13 a head is beyond me and anyone with a shred of common sense. If it is hitting the pocket of Colonel Sanders, who has a multibillion-dollar empire and has to resort to stuffing a Zinger burger with cabbage, how is it affecting everyday mum-and-dad wage earners? Restaurants want to charge a surcharge for lettuce now.

The audacity of the Governor of the RBA, who is on a base salary of over \$911,000, to lecture people about wage modesty is breathtaking. When was the last time the Governor, or anyone from the Government, had to live from pay cheque to pay cheque? For me, it was three years ago. How anyone in this Chamber could vote against the bill is completely bewildering. I sort of understand the Government's position; it has been well ventilated. But I do not believe that people in the real world living from pay cheque to pay cheque could care less about the excuses offered up during the debate on the bill.

I now turn to comments made by members. The Hon. Scott Farlow romanticised the concept of cost savings, which is a really nice phrase for essentially saying "reduced working conditions". I remember the romantic view of cost savings when I was a teacher, and that was basically forced upon me and meant losing half my sick leave for essentially \$50 more in my wage per fortnight. That happened all while the Government wasted money on bloated procurement contracts in the same system. It cost \$100,000 to paint three classrooms at my school and \$500,000 to run power to four classrooms. If the Government wants to talk about cost savings, there are a few. How about we look at those cost savings and rein in corporate fat cat procurement contracts? How about we stop overpaying for ferries that cannot go out in rough seas? How about we stop overpaying for hospitals that deliver fewer beds than the existing facilities? How about we invest in human capital and in the humans in this State? How about we invest in them?

We do not support Labor's amendment to move the bill to an inquiry. I will try to be as respectful as possible and say that Labor has had 11 years to develop some sort of plan and potentially come up with a private member's bill that sets up the legislative framework. I appreciate that the Hon. Daniel Mookhey has not been in that position for 11 years, but Labor has had 11 years to potentially come up with a plan. Unions have been very clear to us that they want the bill passed. In conclusion, I am disappointed that Labor does not support the bill, not for me but for my former colleagues in the public service. We do not support the bill going to an inquiry. We support it being voted on. We support wages keeping up with the cost of living and not being skull-dragged down the road while the cost of living races ahead. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time, to which the Hon. Daniel Mookhey has moved an amendment. The question is that the amendment of the Hon. Daniel Mookhey be agreed to.

The House divided.

Ayes12
 Noes23
 Majority.....11

AYES

Buttigieg (teller)	Houssos	Primrose
D'Adam (teller)	Jackson	Searle
Donnelly	Mookhey	Sharpe
Graham	Moriarty	Veitch

NOES

Banasiak	Field	Pearson
Barrett (teller)	Franklin	Poulos
Boyd	Higginson	Rath
Cusack	Hurst	Roberts
Faehrmann	Latham	Taylor
Fang	Mallard	Tudehope
Farlow (teller)	Martin	Ward
Farraway	Mitchell	

PAIRS

Moselmane
SecordAmato
Maclaren-Jones**Amendment negatived.**

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

Leave granted.**The House divided.**

Ayes9
Noes26
Majority.....17

AYES

Banasiak (teller)
Boyd
FaehrmannField
Higginson
HurstLatham (teller)
Pearson
Roberts

NOES

Barrett (teller)
Buttigieg
Cusack
D'Adam
Donnelly
Fang
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Jackson
Mallard
Martin
Mitchell
Mookhey
Moriarty
PoulosPrimrose
Rath
Searle
Sharpe
Taylor
Tudehope
Veitch
Ward**Motion negatived.***Motions***ISRAEL INDEPENDENCE DAY****The Hon. SCOTT FARLOW (20:32):** I move:

- (1) That this House notes that:
 - (a) Israel celebrated its seventy-fourth Independence Day on Wednesday 4 May 2022, known as Yom Ha'atzmaut;
 - (b) Yom Ha'atzmaut is celebrated annually on fifth day of the month of Iyar, according to the Hebrew calendar and is always preceded by Yom Hazikaron, which is the Remembrance Day for fallen Israeli soldiers and victims of terrorism; and
 - (c) Yom Ha'atzmaut commemorates the Israeli Declaration of Independence on 15 May 1948 and is a day of celebration for the people of Israel and marks renewal in the Jewish State as the birthplace of the Jewish people.
- (2) That this House notes that:
 - (a) on 10 May 2022, the New South Wales Jewish Board of Deputies, Zionist Council of New South Wales, Zionist Federation of Australia and the Executive Council of Australian Jewry held a successful event to celebrate Israel's seventy-fourth Independence Day; and
 - (b) the event was attended by a large number of individuals representing a diverse array of the New South Wales community, including the following dignitaries:
 - (i) Mr Lesli Berger, President of the New South Wales Jewish Board of Deputies, Mr Darren Bark, CEO of the New South Wales Jewish Board of Deputies, Mr Rodney Naumburger, President of the Zionist Council of New South Wales and Ms Jillian Segal, President of the Executive Council of Australian Jewry;
 - (ii) The Hon. Dominic Perrottet, MP, Premier of New South Wales, the Hon Paul Toole, MP, Deputy Premier of New South Wales, Mr Chris Minns, MP, Leader of the Opposition, His Excellency Mr Amir Maimon, Ambassador of the State of Israel to Australia;

- (iii) The Hon. Alister Henskens, SC, MP, Minister for Skills and Training, and Minister for Science, Innovation and Technology, the Hon. Damien Tudehope, MLC, Minister for Finance, Minister for Employee Relations and Leader of the Government in the New South Wales Legislative Council, the Hon. David Elliott, MP, Minister for Transport and Minister for Veterans, the Hon. Natasha Maclaren-Jones, MLC, Minister for Families and Communities, and Minister for Disability Services, the Hon. Mark Coure, MP, Minister for Multiculturalism and Minister for Seniors, the Hon. Wendy Tuckerman, MP, Minister for Local Government, and the Hon. Ben Franklin, MLC, Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth;
- (iv) The Hon. Scott Farlow, MLC, Chair of the Parliamentary Friends of Israel and the Hon. Walt Secord, MLC, Deputy Chair of the Parliamentary Friends of Israel;
- (v) The Hon. Jonathan O'Dea, MP, Speaker of the Legislative Assembly;
- (vi) Rev. the Hon. Fred Nile, MLC, the Hon. Mark Latham, MLC, the Hon. Tara Moriarty, MLC, Ms Sophie Cotsis, MP, member for Canterbury, Mr Michael Daley, MP, member for Maroubra, Mr Ron Hoenig, MP, member for Heffron, Mr Tim James, MP, member for Willoughby, Mr Steve Kamper, MP, member for Rockdale, Ms Wendy Lindsay, MP, member for East Hills, Dr Hugh McDermott, MP, member for Prospect, Mr Gurmesh Singh, MP, member for Coffs Harbour;
- (vii) Mr Dave Sharma, MP, Federal member for Wentworth, Dr Mike Freeland, MP, Federal member for Macarthur, Senator Andrew Bragg, Senator for New South Wales, and Senator Hollie Hughes, Senator for New South Wales;
- (viii) Mr Michael Tidball, Secretary of the NSW Department of Communities and Justice and the Stronger Communities Cluster, Mr Tony Cooke, Assistant Commissioner of the NSW Police Force, Mr Shai Zarivatch, Israel Trade Commissioner of the Embassy of Israel in Australia;
- (ix) mayors, deputy mayors and councillors from across New South Wales;
- (x) ambassadors and Consuls from Slovenia, Kingdom of Tonga, Germany, Ukraine, Switzerland, Estonia and Artsakh; and
- (xi) executive and elected representatives from the Hindu, Lo, Christian, Kurdish, Armenian, Vietnamese, Assyrian, Cook Islands, Malaysian, Singaporean communities.

The seventy-fourth Independence Day of Israel, also known as Yom Ha'atzmaut, was celebrated on Wednesday 4 May 2022. Yom Ha'atzmaut 2022 fell on the Hebrew year 5782, a Shemitah year that calls on those of the Jewish faith to strengthen their bond with God and their faith in the year of Sabbath. As the sun sets throughout the year and until nightfall the next day, the people of Israel and Jewish people the world over gathered to commemorate and celebrate the Israeli Declaration of Independence, signed on 14 May 1948.

The Israeli War of Independence birthed the infant Israeli State into a bloodshed that has unfortunately persisted throughout much of Jewish history. Beginning in November 1947 with the United Nations General Assembly Resolution to partition Palestine into separate Jewish and Arab States, the aim to resolve the aspirations of both Jews and Arabs was immediately met with riots that claimed the lives of 62 Jews and 32 Arabs, numbers which would unfortunately grow through the two years of conflict and, sadly, have grown ever since. Whilst the United States and the former Soviet Union recognised the legitimacy of an Israeli State in concurrence with the United Nations resolution, war and conflict would still yet bear a stain on the region and its people.

When David Ben-Gurion, the primary national founder of the State of Israel, signed a declaration enshrining the independence of the State of Israel on 14 May 1948, 1,700 civilians were trapped and embargoed in Jerusalem's Jewish Quarter. Australia recognised the Jewish State of Israel on 29 June 1949. We can pay tribute to a great stalwart of the Labor Party for that founding, Doc Evatt, though the Labor Party has since moved somewhat from that. The consequent fighting was brutal, but it ensured the survival and vitality of the Israeli State and Jewish people, a sacrifice that we tonight gather to commemorate and remember solemnly. It is a sacrifice that Jewish people will always remember, with Yom Ha'atzmaut.

