



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Tuesday 9 August 2022**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

**Tuesday 9 August 2022**

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

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

### *Documents*

#### **DUNGOWAN DAM, WYANGALA DAM AND MOLE RIVER DAM**

##### **Noncompliance with Order for Papers**

**The PRESIDENT:** On Tuesday 21 June 2022 the House ordered that, should the Leader of the Government fail to table the latest draft or final business cases for Dungowan Dam and Wyangala Dam, he must attend in his place at the table at the conclusion of prayers on the day following the passing of the resolution to explain his reasons for continued noncompliance with the order. In accordance with the resolution of the House of Tuesday 21 June 2022, I call on the Leader of the Government to explain his reasons for continued noncompliance.

##### **Attendance of Leader of the Government in His Place**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (14:33):** I advise the House that the summary business case that the Minister for Lands and Water has previously committed to release from the environmental impact statement as placed on public exhibition will be voluntarily provided by the Government to the Clerk of the Parliaments by 10.00 a.m. on Thursday 11 August 2022.

### *Governor*

#### **ADMINISTRATION OF THE GOVERNMENT**

**The PRESIDENT:** I report receipt of messages from Her Excellency the Governor and the Administrator of the State of New South Wales regarding the administration of the Government.

### *Bills*

#### **BAIL AMENDMENT BILL 2022**

#### **ICAC AND LECC LEGISLATION AMENDMENT BILL 2022**

#### **TREASURY LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022**

#### **APPROPRIATION BILL 2022**

#### **APPROPRIATION (PARLIAMENT) BILL 2022**

#### **STATE REVENUE LEGISLATION AMENDMENT BILL 2022**

#### **CHILDREN'S GUARDIAN AMENDMENT BILL 2022**

#### **CHILD PROTECTION (WORKING WITH CHILDREN) AMENDMENT BILL 2022**

#### **DISABILITY INCLUSION AMENDMENT BILL 2022**

### **Assent**

**The PRESIDENT:** I report receipt of a message from the Governor and the Administrator of the State of New South Wales notifying Her Excellency's assent to the bills.

### *Members*

#### **LEGISLATIVE COUNCIL VACANCY**

**The PRESIDENT:** I report receipt of a communication from the Official Secretary to Her Excellency the Governor following the resignation of the Hon. Catherine Cusack. I inform the House that the Official Secretary's communication will be acknowledged and that an entry regarding the resignation of the Hon. Catherine Cusack will be made in the Register of Members of the Legislative Council.

*Announcements***DEATH OF THE HON. JOHN SAXON TINGLE, A FORMER MEMBER**

**The PRESIDENT (14:34):** I announce the death on 5 August 2022 of the Hon. John Saxon Tingle, aged 90 years, a member of this House from 1995 to 2006. On behalf of the House, I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

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

**DEATH OF SHINZO ABE, A FORMER PRIME MINISTER OF JAPAN**

**The PRESIDENT (14:35):** I inform the House that on behalf of members of the Legislative Council and the people of New South Wales I have sent a message of condolence to the Ambassador of Japan to Australia and the Consul-General of Japan on the tragic death of former Prime Minister of Japan Shinzo Abe. I report receipt of the following communication from the Ambassador of Japan to Australia:

AMBASSADOR OF JAPAN  
CANBERRA

1 August 2022

Dear President,

I am writing to express my gratitude for your heartfelt and thoughtful sympathies following the tragic loss of former Prime Minister Abe Shinzo.

The kind messages that the Embassy has received from Australians of all walks of life are a precious solace at this sad time, and serve as a fitting testament to the enormous contribution that former Prime Minister Abe made to our bilateral relationship.

He was greatly admired and he will be greatly missed.

As the Ambassador of Japan to Australia, I would like to join others in carrying on the legacy of former Prime Minister Abe, who launched the Free and Open Indo-Pacific Strategy through his enthusiasm for the Quad. He laid the foundations for many of the initiatives that are now supporting the rule of law, democratic government and free trade in our region.

Sincerely,

YAMAGAMI Shingo  
Ambassador of Japan to Australia

I further report the receipt of the following communication from the Consul-General of Japan:

15 July 2022

The Hon. Matthew Mason-Cox MLC  
President of the Legislative Council  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr President,

Thank you for your letter of 12 July 2022 conveying your condolences on the passing of former Prime Minister Abe. We take solace in knowing that we stand together with many friends of Japan as we grieve this incredible loss.

I have been deeply moved by the response from the Australian community, in particular here in New South Wales. I will make every effort to continue the good work of former Prime Minister Abe in strengthening the relationship between our two countries.

Yours sincerely,

Kiya Masahiko  
Consul-General of Japan

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

*Documents***INDEPENDENT REVIEW INTO BULLYING, HARASSMENT AND SEXUAL MISCONDUCT IN  
NSW PARLIAMENTARY WORKPLACES**

**The PRESIDENT:** Further to the notification circulated to members by email yesterday, I confirm that after receiving a request and further professional advice a report of an independent review into bullying, harassment and sexual misconduct in New South Wales parliamentary workplaces by Elizabeth Broderick & Co. will now be published in full on the parliamentary website on Friday 12 August 2022.

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Reports

**The PRESIDENT:** According to the Independent Commission Against Corruption Act 1988, I table the following reports of the Independent Commission Against Corruption entitled:

- (1) *Investigation into the conduct of the local Member for Drummoyne*, dated July 2022, received out of session and published on Wednesday 20 July 2022
- (2) *Report on investigation into pork barrelling in NSW*, dated August 2022, received out of session and published on Monday 1 August 2022.

## OMBUDSMAN

### Reports

**The PRESIDENT:** According to the Ombudsman Act 1974, I table a special report of the NSW Ombudsman entitled *Modifying public housing properties to meet the needs of tenants with disability - issues identified through complaints*, dated July 2022, received out of session and published on Friday 29 July 2022, together with an erratum received on Wednesday 3 August 2022.

### Announcements

## CALIFORNIA BUSHFIRES

**The PRESIDENT (14:38):** I inform the House that, on behalf of members of the Legislative Council and the people of New South Wales, I have sent a message of condolence to the President of the California State Senate, New South Wales' sister State in the United States of America, again this year expressing sympathy to the relatives and friends of the people who have been killed, injured or made homeless by the recent bushfires.

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

## LEGISLATIVE COUNCIL PHOTOGRAPHS

**The PRESIDENT (14:39):** I advise members that a photographer is in the gallery taking some photographs of proceedings. Members will be on their best behaviour.

## RECONCILIATION WALL EXHIBITION

**The PRESIDENT (14:39):** This month the Parliament has the privilege of hosting Reconciliation NSW's Schools Reconciliation Challenge in the Fountain Court exhibition space. The exhibition showcases school students' vision for reconciliation in Australia, drawing on 2021's theme, "Under One Sky: Today, Tomorrow, Forever". Students were encouraged to explore First Nations astrology, and the artworks created reflect the students' understanding of the significance of First Nations knowledge and reconciliation more broadly. Of the 495 art and writing entries submitted, the exhibition celebrates the 45 finalists, drawn from 28 different schools across New South Wales. I encourage all members to visit the exhibition displayed on the Reconciliation Wall and to share the virtual exhibition, published on the Parliament's website, as widely as possible via their digital networks. The exhibition will be on display until late September.

### Documents

## SENIOR TRADE AND INVESTMENT COMMISSIONERS

### Production of Documents: Further Order

**The Hon. DANIEL MOOKHEY (14:41):** By leave: I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House the following documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Treasurer, NSW Treasury, the Deputy Premier, the Department of Regional NSW, the Minister for Enterprise, Investment and Trade, the Department of Enterprise, Investment and Trade or Investment NSW, excluding any documents previously provided to the House according to an order of the House, regarding Senior Trade and Investment Commissioners Americas, the Agent-General to the United Kingdom and the Senior Trade and Investment Commissioner to Europe and Israel, the Senior Trade and Investment Commissioner to Greater China, the Senior Trade and Investment Commissioner ASEAN, the Senior Trade and Investment Commissioner to India and the Middle East, and the Senior Trade and Investment Commissioner to North Asia:
  - (a) all briefs or briefings, however described, including attachments, sent to, signed by, drafted by, received by or approved by the Premier, the Deputy Premier, the Treasurer, the Minister for Enterprise, Investment and Trade, the Secretary of the Department of Premier and Cabinet, the current or former Treasury Secretary, the Secretary of the Department of Enterprise, Investment and Trade and the Investment NSW CEO since 1 April 2022;
  - (b) all communication, including text messages and/or any instant messenger services, since 1 April 2022 between Ms Amy Brown or her office and;

- (i) the Hon. John Barilaro; and
    - (ii) the Minister for Enterprise, Investment and Trade.
  - (c) all communications, text messages and/or any instant messenger services since 1 February 2022 between Ms Amy Brown or her office and;
    - (i) the Premier of NSW;
    - (ii) the Office of the Premier NSW; and
    - (iii) any person at the Department of Premier and Cabinet.
  - (d) all communications since 1 April 2022 between any person at Investment NSW and;
    - (i) Ms Siobhan Hamlin (nee McCarthy);
    - (ii) Mr Joseph Brayford; and
    - (iii) any other person in the office of the Hon. John Barilaro.
  - (e) all communications, including text messages and/or any instant messenger services, since 1 April 2022 between any person in the office of the Hon. Stuart Ayres and any person at Investment NSW;
  - (f) all communications, including text messages, between Gary Barnes and John Barilaro since 1 January 2022;
  - (g) all documents, including correspondence, reviewed or generated as a result of the inquiry conducted by Graeme Head into the appointment of John Barilaro as trade commissioner to the Americas; and
  - (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (2) That the documents ordered under paragraph (1) be provided as follows:
- (a) documents regarding the appointment of the Senior Trade and Investment Commissioner Americas be provided before the rising of the House this day;
  - (b) documents regarding the appointment of the Agent-General to the United Kingdom and Senior Trade and Investment Commissioner to Europe and Israel be provided by 12 noon on Wednesday, 17 August 2022; and
  - (c) documents regarding the appointment of the Senior Trade and Investment Commissioner to Greater China, the Senior Trade and Investment Commissioner ASEAN, the Senior Trade and Investment Commissioner to India and the Middle East, and the Senior Trade and Investment Commissioner to North Asia on Wednesday, 24 August 2022.

In moving this motion, I do not intend to unnecessarily detain the House at great length. I foreshadow that, throughout the course of this sitting week, the House will have other opportunities to interrogate many of the matters that have surfaced as a result of the Public Accountability Committee inquiry into the appointment of Mr Barilaro to the position of Senior Trade and Investment Commissioner to the Americas and as a result of the now widened terms of reference of that inquiry. But, needless to say, the inquiry has already generated quite a number of causes for further inquiry. The House requires some additional documents to assist in validating the claims of certain witnesses and to understand the fuller context of decision-making as it applies to the respective positions.

Members would be aware that the Opposition has been pursuing this matter over the winter break. Certainly, should the House have found cause to sit a few Fridays ago, we would have pursued it then. We understand and respect the fact that, throughout the winter break, we were in a position to have meaningful dialogue with the Government, especially the Leader of the Government and his office, about the possibility of obtaining this information without recalling the House. So whilst I anticipate that the Government will be less than enthusiastic when it comes to voting on this motion, that should not detract from the fact that, after some efforts on the parts of the Opposition and the crossbench, we were in a position to have decent and professional exchanges with the Government, which established a basis for the House to use its powers to seek the production of this information.

It would be remiss of me at this point not to acknowledge that, should the House pass this motion, we would likely set a speed record for the return of documents. I appreciate the fact that the department and the public service have had to work on a foreshadowed basis to anticipate what might be a request of the House. Undoubtedly Opposition members—and, I am sure, many other members of the House—would like to place on record our appreciation for the public servants who have been assisting us in our inquiries. We absolutely understand that fulfilling the public accountability function of this House has involved some diversion of resources. That has proved to be important. Regardless of people's general views on this matter, there is undoubtedly a need for oversight of the Government's decision-making as it applies to the Americas position and other positions. As the House of review, it is undoubtedly our responsibility to undertake those inquiries as professionally as possible. Certainly, in bringing and commending this motion to the House, it is also incumbent upon me to thank the House for the way it has considered the motion. We very much look forward to the debate, if one is needed.

**The Hon. JOHN GRAHAM (14:47):** I thank the Hon. Daniel Mookhey. I also thank the Leader of the Government for the way we have been able to work through this issue. It is important and it explicitly, along with some other decisions, allowed us not to recall the House. A majority of members were prepared to do that. But by now we have achieved everything we could have done on that day, which is a very good result. We did not take recalling the House lightly. This foreshadowed call for papers will be a record. It will produce papers this day in relation to the Americas position. It will produce papers next week in relation to the United Kingdom trade commissioner position and the week following in relation to the other commissioners. I thank the Leader of the Government. I also thank the other members who were prepared to recall the House, if required, in order to ask the Government to produce those documents. That was not required, which is a good thing, but I thank members for being prepared to take that stand.

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

**Motion agreed to.**

### *Motions*

## **INTERNATIONAL WOMEN'S DAY**

**Ms ABIGAIL BOYD (14:48):** I move:

- (1) That this House notes that:
  - (a) 9 March 2022 was International Women's Day [IWD], a day which recognises the historical and ongoing women-led fight for true gender equity and equality, and urges all levels of society to take direct action to address systemic inequality;
  - (b) this year's theme for IWD by the United Nations is "Changing Climates: Equality today for a sustainable tomorrow", which celebrates the young women, black women, Indigenous women, and women of colour at the forefront of the fight for climate action and justice, and the significant role of climate change in exacerbating existing gender gaps; and
  - (c) IWD originated as International Working Women's Day, and at its roots is a socialist movement fighting for fairer working conditions and better pay for women in a society dominated by patriarchy.
- (2) That this House notes that, according to the United Nations Environment Programme in a report entitled *Women at the Frontline of Climate Change*, published in November 2021:
  - (a) women are disproportionately impacted by climate change and disproportionately likely to lose their lives in global warming induced weather disasters;
  - (b) dynamics such as a lack of access to formal education, economic poverty, discrimination in food distribution, food insecurity, limited access to resources, and exclusion from policy and decision-making institutions and processes disproportionately disadvantage women from adapting to climate change, particularly those of Indigenous women and women from the Global South; and
  - (c) women play a far stronger role than men in the fight for climate action, and so government strategy and adaptive response regarding climate assistance should centre around women's voices, responsibilities, knowledge and the challenges they face, if it is to be successful.
- (3) That this House calls on the New South Wales Government to commit to taking direct action to address gender inequity in our society through actionable strategy and robust policy which centres the voices of women and their experiences.

**Motion agreed to.**

### *Committees*

## **SELECTION OF BILLS COMMITTEE**

### **Reports**

**The Hon. SCOTT FARLOW:** I table report No. 62 of the Selection of Bills Committee, dated 9 August 2022.

**The Hon. SCOTT FARLOW (14:49):** According to standing order, I move:

- (1) That:
  - (a) the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022 be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report;
  - (b) the bill be referred to the committee at the conclusion of the mover's second reading speech in the Council; and
  - (c) the committee report by 8 November 2022.
- (2) That the following bills not be referred to a standing committee for inquiry and report, this day:
  - (a) Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022 (not yet accompanied by a Statement of Public Interest);

- (b) National Parks and Wildlife Amendment (Reservations) Bill 2022 (not yet accompanied by a Statement of Public Interest);
- (c) Ombudsman Legislation Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);
- (d) Transport Administration Amendment (Rail Trails) Bill 2022 (not yet accompanied by a Statement of Public Interest);
- (e) Criminal Assets Recovery Amendment (Unexplained Wealth) Bill 2022;
- (f) Electoral Legislation Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);
- (g) Government Sector Finance Amendment (Jobs for NSW) Bill 2022 (not yet accompanied by a Statement of Public Interest);
- (h) Museums of History NSW Bill 2022 (not yet accompanied by a Statement of Public Interest); and
- (i) Roads Amendment (Tolling Transparency) Bill 2022.

**Ms ABIGAIL BOYD (14:51):** I move:

That the question be amended by:

- (1) Omitting paragraph (2) (d).
- (2) Inserting after paragraph (1):
  - (2) That:
    - (a) Transport Administration Amendment (Rail Trails) Bill 2022 be referred to Portfolio Committee No. 6 – Transport for inquiry and report;
    - (b) the bill be referred to the committee at the conclusion of the mover's second reading speech; and
    - (c) the committee report by 14 November 2022.

The amendment deletes paragraph 2 (d) of the motion in relation to the Transport Administration Amendment (Rail Trails) Bill 2022 and instead adds a provision to say that the bill will be referred to Portfolio Committee No. 6 for report by 14 November 2022. As members know, there has been a lot of debate in the community in relation to the use of disused rail corridors for rail trails. What this bill attempts to do is to remove from Parliament's scope some of that debate and instead to put it into regulation.

**The PRESIDENT:** The Hon. Scott Farlow has moved a motion, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The House divided.**

Ayes .....9  
 Noes .....27  
 Majority.....18

**AYES**

Borsak  
 Boyd (teller)  
 Faehrmann (teller)

Field  
 Higginson  
 Hurst

Latham  
 Nile  
 Roberts

**NOES**

Amato  
 Barrett (teller)  
 Buttigieg  
 D'Adam  
 Donnelly  
 Fang  
 Farlow (teller)  
 Faraway  
 Franklin

Graham  
 Houssos  
 Jackson  
 Maclaren-Jones  
 Mallard  
 Mitchell  
 Mookhey  
 Moriarty  
 Moselmane

Poulos  
 Rath  
 Searle  
 Secord  
 Sharpe  
 Taylor  
 Tudehope  
 Veitch  
 Ward

**Amendment negatived.**

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

**Motion agreed to.**

## **LEGISLATION REVIEW COMMITTEE**

### **Reports**

**The Hon. SCOTT BARRETT:** I table a report of the Legislation Review Committee entitled *Legislation Review Digest No.46/57*, dated 9 August 2022.

## **PUBLIC ACCOUNTABILITY COMMITTEE**

### **Reports**

**Ms CATE FAEHRMANN:** I table a special report of the Public Accountability Committee entitled *Special report on the unauthorised disclosure of in camera evidence given on 29 June 2022*, dated August 2022.

**Ms CATE FAEHRMANN (15:00):** I move:

That the House take note of the report.

As the chair of the Public Accountability Committee, I speak briefly to the report entitled *Special report on the unauthorised disclosure of in camera evidence given on 29 June 2022*. On 22 June Ms Amy Brown, Secretary of the Department of Enterprise, Investment and Trade and CEO of Investment NSW appeared before the Public Accountability Committee to give evidence at the inquiry into the appointment of Mr John Barilaro as Senior Trade and Investment Commissioner to the Americas. Much of that hearing centred on Ms Brown's decision-making process around her decision to revoke the offer to Ms Jenny West of the role of Senior Trade and Investment Commissioner to the Americas. However, part of Ms Brown's evidence to the committee was heard in camera.

The in-camera transcript was emailed to the members of the committee, their staff and the Whips on 22 June. On 5 July the transcript was also emailed to Ms Brown. On 6 July the committee met to consider the request of Ms West to receive the in-camera transcript and subsequently resolved to send her a copy. On 7 July *The Australian* newspaper ran a front-page story with the headline "Dirt dug on NY job after egg-on-face role reversal" and quoted extensively from the in-camera transcript, including sensitive and damaging information about Ms Brown's appraisal of Ms West.