Israel is where the Jewish people found family and, indeed, safety, as Dvora Waysman cursively articulates in *The Jerusalem Post*. The principle of community is protected in the Law of Return of 1950, which implements the rights of Jews to relocate to Israel and acquire Israeli citizenship. The Jewish Agency estimates that 3,340,000 have immigrated to Israel since its independence, showing the importance of the Jewish people having a home after 2,000 years of denial. There is an immense connection between the Jewish people and the State of Israel that stretches worldwide. It is a connection to heritage, ancestors and faith. A poll recently released by the American Jewish Committee found that an overwhelming majority of Jewish Americans felt that Israel is necessary for the survival of the Jewish people.

Israel is indeed the Jewish heart. It is inextricably linked to the hearts of Jews worldwide and was born out of the suffering of the Holocaust. It has made the Jewish people safer throughout the world. The Israeli Knesset Basic Law reaffirms that Israel is the historical homeland of the Jewish people, in which the State of Israel was established, and which actualises the natural, religious and historical right to self-determination of the Jewish people. Housed in Israel is the Old City of Jerusalem, the capital of Israel since King David made it so 3,000 years

ago. Within its storied walls are artefacts and sites intrinsic to the Jewish practice of faith and prayer, such as the Western Wall and the Ancient Temple. It is a holy place containing holy sites to the Jewish people, making threats of destruction from those who peddle hate and antisemitism all the more deplorable in their naked hostility towards Jews around the world and their faith.

Israel is not a one-faith theocracy. One only needs to look at the composition of the Knesset, where the United Arab List is the third largest party and formed part of the government, until the government is to be dissolved next week. In addition, Israeli law ensures freedom of access to places of sacred and religious significance to all members of society—for example, the Temple Mount. Israel is not just historical but a new and growing land that is reaching out to its neighbours with initiatives such as the Abraham Accords, which is a joint agreement between Israel, the United Arab Emirates and Bahrain to seek stability and peace in the Middle East.

We also know of Israel as the startup nation, with unprecedented technologies through which Israel is quickly making a name for itself globally. In Australia on 10 May, the NSW Jewish Board of Deputies, the Zionist Council of NSW, the Zionist Federation of Australia and the Executive Council of Australian Jewry all came together to celebrate Israel's seventy-fourth Independence Day. The event was celebrated by all sides of politics. The Premier was in presence as well as the Leader of the Opposition, both of whom made moving speeches recognising the significance of Israel. To this House, I say L'Shana Haba'ah B'Yerushalayim, which means "next year in Jerusalem".

Ms ABIGAIL BOYD (20:37): This motion commemorates the Israeli Declaration of Independence on 15 May 1948, but what it does not acknowledge is that 15 May 1948 is known to the Palestinian people as Al Nakba, which translates to "The Catastrophe". For 74 years Israel has worked to dispossess and oppress the Palestinian people, who are indigenous to the lands that they have been, and continue to be, driven out of by the settler-colonialist State of Israel. The occupation of Palestine and the systematic persecution of its people by the State of Israel has been condemned by the world's foremost human rights organisations, including the United Nations Human Rights Council, Amnesty International and Human Rights Watch, as well as Israel's pre-eminent human rights organisation B'Tselem.

The first report of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and territory in Israel, issued its first report on 7 June 2022. Australian expert on international human rights law and United Nations commissioner on the inquiry Chris Sidoti stated that Israel "has established clear policies to ensure complete permanent control over the Occupied Palestinian Territory". He continued:

This includes altering the demography of these territories through the maintenance of a repressive environment for Palestinians and a favourable environment for Israeli settlers. Israel's policies and actions build Palestinian frustration and lead to a sense of despair. They fuel the cycle of violence and the protraction of conflict.

Territories that the State of Israel allows Palestinians to live in continue to shrink. The data shows that since 2006, 22,640 Palestinian people have been left homeless because of home demolitions by the State of Israel. Israel recently passed laws to forcibly dispossess some 1,300 Palestinians from eight villages and communities in an area in the West Bank, south of Hebron, known as Masafer Yatta. This will be the largest forcible expulsion of Palestinians since the 1970s.

The discrimination by the State of Israel against Palestinians extends past dispossession of indigenous lands. United Nations data shows that, since 2008, the State of Israel has killed 5,999 Palestinians, including 3,435 civilians. This is compared with 110 Israelis killed by Palestinian armed groups in the same period. I note in particular the death of Al Jazeera journalist Shireen Abu Akleh on 11 May of this year, who was shot by the Israeli military while wearing a press vest and standing with other journalists nowhere near armed Palestinians.

The Hon. DANIEL MOOKHEY (20:40): I speak to the motion which marks Israel's seventy-fourth Independence Day celebration, held in Sydney on 10 May. For the record, the actual date is sunset 4 May to sunset 5 May. These annual celebrations have been held in Sydney since the early 1950s and are part of the annual political calendar. The 2022 event was unusual, however, as Labor leader Chris Minns was given the opportunity to participate in the formal proceedings. This was a first for an Opposition leader, regardless of their party. He joined Premier Dominic Perrottet and Israeli Ambassador Amir Maimon, as well as Labor, Liberal, Nationals and crossbench MPs and a host of dignitaries from a range of community groups. These events are an important reminder and marker of the close relationship between Australia, New South Wales and Israel.

Australia was one of the 37 nations that formally voted in favour of Israel joining the United Nations in May 1949. I believe the vote was presided over by Dr H. V. Evatt, the only Australian so far ever to serve as President of the General Assembly. It is extraordinary and unlikely that a tiny country like Israel has gone on to become such an economic powerhouse. Israel's high-tech sector is envied around the world, pulling in investment,

encouraging more than 7,000 startups and fuelling a growing and dynamic economy. There is much we can learn from the Israeli tech sector.

I understand that Australia and Israel are looking at a possible future free trade agreement. We recognise that Israel provides higher rates of subsidies to its farmers than Australia does, and that looks like it will be a major stumbling block for the negotiators. NSW Labor both supports the State of Israel and reiterates its support for a fair and just two-State solution. We all hope and pray that one day there will be two States living side by side in peace, harmony and economic prosperity.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (20:42): On the evening of 5 May 2022 there was a celebratory mood in the streets of Israel. Crowds gathered in the cities to watch performances and fireworks. There were parties and dances in the streets. During the day, many Israelis took time to go on hikes and picnics or visit army camps that had been opened for Yom Ha'atzmaut, the seventy-fourth anniversary of the independence of Israel. Every year, this is an incredibly important day for people living in Israel and for the international Israeli community.

I support the State of Israel and its right to be recognised as a free and democratic nation. After the grave crimes against humanity that occurred during World War II, the establishment of the modern State of Israel provided security to people who had faced exile, persecution and genocide. Today we acknowledge the anniversary of this independence. It is vital that we remember the dark times in history, reflect on how they shape society today and celebrate the progress we have made. Yom Ha'atzmaut gives us an opportunity to do just this. It also acts as a reminder that antisemitism has no place in Australian society. This is reflected in the bill introduced yesterday in the other place by Attorney General Mark Speakman to create a new offence of knowingly displaying Nazi symbols in public spaces.

I acknowledge the strong relationship that both Australia and New South Wales have with the State of Israel. In 1947 Australia was the first country to vote in favour of the United Nations partition resolution, which ultimately led to the creation of Israel. In 1949 we established diplomatic relations with Israel and since that time our bilateral economic relationship has grown into a \$1.3 billion two-way trade of goods and services. That support has continued to the modern day.

In 2017 the NSW-Israel Research and Development and Technological Innovation Program was launched, giving New South Wales businesses access to grants of up to \$250,000 to support joint research and development with Israel. Of course, an integral element of this relationship is the vibrant Australian Jewish community. There are almost 10,000 Israeli-born people living in Australia, most of whom live in either New South Wales or Victoria. It is important that we allow those communities to express their social and cultural identity, including through institutions such as synagogues, day schools, retirement villages and museums.

I thank my friend and colleague the Hon. Scott Farlow for acknowledging Yom Ha'atzmaut and for giving us an opportunity to reflect on the past and our relationship with the State of Israel. It was a genuine privilege to attend the event in Sydney celebrating the seventy-fourth Independence Day. I concur with the Hon. Daniel Mookhey that the speech by the Leader of the Opposition, Chris Minns, was outstanding, but I do say that the speech by Premier Dominic Perrottet was even more outstanding. I look forward to celebrating this occasion with the Israeli people for many years to come.

The Hon. CATHERINE CUSACK (20:45): This is my last week in the House and I am speaking my mind. I am proudly a very pro-Israel person and I thank the member for his motion. I have read many books about the remarkable story of Israel, its technology and its economy. The brains trust of Israel is a complete inspiration. The first book I read was Leon Uris' *Exodus*. That is where I learned, as a teenager, that Australia was the first country in the world to vote for Israel as a State because A for Australia meant that we were called early in the vote. The position of the Commonwealth was a significant moment for those people who had fought so hard for the situation. When the Sydney Jewish Museum was opened, I was amongst the first visitors. When my sons were born, I took them there.

It is as a pro-Israel person that I make the following comment. My children do not understand the suppression of Palestinian children and families. They do not consider that to be a sustainable situation in the world. I have debated with them that because of the Holocaust and the whole situation this was never a matter that was ever questioned before. But young people are asking these questions, and I would say to Israel that those questions are very legitimate. The situation that is going on and some of the more extreme policies that have been pursued are embarrassing to its most loyal friends around the world.

As a person who supports the State of Israel, I say in a heartfelt way that I believe those matters need to be resolved in a way that reflects the humanity and the lessons that we should have learned from history, especially because of what has happened to the Jewish population that led to the establishment of this State. I understand

that in Israel people are very divided about those issues. I am not speaking inconsistently with the views of many people in that State who would love to see a more compassionate, constructive and sustainable attitude towards the issue of displaced Palestinian people. I say happy anniversary.

The Hon. ANTHONY D'ADAM (20:48): Superficially this seems like an innocuous motion. We routinely pass resolutions like this celebrating national days. I think the problem with this one is what it does not say. It is silent about the consequences. We have a national day, Australia Day, and we know in this country that it is a day infused with a degree of complexity, because it is not a celebration for our whole community. For one part of our community, it is a very traumatic day. It represents something profound with respect to their experience of dispossession.

We would not move a motion in this House to talk about our own national day without trying to deal with the complexities around some of the nuances. I think it is problematic that such a motion has been moved without that appropriate acknowledgement. The date 15 May 1948 is mentioned in the motion. It is also the Nakba, literally "The Catastrophe" for Palestinian people, in which 700,000 Palestinians were dispossessed, driven into exile and prevented from returning. Israel has a right of return for members of the Jewish community from around the world. However, those 700,000 Palestinians and their relatives and descendants do not have the same right to a place that they legitimately call their homeland.

What also strikes me about this motion is that it typifies the notion that history is written by the victors. A component of the motion refers to the remembrance of those who were the victims of terrorism. But if one understands the history of the creation of the State of Israel, it was founded through terrorist action. The antecedents of the Israel Defense Forces were terrorist organisations—terrorist organisations, by their own definition, that engaged in massacres like the Deir Yassin massacre that took place on 9 April 1948 when 107 Palestinians, including women and children, were murdered. We cannot talk about Israeli Independence Day without acknowledging the trauma, the dispossession and the erasure of Palestinian identity that this event reflects.

The Hon. MARK LATHAM (20:52): The previous speaker, the Hon. Anthony D'Adam, said that we would not move a motion in this place about celebrating Australia Day without mentioning its complexity. We certainly would not move a motion about Australia Day where the member attacked Australia for the entirety of his speech. If he did, we would say he was anti-Australian. If one has nothing say about Australia that is good, by definition one is anti-Australian, just as the Hon. Anthony D'Adam is anti-Israel.

The member's previous disgraceful comments in this House that the State of Israel has made the Jewish people less safe is one of the most dreadful, reprehensible things spoken in this Chamber. By inference and logical extension, it compares the State of Israel to the horrors of the Holocaust. The Jewish people today are much safer and more secure, with a greater sense of purpose and sovereignty. The Jewish people, because of millennia of persecution and even genocide, deserve their own State. We celebrate that in this motion.

It is not a perfect State. The motion acknowledges Israel's complexity, but it is not a reason to constantly attack its historic and outstanding achievement. It took those millennia of persecution and turned it into a thriving cosmopolitan and secure State with its own secure borders, national security and a thriving economy, as mentioned by the shadow Treasurer. Those great achievements should be celebrated and recognised by this House rather than the speeches of The Greens and the Labor Green in which they attacked Israel with an obsession solely through the prism of the Palestinian people. They might stack Palestinians into the branches around Lidcombe, but that is no reason to provide disgraceful, imbalanced and lopsided commentary in this Chamber—

The DEPUTY PRESIDENT (The Hon. Adam Searle): I call the Hon. Mark Latham to order for the first time. He is straying from relevance. I ask the member to confine his subject matter to the scope of the motion before the House. I have given the member wide latitude in his editorialising about the previous speaker, but he is now going beyond the bounds of what is appropriate.

The Hon. MARK LATHAM: Of course I respect your ruling but the point is made. It would be a convention of decency in this Chamber on such a motion celebrating the Independence Day of a great country to give it the praise, recognition and support the Jewish people deserve. A member can mention that it is not a perfect State. Which country is perfect? That is a legitimate debating point. But I just find it so appalling to say nothing good or positive about the historic achievement of Israel. It is not that hard for MPs to stay mute. It is like our mothers tell us, "If you've got nothing good to say about the dead, well, say nothing." You do not have to speak. You do not have to live out this obsession. I condemn it absolutely.

The Hon. CHRIS RATH (20:55): I agree with the Hon. Anthony D'Adam that it is indeed a very complex situation but I rather like the simplistic quote by former Prime Minister Benjamin Netanyahu summarising the situation. He said, "If the Arabs put down their weapons today, there would be no more violence. If the Jews put down their weapons today, there would be no more Israel." I think that is a rather neat way of summarising the

situation. Israel Independence Day is a significant day on the international calendar. It is a time when Israelis and Jews worldwide celebrate their heritage and culture. The occasion is celebrated on the fifth day of the month of Iyar, which is the Hebrew date of the formal establishment of the State of Israel. On this date in 1945, members of the provisional government read and signed a declaration of independence. After being first proclaimed by David Ben-Gurion, the day began to signify peace and self-determination for the Israeli people.

Many survivors of the Nazi Holocaust in Europe, as well as Jews from other parts of the world, were driven to migrate to Israel despite continuing dangers. Those aspirational Jews never ceased asserting their right to a life of freedom, dignity and honest toil in their homeland. For the people of New South Wales, Israel's Independence Day is a way for us to express support for Israel's right to exist as a State and to recognise the concrete link between the Jewish community here and the land of Israel 14,000 kilometres away. The connection that the Jewish people have to Israel, being their physical and cultural birthplace, is incapable of being severed. In this respect, Israel Independence Day serves as an opportunity to educate those around us regarding the often misunderstood Israeli State.

I recognise in particular the annual event run by the NSW Jewish Board of Deputies, which celebrates the day in Sydney. Interrupted only this year by my inaugural speech, I have been attending every year for probably a decade. I particularly congratulate the NSW Jewish Board of Deputies on the event's ability to draw people of all political, cultural and social backgrounds to celebrate the date. The motion before the House also notes the preceding date of Yom HaZikaron, a remembrance day for fallen Israeli soldiers and victims of terrorism. Of similar significance to Anzac Day in Australia, Yom HaZikaron must always be remembered for its commemoration of sacrifice and condemnation of violence.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:58): I also commend the motion and thank the Hon. Scott Farlow for moving it. I support it. With apologies to David Tsor, my pronunciation, as always, is terrible. But Yom Ha'atzmaut, or Israel Independence Day, marks the anniversary of the establishment of the modern State of Israel in 1948, when the incredible, beautiful Tel Aviv declared independence. The celebration falls on the fifth day of the Hebrew month of Iyar. Independence Day this year was held from sunset on 4 May 2022 to sunset on 5 May 2022, marking the anniversary of Israeli independence. The Jewish people share a rich history of community, faith and culture that developed over 4,000 years ago. When I read *Start-up Nation* on holiday, I could not put it down. It was phenomenal and inspiring. It is a great book.

Formerly I had the privilege of being the chair of the Parliamentary Friends of Israel, following in the footsteps of many others before me. In 2020 I was honoured to lead a parliamentary delegation mission to Israel, where I saw the most beautiful lands. There, I saw Jerusalem for myself. I saw Tel Aviv and travelled to the border with Lebanon. I visited Sderot, near the Gaza Strip, with so many of my colleagues from both Houses. I thank them for going along. I particularly acknowledge the Jewish Board of Deputies and the Australia-Israel Chamber of Commerce for hosting us and so generously showing us this magnificent land. On that trip I met a person who said to me, "Is this your first time to Israel?" When I answered that it was, he said, "I am jealous. I am happy for you because your first time is incredible"—and it was. We got the opportunity to see those beautiful lands and the culture. I recommend a visit to Israel. To anybody who is in any doubt about the philosophical issues that are there, I urge them to visit and see it for themselves.

The yearning to return to the land of Israel—and the right to return since its establishment—is fundamental. It continues to be a homeland for thousands of people who make their way there each year, and they are entitled to do so. It is paramount that this special culture and the fundamental right of the State of Israel to exist is protected. It is a place of great humanity. It is one-third the size of Tasmania and you can fly over it in minutes, yet it is the strongest country and protects other countries around the world, such as ours. The Knesset is a miracle of democracy, with Arab members and a great representation across Israel. I stood at the Western Wall with members of the delegation and it was absolutely life changing. It was quite emotional for me. I add my support to this important motion. This House should commend the best wishes of members to Israel and the Jewish community as they celebrate the seventy-fourth anniversary of Israeli independence. Mazel tov.

The Hon. SCOTT FARLOW (21:01): In reply: I thank all members who contributed to debate: Ms Abigail Boyd, the Hon. Daniel Mookhey, the Hon. Ben Franklin, the Hon. Catherine Cusack, the Hon. Anthony D'Adam, the Hon. Mark Latham, the Hon. Chris Rath and the Hon. Natalie Ward. However, in his contribution the Hon. Chris Rath did indeed misattribute a quote to Netanyahu when it was said by Golda Meir. Most great Israeli quotes come from her. In another great Israeli quote, she stated:

Above all, this country is our own. Nobody has to get up in the morning and worry what his neighbors think of him. Being a Jew is no problem here.

Of the 195 countries in the world, only one has a Jewish majority: Israel. Survivors of the Holocaust are inextricably linked to Israel. As was mentioned by the Hon. Catherine Cusack with respect to *Exodus*, for thousands of years and much their existence the Jewish people have lived away from their homeland. They have yearned for that security. That is why Israel is so important for not only those who live in Israel but also the Jewish diaspora globally—and for the Jewish people of New South Wales, who see Israel as their strength and security and want to see it preserved. As I reflected at the end of my contribution, when speaking about next year in Jerusalem, it is that promise of returning to the homeland. As the Hon. Natalie Ward spoke about, it is the incredibly well documented 4,000-year history of the Jewish people's connection with the lands that exist within the borders of Israel at present. That is why Israel is so important for our Jewish community in New South Wales, and why we join together to celebrate.