It is a rare occurrence for an in-camera transcript to be leaked from an inquiry in this place. In 2001 the Privileges Committee, chaired then by the Hon. Helen Sham-Ho, inquired into two possible contempts arising from a General Purpose Standing Committee No. 3 inquiry into Cabramatta policing. One of the possible contempts involved the unauthorised publication in a newspaper of details of a confidential submission which had been provided to General Purpose Standing Committee No. 3 by four police witnesses during an in-camera hearing. The report stemming from that inquiry stated:

Unauthorised disclosure of committee information may result in damage to individual participants in committee inquiries, the integrity of the committee system, and the public interest.

The report stated that the damage may include jeopardising witnesses and others who provide confidential information to committees by exposing them to reprisals or other forms of adverse treatment as a result of giving evidence; deterring future witnesses from giving confidential evidence to committees; undermining the relationship of trust between members of the committee, which is necessary for committees to function effectively; and lowering public confidence in the committee, the committee system and the Parliament generally.

I would like to apologise on behalf of the Public Accountability Committee to those persons who have been impacted by this extremely disappointing disclosure. The Public Accountability Committee considers that the unauthorised disclosure of the in-camera transcript of 29 June 2022 is of sufficient seriousness as to constitute a substantial interference with the work of the committee and the Legislative Council committee system. We therefore recommend that the House refer this matter to the Privileges Committee for inquiry and report by the last sitting day of 2022.

**Debate adjourned.**

## **SELECT COMMITTEE ON THE RESPONSE TO MAJOR FLOODING ACROSS NEW SOUTH WALES IN 2022**

### **Reports**

**The Hon. WALT SECORD:** I table report No. 1 of the Select Committee on the Response to Major Flooding across New South Wales in 2022 entitled *Response to major flooding across New South Wales in 2022*,



dated 9 August 2022, together with submissions, responses to an online questionnaire, transcripts of evidence, tabled documents, answers to questions on notice and correspondence relating to the inquiry.

**The Hon. WALT SECORD (15:04):** I move:

That the House take note of the report.

As the shadow Minister for the North Coast and the chair of the Select Committee on the Response to Major Flooding across New South Wales in 2022, I speak to the report. Major flooding in New South Wales in February and March 2022 was a catastrophic disaster, causing widespread devastation and damage in the Northern Rivers and Hawkesbury regions. Tragically, lives were lost, thousands of homes were destroyed and significant local infrastructure was damaged. The water from the Wilsons River peaked at 14.4 metres on 28 February, which is more than two metres higher than the previous record.

Four thousand and fifty-five homes have been deemed uninhabitable, most of them in Lismore. Some estimates put the recovery bill above \$3 billion. But five months later, families are homeless, with some still living in tents; businesses are still waiting for long-promised assistance; and there are still unresolved policy matters, including buybacks and land swaps. More than 1,000 people are still homeless and living in emergency accommodation, while others are staying with friends and family in garages, tents or even cars.

The select committee was set up to consider the New South Wales Government's preparedness, coordination and response to flooding events. While the report outlines many of the failures of the New South Wales Government—and it is a damning report—it also seeks to ensure that the Government is better prepared and coordinated when the next natural disaster of this nature inevitably occurs. A considerable focus of the inquiry was on the performance of the State Emergency Service as the leading agency for emergency response and Resilience NSW as the leading agency in recovery. Ultimately, the committee found that those two organisations failed to provide leadership and effective coordination in the community's greatest time of need. That is to say by definition that those organisations, particularly Resilience NSW, failed at their primary purpose.

Demarcation disputes and a lack of integration slowed the rollout of support and assistance to flood-affected communities. The State Government's failure to implement a streamlined grants process also meant that applicants were repeatedly interviewed and had to relive their experiences, leading to further frustration and trauma as part of the support process. Shockingly, residents were repeatedly asked to provide documentation to prove that they were flooded. They were also asked to provide documents that had been washed away or destroyed in the floods.

The centralisation of the NSW SES and a shortage of volunteers significantly hindered the ability of the agency to lead the emergency response. In many cases flood warnings and evacuation information were out of date, inaccurate and confusing. Further, many community members felt that they had no choice but to conduct their own rescues in dangerous conditions, as many calls for assistance to 000 and the NSW SES went unanswered. Put simply, community members were forced to save themselves, neighbour saving neighbour, in many cases against the official Government response. The fact that they decided to do this highlights the extent of the State Government's failure. For those reasons, the New South Wales Government should consider restructuring the SES to ensure that it better harnesses local knowledge and networks, coordinates more closely with other emergency agencies and increases resources, including by driving volunteer recruitment.

Resilience NSW demonstrated some of the biggest failures of the New South Wales Government's response to the floods. The New South Wales Government and Resilience NSW failed to provide leadership and effective coordination in the community's greatest time of need. The committee found that the New South Wales Government failed to comprehend the scale of the floods and treated the disaster response as a nine-to-five business operation, when it was one of the greatest natural disasters in generations.

The committee heard damning evidence that Resilience NSW staff, when they first arrived, were more concerned about finding accommodation for themselves than finding accommodation for flood victims. Elsewhere, we heard that Resilience NSW failed to engage or coordinate with community groups leading flood recovery efforts in their communities despite Resilience NSW having been established on 1 May 2020—more than two years ago. The agency should have known the critical importance of community coordination.

The New South Wales Government must reconsider the future and viability of Resilience NSW, unless the Government can ensure that the agency's role is clear after reviewing policies, objectives and funding, and that the organisation and its policies are apt to meet community disaster response needs. The New South Wales Government should abolish Resilience NSW or, at the very least, reduce it to a small, agile office. Residents repeatedly asked during hearings, "Where was the State Government and where was the assistance in our time of need?" That tells us that Resilience NSW has not worked. It has been a massive failure. It is a bloated agency that

let down the North Coast. The budget surrounding Resilience NSW is enormous; the most recent budget papers show that it is a \$2 billion agency.

At State Parliament in April, the head of Resilience NSW, Shane Fitzsimmons, claimed that there was no confusion about who was in charge during the unprecedented floods in the State's north. He denied that the Government had "dropped the ball" in its response; however, I state in this Chamber that the Perrottet Government and Resilience NSW did drop the ball on the flood response on the North Coast. They let down the families on the North Coast in their greatest time of need. Meanwhile, the committee's focus is now on the enormous task of clean-up, restoration and reconstruction. Many flood-affected individuals, families and businesses still need assistance, and the New South Wales Government must work with the greatest of urgency to secure temporary housing options, as many continue to live in tents, cars and garages.

The committee also calls on the Government to finalise its long-term housing options and ensure that it considers investing in supporting relocations, land swaps and providing fair compensation for landowners who wish to relocate from severely flood-impacted areas. The committee has also made practical recommendations such as providing satellite phones and satellite terminals to community hubs in flood-prone areas. It also recommended a review of the evacuation centres and establishing a standing workforce within the public service to respond immediately when a natural disaster occurs, as well as an overhaul of the grants process.

The committee noted evidence that, following the appointment of NSW Police Force Deputy Commissioner Mal Lanyon to the role of Northern New South Wales Recovery Coordinator, recovery efforts significantly improved and he provided much-needed leadership. Mal Lanyon got things moving. He moved away tonnes of rotting garbage, services were restored, and food and supplies started flowing to homeless families. Local residents told the committee that things only started to happen when Deputy Commissioner Mal Lanyon took charge. Accordingly, the committee has recommended that a senior police officer with "combat" experience should lead recovery efforts in future natural disasters as a matter of policy.

It is a sensible recommendation, and it was put forward by the Police Association of New South Wales and its new president Kevin Morton. On behalf of the committee, I thank the flood-affected communities and individuals who took the time to share their heart-wrenching personal stories with us. The committee hopes that this report will help to improve the New South Wales Government's response to future natural disasters to minimise adverse effects on local communities.

The committee has made 21 findings and 37 recommendations. We hope the Perrottet Government implements them all. The committee received almost 90 submissions and almost 120 responses to its online questionnaire. It held six public hearings: one in each of Ballina, Lismore, Murwillumbah and Windsor, and two at Parliament. We also conducted about 15 separate site visits. Significantly, the committee held four public forums. We hope flood-affected communities regarded them as valuable, given that they allowed 75 flood-affected individuals to speak directly under parliamentary privilege to the committee and to the Parliament.

I acknowledge political leaders from across the political spectrum in all three levels of government who put aside their differences to support their communities. They all cooperated with the inquiry, providing forthright and honest views, which was appreciated. I single out the member for Lismore, Janelle Saffin, for her efforts. She has worked tirelessly to represent her community. She has been working non-stop since the floods and continues to do so. I will always remember her mobile phone calls from her rooftop before 6.00 a.m. on the worst day of flooding. As the water literally lapped at her rooftop, she directed help and assistance after the State Government failed her community. It is no surprise that members of the community spontaneously hug her and encourage her in her fight on their behalf. Locals shout encouragement to Janelle Saffin and ask whether she is offering swimming lessons—a reference to her swimming to safety when the water reached her rooftop.

The select committee comprised members from the Labor and Liberal parties, The Nationals, One Nation and the Shooters, Fishers and Farmers Party. We all worked together. I thank the deputy chair, Mark Banasiak, for his support and guidance during the hearings. I publicly acknowledge the work of Catherine Cusack, one of the two government members on the committee, who I understand officially resigned from this House earlier today. Ms Cusack approached the work of the committee in the true spirit of what was best for the community and what could be done to make things better and improve lives. I thank my committee colleagues for their collaboration and the secretariat—particularly Tina Higgins, Shaza Barbar, Stephen Fujiwara and Andrew Ratchford—and the Hansard staff for their professional assistance on this important inquiry.

I take this opportunity to urge the State Government to release the full report on the Lismore floods prepared by Mick Fuller and Professor Mary O'Kane. The Government has had that report, which I understand to be more than 700 pages, for a week. I implore the Government to release the report and not bury it and its recommendations. For some reason the Perrottet Government has the report but is not releasing it. I hope it adds

weight to the call on the Perrottet Government to do the right thing by the North Coast and Hawkesbury regions. Those flood-affected communities need assistance, support and a State government that has their back in a time of crisis. I commend the committee report to the House.

**Debate adjourned.**

*Documents*

**AUDITOR-GENERAL**

**Reports**

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

- (1) Financial Audit Report entitled *Universities 2021*, dated 27 June 2022, received out of session and published on Monday 27 June 2022.
- (2) Special report entitled *Audit Insights 2018-2022*, dated 30 June 2022, received out of session and published on Thursday 30 June 2022.

*Committees*

**PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE**

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 58 of Portfolio Committee No. 1 - Premier and Finance entitled *Budget Estimates 2021-2022*, dated June 2022, received out of session on Wednesday 29 June 2022.

**The Hon. TARA MORIARTY (15:20):** I move:

That the House take note of the report.

**Debate adjourned.**

**PORTFOLIO COMMITTEE NO. 2 - HEALTH**

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 58 of Portfolio Committee No. 2 - Health entitled *Budget Estimates 2021-2022*, dated June 2022, received out of session on Wednesday 29 June 2022.

**The Hon. GREG DONNELLY (15:20):** I move:

That the House take note of the report.

**Debate adjourned.**

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

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 53 of Portfolio Committee No. 4 - Customer Service and Natural Resources entitled *Budget Estimates 2021-2022*, dated June 2022, received out of session on Wednesday 29 June 2022.

**The Hon. EMMA HURST (15:21):** On behalf of the Hon. Mark Banasiak: I move:

That the House take note of the report.

**Debate adjourned.**

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

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 59 of Portfolio Committee No. 5 - Regional NSW and Stronger Communities entitled *Budget Estimates 2021-2022*, dated June 2022, received out of session on Wednesday 29 June 2022.

**The Hon. ROBERT BORSAK (15:21):** I move:

That the House take note of the report.

**Debate adjourned.**

#### **PORTFOLIO COMMITTEE NO. 6 - TRANSPORT**

##### **Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 15 of Portfolio Committee No. 6 - Transport entitled *Budget Estimates 2021-2022*, dated June 2022, received out of session on Wednesday 29 June 2022.

**Ms ABIGAIL BOYD (15:22):** I move:

That the House take note of the report.

**Debate adjourned.**

#### **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

##### **Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 14 of Portfolio Committee No. 7 - Planning and Environment entitled *Budget Estimates 2021-2022*, dated June 2022, received out of session on Wednesday 29 June 2022.

**Ms SUE HIGGINSON (15:22):** I move:

That the House take note of the report.

**Debate adjourned.**

#### **JOINT STANDING COMMITTEE ON ROAD SAFETY**

##### **Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 3/57 of the Joint Standing Committee on Road Safety entitled *Support for rural and regional learner drivers*, dated July 2022, received out of session on Tuesday 5 July 2022.

**The Hon. LOU AMATO (15:23):** I move:

That the House take note of the report.

**Debate adjourned.**

#### **PORTFOLIO COMMITTEE NO. 6 - TRANSPORT**

##### **Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 16 of Portfolio Committee No. 6 - Transport entitled *Road tolling regimes*, dated August 2022, together with submissions, transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, responses to an online questionnaire, report on the online questionnaire and correspondence relating to the inquiry, received out of session on Monday 1 August 2022.

**Ms ABIGAIL BOYD (15:23):** I move:

That the House take note of the report.

I will briefly talk to the report. Firstly, this is an inquiry that took over 18 months. We held a huge number of hearings and we had site visits where we spoke to affected residents. We covered a number of regions in our State that had been impacted by the implementation of tolling arrangements. I thank all of my committee colleagues but in particular the committee secretariat, which diligently prepared what I think is the best report Portfolio Committee No. 6 has released so far. It covers the very detailed explanations for each of our recommendations. We were met with quite a lot of secrecy from the Government and Transurban on the extent of the tolls that were being levied and the arrangements between them. We were required to go back a number of times to particular witnesses to request further information after they, in my view, dodged questions.

Throughout the inquiry we discovered that in New South Wales Sydney's major roads are now primarily owned, or at least controlled, by Transurban. It has a near monopoly over Sydney's toll roads. That has had the impact of boxing us into a corner when it comes to what we do next and how we plan the way forward. It was clear from this inquiry that the burden of those restrictive contractual arrangements is being borne by Sydneysiders and residents of the State who are least able to tolerate them. That is an important point. When we look at the way that tolls are structured we find that they are effectively regressive levies on people who are driving but with no

reference to their ability to pay, to the alternative transport they may have in their region, or to any of their other circumstances. It is a one-size-fits-all approach.

When we heard stories of families paying \$10,000 in tolls every year, it was clear to us that that was a significant portion of their overall incomes. They are without choice. Throughout the inquiry, I heard comments, particularly from Government members, such as, "Well, people choose to use the toll roads." They choose in the context of their lives, which are becoming increasingly difficult, where the cost of living is increasing and where taking or not taking a toll road can mean the difference between picking one's child up on time, getting to work on time or spending an extra three hours with one's children at the end of the day—an unenviable choice.

I feel like I am one of the lucky few in society, but even in my position my family, which is located on the Central Coast, pays almost \$10,000 in tolls every year. I am in an incredibly fortunate position where I can do that. The alternative for me, if I were to take public transport from the Central Coast, would be an extra hour and a half each way. Spending that extra money for an extra three hours at home with my children is the choice that I make. That is the reality for someone in a relatively privileged position like me. Imagine what it is like for those living in parts of western Sydney where there are no real public transport options. Their time is so short. Everything is getting crunched. That is why, time and again, people told us what a burden these tolls are. The findings from this inquiry included that the Government has entered into quite restrictive contracts with Transurban.

**The Hon. Shayne Mallard:** Governments? Labor.

**Ms ABIGAIL BOYD:** We can get to that, Mr Mallard. The Government has restricted itself from being able to put in place competing transport infrastructure. It is an incredibly concerning development that there are covenants within these contracts that stop the Government from putting forward something that people can use other than the toll road. Again, it comes back to this: Do people really have a choice whether or not to use the toll roads? I do not believe they do. It is true that the Coalition Government is not the only government to have put toll roads in place, but it is not true to say that the Opposition and the Government share equal blame for what has become a Transurban tolling network. It is very clear from the report that for the contracts that were due to expire—tolling contracts where toll roads had already been paid for—the Coalition Government made the choice to extend those contracts and put tolls back on roads. That is the Coalition's responsibility. It is very squarely to blame for the absolute embedding of Transurban within the very fabric of the Liberal Party.

I encourage everyone to look at the revolving door between Transurban and the Liberal Party, but also to examine the financial connections between the two. It is very clear from this report that the contracts with Transurban are restrictive to such an extent that it is almost impossible for this Parliament to provide any relief for people in different parts of the State suffering from the burden of tolls without, at the same time, lining the pockets of Transurban. That is the situation that the Government has put this State in. It is shameful. Looking forward, as immediate steps, the committee has recommended that the Government stop entering into new contracts of this nature with Transurban. But also, in the context of the supposed review that the Government is undertaking into tolls at the moment, the committee recommends that no additional restrictive contracts be renegotiated with Transurban, in an effort to get out of the mess we are in and to try to put some fair pricing into the tolls regime. We cannot further embed ourselves with Transurban, and that is one of the recommendations in the report.

The other major recommendation I want to point out—because this had an absolutely shocking impact on people—is in relation to the administration fees that are levied primarily by Transurban on people who have not paid their tolls. For example, if a driver travels on the NorthConnex without a toll account or a tag device fitted to their vehicle, or if someone else has taken their car—which the committee heard has happened in domestic violence situations—the toll is \$8.70—something one way, but the owner of the vehicle will also be hit with a \$10 administration fee from Transurban. If the toll is still not paid and Transurban has to issue a second toll notice, that is a \$20 administration fee. For every toll that the person does not pay, there is a continual accrual of administration fees.

The committee heard the example of a woman who had a mental health issue and family bereavement. She was unable to cope with her day-to-day affairs and ended up with toll notice after toll notice. That is another issue: The toll collector does not amalgamate the toll notices. Instead it just continues to issue toll notice after toll notice. She accumulated unpaid tolls of \$8,000, which is significant, but the administration fees were an additional \$22,000. That is extreme, but it is by no means an isolated example. If members do not believe me, I invite them to type random taxi plate numbers into the unpaid tolls website. They will see instance after instance of people owing \$5,000 in tolls and \$15,000 in administration fees. It is very common for it to be three times as much as the tolls.

We heard story after story of people being taken to court by Transurban and of being pushed into the direst circumstances in order to pay those administration fees. In Queensland there was a class action against Transurban about that. The Queensland Government took action and required an amalgamation of those notices and a reduction in those administration fees. So one of our recommendations that I was very pleased not to—as far as I know—receive significant pushback from the Government members on was to reduce that \$10 and \$20 to \$1.10 and \$2.10, to at least make it a far more manageable issue.

The committee spent a bunch of time on trying to understand how that \$10 administration fee came about in the first place. It was very hard to find out. We went backwards and forwards with both the Government and Transurban. It turned out that, although the amount was supposed to represent the actual cost of recovering the debt to Transurban, it was, in fact, an amount that had been set in 2001 by the Government at that time. Despite technology getting better, with licence plate matching and all the rest of it, it has never been changed. When we looked into the contracts, it turned out that the Government and Transurban have always had the power to change it. They just have chosen not to.

If the Government takes nothing else away from this report, I urge it to look at those administration fees, because they are absolutely destroying lives. It is unacceptable. Transurban can claim that it does not profit from those fees but, when it is claiming that the cost of debt collection includes its entire tolling operation, it is very easy to say it does not profit from them. I urge the Government to read the report carefully, to take into consideration those people's stories and to act urgently to get rid of those administration fees. I thank the House for allowing me to chair this inquiry. It is incredibly important work.

**Debate adjourned.**

#### *Documents*

### **YOUTH PROGRAMS**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 May 2022, I table documents relating to an order for papers regarding social welfare program funding for Barwon electorate towns, received on Friday 24 June 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Friday 24 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 18 May 2022, I table additional documents relating to an order for papers regarding social welfare program funding for Barwon electorate towns, received on Thursday 30 June 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 30 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### **SCHOOL TARGETS AND STANDARDS**

#### **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 school target and standards, received on Wednesday 29 June 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### **INVESTMENT NSW**

#### **Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 10 November 2021, I table correspondence relating to an order for papers regarding Investment NSW, received on Monday 27 June 2022 from the Director, Legal Branch of the Department of Premier and Cabinet, stating that two non-privileged

documents returned on 16 December 2021 were inadvertently provided without all required redactions, and requesting that the documents be replaced with the attached redaction versions.

#### **SMALL BUSINESS AND FAIR TRADING ADDITIONAL BUDGET ESTIMATES**

##### **Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 8 June 2022, I table correspondence relating to an order for papers regarding additional Budget Estimates 2021-2022 hearing for Small Business and Fair Trading, received on Wednesday 29 June 2022 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments have been unable to provide returns by the due date and will be provided as soon as possible.

##### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 14 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

#### **MR DAVID BAYNIE**

##### **Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 8 June 2022, I table correspondence relating to an order for papers regarding Mr David Baynie, received on Thursday 30 June 2022 from Mr Paul Miller, the NSW Ombudsman, stating that the Legislative Council's order for papers request has been forwarded to the Chair of the Parliamentary Committee on the Ombudsman and is to appear before the Committee on 8 August 2022.

##### **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 Mr David Baynie, received on Friday 15 July 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

##### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Friday 15 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

##### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 8 June 2022, I table additional documents relating to an order for papers regarding Mr David Baynie, received on Thursday 21 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

##### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 21 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

#### **TRANSPORT ASSETS AND WORKFORCE**

##### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 May 2022, I table additional documents relating to an order for papers regarding transport assets and workforce, received on Friday 1 July 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

##### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Friday 1 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**COURT DECISIONS ON COMPENSATION CLAIMS****Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Monday 4 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**MEDOWIE HIGH SCHOOL****Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence relating to an order for papers regarding 64 Ferodale Road, Medowie, received on Wednesday 6 July 2022 from the Secretary of the Department of Premier and Cabinet, stating that relevant departments hold no documents covered by the terms of the resolution and lawfully required to be provided.

**SENIOR TRADE AND INVESTMENT COMMISSIONERS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Thursday 6 July 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 6 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence received on Monday 11 July 2022 from the Acting Director, Legal Branch of the Department of Premier and Cabinet, stating that a non-privileged document returned on 6 July 2022 contains information subject to a claim of privilege that was inadvertently not redacted, and requesting that the document be replaced with the attached redacted version.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Monday 11 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Monday 18 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

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

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Friday 22 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Friday 22 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.



### Correspondence

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence received on Monday 25 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, stating that the Secretary of the Department of Enterprise, Trade and Investment will provide key documents in response to the order for papers this day and a further tranche of documents by Thursday 28 July 2022.

### Return to Order

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table a first return of additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Monday 25 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### Claim of Privilege

**The CLERK:** I table a first return identifying those of the additional documents received on Monday 25 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### Return to Order

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table a second return of additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Monday 25 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### Claim of Privilege

**The CLERK:** I table a second return identifying those of the additional documents received on Monday 25 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### Return to Order

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table a first return of additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Thursday 28 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### Return to Order

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table a second return of additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Thursday 28 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### Claim of Privilege

**The CLERK:** I table a third return identifying those of the additional documents received on Thursday 28 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### Claim of Privilege

**The CLERK:** I table a first return identifying those of the additional documents received on Friday 29 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### Return to Order

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table a second return of additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Friday 29 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Monday 1 August 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Monday 1 August 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received on Tuesday 2 August 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Tuesday 2 August 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**SYDNEY METRO****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 May 2022, I table additional documents relating to an order for papers regarding Sydney Metro, received on Thursday 6 July 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Thursday 6 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**TREASURY PROJECTS****Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence relating to an order for papers regarding Treasury projects, received on Thursday 7 July 2022 from the Hon. Natasha Maclaren-Jones, MLC, Minister for Families and Communities and Minister for Disability Services, the NSW Ombudsman, stating that, if the Legislative Council's order-for-papers request is pressed for production, the Government will propose that the House refer the order to the Privileges Committee.

**Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence received on Monday 11 July 2022 from the Chief Executive Officer, Essential Energy, stating that Essential Energy hold no documents covered by the terms of the resolution and lawfully required to be provided.

**CASTLE HILL HIGH SCHOOL****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding Castle Hill High School, received on Wednesday 13 July 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Wednesday 13 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**ANTI-PROTEST LEGISLATION****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding anti-protest legislation, received on Monday 18 July 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

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

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table additional documents relating to an order for papers regarding anti-protest legislation, received on Tuesday 26 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**BUDGET 2022-2023****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding the 2022-23 budget, received on Wednesday 20 July 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence relating to an order for papers regarding the 2022-23 budget, received on Wednesday 3 August 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that the Department of Premier and Cabinet hold no documents covered by the terms of the resolution.

**BUDGET FINANCES 2022-2023****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding 2022-23 budget finances, received on Wednesday 20 July 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table correspondence relating to an order for papers regarding 2022-23 budget finances, received on Wednesday 3 August 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that the Department of Premier and Cabinet hold no documents covered by the terms of the resolution.

**CROWN CEMETERIES****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 17 November 2021, I table documents relating to an order for papers regarding cemeteries, received on Thursday 21 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 21 July 2022 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

**MUSEUM OF APPLIED ARTS AND SCIENCES AND POWERHOUSE PARRAMATTA****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 Powerhouse Ultimo Renewal, Powerhouse Parramatta and Museum of

Applied Arts and Sciences, received on Thursday 21 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 21 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 8 June 2022, I table additional documents relating to an order for papers regarding Powerhouse Ultimo Renewal, Powerhouse Parramatta and Museum of Applied Arts and Sciences, received on Monday 25 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Monday 25 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### **TAFE NSW STUDENT MANAGEMENT SYSTEM**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding the TAFE NSW Student Management System, received on Wednesday 27 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Wednesday 27 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### **PARK'NPAY APP**

#### **Further Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 24 November 2021, I table documents relating to a further order for papers regarding the Park'nPay app, received on Thursday 28 July 2022 from the Acting Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 28 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### **DESIGN AND PLACE STATE ENVIRONMENTAL PLANNING POLICY**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 22 June 2022, I table documents relating to an order for papers regarding Design and Place SEPP, received on Thursday 28 July 2022 from the Acting Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on Thursday 28 July 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### **TEACHER SHORTAGES**

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 May 2022, I table additional documents relating to an order for papers regarding teacher shortages, received on Thursday 4 August 2022 from

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

### **Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on Thursday 4 August 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### **HAWKESBURY CITY COUNCILLOR SARAH RICHARDS AND MATTHEW BENNETT**

### **Correspondence**

**The CLERK:** According to the resolution of the House of 11 May 2022, I table further correspondence from the Electoral Commissioner of the NSW Electoral Commission, received on Thursday 30 June 2022, relating to an order for papers regarding Councillor Sarah Richards, Hawkesbury City Council, offering that the Chair of the commission, the Hon. Arthur Emmett, AO, QC, the commissioner and senior officers of the commission meet with representatives from the Legislative Council to explore the scope and timing of the order.

### **BUDGET 2022-2023**

### **BUDGET FINANCES 2022-2023**

### **TAFE NSW STUDENT MANAGEMENT SYSTEM**

### **ANTI-PROTEST LEGISLATION**

### **SENIOR TRADE AND INVESTMENT COMMISSIONERS**

### **CASTLE HILL HIGH SCHOOL**

### **Variation of Order**

**The PRESIDENT:** According to sessional order, I inform the House that on 28 June 2022 and 4 July 2022 the Clerk received correspondence from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet containing requests for variations to orders for papers. I inform the House that, in relation to the following orders, the relevant members who moved the motions for the orders for papers have agreed to the following requests from the Department of Premier and Cabinet:

- (1) **2022-23 Budget**, that the due date be 20 July 2022.
- (2) **2022-23 Budget Finances**, that the due date be 20 July 2022.

I further inform the House that the relevant members who moved the motions for the orders for papers have not agreed to vary the orders as requested by the Department of Premier and Cabinet but have agreed to the following variations:

- (1) **TAFE NSW Student Management System**
  - (a) instead of the requested due date of 3 August 2022, that the due date be 27 July 2022; and
  - (b) that the resolution be as follows:

"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 Services Program:

    - (a) records comprising all agendas, minutes, meeting papers and action lists of the TAFE NSW Student Management Services Program Control Board relating to the development, cost variation and timeline for completion of TAFE NSW's Student Management Services Program;
    - (b) all documents which brief the Minister or former Minister about TAFE NSW's Student Management Services Program; and
    - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House."
- (2) **Anti-protest legislation**, instead of the requested due date of 27 July 2022:
  - (a) the due date for documents from the Attorney General, the Department of Communities and Justice, the Deputy Premier, Minister for Regional NSW and Minister for Police, and the NSW Police Force be 18 July 2022; and
  - (b) the due date for documents from all other sources, including the Premier, the Department of Premier and Cabinet, 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 and Transport for NSW, be 25 July 2022.

I further inform the House that the relevant members who moved the motions for orders for papers have not agreed to the following requests from the Department of Premier and Cabinet:

- (1) **Appointment of Senior Trade and Investment Commissioner**, that the due date be 27 July 2022.

I further inform the House that the Department of Premier and Cabinet has withdrawn the request to extend the due date for Castle Hill High School from 13 July 2022 to 27 July 2022.

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

**Motion agreed to.**

## **SENIOR TRADE AND INVESTMENT COMMISSIONERS**

### **Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 12 July 2022 the Clerk received correspondence from the Hon. Penny Sharpe disputing the validity of a claim of privilege on documents lodged with the Clerk on 6 July 2022 and 11 July 2022 relating to the appointment of Senior Trade and Investment Commissioner. Pursuant to standing orders, a retired Supreme Court judge, the Hon. Alan Robertson, SC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk has released the disputed documents to the Hon. Alan Robertson, SC, for evaluation and report. Mr Robertson met with the relevant member and representatives from the Department of the Premier and Cabinet and the Department of Enterprise, Investment and Trade on 21 July 2022 and 22 July 2022 and received written submissions from the parties on 25 July 2022.

### **Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a first report from the Independent Legal Arbiter, the Hon. Alan Robertson, SC, on the validity of a claim of privilege on documents lodged with the Clerk on 6 July 2022 and 11 July 2022. The report is available for inspection by members of the Legislative Council only

### **Dispute of Claim of Privilege**

**The PRESIDENT:** I report to the House that on 26 July 2022 the Clerk received further correspondence from the Hon. Daniel Mookhey disputing the validity of a claim of privilege on additional documents lodged with the Clerk on 25 July 2022 relating to the appointment of Senior Trade and Investment Commissioner. Pursuant to standing orders, a retired Supreme Court judge, the Hon. Alan Robertson, SC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk has released the disputed documents to the Hon. Alan Robertson, SC, for evaluation and report.

### **Report of Independent Legal Arbiter**

**The PRESIDENT:** I report that the Clerk has received a second report from the Independent Legal Arbiter, the Hon. Alan Robertson, SC, on the validity of a claim of privilege on documents lodged with the Clerk on 25 July 2022. The report and submissions are available for inspection by members of the Legislative Council only.

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

### *Questions Without Notice*

## **NORTH COAST FLOOD RESPONSE REPORT**

**The Hon. PENNY SHARPE (16:00):** Opposition members are very happy to be back. My question without notice is directed to the Leader of the Government and Minister for Finance, and Minister for Employee Relations. Given the Select Committee on the Response to Major Flooding across New South Wales in 2022 released its report today, when will his Government release the complete Fuller-O'Kane report?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:00):** I thank the Leader of the Opposition for her question. I notice her enthusiasm to be back. I do not know why she is so enthusiastic, given that the Opposition is in such disarray. Opposition members are still struggling to find a policy between them. They have not found a policy yet and they are in disarray. Look at Mookhey over there.

**The Hon. Penny Sharpe:** Point of order: I might withdraw the words "I am glad to be back" after that beginning to the Minister's answer. My point of order goes to direct relevance. My question is a serious one about the floods inquiry and the review ordered by the Government, which has been undertaken by very eminent people. We want to know when it will be released in full.

**The PRESIDENT:** I uphold the point of order.

**The Hon. DAMIEN TUDEHOPE:** I anticipated that the point of order would be upheld.

**The Hon. Penny Sharpe:** You can't anticipate anticipation.

**The Hon. DAMIEN TUDEHOPE:** No, I can't anticipate anticipation. This report is not a political report like the report tabled earlier by the Hon. Walt Secord. This report is an independent report that requires a government response. The Government will finalise the release of the report and its response in due course.

#### RAIL, TRAM AND BUS UNION STRIKES

**The Hon. SCOTT FARLOW (16:02):** My question is addressed to the Minister for Finance, and Minister for Employee Relations and the Leader of the Government. How is the New South Wales Government responding to the rolling train strikes and other industrial actions by the Rail, Tram and Bus Union?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:02):** I thank the honourable member for his question. I knew that those opposite would immediately be distressed by that question because they are the management bureau of the Labor Party, causing distress and discomfort for the people of New South Wales. Starting tomorrow, we will see escalation and strike activity by the Rail, Tram and Bus Union [RTBU], which is specifically designed to make sure that the commuters of this State are used as pawns in industrial activity. That is all part of the grand scheme of those opposite. They cannot deny it. Every one of them, all the union members over there are complicit in this industrial activity, which in fact is designed to make sure that, starting tomorrow, the commuters of the Illawarra—

**The PRESIDENT:** Order! The Minister is doing his best to give an answer. The Minister has been on message. I would suggest to Opposition members that, whilst it is a political question, the number of interjections is excessive.

**The Hon. DAMIEN TUDEHOPE:** It is important that we apologise to the people of New South Wales for the inconvenience that the union and those opposite will cause them tomorrow in their endeavour to gain political advantage. Each of the four planned strikes will run for six hours, from 10.00 a.m. to 4.00 p.m., on a different area of the network. On Wednesday the strike will involve all RTBU members whose home station or sign-off location is along or adjacent to the T4 or South Coast lines.

**The Hon. Mark Buttigieg:** You apologise for unsafe trains!

**The Hon. DAMIEN TUDEHOPE:** To the Hon. Mark Buttigieg's point, we have in fact offered an enterprise agreement. Sign it!

**The Hon. Anthony D'Adam:** Point of order: The Minister is directing his comments to my colleague and not through the Chair.

**The PRESIDENT:** I uphold the point of order.

**The Hon. DAMIEN TUDEHOPE:** Alex Claassens makes absurd and disingenuous claims that the strikes will not disrupt commuters or significantly impact the good people of this State. It is typical of the dishonest campaign that has been conducted by him and the union. Those opposite ought to disassociate themselves from that union.

**The PRESIDENT:** I call the Hon. Mark Buttigieg to order for the first time.

**The Hon. DAMIEN TUDEHOPE:** In fact, they ought to be saying, "We need new management for that union," because these people can never, ever tell the truth about what they are doing to the people of this State. Industrial activity is in their DNA. They are saying to the people of New South Wales, "If we are in government, we will give the unions everything that they want. That is what they want. [*Time expired.*]"

#### SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS

**The Hon. JOHN GRAHAM (16:06):** My question without notice is directed to the Leader of the Government and Minister for Finance, and Minister for Employee Relations. Given the Minister now concedes that the appointment of John Barilaro was a "political misstep" characterised by "bad judgement", exactly whose judgement was at fault: Minister Ayres', Treasurer Kean's or Premier Perrottet's?

**The Hon. Scott Farlow:** Point of order: It is quite clear that the question of the Hon. John Graham asks the Minister for an opinion. Further, I suggest that it does not relate to public affairs connected to the Minister's portfolio.

**The Hon. Penny Sharpe:** To the point of order: This morning the Leader of the Government did an interview on television in which he said exactly this. It is directly relevant to his role.

**The PRESIDENT:** On balance, it is a fine point, but it is certainly within the scope of the Minister's public affairs and is on the public record. I will allow the question.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:08):** The extraordinary thing is that implicit in the question is that the member, who sits on a committee, wants me to pre-empt the findings of his committee. Is that not amazing? The Mookhey and Graham show is the "I want to be Perry Mason and Rumpole of the Bailey" show. Rumpole and Perry over here conduct this inquiry. All I would say to members opposite is that I reflect the observations of the Premier—

**The PRESIDENT:** Order!

**The Hon. Penny Sharpe:** We've probably got a document, so be careful.

**The Hon. DAMIEN TUDEHOPE:** You've got a video, I hope. The Premier and former Minister Ayres both said that if they had their time over again, it is a decision that they probably would not have made. Unless they're living under a rock, they have managed to create a significant—and good luck to them. Perry and Rumpole are trawling through every document to make sure that they can impugn the reputations of very decent public servants. Some of the material that they have put to public servants of this State impugns the reputations of those public servants, and the manner in which they have conducted it does no credit to the relationship between the Government and the public service. To those very decent public servants on whom we rely to provide the Government with proper advice—

**The Hon. John Graham:** Why didn't you send one to New York?

**The Hon. DAMIEN TUDEHOPE:** It is a good question. Just like we appointed a new Chief Commissioner of the ICAC—who was that? John Hatzistergos. That is right. Who did we appoint as the Chair of icare? John Robertson. Let's conduct an investigation. Who did we appoint to the chair of the South Eastern Sydney Local Health District Board? Oh, Morris Iemma. The Grattan report revealed the level of political appointments in New South Wales. We appoint fifty-fifty, unlike every other Labor State.

#### BRUMBY WELFARE

**Reverend the Hon. FRED NILE (16:11):** My question without notice concerns brumby welfare and is directed to the Hon. Ben Franklin, in his capacity representing the Minister for Environment and Heritage. As my call for papers under Standing Order 52 exposed, why is the National Parks and Wildlife Service not recording the age of brumbies trapped in the Kosciuszko National Park? Given that the age of brumbies being trapped and taken is not being recorded, how can the Government assure this Chamber that the National Parks and Wildlife Service is acting in compliance with the RSPCA guidelines, which state that young brumbies and pregnant foals cannot be trapped and taken away?

**The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (16:12):** The world is turning upside down. I have a member of the Animal Justice Party sitting next to me on the front bench of the Government and Reverend the Hon. Fred Nile asking me questions about animal justice. This is an issue that Reverend the Hon. Fred Nile has raised previously in this place, so he clearly has a deep and abiding interest in the matter. I, of course, am not the environment Minister, and my colleague and friend the Hon. James Griffin in the other place holds that portfolio responsibility. So it gives me great pleasure to say that I will in fact take that question on notice, provide it to the Minister for Environment and Heritage to provide a full and detailed response to Reverend the Hon. Fred Nile in the fullness of time.