We also celebrate Australia's role in the establishment of the State of Israel. As the Hon. Catherine Cusack reflected, Australia was called first to vote on the establishment of the State of Israel at the United Nations. Both the Hon. Daniel Mookhey and I reflected on the role of Doc Evatt in presiding over the United Nations at that time. Australia should be proud of its relationship with Israel, and Israel should have no closer friend in the world than Australia. That has been the case for many years and I hope it continues. I think there is broad support of Israel among members across the Chamber. As members have stated, Israel is not a perfect country—but no country is. Israel has a right to exist and it has a right to stand strong. As a vibrant democracy in the Middle East, it should be an ally and friend of ours. Members in this place continue to celebrate its existence and its Independence Day.

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

Motion agreed to.

Documents

MEDOWIE HIGH SCHOOL

Production of Documents: Order

The Hon. COURTNEY HOUSSOS (21:04): 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 2015 in the possession, custody or control of the Minister for Education and Early Learning or Department of Education relating to 64 Ferodale Road, Medowie:

- (a) all documents regarding the environmental suitability of 64 Ferodale Road, Medowie, for a public high school;
- (b) all documents regarding any environmental assessment of 64 Ferodale Road, Medowie; 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.

I will be brief in my comments, but I outline that that parcel of land has been owned by the Department of Education for 40 years with a view to building a public high school on the site. It has been consistently promised by the Government and is still yet to be built, so this call for papers is seeking further information about the suitability of the site. It is worth placing on the record that our school infrastructure inquiry is looking at the shortage of and overcrowding in schools that is happening, as well as the lack of facilities.

Right now over 1,000 children each and every day are bussed out of Medowie to public high schools in Raymond Terrace, Salamander Bay and all the way into Newcastle. In 2011 the incoming Liberal Minister for Education said that a Liberal government would make the project shovel ready. The 12 long years since that promise was made have seen the population around Medowie explode, and there is still no public high school in the suburb of Medowie. I commend the motion to the House. I understand the Government will not be opposing the call for papers, and the Opposition looks forward to seeing what comes back.

The Hon. TAYLOR MARTIN (21:06): The Government does not oppose the motion.

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

Motion agreed to.

Business of the House

WITHDRAWAL OF BUSINESS

The Hon. COURTNEY HOUSSOS: On behalf of the Hon. Penny Sharpe: I withdraw private member's business item No. 1904 outside the order of precedence relating to an order for papers regarding the appointment of senior trade and investment commissioners.

*Documents***DESIGN AND PLACE STATE ENVIRONMENTAL PLANNING POLICY****Production of Documents: Order**

Ms CATE FAEHRMANN (21:08): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Department of Planning and Environment, the Premier, or the Minister for Planning and Minister for Homes relating to the Design and Place State Environment Planning Policy [SEPP]:

- (a) all documents created since 21 December 2021, including correspondence, advice, briefings, and minutes of meetings, relating to:
 - (i) the draft Design and Place SEPP; and
 - (ii) planning requirements under the draft Design and Place SEPP.
- (b) all documents created since 21 December 2021, including correspondence, advice, submissions, submission reports, correspondence related to submissions, briefings, and minutes of meetings, relating to:
 - (i) the Minister's Planning Principles; and
 - (ii) planning requirements under the Minister's Planning Principles.
- (c) all documents created since 1 January 2021 relating to submissions on the draft Design and Place SEPP, including submissions, submission reports, correspondence and advice;
- (d) all documents relating to the Minister's speech to the Urban Taskforce on 5 April 2022; and
- (e) 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. On 22 March Minister for Planning Anthony Roberts revoked a ministerial directive by his predecessor, Rob Stokes, outlining nine planning principles, including managing the risk of climate change and a requirement to consider the risks of fire and floods in building new homes. As we know, the decision was made less than a month after the disastrous floods in the Northern Rivers. A spokesperson for the Minister said that the Minister had been given a clear set of priorities to deliver a pipeline of new housing supply and act on housing affordability, and that he did not consider the planning principles that were due to take effect on 1 March would assist in delivering his priorities.

On 5 April the Minister announced he would scrap the draft Design and Place State Environmental Planning Policy despite public consultation being underway, and that initial announcement was not made to the media but to developer lobby Urban Taskforce—apparently to great applause from developers and financiers. We really do not know on what basis the Minister made that decision. The only people in this State who do know are members of the developer lobby to which he gave a speech—which he has refused to make public. The motion before the House calls for various papers including the speech he gave to Urban Taskforce as well as various documents, correspondence and advice that helped to inform the planning Minister's disastrous decision. I urge all members in this place to support the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:10): I move:

That the question be amended by omitting "21 days" and inserting instead "35 days".

I understand the amendment will not be opposed. A phrase that I have become fond of using in this place is "semantic satiation".

The Hon. Penny Sharpe: Programmatic.

The Hon. DAMIEN TUDEHOPE: Programmatic? You can call it what you want.

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

The Hon. DAMIEN TUDEHOPE: I find I am repeating myself in opposition to calls for papers of this nature. It can only be properly described as a fishing expedition without any forensic purpose underpinning it, other than that a decision was made by a Minister. It is hard to comprehend what level of documents would be encompassed by this motion, and that flies in the face of how Standing Order 52 should be used so as to not bring this House into disrepute. I have said consistently that the proper use of Standing Order 52 should require the mover of the motion to have at least gone through a process to seek out the documents before moving the motion.

The Hon. Adam Searle: Are we flogging that dead horse?

The Hon. DAMIEN TUDEHOPE: It is called semantic satiation.

The Hon. Adam Searle: It is semantic alright.

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

The Hon. DAMIEN TUDEHOPE: I have never done that. In order to not unduly overburden the public service upon which we rely to comply with these orders, members should seek the information through other channels.

The Hon. Penny Sharpe: I look forward to your change to the standing order.

The Hon. DAMIEN TUDEHOPE: We can argue that in another place. Before making an order in this place, members should have to demonstrate that they have been through that process. For those reasons the Government will oppose the motion.

The Hon. PENNY SHARPE (21:13): What an extraordinary speech from the Leader of the Government. The motion has been on the *Notice Paper* since 10 May. During that time the Minister could have spoken to Ms Cate Faehrmann about the scope of the call for papers. It is not up to Opposition and crossbench members to do the work of Government Ministers if they are too lazy and hopeless to talk to members about the scope of motions made under Standing Order 52 [SO 52s]. Our door is always open. We are always willing to talk. Yes, there are times when we disagree. I note the Hon. Sarah Mitchell does an extraordinarily good job of negotiating with members of this House to get reasonable outcomes in relation to SO 52s. The Minister says that the Opposition should jump over extra hurdles. Part of the reason why SO 52s are used in this way is the process under the Government Information (Public Access) Act has been so diluted and traduced by this Government that it is too hard to get material through GIPAA requests.

I used to use GIPAA's a lot. Some Ministers would provide reasonable information. I would ask for the information, there would be a negotiation about the scope and then information would be provided. That stopped many years ago. What happens to GIPAA's now is the Minister sits on the information for the maximum time frame, responds that the scope is too wide and it is going to cost too much money, there is a negotiation and then they say that it is going to cost \$5,000 to get the information out, still argue about it and do not produce most of the material requested. Standing Order 52 has become the default mechanism because the Government has eroded any notion of presumption in the GIPA Act, which allows the production of material. Because this Government has eroded that presumption so much we find ourselves in this position. The Minister did not even check whether the relevant Minister spoke to the member about the scope of the SO 52, and then he criticised the member in relation to its scope.

The Hon. Damien Tudehope: I do not know.

The Hon. PENNY SHARPE: The Minister should not have criticised the member and suggested that she should have followed a different process. If the Minister is too lazy to talk to members on this side of the House or treats them with such disrespect that he does not think it is worth speaking to them, then these are the SO 52s he will get. No-one wants an SO 52 that is too broad. None of us want to sift through papers that we do not need to look at. We are seeking specific information that we know the Government holds. If the Government would negotiate, we could come to a much better arrangement. It is not the fault of the public servants—whom the Minister professes to care about so much—that the Minister is too lazy to speak with the Opposition. Labor supports the motion.

Ms CATE FAEHRMANN (21:16): In reply: I support the Government's amendment of the time frame from 21 days to 35 days, acknowledging what the Hon. Penny Sharpe just said about there being no discussions about this call for papers until one second before the motion was moved. I support the Government's amendment.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Ms Cate Faehrmann has moved a motion, to which the Hon. Damien Tudehope has moved an amendment. The question is that the amendment of the Hon. Damien Tudehope be agreed to.

Amendment agreed to.

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

The House divided.

Ayes21
 Noes14
 Majority.....7

AYES

Banasiak	Graham	Moriarty
Boyd	Higginson	Pearson
Buttigieg (teller)	Houssos	Primrose
D'Adam (teller)	Hurst	Roberts
Donnelly	Jackson	Searle
Fachrmann	Latham	Sharpe
Field	Mookhey	Weitch

NOES

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

PAIRS

Moselmane	Franklin
Secord	Martin

Motion as amended agreed to.

COURT DECISIONS ON COMPENSATION CLAIMS

Production of Documents: Order

The Hon. ROD ROBERTS (21:27): I move:

- (1) That this House:
 - (a) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*;
 - (b) notes the definition of Cabinet documents used in the Government Information (Public Access) Act 2009; and
 - (c) rejects the use of the definition of Cabinet documents used in the Government Information (Public Access) Act 2009 for orders for papers made under Standing Order 52, which if followed may lead to a much broader class of documents being withheld from this House.
- (2) That, under Standing Order 52, there be laid upon the table of the House within nine days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier or Department of Premier and Cabinet, as referred to in correspondence from the Department of Premier and Cabinet, "Application for access to government information – decision on internal review", dated 16 May 2022, reference A5405153:
 - (a) document reference number a1197390, brief from Legal Branch to Premier - Howarth - effect of recent High Court decisions on compensation claims;
 - (b) document reference number a1225798, brief from the Legal Branch of the Department to the Premier with the title *Nu Coal - effect of recent Court decisions on claims for compensation*;
 - (c) document reference number a1337832, advice from the Crown Solicitor's Office to DPC re Court proceedings: *Duncan v NSW, Nucoal v NSW, Cascade Coal v NSW, Atkinson v ICAC and Cascade v ICAC* (August 2015); and
 - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This matter relates to a recent report of the Committee on the Independent Commission Against Corruption, of which I am a member, following its inquiry into reputational impacts. This call for the production of documents under Standing Order 52 seeks documents held by the Department of Premier and Cabinet, which will hopefully explain why in 2015 the Government kept from members of this Parliament the existence of litigation involving the ICAC when it asked Parliament to enact the Independent Commission Against Corruption (Validation) Act 2015 and why it removed the legal rights of those involved. The findings of the oversight committee and the recommendations that it delivered in November last year had the unanimous support of every committee member, including Government, Opposition and crossbench members, namely Mr Jamie Parker of The Greens and me. So a broad scattering of members of Parliament all agreed unanimously.

On 24 May this year the Government provided a response to the committee's report. It was largely supportive of the report's contents. For example, it encouraged the oversight committee to proceed to examine whether time standards should apply for the ICAC to produce its reports—a matter that is close to the heart of my colleague the Hon. Mark Latham and should be of concern to all members of this Chamber. In fact, we have discussed the matter previously in this place. However, the Government did not support recommendation 7, which was that a small change be made to the Independent Commission Against Corruption Amendment (Validation) Act that was passed by the Parliament in 2015 after the High Court decision in the Cunneen matter.

The Cunneen decision punched a hole in the powers of the ICAC. To ensure there was no question mark over what the ICAC had done prior to the High Court ruling, the Parliament made a retrospective law to validate all of ICAC's actions and to clarify what ICAC's powers were going forward. So that members are clear, the committee did not take issue with the Validation Act generally, but it did suggest a small tweak. Why? Because when the High Court made its decision in Cunneen, it basically gutted the powers the ICAC thought it had. Parliament restored them retrospectively. When it did so, it could have overridden the decision in Cunneen and taken from her the benefit of the judgement she had achieved. Legally, this Parliament could have done that, but it chose not to because the Government and the Parliament understood that it would have been improper and wrong.

However, there was another group of litigants who were also unhappy with findings made against them by ICAC and who went to the court to have those findings set aside. They were Mr Duncan, Mr McGuigan, Mr Atkinson and Mr Poole. In that case, ICAC settled the litigation. There is correspondence from the NSW Crown Solicitor acting for the ICAC, dated 23 April 2015, proposing a process to resolve the case, including asking the New South Wales Court of Appeal to set aside the findings made by ICAC. That was agreed to by the litigants. There is also a note to the parties—and I have seen it—from the then President of the Court of Appeal the Hon. Margaret Beazley, now Governor of the State, dated 6 May 2015, indicating the court agreed to make the orders setting aside the ICAC finding on 8 May 2015. However, and unfortunately, before the judgement could be formally entered at the court, the Parliament enacted the validation Act. One effect of that legislation was to wipe out the legal rights of those four litigants. They had already been agreed to.

There had been terms of settlement, but the Parliament wiped that. The Parliament clearly had the power to do that, but I assert that it was not aware of the case. I was not in Parliament in 2015, but I have spoken to plenty of members in the Chamber who were and have been told that they were never informed of the existence of this matter and that they were in the same position as Ms Cunneen. Had it known, Parliament may well have exempted them from the effects of the validation Act. That is what the ICAC oversight committee has recommended. Alternatively, Parliament may have decided to just extinguish their rights anyway, and we will never know if that was the case because their existence was kept secret from the Parliament. Why was that? In its response to the oversight committee report, the Government said:

The Government **does not support recommendation 7.**

...

The individuals referred to in recommendation 7 have fully exercised their review and appeal rights in this matter. The Government does not consider there to be a compelling case to amend the ICAC Act to alter the operation of the provisions inserted by the Validation Act.

I think the Government has made a mistake. Yes, the individuals had fully exercised their review and appeal rights in the matter, but they had succeeded and Parliament took those rights away. I seek an extension of time.

Leave granted.

The Hon. ROD ROBERTS: I thank the House. The Government, which knew about the matter, failed to tell anyone, including members of this Parliament, when it was asked to make the validation Act. The committee, with members from both Chambers and from across the political spectrum, has said the validation Act should be adjusted to restore to those men the legal rights that the Parliament took away. The committee found their case compelling. The Government disagrees but does not really explain why. The documents sought in this motion will shine a light on why the Government decided to keep the existence of the litigants a secret in 2015 and why it wanted to take their rights away, even though the ICAC had agreed to settle the case.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:33): As a former chair of the ICAC oversight committee, I can understand the member's issues in relation to this matter. However, there are some overriding considerations that I want to put on the record as to why the Government will oppose the motion. The motion of the Hon. Rod Roberts relates to court decisions on compensation claims and seeks the production of three documents referred to in correspondence from the Department of Premier and Cabinet in relation to an internal review of an application for access to government information. I will firstly deal with paragraph 1, relating to Cabinet documents. As the Government has indicated

many times, it respects the authority of the House. I repeat again that Cabinet documents are not subject to orders from this House to produce documents, as is set out in the decision in *Egan v Chadwick*.

I have said this so many times, but I repeat it again for the purpose of this motion: The common law definition of "Cabinet information" was articulated by Chief Justice Spiegelman, with Justice Meagher agreeing, in *Egan v Chadwick*. That applies namely to documents that directly or indirectly reveal the deliberations of Cabinet, and any other documents which would, if they were disclosed, undermine collective ministerial responsibility for Government decisions. I know that I have repeated that in respect of other Standing Order 52 motions, and most recently in defence of myself with respect to a business case. But these documents are of a different category than a business case. The documents covered by this paragraph go to the heart of documents that impact on Government decision-making.

I now move to the substance of the order. The documents sought in this order relate to an application by a member of the public for access to government information under the Government Information (Public Access) Act 2009, or GIPA Act. I am advised that the Department of Premier and Cabinet determined the application by providing access to certain documents, pursuant to section 58 (1) (a) of the GIPA Act; refusing access to certain documents, pursuant to section 58 (1) (c) of the GIPA Act, because the information was already on a publicly available website; and refusing access to certain documents, pursuant to section 58 (1) (d) of the GIPA Act, because there is an overriding public interest consideration against disclosure. I am advised that the member of the public requested an internal review of the decision to refuse access to certain documents. I am advised that the internal review determined to refuse access to those documents after determining that there is an overriding public interest against disclosure of that information. Namely, the records are subject to conclusive overriding public interest against disclosure as— [*Time expired.*]

The Hon. ADAM SEARLE (21:37): I speak briefly on behalf of the Opposition. The Opposition supports the motion, largely for the reasons outlined by the Hon. Rod Roberts. Like the Hon. Rod Roberts, I was a member of the oversight committee on this important inquiry. As the honourable member pointed out, the findings, particularly in relation to recommendation 7, were unanimous on the evidence. I was a member of the Parliament in 2015 that supported and voted for the validation Act and the retrospective restoration of the rights of the ICAC, a matter from which I do not resile and that I think was the right public policy outcome. I am a strong supporter of a strong and robust anti-corruption framework.

But, in the process, I was one of the Opposition members tasked with interacting with the Government and the office of the then Premier. A question raised in those discussions was whether anybody else, apart from Ms Cunneen, was before the courts. I did not take a file note, but my strong recollection is that we were assured that there was no live matter before the courts. Maybe that was a mistake; maybe it was deliberate. The point is that there were people before the courts and the Parliament was not told. Maybe if it was told it would not have made any difference, yet it may have. We will never know. But, at this point in time, the evidence is overwhelming that these people were wrongly dealt with and that this House should call for these documents.

In relation to the point raised by the Leader of the Government, these documents, although they were refused under the Government Information (Public Access) Act for being Cabinet documents, are not true Cabinet documents. They do not reveal the opinion or deliberation of the Cabinet or any member of it. Nevertheless, the Government is trying very hard to keep the documents secret, and this House has the power and the responsibility to call for them and to see why the Government took the attitude it did back in 2015. Perhaps it might shine a light on why it is taking the view in relation to recommendation 7 which it is today.

The Hon. SHAYNE MALLARD (21:39): I will pick up where the Minister concluded. The motion seeks the production of three records to which access was refused. Orders for papers by this House should not be used to circumvent the Government Information (Public Access) Act regime. Should a member of the public disagree with a decision of the Department of Premier and Cabinet, it is open to that person to ask for an external review of that decision by the Information Commissioner or the NSW Civil and Administrative Tribunal within 40 working days of being given the decision. As Professor Anne Twomey commented in a paper entitled "Executive Accountability to the Senate and the NSW Legislative Council" in the autumn 2008 edition of the *Australasian Parliamentary Review*:

It also appears that Standing Order 52 is being used as a backdoor means to thwart the exemptions in the *Freedom of Information Act*. People denied access to material that is exempt, by law, under the *Freedom of Information Act* can instead lobby a member of the Legislative Council to seek the production of documents.

...

However requiring the production of state papers for these purposes is not reasonably necessary for the House to fulfil its functions. As the President of the Legislative Council, Peter Primrose, has previously observed:

This House can order the production of documents only for the purposes of its legislative function or executive accountability. It cannot order the production of documents for other purposes such as assisting others in litigation.