#### MID-CAREER TRANSITION TO TEACHING PROGRAM

**The Hon. SCOTT BARRETT (16:13):** My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on the Mid-Career Transition to Teaching Program?

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:14):** Certainly. I thank the honourable member for his question. It was a great day—

**The Hon. Daniel Mookhey:** We should all sign up.

**The PRESIDENT:** Order! The Minister has the call.

**The Hon. SARAH MITCHELL:** I am glad that the Hon. Daniel Mookhey is so excited about this incredible reform in education. What a great day it was to welcome the State's first mid-career teachers in our public schools on day one, term 3. As part of our Government's Mid-Career Transition to Teaching Program—

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



**The Hon. SARAH MITCHELL:** —twenty-eight experienced industry specialists started working part-time in schools as educational paraprofessionals, as they complete their training to become fully qualified teachers. These mid-career professionals are bringing real-life industry experience from a variety of backgrounds into New South Wales classrooms. They are chemical engineers, university lecturers and even aircraft maintenance managers. It was a pleasure to visit North Sydney Boys High School on the first day of term to meet Mr Fadzli Rahman, who commenced working part-time at the school on that day. I do not think he quite expected to have press gallery journalists interviewing him on day one, but he did a very good job. He shared with us the fact that he decided to transition into teaching after more than a decade working as a chemical engineer so that he could share his experience and hopefully have a positive impact on young people's lives.

Stories like Mr Rahman's are what the Mid-Career Transition to Teaching Program is all about—modernising the teaching profession by tearing down barriers for mid-career people who have expertise to bring to our schools and students, while also creating more career opportunities for people already teaching. This program is part of our Government's \$125 million Teacher Supply Strategy, a comprehensive, evidence-based 10-year strategy to attract and grow the supply of teachers in the State, particularly those qualified in high-demand subjects like science, technology, engineering and maths, and in locations where they are needed the most. As well as attracting mid-career professionals into teaching, we are retraining and upskilling more teachers to specialise in science, technology, engineering and mathematics subjects, and providing targeted support for students in the places it is needed.

In addition to the Master of Teaching pathway that the mid-career program caters to, we are also committed to boosting the supply of technological and applied studies teachers by expanding the program to include a bachelor pathway. This will give trade professionals working in carpentry, plumbing, electrical or automotive mechanical fields, who might not have an undergraduate degree, a new pathway into teaching. While 28 of these mid-career professionals started at schools across the State at the beginning of this term, a further 17 will commence over the coming months.

They will join more than 4,400 new teachers who gained accreditation this year and the further 3,000 expected to gain accreditation by the end of this year. Excitingly, applications for the next round of the mid-career program are currently open. I would encourage any industry professionals to visit the New South Wales Department of Education website to apply. We know that the first rounds of these programs have been oversubscribed. It is really exciting. It is about innovation and ensuring that we address issues around teacher supply, particularly in subjects that are hard to staff and in geographical locations where we know the demand is.

#### **BRUMBY WELFARE**

**The Hon. MARK PEARSON (16:17):** My question is directed to the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth, in his capacity representing the Minister for Environment and Heritage. I will ask a follow-on question from Reverend the Hon. Fred Nile's question. The Government gave a commitment to research and development into immuno-sterility programs such as those being used in Canadian national parks to reduce horse numbers. Will the Minister give an update on or, if he needs to—which I think he will—take on notice the question of where the Government is up to in that research and development, to which it committed around six months ago?

**The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (16:18):** As much as I am tempted to discuss the importance of immuno-sterility programs and their potential broader application, I shall not be doing it on this occasion and will take it on notice.

#### **NORTH COAST FLOOD RESPONSE SUPPORT**

**The Hon. WALT SECORD (16:18):** My question without notice is directed to the Leader of the Government and Minister for Finance, and Minister for Employee Relations. Given that it has been almost six months since the devastating North Coast floods, will the Minister tell the House why people are still living in tents and are still homeless? Why are businesses still waiting for long-promised support? And when will local councils receive support to repair damaged infrastructure?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:18):** I thank the member for his question, and I noted earlier today that he spoke at some length about the response to the upper House inquiry in respect of those floods. The level of support that has been provided by the Government in respect of seeking to assist flood-affected communities has been extensive and has been well reported in the media. Portable homes, small business grants and accommodation grants have been rolled out in circumstances of demonstrable need. Those communities have been looked after as best as is possible, subject to the proper assessment of applications. Everyone in this place will have been aware of the significant levels of fraud claims that have been assessed by Service NSW, some of which potentially involve a previous Labor

Minister. I would say to the member that if he can point to a specific claim where a person afflicted by a flood event has not been looked after by—

**The Hon. Walt Secord:** We will give you names and names.

**The Hon. DAMIEN TUDEHOPE:** Well, why haven't you?

**The Hon. Walt Secord:** We have. Talk to Janelle Saffin.

**The Hon. DAMIEN TUDEHOPE:** If local members or community groups know of people in distress as a result of the floods, the Government wants to make sure that those people are not disadvantaged. For Opposition members to come into the Chamber and ask general questions about our failure to provide support gives rise to the follow-up question: Why have they not directed their specific inquiry to the Department of Customer Service, the customer service Minister's office or the small business Minister's office? Whatever is necessary will be done for the purpose of giving assistance to those victims. The Minister for Families and Communities, who is in this Chamber, has put in place an enormous program to assist people who have been flood affected. *[Time expired.]*

**The Hon. WALT SECORD (16:22):** I ask a supplementary question. Will the Minister elucidate his answer in regard to the challenge that he issued to the Opposition to provide examples? Will he give a commitment today to visit the village of Wardell, where people are living in tents? I urge him to do so.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:22):** Making a visit—

**The Hon. Walt Secord:** You issued a challenge. I provided you with examples.

**The PRESIDENT:** Order! The Hon. Walt Secord will let the Minister respond. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** If there are people in the village of Wardell who need relocation or flood assistance, I would ask the member to give me the details. I will personally make sure that those details are provided to the relevant Minister and that assistance is provided to those people. The Government has been absolutely committed to making sure that no-one, as far as is possible, falls through the gaps. We have suffered a significant amount of criticism because of our decision not to proceed with stadium refurbishment. I thought that it was a bipartisan approach that the Government prioritise flood relief and flood mitigation. The member has spoken of a village where people are living in tents. If those details need to be supplied to the relevant Minister, I will make sure they are supplied. I ask the member to give me the details and I will be happy to pass them on to the relevant Minister.

#### NSW TELESTROKE SERVICE

**The Hon. WES FANG (16:24):** My question is addressed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Will the Minister update the House on the New South Wales Government's \$21.7 million NSW Telestroke Service?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:24):** I thank the honourable member for his question. As this week marks National Stroke Week, I want to talk about the importance of knowing the signs and symptoms of stroke. I refer to the acronym FAST—face, arms, speech and time. If you are worried that someone has had a stroke, observe their face, ask them if they can lift both of their arms and check their speech. The time that you observe those changes is also important. Then you must ring 000 to get them to a health service to be provided the appropriate care right away. I urge members to take five minutes to think about that today so that if they are ever in that situation they know what to do.

Every year around 19,000 residents in New South Wales have a stroke. More than a third of the people hospitalised for stroke in the State are from regional and remote areas. The important thing about stroke treatment is that it is time critical. How soon a person can get access to the treatment they need will determine their outcome. They need access to anti-coagulative therapy, which is basically clot-busting therapy. The Government has introduced the NSW Telestroke Service for rural and regional New South Wales. This service is an important weapon in the fight against stroke, which is one of Australia's biggest killers. I have travelled across rural and regional New South Wales and I have seen the Telestroke Service in person at many of our hospitals. I have also had the pleasure of talking to many of our wonderful health workers about the difference the Telestroke Service is making to their communities. The doctors and nurses feel really supported by the service. They know that they can get the advice they need straightaway from a specialist, who is not only willing to take the call and discuss the treatment but also willing to teach the staff.

Deniliquin resident Pam Jones was one of the first to access the service at Deniliquin Hospital when she unexpectedly suffered a stroke last October. Mrs Jones was assessed by the Medical Director of the

NSW Telestroke Service, Professor Ken Butcher, who prescribed her clot-busting medication, and she has since made a full recovery. Mrs Jones' husband, Terry, said that they had Professor Butcher right there at the bedside within half an hour via a virtual link. That is fantastic. The Jones' story is one of many where we can see the huge benefit of the Telestroke Service and the difference it is making to the lives of the people in rural and regional New South Wales. Since the launch of the Telestroke Service in March 2020, more than 2,300 patients who experienced a stroke in regional and rural areas have benefited from life-changing treatment, thanks to the service. It is an outstanding result from our rural and regional healthcare workers. I reiterate to members—shall we have a quiz?—FAST, which is face, arms, speech and time. It is really important. They could save a life.

#### ICAC INVESTIGATIONS AND REPUTATIONAL DAMAGE

**The Hon. ROD ROBERTS (16:27):** My question is directed to the Leader of the Government. During debate in this Chamber on 23 June 2022 on the ICAC and LECC Legislation Amendment Bill 2022, the Hon. Taylor Martin said on behalf of the Government:

In light of this amendment, I inform the Committee that I am reliably informed that Cabinet will reconsider its position on this matter in a timely manner.

He was referring to recommendation 7 of the ICAC committee report on reputational impact. In light of that statement will the Minister inform the House of Cabinet's current position in relation to the matter?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:28):** I thank the member for his question. The question inherently involves within it a reconsideration by Cabinet. I want to reiterate to the member that the Government is committed to reconsidering this matter and I can assure the member that it is under active consideration. I cannot disclose more than that, but I want to give the reassurance that it is under active consideration.

#### LISMORE FLOOD-PRONE HOMES

**The Hon. ADAM SEARLE (16:29):** My question is directed to the Minister for Finance, and Minister for Employee Relations. Will the Minister respond to community concerns that the Government's scheme to buy back people's houses in Lismore is inadequate and will leave thousands of homes in flood-prone areas?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:29):** I thank the member for his question. He must have a copy of the flood report, which has not yet been released. I do not have that report yet, which is a very significant report on the Government's response to the Northern Rivers flooding and, in fact, flood-prone areas generally. That report will have a significant plan, as I understand it, by way of a response to recommendations, about the manner in which the rebuilding of Lismore ought to occur. That is one of the reasons why I say to the member that the report and the Government's response should be released simultaneously. I anticipate—

**The Hon. Adam Searle:** When?

**The Hon. DAMIEN TUDEHOPE:** That is a different question. I say to the member that I anticipate it will be a significant Government response.

**The Hon. ADAM SEARLE (16:30):** I ask a supplementary question. Will the Minister elucidate that part of his answer where he talked about the report and the Government response being dealt with simultaneously? Will the Minister inform the House as to when that will take place?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:31):** The report and the Government response will be released at the same time as soon as possible. This large and extensive piece of work is coming from the Premier's office, so I anticipate—

**The Hon. Penny Sharpe:** I'd be careful if I were you.

**The Hon. John Graham:** I would put that disclaimer too.

**The Hon. Penny Sharpe:** That's like a red flag, right there.

**The Hon. John Graham:** That is an important disclaimer.

**The Hon. DAMIEN TUDEHOPE:** What I would say, and it probably reflects what I said earlier, is that this is a large and extensive piece of work and communities deserve to understand how the Government will action the recommendations and findings. Putting the report out without the Government response—

**The Hon. John Graham:** They've already leaked it.

**The Hon. Penny Sharpe:** You guys are already leaking parts of it.

**The Hon. DAMIEN TUDEHOPE:** "They've already leaked it" is, I suppose, a fair summary—"they". Putting the report out without a government response just leads to more uncertainty. The member is aware that the Government commissioned Professor O'Kane and Mick Fuller, very eminent people, to conduct that inquiry. I expect a very comprehensive list of recommendations arising from that inquiry and I expect a very comprehensive government response.

#### ROAD INFRASTRUCTURE

**The Hon. CHRIS RATH (16:32):** My question is addressed to the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Will the Minister update the House on how the M6 Stage 1 will deliver the missing link between southern Sydney and our wider network?

**The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:33):** I thank the honourable member for his question and his interest in this area. The Perrottet Government is delivering game-changing infrastructure in Sydney's south. The M6 Stage 1 will enable faster and more reliable journeys between the Illawarra—where I know the honourable member has an interest—the South Coast, southern Sydney and strategic centres across metropolitan Sydney. The M6 Stage 1 is a key element of the Perrottet Government's ambitious vision for New South Wales.

I recently had the privilege of visiting the site, where work is well underway. It was great to see. I had the pleasure of meeting some of the construction workers, including the women on site, who are helping to deliver this Government's \$110 billion infrastructure vision and securing a brighter future for the people of New South Wales. The project includes four kilometres of twin tunnels, commencing from the M8 motorway tunnel extending south. Once completed, these tunnels will enable motorists to bypass up to 23 sets of traffic lights on the Princes Highway between St Peters and Kogarah, providing the missing link from Sydney's south to the wider Sydney motorway network, making journeys faster, easier and more reliable. This visionary infrastructure will remove up to 2,000 heavy vehicles a day from surface roads. It will create around 3,250 jobs onsite during construction, with an additional 2,500 jobs generated offsite in each year of construction.

This exciting project will help people get home safer and faster, allowing them to spend less time on our roads and more time with their families. When delivering the Perrottet Government's infrastructure vision in Sydney's south, it is important to pause and reflect on the road not travelled—because, of course, the M6 Stage 1 was opposed by the Opposition at the last election. They opposed WestConnex, they opposed the Western Harbour Tunnel, and now they have opposed the Government's new toll relief scheme that will deliver up to \$750 cashback to families across Sydney. In fact, I am not aware of one project that the Opposition does support.

The Government would love to hear of the Opposition's support for the projects that the Government has on the record and is building. The Government hopes to work with the Opposition constructively—and the word is constructively—so that it can continue to deliver projects such as the eight motorways that have been delivered or are in delivery across New South Wales. While the Perrottet Government is focused on securing a brighter future for families in New South Wales through its infrastructure agenda, while it continues to deliver the motorways and to build and to employ and to roll those projects out across New South Wales, those opposite remain focused on politics and protest, not policy. The Government encourages them to join with us.

#### WALGETT COMMUNITY COLLEGE

**The Hon. ROBERT BORSAK (16:35):** My question is directed to the Minister for Education and Early Learning. The Minister recently visited Walgett and heard firsthand from the community about their concerns with Walgett Community College. Following on from that visit, what strategies is the Minister putting in place to improve the educational outcomes, attendance rates and community involvement at Walgett Community College?

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:36):** I thank the honourable member for his question. He is right, I spent some time last week out in Walgett, visiting the primary school, the preschool and the high school. I also met with a number of parents and former students from the school as well as the council and members of the PCYC. It was a good couple of days out in Walgett and a good opportunity for me to get out during the winter break. The Government was still working hard during the winter break. It was a break from Parliament but not from our important job of making sure that the people of New South Wales are well represented. For me, it was certainly an enlightening visit. I was able to spend some time there to make sure that the Government is doing what is needed with regard to education.

I acknowledge, first and foremost, that it came through very clearly, particularly from the parents and members of the community that I met with, that everybody is passionate about making sure the children in Walgett have access to a great education and great opportunities. That came through loud and clear from every person I met with. I will say that there were differing views in the community as to the best way to do that. I know that

members including the Hon. Sam Farraway, the Minister for Western New South Wales, Dugald Saunders, and others have also spent time in the Walgett community over recent weeks and months.

The member asked what I have done since my visit. I think I got back on Thursday, and it is now Tuesday. I had a meeting with the secretary of my department yesterday, where I raised a number of issues with her, particularly in relation to what we can be doing. The member asked about attendance and engagement, particularly at the high school campus of the community college. Some of the initial figures that we are seeing under the leadership of principal Adam Batchelor show improvements in student attendance and student behaviour and lower staff turnover. Some of the other issues that were raised—again by multiple groups I met with—were opportunities around traineeships, apprenticeships and school-based opportunities for students with regard to attendance and engagement. I think there are certainly opportunities in that field as well. I will be happy to continue to keep the House, the Hon. Robert Borsak and any other member updated on the work that we do—

**The Hon. Mark Latham:** That's pathetic, given the scale of the problem. It's pathetic to say this. It's a whitewash.

**The PRESIDENT:** Order! The Minister has the call.

**The Hon. SARAH MITCHELL:** —and the work that we will continue to do in the Walgett community. I understand and acknowledge that there are complex issues at play. I understand and acknowledge that education is key to supporting the young people in Walgett. That is why I went there and that is why I listened to and heard from many people in the community. As I said, I am happy to keep members of this House and the other place updated on the work that the Government will do out at Walgett.

**The Hon. ROBERT BORSAK (16:39):** I ask a supplementary question. Will the Minister elucidate her answer in some detail as to what the plans are and what she is going to do, rather than just have a chat and a yarn with the bureaucrats involved?

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:39):** The important thing to do as a member of Parliament, particularly as a Minister, is to turn up and to talk to people about what is happening in their community and to listen. I would say that that is exactly what I did last week. I was there on Wednesday and Thursday. As I said, it is now Tuesday. I have already had a conversation and a meeting yesterday with the head of my department about some of the things I saw and about some of the things I would like to see us work with the Walgett school community and the broader community to implement. I have made clear that I will continue to keep the House updated about that work, as is my responsibility as a Minister.

**The Hon. MARK LATHAM (16:40):** I ask a second supplementary question. Will the Minister elaborate on her mention of attendance rates at the Walgett high school? Why is it that, on any given day, only one-third of students are attending and two-thirds are missing? Why is it that the official data shows that only 3 per cent of students at Walgett attend for 90 per cent of the time? That is nine days a fortnight. If the Connected Communities model was going to provide Indigenous culture to engage these students, why is it failing hopelessly on the basic task of the students attending to get a decent education under the Minister's watch?

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:40):** As I said in my original answer, some recent data I have seen does indicate small improvements when it comes to student attendance, student behaviour and staff turnover. The data is trending in a more positive direction. But, of course, there is more work to do. I know that the honourable member who asked the second supplementary question has also been in that community recently. Mr President, I believe that you as well visited there.

There are serious issues and things that we need to do more broadly across government with regard to continuing to support the Walgett community, but I went as education Minister to visit the schools for myself and to speak to a range of stakeholders within that community about education, about what is going on at those schools, and about what more we can do to improve student engagement and attendance. That is why I went. As I said, I look forward to continuing to work with the members of the community out there and with the school, to be able to improve the very real issues that the member has raised in his question. As Minister, I take those issues very seriously which, as I said in my original answer, is why I went there as a Minister to listen, to learn and to then put into action things that need to be done to support that school community.

#### **ARMIDALE RURAL REFERRAL HOSPITAL**

**The Hon. GREG DONNELLY (16:42):** My question is directed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Given that there was not one doctor available at Armidale Rural Referral Hospital last week for almost a 24-hour period and that the Inverell, Glen Innes and Tenterfield hospitals have had long periods of consecutive days without doctors, what is the Minister's response to the

community's concerns, which are that it is unacceptable for hospitals serving a population of 60,000 people to be without doctors?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:42):** I thank the honourable member for his question. As the honourable member would know after chairing the inquiry into rural and regional health, there are often situations in our rural and regional hospitals where doctors are not on site for 24 hours a day, seven days a week. At a hospital in somewhere like Cooma, where I used to work, doctors are called in because they are visiting medical officers. They run a GP practice, and then they are called into the hospital to work. That is the way the system works in a lot of our smaller places. The honourable member referred specifically to Armidale Rural Referral Hospital and a 24-hour period. I do not dispute that the member has given me absolutely accurate information, but I would have to go and check that for that particular day.