In these circumstances, it does not appear that the order for papers is reasonably necessary for the House to exercise its oversight functions. The order appears to relate to the private interest of an individual. If the documents are not reasonably necessary for the House's oversight or other functions, it is beyond the powers of the House.

The Hon. ROD ROBERTS (21:41): In reply: I thank the Hon. Damien Tudehope, the Hon. Adam Searle and the Hon. Shayne Mallard for their contributions. We have gone back to the regular Wednesday circus on repeat from the Leader of the Government that we cannot have the documents because they are Cabinet documents. Let me be clear: We are not requesting any minutes of a Cabinet meeting, any record of a Cabinet meeting, any records of discussions of the Cabinet or any Cabinet deliberations; we are requesting certain documents that were presented to Cabinet, which is paid for by the taxpayers of New South Wales.

Further to the comments of the Hon. Shayne Mallard—and I will be easy on him because I know he was given a job to do and some notes to read—he missed that this call for papers is not on behalf of an individual. If he had listened carefully, it was a result of recommendation 7 of the report of the joint parliamentary committee into the reputational impact on an individual being adversely named in the ICAC's investigations, comprising members of the Legislative Assembly and the Legislative Council. All sides of the Chamber—Labor, Government and crossbench, including me—supported the recommendation. So it was not done for an individual. I do not even know who the individual is; I was not even in the Parliament when the validation Act was passed. This stinks of a cover-up. The legal rights of those citizens were withdrawn from them, and we want to find out why. The call for papers is based on a recommendation of the committee, not on behalf of an individual. I will take it easy on you. I know you were given notes to read, but you go back and tell whoever gave them to you—it was the Leader of the Government. You should not—

The DEPUTY PRESIDENT (The Hon. Wes Fang): I am loath to remind the member that his comments should be made through the Chair.

The Hon. ROD ROBERTS: I admonish myself, but I was enjoying myself.

The DEPUTY PRESIDENT (The Hon. Wes Fang): As was I. I was loath to do it.

The Hon. ROD ROBERTS: When you are in a winning position, which does not happen very often, you want to make sure that you stay in that position. I have learned from street brawling that when somebody is on the ground, do not let them get back up again.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Before I put the question, I remind members that comments should be made through the Chair. The question is that the motion be agreed to.

The House divided.

Ayes21
Noes 14
Majority.....7

AYES

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

NOES

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

PAIRS

Moselmane	Franklin
Secord	Maclaren-Jones

Motion agreed to.**RESILIENCE NSW AND SHANE FITZSIMMONS****Production of Documents: Order**

The Hon. WALT SECORD (21:53): I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this motion the following documents, in electronic format if possible, in the possession, custody or control of the Department of Communities and Justice, Resilience NSW, the Minister for Emergency Services and Resilience or the Deputy Premier relating to expenses and activities of Resilience NSW:

- (a) all documents relating to all reimbursement claims made by or for Shane Fitzsimmons, AFSM, Commissioner – Resilience NSW, for accommodation, travel and meals, entertainment or hospitality expenses incurred since 1 April 2020;
- (b) all documents relating to all reimbursement claims made by staff for accommodation, travel and meals, entertainment or hospitality expenses associated with events that were attended by the Commissioner – Resilience NSW since 1 May 2020;
- (c) all diary records for Shane Fitzsimmons, AFSM, Commissioner – Resilience NSW, since 1 May 2020; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I regret that I must resort to a call for papers under Standing Order 52. By way of background, it relates to a Government Information (Public Access) Act [GIPAA] request launched in May. I tried to work within the GIPAA but, sadly, I was blocked by the Deputy Premier. He said that it was an unreasonable and substantial diversion of resources. On that basis, I hope that the Government reconsiders. I find it extraordinary that the Government is shielding Shane Fitzsimmons from scrutiny. This commissioner is paid \$475,000 per year, which includes all costs for accommodation, travel, meals, entertainment and hospitality involving him and his office. It is extraordinary that the Government is trying to block this call for papers. I will end on one final point: Yesterday's budget showed that Resilience NSW continues to grow under Shane Fitzsimmons. It has gone from \$1.034 billion in 2021-22 to \$2.061 billion this coming budget. Enough said. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:55): I move:

That the question be amended by omitting "seven days" and inserting instead "28 days".

The Government opposes the motion. The Opposition continues to play politics and hunt for red herrings at a time when the New South Wales Government is rolling out support for the Northern Rivers region in consultation with local communities that best understand their needs. The involvement of Shane Fitzsimmons in that process has been an important component. The New South Wales Government is constantly looking for ways to do better and meet the needs of flood-affected communities, as the flood recovery evolves, in contrast to Opposition members, who are constantly just looking for a headline.

Last week the Government announced that residents of Woodburn displaced by flooding are being offered at-home caravans in a new program providing medium-term housing solutions for flood-affected communities. Caravans will be located on residents' private property at no cost. Each private property will be assessed during the face-to-face application process with Resilience NSW to ensure that the property can safely accommodate a caravan. The at-home caravan programs will provide a safe and secure roof over the heads of locals so that they can remain on their property while they repair and rebuild.

The Hon. Rod Roberts: He has not used the words "Shane Fitzsimmons" once.

The Hon. DAMIEN TUDEHOPE: I have mentioned him. In fact, part of the reason why it is important to support Resilience NSW is that it demonstrates this level of support which has been delivered to the people of the Northern Rivers. The first caravans have been secured through Camplify, an accommodation company that matches caravan owners with holiday-makers. But it is now involved in helping our flood recovery efforts. Woodburn residents can register for a caravan by visiting the Woodburn recovery hub where Resilience NSW staff will be available to assist with information and applications relating to at-home caravan programs. This motion is seeking to muddy the reputation of Shane Fitzsimmons, and in no way should we support it, especially given the process that has been overseen by someone that the community holds in such high esteem. The Government opposes the motion.

The Hon. MARK BANASIAK (21:58): I briefly indicate that the Shooters, Fishers and Farmers Party supports this motion. What was very clear throughout the floods inquiry was that we still do not know what Resilience NSW does. We still do not know what Shane Fitzsimmons does. If this order for papers sheds some light on what that agency does and where the expenditure is going, happy days. Because after extensive

interrogation we are still at a loss as to what exactly that organisation does and whether it is even worth keeping, to be honest.

The Hon. ROD ROBERTS (21:58): One Nation also supports the motion. I too happen to be a member of the flood inquiry. I draw to the Chamber's attention that we do not know what Resilience NSW does. I can tell members that when the Lismore floods happened, Resilience NSW took the lead straightaway as the recovery agency, but after eight days the Premier said, "We have to replace Resilience NSW with someone who knows what they are doing" and Deputy Commissioner Mal Lanyon was brought in to run the show. If Resilience NSW is such a good organisation, why did it need to be replaced by another combat agency altogether? There is a big expenditure to Resilience NSW. No-one knows where the money goes. We received plenty of evidence to say Resilience NSW was not on the ground, not competent and not fit for purpose. This is a big budget and a big expenditure. We want to know where Mr Fitzsimmons is spending all this money that should have gone to aid and to assist the flood recovery.

The PRESIDENT: Order! According to sessional order, it being 10.00 p.m. proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

According to standing order, members made the following statements.

STATE BUDGET AND RUGBY LEAGUE CENTRES OF EXCELLENCE

The Hon. PETER POULOS (22:00): I am excited about the New South Wales Government budget announcement last Friday and the commitment to spend \$113 million over four years towards the delivery of three new state-of-the-art rugby league centres of excellence to support the progression and development of future National Rugby League players, both male and female. The Canterbury-Bankstown Bulldogs, the Parramatta Eels—I should declare an interest—and, as the Parliamentary Secretary for Wollongong and the Illawarra, I note most enthusiastically the St George Illawarra Dragons will now be able, in collaboration with the University of Wollongong, to establish their new centre of excellence at the Innovation Campus. This is an investment in rugby league, in the NRL and in the future of the sport which delivers benefits for the community.

Each centre of excellence provides purpose-built world-class high-performance training, administration and community facilities. Specifically, the St George Illawarra Dragons Community and High Performance Centre [CHPC] has outlined several objectives aimed at creating a longstanding legacy for this historic club and its supporters. These include measures such as leveraging the important strategic partnership with the University of Wollongong to create an innovative, sustainable and environmentally friendly facility; harnessing the power of sport to amplify mental and physical health programs and initiatives, as well as improving health and wellbeing outcomes for the local community; and deepening its connection through targeted partnerships and programs, shared collaboration, learning and multiple playing fields.

By establishing the centre at the Innovation Campus in Wollongong, the Dragons and the University of Wollongong aim to redefine excellence through a cutting-edge collaborative sports education partnership that reinforces community programs, sports research and education. The new \$50 million facility will include a lecture theatre and community classroom that will not only house and expand on the Dragons' 20-plus community programs but also be utilised by other tenants of the facility such as the Illawarra Rugby League, St George District Rugby League and the New South Wales Rugby League. The proposal consists of a new-age facility covering 5,000 square metres, with improvements to pedestrian and cycle access through the precinct.

I applaud the commitment by the club to incorporate an Indigenous program and a Reconciliation Action Plan, and the inclusion of over 105 schools as part of the Best You Can Be health and wellbeing program. During construction, some 229 full-time equivalent jobs will be created. Following completion and once operational, around 60 full-time equivalent ongoing jobs will be associated with the facility. In summary, the CHPC aims to deliver, in accordance with its commitments, equitable male and female player facilities, aquatic recovery and medical facilities, high-performance gym and sports science, up to three full-sized NRL playing fields, a lecture theatre and meeting rooms, community classroom and program spaces, administration office space, and allied health and University of Wollongong research collaboration space.

There can be no doubt that once additional funding from the New South Wales Government became available, both the Dragons and the University of Wollongong had the confidence to move forward. The collaboration between the St George Illawarra Dragons, the University of Wollongong and the New South Wales Government reflects what can be achieved. The next step in the journey to see this project come to fruition will involve community engagement activities as part of the development application process, due to be lodged shortly. I reflect on the noteworthy observations of the university's Senior Deputy Vice-Chancellor (Innovation, Enterprise

and External Relations), Professor Alex Frino, and the St George Illawarra Chief Executive, Ryan Webb. Professor Frino stated:

We very much welcome the NSW Government's financial support for this project which is critical for the development of the Illawarra and the local communities.

Mr Webb thanked the State Government "for seeing value in what we are working to achieve for our sport and community in helping us make the CHPC a reality." This is an important phase in the development of the St George Illawarra Dragons Community and High Performance Centre. I recognise that there is now much anticipation for the project to be advanced subject to the development application approval process. The Dragons report that more than 300,000 people consider themselves "avid" fans of the club across both Australia and New Zealand. Some 12.7 million viewers tuned in to watch Dragons matches in 2020 and the average match day attendance in 2019—pre-COVID—was 17,000. The Dragons brand is well established, marketable and highly recognised. It serves as an important institution across the Illawarra and beyond. With the impetus provided by the New South Wales Government, both young men and women can aspire through this investment to be the elite rugby league champions of tomorrow. This means that the region through this centre has a very exciting future.

AUSTRALIAN DEMOCRATIC PROCESS

The Hon. ANTHONY D'ADAM (22:05): Ours is a stable and successful democracy and at the heart of this stability has been our party system. It is a system that has provided for majority party government and the regular alternation of the governing party as the norm. The outcome of the recent Federal election has reconfirmed the emergence of a long-term trend toward electing increased numbers of Independent candidates. This has no doubt been encouraged by a media narrative that is hostile to parties and which valorises Independents. This trend threatens one of the fundamental pillars of our democracy, our stable party system. The primary vote share of the major parties is in decline. Party membership for Labor and the Coalition parties is now a tiny proportion of the total electorate. In some electorates, one or the other of the major political parties has withered to the point of being non-existent on the ground. Both major parties do their best to hide the true state of their membership.

Political parties play an important role as key organs of our political system. They provide a mechanism for aggregating ideas, opinions and policy agendas. They provide a pathway for citizen participation in our politics. They enable participation in candidate selection and policy formulation. They are a forum for collective problem solving that enables the structured representation and reconciliation of stakeholder interests to resolve policy problems. But our parties are failing in their role to facilitate citizen participation. Many voters are disaffected from meaningful engagement with politics as a consequence. Control of our parties is increasingly concentrated in the hands of a professional elite who, with the assistance of public funding, are able to run our parties with little or no genuine input from their rank and file members.

The period immediately prior to the Federal election saw both Liberal and Labor select candidates through centralised imposition, with disastrous results for the Liberals and a significant backlash against Labor in the electorate of Fowler. The Federal election result also represented a reassertion of localism. In Fowler, and in the electorates contested by the so-called "teal" Independents, candidates with strong local roots and campaigns anchored in deep community connections prevailed. Some may argue that the parties should learn this lesson without external intervention, but I believe that the public interest in the preservation of our stable party system means that broader action needs to be taken. Our parties should be democratic. The public interest is served by our democracy being protected through the democratic functioning of its key organs.

The system of public funding exists in recognition of the critical role that parties play. Where taxpayer funds are provided to support parties, that support should be contingent on the satisfying of minimum levels of democratic internal governance. But more than this, public funding should be used to strengthen our parties at their base. Our parties need to be more inclusive and participatory. They should be anchored in their communities and they should be democratically controlled. A key element in the preservation of democracy is the dispersion of power. Centralisation of authority and control is anathema to democracy. The centralisation of power in our parties is a threat to the effectiveness of our democratic system. The public funding system should be used as a tool to incentivise a process of democratisation and decentralisation of the administration of our parties.

A proportion of the available public funding enjoyed by the parties should be allocated in a way as to incentivise the maintenance of a minimum threshold of party member numbers in each electorate. Payment of this proportion of the public funding allocation should be contingent on the involvement of those members in some form of democratic candidate selection process. The effect would be to provide an incentive for local democratic processes of party candidate selection. Parties choosing to select candidates through a centralised process would suffer a financial penalty. Parties also enjoy preferential advantages in relation to the process of nominating candidates at elections. That should only be available if a party has a minimum number of members in an electorate. It would incentivise party-building across all electorates.

Finally, public funding is currently dispersed to the central office of each party. That should be changed so that funds are dispersed to electorate-based accounts, subject to control by electorate-based committees of party members. Of course, no party should be required to adopt the above approach, but if they want to benefit from the support of the public purse then they should be required to engage the greatest level of participation and democratic control.

BLOCKADE AUSTRALIA

Ms SUE HIGGINSON (22:09): I have stood up in this place a number of times to discuss the importance of civil disobedience in a healthy democracy. I am so concerned about what is happening to our democracy in New South Wales that I will stand once again and make my concerns heard. On 19 June the New South Wales police raided a private property in the Colo Valley, not quite 100 kilometres away from Parliament House. At the time, the property was lawfully occupied by members of the climate activist organisation Blockade Australia.

Who are these people? Blockade Australia describes itself as an "organising network" established in response to Australia's failure to respond to the "climate and ecological crisis". Its stated aim is to "build a political movement that can physically resist Australia's planet-destroying operations with disruptive and targeted action". Many of the people who identify with Blockade Australia are young people, who are engaged in "end of times" conversations. These are really sad conversations. They often involve understanding the destabilisation of life on earth, apocalyptic fires, imploding economies, epic floods, massive crop failures, and hundreds of millions of refugees fleeing regions made uninhabitable by extreme heat or permanent drought. The evidence suggests now that anyone under 30 years of age is all but guaranteed to witness those events at some point.

Yesterday I read an ABC article and learned that one of the people who were subjected to the failed policing exercise on Sunday was someone I knew. As a lawyer, I helped this person in relation to a peaceful protest that he had been involved in some years ago to try to stop the development of the largest open-cut coalmine in the Southern Hemisphere. He is a beautiful soul. He is a religious man and a member of the Religious Society of Friends, or Quakers. Like so many others who are engaged in acts of nonviolent direct action, he is a gentle, caring and deeply engaged person. The police exercise that took place on the weekend shocked me. It was outrageous police state behaviour. It was not reasonable policing; it was targeted harassment. That sort of policing always goes wrong.

At 8.30 a.m. on Sunday morning, members of Blockade Australia became aware that two people in full camouflage gear were hiding in the bush above their camp. Blockade Australia members approached and spoke with the two armed and masked people but received no response or indication that they were police officers. The behaviour of the camouflaged intruders continued to arouse suspicion, up to and including when a large black car came tearing down the private driveway of the property and the silent intruders pushed their way past the activists, still with no indication that they were police officers in disguise. In the car that had come to collect them were two more armed men wearing black jeans and shirts, with no police markings on their clothes or vehicle, who refused to respond to identity queries or questions from the increasingly alarmed activists.

Unfortunately for the Blockade Australia activists, this exercise in excessive policing had just begun. With the departure of the four armed and disguised people in the car, a four-hour-long search and seizure operation commenced. Tactical police, dog squads, general duty police and helicopters spent four hours intimidating the group of 40 people—which included children, people with disabilities and older people—who were forced to sit on the cold and wet ground while their personal possessions were searched and confiscated. At the end of the ordeal, these people were ordered off the property, with no consideration for their situation. They had just been stripped of their vehicles, communication devices and, for many of them, their warm clothes.

One of those people was frightened, ran off into the bush and for 20 hours was unaccounted for. Other members of the group had serious concerns about that person's safety, but the police refused requests to activate the SES or other rescue operations. Where is the compassion or duty of care from our NSW Police Force? It is clear the police operations were a serious failure. They were dangerous, not strategic, an enormous waste of public money, stupid, and harmful to the wellbeing of the people who had done nothing wrong prior. Policing like this is a threat to our democracy.

ISOLATED PATIENTS TRAVEL AND ACCOMMODATION ASSISTANCE SCHEME

The Hon. WES FANG (22:14): Monday's announcement by the New South Wales Government regarding the Isolated Patients Travel and Accommodation Assistance Scheme, or IPTAAS, will see an additional \$149.5 million injected into regional and rural New South Wales as part of the 2022-23 State budget. That funding boost expands eligibility requirements and increases subsidies for travel and accommodation for people living in rural, regional and remote areas who are required to travel to receive specialist health care. The New South Wales Government understands the immense financial pressure that rural and remote individuals may be burdened with

should they find themselves in a position where they need to travel significant distances for specialist treatment. We know that access to highly specialised care often means significant travel for regional and remote areas and we believe that living in those areas should not be a barrier to accessing critical health services. That is why the Government is committed to easing the financial strain on individuals in what is often a very distressing time emotionally.

The expanded eligibility of this scheme now includes individuals attending non-commercial clinical trials; high-risk foot clinics; highly specialised, publicly funded oral health clinics; and ocularists. Diabetic patients requiring treatment at high-risk foot clinics now qualify under this expanded scheme if they are required to travel to receive the treatment. For example, people who live in Deniliquin and require specialist foot care for diabetes are now eligible for financial assistance towards the cost of the 510 kilometre round trip to Wagga Wagga's high-risk foot clinic under this scheme. Previously, it was not covered. This is fantastic news for those people in regional New South Wales. This almost \$150 million investment by the Liberals and The Nationals in government will now also include increases in the accommodation subsidy. Rebates will be increased from \$43 per night to \$75 per night for a one- to seven-night stay, and from \$60 per night to \$120 per night for a stay of eight days or longer.