As everyone would know—and after chairing the inquiry the honourable member would know better than most people in this place—we have an issue with our GP workforce in New South Wales. I have been very transparent and very open about this. There are enormous challenges, not only in New South Wales, but right across Australia and internationally. So we have to make sure that the services we provide are safe and effective. At times, if no doctor is available for a particular service, then we will have to divert people to other places to make sure that they can get the service and the care they need. Often people will present to a hospital and they will be seen by a registered nurse or a nurse practitioner or a doctor on call and they will be treated and triaged appropriately. That is how we run things in the service.

One thing that is really starting to affect people in our rural and regional centres is this constant negativity and talking down of their service. That is what they are saying to me. Just before, I was talking about the Telestroke Service in rural and regional hospitals. One of the most amazing things happening is that often people are being treated faster in a rural or regional facility than they would be in the middle of the city for a service like this. But this constant talking down of services is really unacceptable for people on the ground.

There are challenges. I do not walk away from that, nor does anyone who works in a rural or regional health service. But we do have a workforce challenge. We have a challenge in New South Wales. We have a challenge across Australia. So we have to make sure that we have, as this Government has announced, a record spend and a workforce strategy. We are also discussing the matter with the new Federal Labor Government. In my first meeting, last Friday, the Federal Government was very accepting of the situations that we face and for which the Federal Government is responsible, one of those being GPs. GPs service country hospitals. We have a government that has committed to being interested and to looking at this problem to solve it. But if someone presents to a hospital in rural or regional New South Wales, they will be seen. People should stop talking our services down.

**The Hon. GREG DONNELLY (16:46):** I ask a supplementary question. I thank the Minister for her answer. In light of the answer she provided, what discussions has she had with the Coordinator-General for Regional Health, Mr Luke Sloane, regarding this non-availability of doctors in hospitals mentioned in my question?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:46):** I thank the honourable member for his supplementary question. I think it is absolutely fantastic that he knows the name of the coordinator-general for the new division of regional health. That is a really great sign. That is really fantastic. That is great because now we have a division of regional health. I think it is great. It was something the inquiry called for. The inquiry called for a Minister for Regional Health, and here I am. I talk all the time to Mr Sloane about all those sorts of situations. But let me make something very clear. These are also operational issues on the ground in our hospitals every day. Every day, people who require being seen for any sort of treatment can safely and confidently come to any of our rural and regional hospitals, and they will be treated.

**The Hon. Greg Donnelly:** Point of order: My question was specific. This is the person who coordinates health matters for the Minister in regional New South Wales. The question specifically asked what discussions she has had with that person in regard to these absences.

**The PRESIDENT:** I draw the Minister back to the specific nature of the question.

**The Hon. BRONNIE TAYLOR:** I thought I was very clear in my first answer. The honourable member asked me a question about Armidale Rural Referral Hospital. I specifically said to the member I am not aware of that period of 24 hours and I am happy to get more detail on that. But my office would talk to Mr Sloane daily. I speak to him daily. I met with him and the secretary yesterday. I speak to him—

**The PRESIDENT:** Order! The Minister has the call. She does not need any help from those opposite.

**The Hon. BRONNIE TAYLOR:** I do not. I speak to Mr Sloane all the time. Have I spoken to him specifically about this 24-hour period to which the honourable member refers? I have not. Perhaps someone in my office has. But there are changes within our rural and regional health system every day. But, every day, people can rest assured that if they present to our hospitals, they will be seen and they will be given the treatment they need. They will be given good, world-class, international-standard treatment, wherever they live. We have a rural and regional health service of which we should be very proud, that every day achieves great outcomes for the people of New South Wales. Every day really good things happen in our hospitals and our health system.

### **REGIONAL HOMELESSNESS SUPPORT SERVICES**

**The Hon. TAYLOR MARTIN (16:49):** My question is addressed to the Minister for Families and Communities. Will the Minister update the House on what the New South Wales Government is doing to help combat homelessness in the regions?

**The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (16:49):** Everyone deserves access to stable accommodation, which is why the New South Wales Government is investing \$1.2 billion in a range of social housing and homelessness programs across the State to ensure that people have a safe and affordable place to live. We have seen firsthand the positive impact and value of outreach services in metropolitan settings, and we are working to ensure that the same level of services is provided to regional and remote communities. Last month, with Justin Clancy, the member for Albury, I launched a 12-month trial of a new mobile outreach program. Dedicated housing staff will be on the ground helping more than 3,500 people in regional and remote New South Wales to have greater access to housing supports and services as they visit more than 40 townships in Murrumbidgee and in western and far western New South Wales, including in Wilcannia, Broken Hill, Deniliquin, Cobar, Young, Leeton and Tumbarumba.

The program is vital to providing regional communities with support for a brighter future as it will help reduce the housing waitlist and improve overcrowding in Aboriginal homes, as well as improve access to domestic violence support services. By providing face-to-face consultations with clients about their individual circumstances, meeting with up to 50 people in each visit, the team will aim to promote awareness about housing products and help people to navigate the Housing Pathway application process.

Being provided with relevant and appropriate information on the full range of Department of Communities and Justice services available will significantly improve a client's ability to make informed choices based on their own circumstances. The mobile outreach team will engage local communities through self-serve kiosks at locations such as the land council or Service NSW offices and specialist homelessness services. The kiosk will supply an iPad and a printer to allow clients to check their applications, submit documents and check their rental accounts, as well as perform tasks requiring an internet connection.

In addition, the mobile outreach staff will provide sessions for local service providers about how to engage with Department of Communities and Justice products and support, including the 24-hour Link2home service, emergency accommodation, subsidies for private rental and support to submit an application for housing assistance. The outreach teams will also work closely with clients in those locations to inform them of a range of early intervention initiatives which focus on preventing entry into homelessness or supporting people to maintain their tenancies.

This includes support available through specialist homelessness services and the delivery of private rental assistance products such as Rentstart and Rent Choice. It also includes temporary accommodation for people at risk. Rentstart and Rent Choice products are designed to assist eligible clients in the private rental market. The type and level of assistance provided is based on the client's individual circumstances and needs. Rentstart assists eligible clients to meet costs to establish and maintain a tenancy in the private rental market, such as bond loans, advance rent, assistance to pay rental arrears or temporary accommodation for homeless people.

### **GUN SAFE SERVICE**

**The Hon. ROBERT BORSACK (16:52):** My question is directed to the Minister for Education and Early Learning, representing the Minister for Police. Firearms dealers have been prevented from fulfilling their legal obligations under section 45 (3) of the Firearms Act to transfer ownership of firearms within 24 hours due to the consistent failure of the Firearms Registry Gun Safe service. How many times has the Gun Safe service crashed since it was launched and how long has the system been down each time? What is the current and future support strategy for this system?

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:53):** I have never even shot a gun in my life, so I am probably not the person to answer that. I obviously will answer it, representing the Minister for Police. I thank the member for his detailed question, asking for some specific information in

relation to the Firearms Registry. I will take the question on notice and refer it to the Deputy Premier, and Minister for Police, and come back with an answer as soon as possible.

#### NORTHERN TABLELANDS HEALTH SERVICES

**The Hon. MICK VEITCH (16:53):** My question is directed to the Minister for Regional Health. Given that a petition launched last week by mayors, the Nurses and Midwives' Association and the member for Northern Tablelands calling on the Government to improve rural health services has already attracted more than 5,000 signatures, why did the Minister refuse to make time to visit Armidale when she was in the region?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:54):** I thank the honourable member very much for his question. I recently visited Tamworth and Gunnedah and Grafton and other areas as well. I did not visit Armidale that day, but I am happy to go any time. I recently met with people from the New England area to discuss health services. As members know, that health service covers Hunter New England, so I was with all of the people who work for that particular health service and that local health district.

**The Hon. Mick Veitch:** The member for Northern Tablelands? Did you meet with the member?

**The Hon. BRONNIE TAYLOR:** The member for Northern Tablelands was not available that day.

*[Opposition members interjected.]*

Do you guys want to hear the answer or not?

**The Hon. Walt Secord:** Yes, we do.

**The Hon. Penny Sharpe:** We're giving real-time feedback.

**The PRESIDENT:** Order!

**The Hon. BRONNIE TAYLOR:** The honourable member asked me about a petition. The Hon. Mick Veitch would be probably one of the only members opposite who gets out into the regions. I commend him very much for that. I say as well that the Hon. Adam Marshall has every right to represent his community and every right to go to his community to ask them questions and get those responses. That is what good local members do, and that is what he chooses to do.

As I have said, what I do as the new Minister for Regional Health is go out and about to multiple places. I take very frequent trips around New South Wales to visit these centres and to talk to people and hear their stories. That is why I was so proud to talk about the Telestroke Service and the amazing results and about the lady from Deniliquin who had an incredible result in the rural and regional hospital system. There are challenges and issues we face, but we face them head on. We keep on going. If there was a pool of general practitioners available anywhere in New South Wales or Australia, I think, regardless of our political stripe, we would all be taking them up.

**The Hon. Walt Secord:** Twelve long years.

**The Hon. BRONNIE TAYLOR:** That is right, but the GPs are a responsibility of the Federal Government.

**The Hon. Penny Sharpe:** You had a Federal Government that was on your side and you've done zero. You did nothing for 12 years.

**The Hon. BRONNIE TAYLOR:** I am not sitting here and saying that. I am being a decent person and saying that the Labor Party has said that they want to work with us. I am being really honest about that. It is good to have respectful debate, but GPs are the remit of the Federal Government. I am really excited about the new medical school at Charles Sturt. I think that is a wonderful initiative to grow our own. We know that country people really want to come back to the regions, so to have that medical school is really exciting. But that is years off and that is difficult. We do face immigration challenges. I have spoken to the Ministers with responsibility for health, regional health and mental health in the new Labor Government about making sure that we are better able to attract international workers. There are lots of things. If there was an easy solution, it probably would have been fixed by now.

#### RAIL SAFETY WEEK

**The Hon. LOU AMATO (16:57):** My question is addressed to the Minister for Regional Transport and Roads. Will the Minister inform the House of how the New South Wales Government is building what matters to deliver a brighter future for New South Wales for improved rail safety during Rail Safety Week?



**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:58):** It is good to be back. It is fantastic. The Government is investing in regional New South Wales with a \$19.4 billion infrastructure pipeline into regional roads and regional transport infrastructure. There is absolutely no comparison. Members opposite left this State with a \$30 billion backlog when they were last in power. This Government will deliver a \$19.4 billion infrastructure pipeline for regional roads and regional transport infrastructure. As my parliamentary colleague the Hon. Lou Amato said, this is Rail Safety Week, which is a new initiative that will help to improve safety in our rail corridors and on our rail infrastructure.

Today I was pleased to be able to present at the TrackSAFE Foundation level crossing forum and advise that this Government is addressing rail safety and level crossing safety in this State. I was fortunate enough to have a coffee with Maddie Bott, who was another keynote speaker at the event, for 45 minutes beforehand. This Government is trialling new and innovative emerging technology, which it is installing in two electorates. It is putting one in Narromine and one in Bribbaree, down in the Weddin shire. Those two crossings will have new LED light technology, which will be solar powered and off-grid. They will have CCTV cameras that will help driver activation as a vehicle is approaching a level crossing.

This is all about creating safer level crossings in this State. New South Wales has 2,700 level crossings, and we need to find a cost-effective solution to make them safer. This is a world first. The emerging vehicle testing facility at Cudal, in the Central West of this State, will also set up a level rail crossing to start testing how autonomous vehicles and the new tech that we will see in vehicles in this country can interact with level crossings.

Members on this side of the House are using technology, and we will find the solutions to the problems of tomorrow. We are supporting that investment in this State. Unlike those opposite, we have a plan and we know what we are doing. We know what infrastructure needs to be built, and we have heard the 20,000 people who completed the petition that Steph Cooke introduced into the other place. We are addressing those concerns and listening to the community. We are using innovative and new emerging technology to do that, because on this side of the House we plan for tomorrow and not just today. We are here to deliver for the people of regional New South Wales.

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

#### **NORTH COAST FLOOD RESPONSE REPORT**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:01):** Two members suggested in response to an answer I gave earlier that I suggested a Labor Minister had been involved in grant fraud applications. I do not know if they and others had misheard, but if I said a Labor Minister was involved then I want to correct that; I should have said a Labor member. But my mistake got worse, because I just realised that the fraud involved not flood claims but COVID grant claims. I apologise to members for making that error.

#### **ARMIDALE RURAL REFERRAL HOSPITAL**

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (17:02):** I have a further addition to my answer to the question asked by the Hon. Greg Donnelly. For a period of nine hours on Sunday 24 July, Armidale Hospital was unfortunately without a doctor on site. That came as a result of a medical officer withdrawing from their shift at short notice. A replacement was unable to be sourced, despite the very best efforts of staff. The hospital enacted its business continuity arrangements, with anyone who presented over that period safely managed by our highly skilled emergency nurses and supported by the on-call physician where required. No patients required transfer to Tamworth Hospital.

*Questions Without Notice: Take Note*

#### **TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. MARK LATHAM:** I move:

That the House take note of answers to questions.

#### **WALGETT COMMUNITY COLLEGE**

**The Hon. MARK LATHAM (17:03):** I note the answer given regarding Walgett high, which Mr President and I visited a few weeks ago. I will not be snowed or diverted by the argument that the problems are tough. The problems in Walgett are very tough; it is a community living in some of the worst and most desperate circumstances that one could imagine. But not long after our visit to Walgett, I visited Fairvale and Cabramatta high schools in western Sydney. They too have tough problems of disadvantage, but they have the proud record of taking students from a refugee background and within a few years getting them on to university—

which just shows the potential of public education. Remarkable results can be achieved for people from a very disadvantaged and desperate background. Why are they not being achieved in Walgett? That is the vital question.

As you know, Mr President, there is no sadder feeling in public education than walking through a school where so few students have attended that one walks past a whole series of empty, blackened classrooms with nobody there. Contrast that with schools like Riverbank in north-west Sydney, bursting at the seams with 20 or 30 demountables. At Walgett one walks past a whole series of classrooms that are empty and blackened. Not enough students have turned up to warrant turning on the lights, and the attendance rate is dismal. The day we were there, only 50 students were attending out of 150 students enrolled—100 missing. There is the terrible figure of only 3 per cent of the students attending for 90 per cent of the time, and then there is the violence that has been well documented, the police callouts and the reputation of Walgett—unfortunately deserved—as being one of the worst schools in New South Wales.

Then there is the political division. Unlike the assurance of member for Barwon Roy Butler that the Connected Communities school is working at Menindee, because the community there is united as one behind the success of the school, in Walgett—not unusually in any form of politics, but Indigenous politics can be as fierce as any other politics—it is 55 per cent of people in town supporting Anne Dennis and her faction and 45 per cent against her. That political division, so corrosive in the community, has overflowed into the school and caused tremendous damage.

If it is to remain a Connected Communities school, I would urge Anne Dennis to be a unifier—to try to bring people together. It is dreadful to talk to a significant part of the community who will not send their kids there because of the violence, the division and the whole litany of problems. It is pathetic to hear the platitudes and empty political rhetoric of the Minister today saying, "Oh, I visited; I listened." She could not possibly visit that school without an urgent sense of wanting to do something substantial to repair and fix the problems, and that is the failure of this Minister—to just wander around doing no more than listening and offering empty political platitudes. We need dramatic action to fix Walgett high and, most of all, to give those kids opportunity and a fair chance in life.

#### **LISMORE FLOOD-PRONE HOMES**

**The Hon. ADAM SEARLE (17:06):** I take note of answers given this day by the Leader of the Government in response to a question I asked about flooding in Lismore. The House would be cognisant of the fact that in the floods of February and March this year, nearly 11,000 homes were damaged right across the Northern Rivers and more than 4,000 homes have been deemed uninhabitable, mostly in and around Lismore. This is not the first time the town of Lismore has been hit hard by floods; this is the second major flood incident to assault that town within five years. In 2017 another extreme flood occasion devastated the town. Fast-forward five years and barely had the town recovered—it had not even fully recovered—from that other incident when the floods in February and March hit the Northern Rivers region, and Lismore in particular, very hard.

The Government wants to give a comprehensive response to the independent flood inquiry report, and this is such an important matter that the Government response will be given at the same time as the report will be released. But it was disappointing and disturbing that the Minister was unable or perhaps unwilling to tell the House exactly when the independent flood inquiry report would be released. It has now been many months since the floods, and many thousands of people have been dislocated from homes. Anyone with even the most passing knowledge of the housing market on the North Coast will know that there was already housing stress, rental stress and an inadequate number of properties available for people who really needed them.

The damage done to the properties up there has exacerbated that, and there are people living in tents or living with friends with no real prospect of returning to their homes. The Government has not responded. We are very conscious of the magnitude of the problem. The least the Minister could have done was give the House a time frame, if not a particular date upon which we could see the full report, because it is a pressing matter of public interest, as well as what this Government proposes to do in response to the recommendations. This is a pressing matter for the people who live on the North Coast, particularly those in and around Lismore, and this Government appears to have no answers. That is very disturbing.

#### **RAIL, TRAM AND BUS UNION STRIKES**

**The Hon. SCOTT FARLOW (17:09):** I take note of an answer given by the Leader of the Government in response to my question about the actions of the Rail, Tram and Bus Union [RTBU]. It is obvious to members of this Chamber and the people of New South Wales that the Rail, Tram and Bus Union is currently volunteering and working to become Labor's union of the year for its year of the strike. They are the masters of those opposite, as the Minister has already gone through. The people of New South Wales are seeing more chaos and disruption moved by the RTBU.

Alex Claassens, the leader of the union, has made the disingenuous claim that these strikes will not disrupt commuters or significantly impact the good people of New South Wales. This is typical of the dishonest campaign that is run by this union and by members opposite. Without train drivers, trains will not be able to operate from 10.00 a.m. For safety, trains must be returned to the stabling yards before they are shut down by the strike, which means there are more impacts outside of the 10.00 a.m. to 4.00 p.m. period. Without guards and station staff, trains cannot run safely until after 4.00 p.m., which means that commuters across New South Wales are going to be immobilised outside of those times.

Mr Claassens' claim that only 10 per cent of drivers and guards will be on strike on Wednesday and that they can still run the trains does not pass the pub test. How on earth can they do that? By ordering drivers and guards from other areas to act as scabs and spreading the disruption beyond the strike area? It is beyond the pale. The repeated false claims that these disruptive strikes are about safety is complete and utter nonsense. The Government has taken every step possible to make sure it can address any safety concerns that are on the table. Every time the Government moves on negotiations, the union moves the goalposts again. The Minister for Transport, who is sick at the moment, is very happy to meet with the RTBU again. He has asked me to pass this on. While he is at home sick, he is quite happy for Alex Claassens to come over to his place. He lives 20 minutes away, and he is happy for him to meet in his study and thrash this out tonight.

If it is about safety when it comes to the New Intercity Fleet [NIF], the only justified industrial action would be to refuse to drive the NIF trains. The National Safety Regulator signed off on the safe operation of these trains over 12 months ago on 29 July 2021. Nonetheless, in good faith negotiations, the Government has agreed to make changes to these safe, state-of-the-art trains to satisfy the union's demands as part of a refreshed enterprise agreement. Negotiations involve give and take, but the RTBU is all about take. This is just a preview of what we will see if those opposite get into government.