Further to this, private vehicle travel subsidies will almost double from 22 cents to 40 cents per kilometre when the need for travel exceeds 100 kilometres. In the last financial year, 26,000 people across rural, regional and remote New South Wales received financial assistance through the IPTAAS scheme. In my duty electorate of Murray, more than 1,700 people accessed the scheme, as well as almost 1,000 people in my other duty electorate of Wagga Wagga. The expansion of this scheme will now offer assistance to more than 45,000 New South Wales residents who may find themselves going through a health crisis. Having the additional financial support will be a weight lifted from their shoulders. The scheme demonstrates that the Government is committed to delivering on our promises to the people of New South Wales. This is the most generous IPTAAS scheme in the country. We have listened to the people of regional and rural New South Wales and we have put in place policies such as IPTAAS to improve access to health care for those individuals.

Improving health outcomes for people in the bush is of critical importance to this Government, as is relieving the financial pressure on individuals who have no choice but to travel to receive that health care. It is a game changer. Under my good friend and colleague the Minister for Regional Health, Bronnie Taylor, the Liberals and The Nationals in government have also established the Regional Health Division of NSW Health, which will continue to look at further ways to improve the IPTAAS scheme. This significant investment builds on the Government's record \$4.5 billion commitment to health in New South Wales, with more than 10,000 full-time equivalent staff to be recruited over the next four years.

This Government is committed to ensuring positive health outcomes in regional, rural and remote New South Wales. Taking away the financial barrier that may have been in place for some individuals who need access to the highly skilled health services that our fantastic doctors, nurses and other allied health professionals provide will mean that regional and rural New South Wales remains a great place to live, work and raise a family. There is no question that Minister Bronnie Taylor, who resides in this place, has delivered a great policy for the people of rural and regional New South Wales. It is because of her and the work of the Nats in government that we have seen this money flowing to the people of rural and regional New South Wales.

STATE BUDGET AND GOVERNMENT PERFORMANCE

The Hon. COURTNEY HOUSSOS (22:20): This week has seen the release of the New South Wales budget. After 12 long years in government, the last fortnight has seen over \$40 billion sprayed around by the New South Wales Liberals and Nationals—more money than that committed by both Anthony Albanese and Scott Morrison during the recent Federal campaign. Instead of a long-term plan for our State, the Liberals and Nationals have been desperately trying to play catch-up and fix the problems they have created over the past 12 years of neglect. We have the fastest falling education outcomes in the world, widescale teacher shortages and overcrowded schools. This Government promised another year of school for four-year-olds, yet it cannot even find enough teachers for our existing students.

Last week the New South Wales Treasurer, and energy Minister, was telling families not to turn on their dishwashers while at the same time trying to buy back the power stations the Government flogged off just years ago. As household energy prices spike, with double-digit increases, it should be remembered that members on this side of the House fought an election opposing this plan to sell off our electricity assets and voted against it in the Parliament.

The Liberals and Nationals are promising 10,000 new health workers, trying to plug the gaps because our nurses, doctors, cleaners and health workers are exhausted by two years of a global pandemic. But with a budget that delivers a real wage cut to these frontline workers and the rest of the public service across New South Wales,

how are they going to be able to recruit them? Last week the Fair Work Commission gave a bigger increase to minimum wage workers than the New South Wales Government. Unions NSW analysis shows this budget will deliver the average public sector worker a real wage cut of \$2,142.

As all this money is being sprayed around, our debt levels are putting our credit rating at risk. Debt in New South Wales has never been higher. In New South Wales we now pay more on interest repayments than we do on TAFE. The debt now stands at \$20,000 for every man, woman and child in our great State. The New South Wales Liberals and Nationals started down this path well before we had ever heard of the coronavirus. How are the Liberals and Nationals going to pay for all this? Under the guise of helping first homebuyers, they are going to put a tax on the family home. They can try to spin it however they like, but even supporters of a broad-based land tax acknowledge it will increase prices. It is so out of touch.

I will turn to what was not in the budget. Within my shadow portfolio of Better Regulation and Innovation the budget was pretty light on. I look forward to delving into the brief mentions of Construct NSW in our upcoming budget estimates hearings because the Fair Trading portfolio did not even warrant a media release from the Minister. Worst of all, the week after the fifth anniversary of the Grenfell Tower tragedy, there was not a single mention of Project Remediate or dangerous flammable cladding in the budget papers.

As I revealed on *Nine News* last week, we are still yet to remove a single piece of dangerous flammable cladding under Project Remediate. The only piece of flammable cladding that has been removed—with much media fanfare in October last year—was bolted back onto the building after the television cameras and journalists had left. Yet over just the last two years the Victorian Government has completely removed dangerous flammable cladding from 154 apartment buildings, with a further 51 underway. It shows what can be done with a centralised agency, a focused government and financial support.

This Government failed to understand the cost-of-living crisis being faced by families and households across this State. With petrol prices increasing, fresh food prices increasing and energy prices spiking at double-digit levels for the first time in living memory, this Government has shown us this week just how tired and out of touch it is. Instead of addressing the cost-of-living crisis gripping those families and households around this State, Government members have focused on the political crisis they have made. It shows how out of touch they are.

COMMERCIAL KANGAROO HARVESTING

The Hon. EMMA HURST (22:24): One of Australia's greatest shames is the kangaroo-killing industry. I have seen joeys bludgeoned to death, their small bodies discarded by the side of bush tracks, bashed and mutilated; kangaroos with their heads cut off, cut further down their body depending on how inaccurate the shot was; and bodies of kangaroos in chiller boxes, infested with maggots and flies, ready to be picked up for processing. And what is it all for? It is for pet foods, sausages and kangaroo leather to make a bloody pair of shoes.

There are so many reasons not to wear kangaroo leather, eat kangaroo flesh or feed it to companion animals. The simple fact that the national code of practice allows a joey to be pulled from its dead mother's pouch and killed with blunt force trauma to destroy their brain says it all. Kangaroo meat is legalised cruelty. It is hard to believe, but shooting a mother and smashing her baby's head in is sanctioned by this Government. In fact, it is all in a day's work in the Australian kangaroo industry. It is truly heartbreaking that that is how we have chosen to treat sentient animals, particularly one of our iconic native animals. Part of the problem is that the industry is hidden. The killing happens in remote areas in the dead of night, far from any oversight and from the community, who would be horrified to know what is going on.

While I am talking about kangaroos, I pay tribute to the work of my colleague the Hon. Mark Pearson and his team as well as the Animal Justice Party NSW—and in particular our State director, Louise Ward, and volunteer Greg Keightley—for all the work they have done to expose the industry. The inquiry into the health and wellbeing of kangaroos and other macropods in New South Wales was groundbreaking and exposed the full extent of the harm being caused by the industry, including the serious and systemic flaws in the way that kangaroo populations numbers are counted and the lack of oversight by the department and the New South Wales Government over that hidden industry.

The kangaroo-killing industry is the largest commercial, land-based wildlife massacre in the world, and it is an international embarrassment for Australia. That is why a bill to ban the trade of kangaroo parts was introduced to the US congress earlier this year. In Russia, kangaroo imports are banned due to unacceptable levels of *E. coli* bacteria—a disease risk that further exposes the problems with the industry. It is important to highlight that the kangaroo leather industry is no better. Anyone who buys or sells kangaroo leather cannot escape that

simple fact. The commercial kangaroo killing industry has no government oversight and there are no welfare checks.

It is no different to the bludgeoning of baby harp seals in Canada, which Australians often detest. It is easy to point the finger and highlight the cruel treatment of animals overseas, but what is happening in our own backyard is just as cruel, gruesome and horrifying. If you are going to wear kangaroo skin soccer shoes, you may as well wear a baby harp seal jacket. Those who wear or sell kangaroo leather can be sure the animals died a violent and brutal death, and they are contributing towards pushing a native Australian animal into a major decline in numbers. That massacre is a terrible price to pay for a pair of shoes.

Companies like Nike, which continues to use kangaroo skin to make some of its shoes, should know better and must turn their back on the cruel industry. The cruelty of the industry can no longer be kept secret in Australia. The world is becoming aware of exactly what is happening. Unless Nike makes the compassionate choice, its brand will be tarnished by the cruelty that it is supporting. When one has seen the brutality of the industry, the leather shoes that are displayed in shops and worn in public as if they are symbols of something other than extreme cruelty are more than just heartbreaking, they defy belief. No business can call itself an ethical business if it supports that cruelty. It is time to bring to light what has been done in the dark. We must put an end to this shameful industry.

STATE BUDGET AND FARMING

The Hon. SCOTT BARRETT (22:29): Our State's farmers are among the best in the world. They contribute more than \$21 billion to our economy each year despite the increasing challenges of global markets, political pressures and natural disasters. The Government announced in the budget a \$12.1 million extension to the Farm Business Resilience Program to help farmers be their best, to build resilience for future droughts and other natural disasters, and to continue to support our regional economy. Since 2021 more than 1,500 farmers have accessed the program. The extension will allow more farmers to gain assistance by providing them with risk management tools to help with long-term planning for future financial security and to develop strategies to prepare for whatever challenges the industry and environment may throw at them. It is just another tool to help regional New South Wales be the most wonderful place to live, work and raise a family.

The PRESIDENT: The time for debate has expired. The House now stands adjourned.

The House adjourned at 22:30 until Thursday 23 June at 10:00.