### RAIL, TRAM AND BUS UNION STRIKES

**The Hon. MARK BUTTIGIEG (17:12):** I was reluctant to contribute to this debate until I heard that side of the story. It was a disingenuous portrayal of what is going on in these negotiations. Anyone who has met Mr Claassens knows what a reasonable union secretary he is. He will move heaven and earth to try to get an outcome and negotiate. It is shameful for the Government to come here and try to twist and distort what is really going on. I will tell members what is going on: The Government is trying to conjoin two separate issues. Enterprise agreement negotiations are happening at the moment, which concern wages and conditions, and there is also the safety issue associated with the New Intercity Fleet [NIF]. The Government is trying to package them both up and make the signing off on one contingent on the other.

The RTBU has said to the Government, "If you are serious about fixing the mess you created with the NIF"—these were the trains that were bought in South Korea that did not fit tracks, were too long for tunnels and had CCTV whereby the driver could not properly see the tracks, which risked people falling between the cracks between platforms and rail lines—"you should have a senior Minister sign a rock-solid deed of agreement." Let us get that sorted out and deal with the enterprise agreement separately. Instead, the Government is manipulating the situation to try to get an agreement on the enterprise agreement contingent on signing off on fixing the NIF.

The Leader of the Government, the Hon. Damien Tudehope, was saying not too long ago that the changes would cost over \$1 billion. The cost has now come down to about \$250 million—surprise, surprise. On top of that, members of the Government come in here and say that Mr Claassens is shutting down the rail network, when they know very well that the union is only shutting down 10 per cent of the network supply. The Government wants to manipulate the situation by saying that as a result of that the trains cannot run all day. The Government is trying to exacerbate and magnify the effects of minimal industrial action that is designed to minimise disruptions, in order to get the public offside. Guess what? The public sees through this. They know this is a reasonable union wanting safety outcomes for the passengers of New South Wales and that the enterprise agreement should be separate from the negotiations on the NIF. That is what you do if you want to sort it out, instead of trying to manipulate the situation, which is what the Government is doing.

### LAND CLEARING

**Mr JUSTIN FIELD (17:16):** Members of the public were alarmed, and rightly so, at the recent *State of the Environment* report. This report from last year, which was withheld from public view by the former Morrison Federal Government and released by the new Albanese Labor Government, showed that Australia is a global leader in animal extinction. One of the key drivers is the loss of habitat, in particular from land clearing and logging. I have raised the issue of the massive increase in land clearing in New South Wales since this Government's biodiversity and land management reforms.

**The Hon. Mark Latham:** Point of order: What answer is being noted?

**Mr JUSTIN FIELD:** I am taking note of answers to questions on notice Nos 9213 and 9209, which were received over the winter break. They go to the very point of the Government's Statewide Landcover and Tree Study reporting, which it releases annually. The reporting is about the massive increase in land clearing happening in New South Wales at the moment. Shockingly, about three-quarters of all land clearing on rural land is unable to be explained by the Government's monitoring regime. In 2020 over 50,000 hectares of land clearing was unexplained, which means it was either illegal clearing, clearing that occurred under the code but was unable to be demonstrated as having approval, or part of allowable activities on rural land, which includes things like fence lines and sheds. That is a massive amount of fence lines and sheds being built, if it covers 50,000 hectares of land.

In 2019, 75 per cent of overall clearing on rural land was unexplained. That is 64,000 hectares. In 2018 it was 67,500 hectares. That is over 180,000 hectares of unexplained clearing on rural land in the past three years of reporting, which represents an area of about 650 times the size of the Sydney CBD. I have repeatedly asked questions of the Government about this over the past two years. I have asked, "What is going on with this unexplained clearing?" The Government says, "We are working on it. We have got Local Land Services [LLS], the Environment Protection Authority [EPA] and the Environment and Heritage Group [EHG]. They are sitting in a room working on it."

The answer to my question, "What have you done to identify this unexplained clearing? Explain the unexplainable", is "We are continuing to work." I have asked that question for two years and the answer is, "We are continuing to work." I have asked the question, "Has any of this previously unexplained clearing now been explained after two years of work?" The answer is, "No. EHG and LLS have agreed to focus on future improvements to reduce unexplained clearing." This Government has just admitted it is ignoring tens of thousands of hectares of illegal clearing in New South Wales.

### **RAIL, TRAM AND BUS UNION STRIKES ROAD INFRASTRUCTURE**

**The Hon. CHRIS RATH (17:19):** I take note of answers given today by the Leader of the Government and the Minister for Metropolitan Roads. From both Ministers we heard a strong theme focusing on the Illawarra and southern Sydney. As someone who was born and bred in the Illawarra and who also lived in the Sutherland shire for several years, I take particular interest in issues facing that region. The contrast is quite stark. On the one hand we heard from the Minister for Metropolitan Roads that the M6 Stage 1 will enable faster and more reliable journeys between the Illawarra, the South Coast, southern Sydney and strategic centres across metropolitan Sydney by bypassing up to 23 sets of traffic lights on the Princes Highway between St Peters and Kogarah—the missing link, as she called it, from Sydney's south to the wider Sydney motor network—making journeys easier, faster and safer.

However, in contrast with the decade of delivery from this side of the House, the model of those opposite could be called the era of the strike because, focusing again on the Illawarra and southern Sydney, they are offering industrial anarchy created by their mates in the Rail, Tram and Bus Union who have planned strikes tomorrow if their home station or sign-off location is along or adjacent to the T4 or South Coast lines. Basically that will impact all services from 10 a.m. to 2 p.m. in southern Sydney down to the Illawarra and South Coast. Who is leading those strikes? It is Alex Claassens, a member of NSW Labor's powerful admin committee. He has peddled the absurd and disingenuous claim that those strikes will not disrupt commuters or significantly impact the good people of New South Wales. It is typical of the dishonest campaign being run by Labor and the unions.

As my colleagues the Hon. Scott Farlow and the Minister said, with no drivers trains cannot run from 10.00 a.m. and for safety must be returned to the stabling yards before they are shut down by the strike. Without guards and station staff, trains cannot run safely until after 4.00 p.m. There we have it: on this side of the House, a decade of delivery, while members on the other side of the House cannot control their trade union mates.

### **TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. SHAYNE MALLARD (17:22):** I welcome members back to the first question time after the so-called winter recess, which members opposite spent on conspiracy theories and sophistry while others were working away in committees and inquiries. But I hoped, and the Government hoped, that we would come to this Chamber today—less than eight months from the election—to hear policy indications from the Opposition about what they will take to the election. But no, we have heard no policies. Members on this side of the House spoke about the Government delivering and getting on with the job for the people of New South Wales. From the Hon. Sarah Mitchell, we heard about the magnificent Mid-Career Transition to Teaching Program. I was impressed by the Telestroke Service that the Hon. Bronnie Taylor spoke about with respect to rural and regional health. Having witnessed my grandfather have a stroke—I did not realise; I thought he was drunk—I know how important it is to recognise those signs, so I thank her for her contribution.

The Hon. Chris Rath touched on the M6 Stage 1 and linked it with the industrial train strike—which I hope I will have time to come back to—and the work we are doing on that, which the Hon. Natalie Ward pointed out. We heard about combating homelessness in the regions. I am a member of the homelessness inquiry. During the committee's hearings we heard all about that and the never-ending work involved. We welcome the policy announcements of the Hon. Natasha Maclaren-Jones in that regard. We heard information about Road Safety Week and level crossings. Those opposite were talking all the way through the answer, but I was fascinated by it. I did not realise that we have 2,700 level crossings in New South Wales, most of which only have lights, not signals. Having family in Dubbo, I know how important safety is around those remote rail crossings.

On this side of the House, we were hoping for policy from members opposite. But no, all we got was rhetoric. It did not take long before they returned to the mudslinging and conspiracy theories that have preoccupied the Labor Party and *The Sydney Morning Herald* for the past month or so. We call on members opposite to get back to policy. On Friday Chris Minns, the Leader of the Opposition, snuck into the Blue Mountains with a photographer. He held no public meetings.

**The Hon. John Graham:** Why are you just attacking the Herald?

**The Hon. SHAYNE MALLARD:** I have sorted it out; don't you worry. He told the people of the Blue Mountains via the media about the trains that we do not have yet but are waiting on. In the Blue Mountains we are still travelling on 40-year-old V-set class trains. We upgraded the tracks, tunnels and platforms for the new trains because we had to because those opposite did not do it in government.

**The Hon. Mark Buttigieg:** How much did that cost?

**The Hon. SHAYNE MALLARD:** You did not do it in government, so we have done that. The Opposition looks to us to upgrade the safety of the trains. It is a bogus claim, and members opposite should apologise to the communities of the Blue Mountains.

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

**Motion agreed to.**

#### *Deferred Answers*

#### **NATIVE ANIMALS AND DEVELOPMENT**

In reply to **the Hon. MARK PEARSON** (8 June 2022).

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

I am advised:

All native animals are protected under the Biodiversity Conservation Act 2016.

Any potential biodiversity (including fauna) impacts of a development must be assessed in accordance with that Act.

For State Significant Developments and State Significant Infrastructure applications under the Environmental Planning and Assessment Act 1979:

- the application must generally be accompanied by a biodiversity development assessment report;
- technical experts within Biodiversity, Conservation and Science division provide advice to Department of Planning and Environment Planning on the biodiversity development assessment report and biodiversity impacts;
- where biodiversity impacts will occur, Department of Planning and Environment often includes approval conditions requiring the preparation and approval a Biodiversity Management Plan;
- Biodiversity Management Plans provide information about the management of biodiversity post-approval

Any State Significant Developments and State Significant Infrastructure and associated Biodiversity Management Plans do not switch off the legal requirements to protect native animals under the Biodiversity Conservation Act 2016 or any other relevant legislation or policy.

#### **WELLINGTON POLICING**

In reply to **the Hon. ROBERT BORSAK** (8 June 2022).

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

I am advised:

All police positions attached to Police Districts and Police Area Commands are flexible resources available to respond to incidents across the relevant area. All local resources are supplemented by specialist police, who are managed centrally, but

can be deployed across boundaries to meet the changing community needs and to respond to crime trends and emerging issues.

The community of Wellington is currently receiving a 24/7 police response. The Wellington police sector currently operates between 20 and 22 hours per day, with the flexibility to deploy officers as required. In the remaining time, officers from the Dubbo police sector respond to calls for assistance.

In addition to undertaking regular consultations with the local community and non-government agencies in Wellington, the NSW Police Force actively assesses the deployment model at Wellington police sector to ensure that the community and Command priorities are being addressed.

#### **SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS**

In reply to **the Hon. PENNY SHARPE** (22 June 2022).

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

I am advised that the recruitment process for the Senior Trade and Investment Commissioner – Americas, was independent and at arm's length of executive government and that recruitment for this role was conducted in accordance with the Government Sector Employment Act 2013 and Regulations.

#### **SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS**

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

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

I am advised that the recruitment process for the Senior Trade and Investment Commissioner – Americas, was independent and at arm's length of executive government and that recruitment for this role was conducted in accordance with the Government Sector Employment Act 2013 and Regulations.

#### **CATTLE AND ANTIMICROBIAL RESISTANT BACTERIA**

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

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

This matter should be referred to the Minister for Agriculture and Minister for Western New South Wales, the Hon. Dugald Saunders, MP.

#### **CAMPBELLTOWN PERFORMING ARTS HIGH SCHOOL**

In reply to **the Hon. MARK LATHAM** (22 June 2022).

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

I reject the premise of the honourable member's question.

Campbelltown Performing Arts High School has a commitment to innovative, rigorous and evidence-based quality education which has resulted in many awards at a global, national and State level for excellence in a range of areas including teaching and learning, leadership, Aboriginal education, performing arts and technology.

A performance of *Romeo and Juliet* by an external theatre company occurred at the school on 3 May 2022, as part of routine curriculum content and Shakespearian themes. There were no students performing in the play.

Consistent with the Department of Education's Controversial Issues in Schools policy, students in years 8, 9 and 10 attended the performance with parent permission. Attendance was optional and parents not wishing their child to attend were able to opt out. I am aware that the note to parents and carers did not reference the play's all-female cast, and this omission has been raised with the school. Teachers were present at the performance to provide supervision.

There were no intended outcomes about sexuality or gender, and the company performing made no links to gender, sexuality or gender fluidity. The exchange of affection by actors during the play was considered appropriate to the script.

There is one banner currently displayed outside the school office to recognise Pride month for June. The only words on the banner are "We welcome everyone". The Student Representative Council was supported in displaying the sign as an inclusion initiative.

#### **FISHING SANCTUARY ZONES**

In reply to **the Hon. MARK BANASIAK** (22 June 2022).

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

- (1) An isolated incident of line fishing within a sanctuary zone of a marine park would have a negligible impact on the overall status of particular species or the conservation value of a particular sanctuary zone.

Providing unrestricted line fishing access in sanctuary zones to the estimated one million recreational fishers in New South Wales is likely to have an impact which would not be considered negligible.

### **FIREARMS REGISTRY**

In reply to **the Hon. MARK BANASIAK** (22 June 2022).

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

I am advised:

\$3.5million will be allocated to the upgrade of the Firearms Registry.

### **SENIOR TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS**

In reply to **the Hon. WALT SECORD** (22 June 2022).

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

I am advised that the recruitment process for the Senior Trade and Investment Commissioner – Americas, was independent and at arm's length of executive government and that recruitment for this role was conducted in accordance with the Government Sector Employment Act 2013 and Regulations.

### **SENIOR TRADE AND INVESTMENT COMMISSIONERS**

In reply to **the Hon. MARK BUTTIGIEG** (22 June 2022).

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

The North Asia, India and Middle East, and ASEAN trade and investment commissioners have never attended Cabinet.

### **COASTAL LAND MANAGEMENT**

In reply to **Ms SUE HIGGINSON** (23 June 2022).

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

I am advised:

This question should be directed to the Minister for Agriculture, and Minister for Western New South Wales.

### **CLIMATE CHANGE AND ENVIRONMENT PROTECTION AUTHORITY**

In reply to **Mr JUSTIN FIELD** (23 June 2022).

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

The EPA does not regulate the conditions of consent, that responsibility sits with the consent authority.

### **CLIMATE CHANGE AND ENVIRONMENT PROTECTION AUTHORITY**

In reply to **the Hon. PENNY SHARPE** (23 June 2022).

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

I am advised an undetermined volume of bitumen, asphalt and hydrocarbon escaped the Boral Asphalt (trading as Bitupave Ltd) site in South Lismore into the flood waters. Other sources of hydrocarbon contamination have also been identified and other upstream sources also cannot be ruled out. A number of residential properties in South Lismore were impacted by bitumen, asphalt and hydrocarbon contamination, both inside and out.

As the Boral premises is not licensed under the Protection of the Environment Operations Act 1997, Lismore City Council is the Appropriate Regulatory Authority in this case. The NSW EPA is providing specialist regulatory and technical advice to council in relation to the clean-up efforts.

Boral Asphalt has accepted responsibility for cleaning up adjacent commercial and residential premises and for its contribution to the contamination event. Boral has engaged specialist contractors to undertake cleaning works at affected commercial premises to remove bitumen and asphalt material. Council is monitoring the works. Boral is currently negotiating clean-up programs for a number of residential properties and has entered confidential compensation agreements with some property owners, where clean-up works have already been completed by the residents.

Council and the EPA are working closely to ensure Boral is progressing the clean-up of bitumen-affected properties.

**OBSTETRIC VIOLENCE**

In reply to **the Hon. EMMA HURST** (23 June 2022).

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

I am advised that the Parliamentary Secretary for Health and representatives from the NSW Ministry of Health met with Maternity Choices Australia on 21 March 2022. Maternity Choices Australia's original correspondence stated the burden of obstetric violence can be reduced through having a known midwife. In their meeting, the Ministry reaffirmed its commitment to a continued focus on supporting and promoting midwifery continuity of care models across local health districts.

*Written Answers to Supplementary Questions*

**BUDGET FORECASTS 2022-2023**

In reply to **the Hon. DANIEL MOOKHEY** (23 June 2022).

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

Revenue NSW only holds data on first home buyers who apply for exemptions or concessions under the First Home Buyers Assistance Scheme, for which \$800,000 is the current upper threshold for the value of a new or existing home.

The number of purchasers of residential properties valued between \$800,000 and \$1.5 million were:

- 54,965 in 2018/19
- 58,815 in 2019/20
- 83,978 in 2020/21
- 104,945 in 2022/23 (as at 23 June 2022)

The number of first home buyers who would choose to benefit from the property tax option is expected to be around 6,500 per year.

Around 97 per cent of first home buyers in New South Wales are expected to be eligible for benefits under the First Home Buyer Choice or the First Home Buyer Assistance Scheme.

An online property tax calculator will be made available after the passage of the enabling legislation and before 16 January 2023, when the First Home Buyer Choice is scheduled to come into effect, to assist prospective first home buyers make a decision as to whether to opt-in to avoid transfer duty.

For contracts exchanged in the period between the enactment of legislation and 15 January 2023, eligible first home buyers will be able to apply to opt in and receive a refund of transfer duty paid from 16 January 2023.

The net cost of this great initiative has been budgeted at \$728.6 million over four years consisting of transfer duty foregone, property tax revenue and implementation costs.

**CLIMATE CHANGE AND ENVIRONMENT PROTECTION AUTHORITY**

In reply to **Mr JUSTIN FIELD** (23 June 2022).

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

I am advised that the EPA has undertaken extensive work to ensure its Climate Change Policy and Climate Change Action Plan will complement, support and build on the Government's existing climate change policy frameworks.

The EPA intends to consult on its draft Climate Change Policy and Climate Change Action Plan in the coming months, and to have them in place by the end of the year.

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. DAMIEN TUDEHOPE:** I move:

That there be no debate on committee reports and Government responses this day.

**Motion agreed to.**



*Members***MINISTRY**

**The Hon. DAMIEN TUDEHOPE:** I inform the House of the following changes in administration received from the Deputy Secretary, General Counsel at the Department of Premier and Cabinet:

- (1) On 3 August 2022 His Honour the Administrator withdrew the Commissions of Ms Eleni Petinos, MP, as Minister for Small Business, and Minister for Fair Trading and as a member of the Executive Council, and issued Commissions appointing the Hon. Victor Dominello, MP, as Minister for Small Business, and Minister for Fair Trading.
- (2) On 5 August 2022 Her Excellency the Governor accepted the resignation of the Hon. Stuart Ayres as Minister for Enterprise, Investment and Trade, Minister for Tourism and Sport, and Minister for Western Sydney and as a member of the Executive Council and issued commissions appointing the Hon. Alistair Henskens, SC, MP, as Minister for Enterprise, Investment and Trade, and Minister for Sport and appointing the Hon. Benjamin Franklin, MLC, as Minister for Tourism.
- (3) On 8 August 2022 Her Excellency the Governor issued a commission appointing the Hon. David Elliott, MP, as Minister for Western Sydney.

**REPRESENTATION OF GOVERNMENT IN THE LEGISLATIVE COUNCIL**

**The Hon. DAMIEN TUDEHOPE:** I inform the House of changes in the representation of Government responsibilities in this Chamber. I will act in respect of my own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Dominic Perrottet, MP  
Premier

The Hon. Matthew John Kean, MP  
Treasurer and Minister for Energy

The Hon. Victor Dominello, MP  
Minister for Customer Service and Digital Government, and Minister for Small Business, and Minister for Fair Trading

The Hon. Sarah Mitchell, MLC, Minister for Education and Early Learning, will act in respect of her own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Paul Toole, MP  
Deputy Premier, Minister for Regional New South Wales, and Minister for Police

The Hon. Alistair Henskens, SC, MP  
Minister for Skills and Training and Minister for Science, Innovation and Technology, and Minister for Enterprise, Investment and Trade and Minister for Sport

The Hon. Bronnie Taylor, MLC, Minister for Women, Minister for Regional Health and Minister for Mental Health, will act in respect of her own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Brad Hazzard, MP  
Minister for Health

The Hon. Anthony Roberts, MP  
Minister for Planning and Minister for Homes

The Hon. Natalie Ward, MLC, Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic Violence and Sexual Assault, will act in respect of her own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. David Elliot, MP  
Minister for Transport and Veterans, and Minister for Western Sydney

The Hon. Mark Speakman, SC, MP  
Attorney General

The Hon. Rob Stokes, MP  
Minister for Infrastructure, Minister for Cities, and Minister for Active Transport

The Hon. Ben Franklin, MLC, Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth and Minister for Tourism, will act in respect of his own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Kevin Anderson, MP  
Minister for Lands and Water, and Minister for Hospitality and Racing

The Hon. James Griffin, MP  
Minister for Environment and Heritage

The Hon. Mark Coure, MP  
Minister for Multiculturalism, and Minister for Seniors

The Hon. Natasha Maclaren-Jones, MLC, Minister for Families and Communities and Minister for Disability Services, will act in respect of her own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Dr Geoff Lee, MP  
Minister for Corrections

The Hon. Wendy Tuckerman, MP  
Minister for Local Government.

The Hon. Sam Faraway, MLC, Minister for Regional Transport and Roads, will act in respect of his own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Dugald Saunders, MP  
Minister for Agriculture, and Minister for Western New South Wales

The Hon. Steph Cooke, MP  
Minister for Emergency Services and Resilience

### *Committees*

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

##### **Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nomination from a crossbench member for membership of the committee following the resignation of Ms Cate Faehrmann:

Ms Sue Higginson in place of Ms Cate Faehrmann.

#### **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

##### **Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nomination from a crossbench member for membership of the committee following the resignation of Ms Cate Faehrmann:

Ms Sue Higginson in place of Ms Cate Faehrmann.

##### **Chair**

**The PRESIDENT:** I inform the House that the Clerk received advice that on 20 July 2022 Ms Sue Higginson was elected as Chair of Portfolio Committee No. 7 – Planning and Environment.

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

##### **Deputy Chair**

**The PRESIDENT:** I inform the House that the Clerk received advice that on 20 July 2022 Ms Sue Higginson was elected as Deputy Chair of Portfolio Committee No. 5 – Regional NSW and Stronger Communities.

#### **PORTFOLIO COMMITTEE NO. 2 - HEALTH**

##### **Reference**

**The Hon. GREG DONNELLY:** According to paragraph 6 of the resolution establishing the portfolio committees, I inform the House that on Tuesday 26 July 2022 Portfolio Committee No. 2 – Health resolved to adopt the following terms of reference:

##### **Impact of ambulance ramping and access block on the operation of hospital emergency departments in New South Wales**

That Portfolio Committee No. 2 inquire into and report on the impact that ambulance ramping and access block is having on the operation of hospital emergency departments in New South Wales, and in particular:

- (a) the causes of ambulance ramping, access block and emergency department delays;
- (b) the effects that ambulance ramping and access block has on the ability and capacity of emergency departments to perform their function;
- (c) the impact that access to GPs and primary health care services has on emergency department presentations and delays;
- (d) the impact that availability and access to aged care and disability services has on emergency department presentations and delays;
- (e) how ambulance ramping and access block impacts on patients, paramedics, emergency department and other hospital staff;

- (f) the effectiveness of current measures being undertaken by NSW Health to address ambulance ramping, access block and emergency department delays;
- (g) drawing on other Australian and overseas jurisdictions, possible strategies, initiatives and actions that NSW Health should consider to address the impact of ambulance ramping, access block and emergency department delays; and
- (h) any other related matters.

## PUBLIC ACCOUNTABILITY COMMITTEE

### Reference

**Ms CATE FAEHRMANN:** According to paragraph 9 of the resolution of the House establishing the committee, I inform the House that on Monday 8 August 2022 the Public Accountability Committee resolved to amend the terms of reference for the inquiry into the appointment of Mr John Barilaro as Senior Trade and Investment Commissioner to the Americas by:

- (1) In paragraph (1) inserting "Senior Trade and Investment Commissioners, including "before the former Deputy Premier".
- (2) In paragraphs (a), (b) and (c) omitting "appointment" and inserting instead "appointments".

### *Presiding Officers*

## TEMPORARY CHAIRS OF COMMITTEES

**The PRESIDENT:** According to Standing Order 18, I have nominated the Hon. Chris Rath to act as a Temporary Chair of Committees for the remainder of the present session of Parliament.

### *Disallowance*

## CRIMES AMENDMENT (MAJOR FACILITIES) REGULATION 2022

**Ms ABIGAIL BOYD (17:49):** I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the following words in Part 1 of Schedule 1 of the Crimes Amendment (Major Facilities) Regulation 2022, published on the NSW Legislation website on 5 April 2022:

Central  
Martin Place  
Museum  
St James  
Town Hall

There is a disconcerting trend towards authoritarianism underway in New South Wales politics, driven by a Coalition Government whose members see themselves as rulers, not representatives. Regulations made through the hastily rushed through Roads and Crimes Legislation Amendment Bill 2022 made it a crime, punishable by up to two years in jail, to take part in a disruptive protest on main roads, highways, freeways, bridges or tunnels across New South Wales without the permission of the police. The regulations extend to any protests near major train stations like Town Hall and Martin Place. Town Hall station and Martin Place are historic sites of protest and activism in this city, and rallies regularly pass by and temporarily obstruct access to Museum, St James and Central stations.

Protest organisers can only avoid this anti-protest law if they have the permission of the police. In short, the NSW Police Force—not an organisation known for its love of protests—gets to decide who can protest over what. If there was ever any doubt about the political intent of the bill, it was made clear in the debate in Parliament. The Coalition rejected efforts to exclude peaceful protests from the new law. The Coalition was joined by the Labor Party in rejecting amendments to protect peaceful protests for climate action and for First Nations rights. An email chain, acquired through an order for papers, shows just how little regard the Government has for peaceful protesters in this State. In this email chain, the Attorney-General asks, "Should we put the boot into Labor for trying to sabotage the laws with a so-called peaceful protests carve-out?". This was vigorously agreed to. Talking points were then circulated condemning the actions of our Labor colleagues in the Legislative Council for "trying to move an amendment that would have carved out peaceful protests from the law".

That amendment, according to the Attorney-General, would have "drastically hamstrung" the law. In other words, and despite the Government claiming otherwise, the intent of the legislation was to crack down on peaceful protesters for the supposed crime of peaceful assembly. Government MPs went so far as to describe peaceful climate change protesters as "terrorists" who they intended to put in jail with this law. That language, together with the extraordinary new police powers, should trouble anyone who cares about human rights and political freedoms. When mainstream politicians start describing peaceful protesters as terrorists it begins a process of "othering" that leaves protesters vulnerable to serious human rights abuses at the hands of police and vigilantes. As sure as night follows day, since the law has come into effect the police have been flexing their new-found

legislative muscles, proactively asserting their discretionary power and interfering with the organising and protest activities of unions and climate activists seeking to gather at Town Hall.

The new powers given to police are especially troubling for First Nations activists. Since the law came into effect, protesters have needed explicit police approval to gather at or near Sydney Town Hall. Union organisers for the May Day rally this year faced police opposition citing this law. As recently as 2020, New South Wales police angrily opposed the Black Lives Matter protest and only backed down when the Supreme Court ordered the protest could go ahead. The new law gives no role to the courts, leaving the NSW Police Force as the sole arbiters of who can protest over what. Given so many First Nations protests call out police brutality and the racism of the justice system, asking police for their consent is seriously Orwellian.

I do not know of a single comparable country with a history of democratic politics, civil rights and political dissent where police have been handed the power to veto protests and then arrest the government's political opponents like this. Such laws have a far more comfortable home in authoritarian regimes, which often send in the police to arrest protesters and break up dissent. We are told by the Government that the law is in response to a series of actions by a small group of climate protesters who blocked access to ports and some main roads during busy traffic times. Those protests caused inconvenience, but they were peaceful and modest in size and, in any event, were rapidly dispersed using a raft of existing police powers. For all the heat and light in this debate, the new law does not give the police any new powers to clear roads or railways—mainly because they do not need them. The documents that The Greens obtained under Standing Order 52 make it very clear that the Government knew that.

The Government claims that it is not denying the right to protest, that this law will be applied only in extreme instances. But that is not what is contained in the language of the law. The law is so expansive in its scope that just about every protest action that occurs in this State will potentially be captured. Application of the law is at the arbitrary discretion of the NSW Police Force. Police have already demonstrated their confused, mixed and arbitrary application of this and other protest laws and regulations, and have demonstrated a preference for repression, obstruction and intimidation of certain classes of protesters and activists over others. The discretion under the regulation falls squarely within the hands of the NSW Police Force, meaning that people in New South Wales are now not permitted to protest unless they are protesting in a State-sanctioned place, on a State-sanctioned topic, with the prior permission of the State.

The Greens have sought clarity from the Government on how police have been instructed to interpret this legislation, information on how many times it has been invoked since coming into law and guidance on how protests at places like Town Hall fall under the intent of the law. True to form, this Government preferred to shroud the process in secrecy and misplaced faith in judicious police discretion. The Greens, and a host of over 40 leading civil society organisations, rejected the legislation outright as a fundamentally illegitimate attack on our right to political association. So far it has been made clear that these values are not ones strongly held by either of the major parties here in New South Wales.

The disallowance motion seeks to go some small way towards ameliorating the very worst excesses of this draconian assault on our democratic rights by removing Town Hall, Martin Place, Central, Museum and St James stations from the list of major facilities covered by the regulation. If the argument made by the Coalition and Labor during earlier debate, that the law is not designed to hinder regular peaceful protest, was genuine and not merely face-saving rhetoric, they will now support this extremely minor clarifying amendment. What has happened in New South Wales is a shameful moment in our political history and is a development that should send shivers down the spine of every person in this State. The Government has asked us to take it on faith. If the Government fails to support The Greens' motion to permit peaceful organised protest at historic sites of rally and protest in the Sydney CBD, it will have nailed its anti-democratic, anti-civil-society colours to the mast.

A legal challenge to the constitutionality of the law is already gathering evidence, and The Greens are confident that the law will be found to be unconstitutional. In the meantime, the very least that the major parties could do is to recognise in some small part the horrific overreach of this law and support The Greens' move to protect the rights of concerned citizens seeking to freely gather on the steps of Town Hall or the Martin Place forecourt. The right to peaceful assembly has been under assault in this State and across this country for many years now. It is a right that must be vigorously defended and constantly reaffirmed. The next chapter in this shameful history will unfold today. The ramifications of this vote could either mark the turning of the tide or reaffirm our inexorable slide towards authoritarianism. The Greens' position is clear. The power, unfortunately, now rests on the votes and consciences of the major parties.

**The Hon. SCOTT FARLOW (17:57):** The Greens are, once again, trying to re-prosecute a matter that has been discussed ad nauseam in this House and decided multiple times in this Chamber. It really is the equivalent of the umpire making a call and it being referred to the decision review system; The Greens are coming in looking to make another appeal. At the end of March this year, protesters held New South Wales commuters hostage by

blocking trains and cars across Sydney. That is why the Perrottet Government worked very quickly to move and pass legislation to increase the penalties for obstructing roads and other major facilities across this State. The Government thanks members of the Opposition and the crossbench who supported the Government in that cause. The legislation was supported by the Shooters, Fishers and Farmers Party, One Nation and Reverend the Hon. Fred Nile. Despite trying to water down the legislation, the Labor Party ultimately supported it as well.

The Crimes Amendment (Major Facilities) Regulation 2022 supports the new legislation to prescribe certain conduct at certain places in New South Wales as unlawful. The regulation is made under the Crimes Act 1900: section 214A (7), the regulation-making power to prescribe major facilities; and section 582, the general regulation-making power. Under section 214A of the Act passed by this Parliament, certain conduct is prohibited at major facilities, including conduct that causes damage to major facilities or seriously disrupts or obstructs persons attempting to use the facilities, or conduct that causes the facilities to be closed or persons attempting to use the facilities to be redirected.

The object of the regulation is to prescribe certain train stations, other public transport facilities, ports and infrastructure facilities as major facilities for the purposes of section 214A of the Crimes Act 1900. As authorised by section 214A (7), the regulation prescribes railway and metro stations that are interchange stations, where any unlawful disruption would cause the most interruption and inconvenience for the people of greater Sydney; major ferry terminals and ports in Sydney, where disruption would affect both civilians and lawful business; and infrastructure facilities that have been carefully chosen due to their criticality to the people of New South Wales. It is not every facility, every train station, every wharf across the State. It is major ones. The regulation is made with a determination of what would cause the most disruption to the people of New South Wales.

Today in this Chamber The Greens are proposing to remove five train stations on the inner-city circle from the regulation. These stations are critical to the operation of the entire rail network, which The Greens are seeking to disrupt. These major facilities should be protected by this legislation and the regulation. As if our commuters have not had to deal with enough already, this motion would ensure more chaos from The Greens and their friends in the protest movement to try to disrupt people getting about their day, every day, across New South Wales. Protestors would be allowed to hold commuters hostage, stopping them getting to work, schools, job interviews and medical appointments and from seeing their families. Government members have been clear. We support the right to protest but not at the expense of people trying to go about their daily lives. For that reason, we oppose the disallowance and implore other members in the Chamber, including the Opposition and crossbench, to do exactly the same.

**The Hon. JOHN GRAHAM (18:01):** The member raises this issue again, as she has done a number of times, which she is very welcome to do. I welcome the opportunity to restate the principles of the Opposition in approaching this matter. Our fundamental principles here are that we support peaceful protest and we support action on climate change. The Opposition, as it indicated, will closely monitor the developments under this bill. The member raised the May Day march. I was certainly happy to take part in that march through Sydney, along with thousands of unionists, from Town Hall to out the front of this building in Macquarie Street. It was an important march to celebrate workers' rights around the world. We will continue to make sure that those activities, which should be allowed to continue, do continue unimpeded.

I will restate the view I put before—though I will perhaps put it more strongly than I did in the Chamber last time—having heard the details about the Government's discussions behind closed doors. This is a desperate Government. We see this as an attempt to pit commuters against protestors, to pit those wanting to get to work against those wanting to save the planet. It is an attempt by this Government to create a political distraction. We are clear on that. This is the first Government to find that the very significant police powers are not enough apparently for it to do its job. It has needed these additional penalties. No former Coalition or Labor government in this State has found that an issue. But this Government has and has brought this legislation forward. The Opposition supported the bill because it is determined to not let the Government off the hook on the other substantial issues that face the State.

The truth is that after 12 years in government, this is an increasingly controversial Government. That is why we see these protestors, as people lose faith in what this Government will do. That is why we see these strikes, as workers lose faith in this Government and its ability to fix the fundamental things that need addressing in our State. I say to the House, including the member who brings this motion today, that the Opposition's expectation is that between now and the election it will get worse. We will see more of these distractions from the Government, more of these political wedges.

We will see, for example, the union fines legislation, which is an attempt to increase the penalties that might apply to what we regard as legitimate industrial action. We will see more of those attacks from a Government that is desperate to draw attention away from its record. Those distractions will continue. There have been some distractions of the Government's own making, such as the appointment of John Barilaro as the trade

commissioner to the Americas. That has succeeded in distracting most of the State of New South Wales and certainly the Government. I am concerned about the increase in these divisive, deliberate attempts to move away from the Government's record.

We encourage the Government to turn back and deal with the fundamental issues in the State, such as the floods, housing and the crises we see happening in our hospitals and in the standard of our schools. We remain concerned about increasing tolls. Despite the Treasurer's promise to cut energy prices and double the number of koalas, energy prices are going up and the number of koalas is falling. We are calling on the Government to focus on the fundamental things of the State. Ultimately, we probably will have to change the government if we want a less controversial government, if we want a government that can work with these groups who want hope that there can be a way to save the planet and who want to make sure there is real action on climate change and on environmental issues.

**Ms ABIGAIL BOYD (18:06):** In reply: I thank the Hon. Scott Farlow and the Hon. John Graham for their comments. It is really frustrating and hard not to find it in some ways amusing that this Government is so reluctant to listen to the people, that its policies are so bad, that people are so unhappy with what it is doing and that it cannot bear to have people in the streets telling everybody about it. Instead of listening to the valid concerns shared by people around the globe and by the majority of people in this State and Australia that we need to act far more urgently and do far better than we are doing right now, the Government's response is to send in the police. It is an extreme response.

For the Hon. Scott Farlow to say that The Greens want to shut down the city, that we want to do all these things, is extraordinarily paranoid. I suggest to him that if the Government has that level of paranoia about people rioting in the streets against it, it might want to listen to the people and to its moderate members. Instead of taking such a hard, draconian line and dragging itself even further to the right, it should take a long hard look at itself and adopt better policies, start listening to the people and stop fearing peaceful protestors. This Government sent police out to hide in bushes where activists were getting together to plan a peaceful protest, and then cried foul when the protestors were not unreasonably surprised to find police in the bushes. This is not the way to deal with dissent in a modern democracy. If the Government hates the idea of people getting to work late, why does it keep cancelling the trains to make a political point? For heaven's sake, I got stuck in traffic on my way to work because there was a rock on the road, and the other day I got stuck in traffic because there was a tree across the road.

A bunch of events caused by the growing climate crisis have occurred—not least of all floods—that are delaying people on their way to work every day. But Government members do not seem to want to take any kind of extreme action to solve that. Instead they are only concerned about these very rare circumstances where a protester might cause a slight inconvenience. It does not ring true. It does not convince anybody of their reasoning for keeping such a firm grip on these protest laws. It is just extraordinary.

I get the line that the Hon. John Graham and the Labor Party are trying to walk, but these laws are already problematic. They are already having a chilling effect. At the May Day protests, very experienced union organisers came into contact with police and faced conflict over the police trying to exercise these laws in ways that we have been told they were not intended. Those experienced campaigners were able to navigate that with the police, but people from a number of organisations who are not as experienced have found it much, much harder. The police have been able to exercise a considerable amount of power over how those protests occur.

Not only is there a chilling effect on our democracy; it also takes away from the culture of our city. This city is for the people. Previously, people have viewed the steps of Town Hall and Martin Place as their place to be—their place to sit and talk to passers-by about their issues without it being a problem. Now, suddenly, we have a city that is no longer our own. That cannot be underestimated. It is unfortunate that this disallowance motion will not pass today. I will try again. The Government may well find that inconvenient, but that is how bad these laws are. For so long as we have the most draconian anti-protest laws in the country and amongst comparable jurisdictions overseas, The Greens will continue to fight very hard against them.

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

**The House divided.**

Ayes .....5  
Noes .....28  
Majority.....23

AYES

Boyd (teller)  
Faehrmann (teller)

Field  
Higginson

Hurst

## NOES

Amato	Houssos	Nile
Barrett (teller)	Jackson	Poulos
Buttigieg	Latham	Primrose
D'Adam	Maclaren-Jones	Rath
Donnelly	Martin	Roberts
Fang	Mitchell	Searle
Farlow (teller)	Mookhey	Sharpe
Farraway	Moriarty	Taylor
Franklin	Moselmane	Tudehope
Graham		

**Motion negatived.**

*Bills***INDUSTRIAL RELATIONS AMENDMENT (DISPUTE ORDERS) BILL 2022****First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (18:23):** I present to the House a statement of public interest in respect of the bill.

**Statement of public interest tabled.**

**Second Reading Speech**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (18:24):** I move:

That this bill be now read a second time.

I am pleased to introduce the Industrial Relations Amendment (Dispute Orders) Bill 2022. The bill proposes to make amendments to the provisions in the Industrial Relations Act 1996 that deal with breaches of orders made by the Industrial Relations Commission prohibiting industrial action by unions. From the outset I make clear that such provisions and the penalties that they impose can only be applied against unions and employers, and not against individuals. There has been some misleading campaigning by the unions on the bill that incorrectly suggests otherwise.

The amendments have unfortunately become necessary because, time and again, unions are choosing to ignore dispute orders made by the commission and are proceeding with industrial action in direct contravention of the orders from the commission not to do so—sometimes in the most egregious of circumstances. For context, a threatened or actual industrial dispute will come before the commission either via a formal dispute notification or on the commission's own initiative. The Industrial Relations Commission is then required to act expeditiously and will usually convene a compulsory conference to seek to resolve the dispute at short notice.

The commission has broad discretion when dealing with disputes and will have regard to any adverse impacts to persons, the community at large and the state of the economy. It may resolve to issue dispute orders directing that the industrial action not proceed. The matters that the commission can consider when deciding whether to make dispute orders are broad. When exercising its discretion, the commissioner will have regard to the functions of the commission, which are set out in section 146. That includes a requirement that it take into account the public interest.

For that purpose it must have regard to the objects of the Act set out in section 3, which includes maintaining a framework for industrial relations that is fair and just, the promotion of the efficiency and productivity of the State, and the state of the economy of New South Wales. The health, safety and welfare of those impacted by industrial action may also be considered as part of the public interest test. It is therefore a significant step when the commission intervenes and issues dispute orders, yet time and again we see unions disregarding the orders made by the commission and proceeding with industrial action.

It is clear that the existing penalties are not having the intended deterrent effect for which they exist. As such, the purpose of the bill is to strengthen the existing provisions in the Act in order to discourage and deter

industrial action that has been prohibited by the commission. It aims to send a clear message about the seriousness with which the Government views contraventions of orders made by the Industrial Court. This is a requirement that all people—unions, individuals and employers—should engage and comply with the rule of law, and not just when it suits them.

As mentioned, presently part 2 of chapter 3 of the Industrial Relations Act provides the Industrial Relations Commission with the power to issue dispute orders to, amongst other things, order an organisation to cease or refrain from taking industrial action. Section 139 of the Act provides a mechanism to deal with any contravention of such dispute orders. The amendments in the bill are primarily focused on section 139. At present, section 139 (4) sets out the maximum penalties that the Supreme Court may award for breaching of a dispute order. For the first offence, the penalty is set at \$10,000 for the first day of contravention and \$5,000 for each subsequent day of contravention. For a second or greater offence, the penalties are increased to \$20,000 for the first day and \$10,000 for each subsequent day.

Relative to the substantial resources available to many unions, these are paltry sums and do not provide any real deterrent. In fact, a union may see significantly greater value by raising their public profile while undertaking prohibited industrial action than the cost of these penalties. As such, this bill proposes that the penalties be increased as follows. For a first offence, the bill proposes that the penalty be increased to \$55,000 for the first day and \$27,500 for each subsequent day of contravention. For a second or greater offence, the penalty is proposed to be increased to \$110,000 for the first day and \$55,000 for each subsequent day. I once again make it clear that the penalties can only be imposed against industrial organisations and employers, not against individuals.

The Industrial Relations Act provides a well-established system of conciliation and arbitration. Industrial action is seen as being indicative of an underlying dispute that should go to the Industrial Relations Commission for resolution. In enabling the commission to make dispute orders against parties taking industrial action, the Act operates to discourage the taking of such action and for the matter to be resolved through the use of the commission's conciliation and arbitration processes. Therefore, the purpose of the increase in penalties is to send a very clear message to industrial organisations that wilfully and flagrantly disregarding a dispute order made by the commission will not be tolerated. Industrial organisations should be appropriately penalised for the disruption and disorder caused by their taking of industrial action in deliberate contravention of dispute orders. Such action has a detrimental impact on the delivery of services to communities and on our schools, hospitals and other government support services.

In the first half of this year, several unions have taken industrial action, in deliberate contravention of dispute orders. Such action showed a clear disregard for the orders of the commission but, most importantly, it displayed a disregard for the authority of the Industrial Relations Commission. I note that similar penalties already exist in other Australian industrial relations jurisdictions. Section 266 of the Queensland Industrial Relations Act 2016 provides for a flat fine of \$137,850, though it does not specifically provide for second or subsequent offences. Under the Commonwealth Fair Work Act 2009, which covers all private sector workplaces in New South Wales, the maximum penalty for such a contravention is 300 penalty units, being \$66,600. I note that the existing non-pecuniary sanctions currently available in section 139 (4) remain unchanged and will continue to be available.

In addition, the bill includes provisions for the costs of pursuing an alleged contravention of dispute orders to be ordered against the contravening party. This will be enabled by removing the current bar to costs orders in actions of this kind under section 355E (3) of the Industrial Relations Act. The existing bar to costs orders relating to proceedings under division 2 of part 4 of chapter 5, rules of industrial organisations, will remain unchanged. Enabling the ordering of costs in this context would be consistent with the court's general costs powers and would highlight the seriousness of these contraventions. Finally, I make the point that these amendments will not have a retrospective operation. I commend the bill to honourable members.

**Debate adjourned.**

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I will now leave the chair. The House will resume at 8.00 p.m.

## **OMBUDSMAN LEGISLATION AMENDMENT BILL 2022**

### **NATIONAL PARKS AND WILDLIFE AMENDMENT (RESERVATIONS) BILL 2022**

#### **First Reading**

**Bills received from the Legislative Assembly.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**



**The Hon. SAM FARRAWAY:** I move:

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

**Motion agreed to.**

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (20:02):** I table a statement of public interest accompanying each bill.

**Statements of public interest tabled.**

## **TRANSPORT ADMINISTRATION AMENDMENT (RAIL TRAILS) BILL 2022**

### **Second Reading Debate**

**Debate resumed from 21 June 2022.**

**The Hon. JOHN GRAHAM (20:03):** I speak for the Opposition in debate on the Transport Administration Amendment (Rail Trails) Bill 2022. In doing so, I recognise the work of my colleagues. While I have a close interest in the development of rail trails in New South Wales, I pay tribute to the shadow Ministers who have been involved in this discussion, particularly Jenny Aitchison, who will lead for Labor in the other place, the shadow transport Minister Jo Haylen and, of course, the Hon. Mick Veitch in this place, who has had a real interest in this issue over many years. While I have an interest in this area, I acknowledge the work that my colleagues have been doing with many groups and with others in the community who have a real interest in this legislation.

This is something that is gathering steam around the world. Rail trails convert disused rail lines into shared paths for walking, cycling and horseriding. They have been well established in many countries. I have seen them myself in New Zealand. They are also found in Europe, Canada and the United States. Rail trails have become important sources of tourism and investment for local communities, often benefiting small businesses. In Australia there are now 175 rail trails open or proposed across all States and Territories in places where people expect to go to see the breathtaking nature of the landscapes that differ so much across our country.

The Government's NSW Rail Trails Evaluation Summary Report dated June 2022 found that the Tumbarumba to Rosewood Rail Trail contributed positively to social metrics like reducing social isolation and promoting much-needed spending by tourists in the region. Earlier research by La Trobe University, which has been debated in this House before, showed Victoria's rail trails contributed an average of \$51 a day invested in the regions they were placed in. Rail trail visitors, by and large, tend to stay for at least one night and buy staples as they go. That is crucial to making sure that more money is invested than might be the case if local businesses were to rely on only car-bound tourists moving through their towns. Rail trail tourists are more likely to stay longer and to end up in local establishments.

The rail trail I experienced was the Otago Central Rail Trail—the first one established in New Zealand. When I rode that trail, I was shocked to see the level of support, including the soft infrastructure, the small family business infrastructure, that stood around that rail trail and made it a fantastic place to travel as a tourist. At that time we did not have those sorts of facilities in New South Wales. They were emerging in Victoria and we have now moved further along. It was fantastic to be able to see that myself and to see small businesses making their living as people came to experience the region in the way that the trails made possible.

The Opposition has given longstanding support to the concept of rail trails. That support is driven by the positive impact rail trails have on tourism and in promoting active lifestyles. The Opposition sees this as very important for the regional areas of New South Wales. Some important principles and issues have been raised as Labor has provided that support, which have been the subject of much community debate. The first of those, and the place we started, was to argue that these rail lines should be retained in public hands—an important principle. Early in these debates there was real community suspicion that this was a stalking horse for simply privatising rail lines, for removing them from public hands and for removing rail options. That has made this debate harder than it should be.

One of the principles for which the Opposition has advocated—and I recognise my colleague Mick Veitch in doing so—is that there should be guarantees that these rail lines will be retained in public hands. That is one of the principles I would start with. I note that the Government has assured us these rail corridors will remain in public hands. Labor will be moving an amendment to make sure that is stated in the legislation. The second principle is that of biosecurity risk mitigation. These concerns are not mentioned in the strategic framework developed by the Department of Regional NSW, nor in the legislation, and there is no reference to Local Land Services. Again I credit my colleague Mick Veitch with raising these biosecurity concerns in a range of places. It is important when people are moving through the landscape. It is of concern in the current climate, given we know

that there are multiple significant threats to biosecurity in New South Wales. The Opposition believes that this could be stated clearly in the framework and in the legislation. Again, the legislation might benefit from such amendment.

The third principle is the need to ensure future access for public passenger or freight transport. The Opposition strongly supports and recognises the potential for rail trails, but it must be balanced with the value of alternative uses of existing transport infrastructure. We recognise that the community has put that view strongly. The fourth principle is the impact on native title rights. We believe that the rights of Aboriginal native title claimants must be guaranteed and there should be a clear pathway for consultation with them throughout the process. Artefacts and culturally important locations may be located in rail corridors, which is one reason why this issue is so important. We acknowledge that the Government has covered this issue to some degree by requiring the Minister to consult with local Aboriginal land councils, but a statutory review after five years should be included to ensure that such consultation does not erode the rights of Aboriginal landholders.

I acknowledge, as I have already, the work of my colleagues in the other place. I acknowledge the work of shadow Minister Mr David Harris and of the member for Lismore, Ms Janelle Saffin. These issues are not confined to one side of politics. I know that there are supporters of these changes across the Chamber, but I choose to recognise those on the Opposition side who have been particularly active in this area. This legislation would not be possible without the many local activists and many community groups who have made contributions in relation to this debate.

I place on record our thanks to some of those: Rail Trails NSW, Cycleways of Newcastle, the Northern Rivers Railway Action Group, NSW Farmers, the Rail, Tram and Bus Union—I do not want to upset the Minister by saying that, but I do want to thank them—the Armidale Regional Ratepayers Association, Armidale regional councillors and the Northern Rail Defenders Forum. I place on record the thanks of the Opposition to all those people for their contributions. I understand that The Greens will be moving amendments. I will deal with those in the course of the debate and put some detailed views. The Opposition intends to move amendments to the bill in the other place. The proposed amendments relate to consultation on leases to ensure that land cannot be sold and to ensure the five-year review I have referred to. At the moment, our intention is to deal with all of those in the other place.

Finally, I want to put on record where we are coming from philosophically in our approach to this debate, about the sea change we would like to see in the way we think about our natural heritage in New South Wales, about active tourism and about other attractions that might bring people to appreciate this beautiful State. We believe that we could do much better when it comes to tourism, such as how we use our remarkable parks, our adventure tourism culture and, finally, a real appreciation of our Indigenous heritage and culture and the invitation that is often made very generously to people to come and experience that culture in New South Wales. We believe we could do better in each of those areas, all of which are so important and unique to this place. Those four things are part of a deep understanding of what is unique and special about New South Wales and the towns and cities that rest here, compared to the rest of the world. That is why this proposal, this set of ideas, is so important to the future of the State.

The proposal draws actively from those things that cannot be experienced in other parts of the world, in other countries, as easily as they can here. We need to make the most of that and take advantage of it as we invite people to visit New South Wales. I congratulate the Treasury on drawing attention to one of the concerns about the development of the tourism industry in New South Wales. The Treasury has been very up-front in the budget about what it sees as one of the big gaps in the economic growth in New South Wales. I congratulate the Treasury on its acknowledgement that tourism in New South Wales is growing rapidly, as we hear from Destination NSW, but it is not growing nearly as rapidly as it is in other States or countries. It is not growing as rapidly as it could. I believe that one of the reasons for that is our narrow focus on destination tourism, the idea of tourists coming to see the Sydney Harbour Bridge or the Opera House, rather than coming to experience other remarkable things in New South Wales.

One such experience we would like to see is people cycling through our landscapes and sampling the food-and-beverage culture of New South Wales, which is so local and unique. Small businesses could assist with that. People could also see the unique, living Indigenous culture and heritage we are so privileged to be invited to share in this State. These types of proposals and legislation is one way we can build the potential of experience tourism in New South Wales. We would like to go in this direction and build on what we have in New South Wales. This is part of unlocking the potential of our State and deals directly with the issue that the Treasury has been very up-front about. We could do better. This legislation is welcome. It is a step forward as we move into that space. We believe that it could be improved, and that is why we will move and support amendments to this bill. I thank the Government for the spirit in which it has brought this legislation. I look forward to debating the details of the bill in the House.

**The Hon. ROBERT BORSAK (20:16):** The Shooters, Fishers and Farmers Party does not support the Transport Administration Amendment (Rail Trails) Bill 2022. The party's long-held position is that rail trails pose both personal security and biosecurity risks to the holders of the land these trails traverse. The concerns raised by landholders are valid. Rail trails disrupt farm management, and the threat of disease and introduced species on properties with rail trails multiplies with the increase in foot traffic, compounding with concerns around personal security issues like trespass and theft. We need to take a thorough look at this bill and the entire process surrounding rail trails. We understand the numbers; I know how this will go. We encourage a full and proper review after five years.

There have been consistent complaints about the community consultation undertaken by the State Government. The communities must be on board with this proposal. There are risks that need to be considered. The feedback I have received about the alleged community consultations is true to the Liberal-Nationals Government's track record. The consultations were by invitation only and the participants were selected by hand. No wonder we have this bill before us today. Communities need to be given the full picture of what these rail trails will bring to their areas in monetary terms and with regard to the impact on the social fabric of the communities. It is not all cream and it is not all roses.

Tourism is important, but farming is even more important. I do not believe that it is in the best interest of New South Wales to go around ripping up railway lines that have the potential to be used for both freight and passenger purposes. Section 99A, regarding the closure of railway lines, is of particular concern. A railway line is not considered closed, even when the tracks or other works are removed from the railway line. The reality of this section is that it will be too expensive to replace those tracks once they are removed and the hope for any freight or public transport options for these areas will be lost, probably forever. Rural tourism is important, but not if it threatens the safety of landholders and not at the cost of reliable railway lines that connect rural and regional communities in New South Wales with the rest of Australia. We will watch with great interest to see what happens in relation to tourism and the amount of money local areas can earn from rail trails and the tourist programs they will bring.

**Ms ABIGAIL BOYD (20:19):** On behalf of The Greens I oppose the Transport Administration Amendment (Rail Trails) Bill 2022. According to the Minister's second reading speech, the bill is intended to remove the need for authorisation from an Act of Parliament every time a new rail trail is proposed, allowing the Minister to instead determine by regulation when disused rail corridors may be used for rail trails. Importantly—and I will come back to this later—although the bill is marketed by the Minister and in its title as being about rail trails, it is much broader than that. It would allow, for instance, for a road to be built across a rail corridor for purposes completely unrelated to a rail trail.

Let us be clear. This bill would reduce the powers of this Parliament. It takes an issue that is highly divisive in some communities, particularly where they lack adequate public transport and are desperate for rail services to be restored, which otherwise would have had the benefit of scrutiny and debate in Parliament, and instead deals with it by regulation. When a regulation is made, it is only through the diligence of the community or of people in this place that it gets scrutinised, and only if a member of Parliament chooses to move a disallowance. It is not otherwise proactively brought to this Parliament's attention. Moving powers of Government Ministers from an Act of Parliament to subordinated legislation should never be done lightly or underestimated with regard to its weakening of the democratic process and of the Westminster system of lawmaking on which this Parliament is founded.

As the Legislation Review Committee noted in its report tabled today, by delegating the authorisation of the use of a disused railway line for other purposes, the bill decreases the level of parliamentary oversight applying to the creation of rail trails. I question the real agenda here. To the extent that a community endorses a rail trail proposal and there is broad support for that, one would expect the passage of a bill for that rail trail to be relatively straightforward and to not take much time. Although there is a lot of legislation that comes before this House that is subject to a protracted process, it is also the case that a lot of legislation comes through here that is not. That is because it is supported by the community, and that gets reflected in this Parliament.

Just a couple of years ago, one of the proposals for a rail trail in the Northern Rivers was put before us. That was an incredibly contentious and divisive proposal and that is why it took so long. But I believe that, in the process of debating that bill in this place, we were able to inform the community, we were able to reflect the community's concerns and we were able to put on record what we expected to see in future iterations of a rail trail bill. I think some of that has been taken into account in the way this bill has been drafted, so that was by no means a waste of this Parliament's time. When a bill effectively takes away the proper workings of democracy and devalues an issue that is at the heart of many communities outside of Sydney, I really think we need to look at it very carefully. Not all rail trail proposals can be treated equally, which is why they need to be under separate bills.

I put on record that The Greens are very supportive of rail trails. We are very supportive when they are in the right place, with broad community support, and where the land is retained in public hands and rail services could be reinstated. Importantly, not every community is looking at this from the same basis. In some of our communities we do not have the same burning need for rail services to be reinstated. But in the north of our State, in particular, the context is that people are unable to get to their work or to pick up their kids from school. They are unable to get to medical appointments because they do not have rail services, they do not have bus services, the taxi industry is drying up and community transport services are not being well funded. People are really struggling.

When one goes to a place where people would otherwise want the trains to come back and say, "We have a great idea for what is effectively a business; we will create all of this extra tourism to your region by creating this rail trail", one can imagine how upset they are. If the Government does not want them to be upset by the idea of a rail trail, I suggest that it take really proactive steps to increase other types of public transport in these areas. I cannot understand how we are trumpeting the great tourism benefits of a rail trail that could potentially impact on people and communities that cannot get to where they need to go. That is the context.

On the one hand we might look at this bill on the face of it and say, "Sure, we will chuck in some rail trails. That's a lovely idea. People love to cycle." But when you are an older person with mobility issues, when you are a carer of somebody with a disability, when you cannot get around cheaply or when you cannot get anywhere without a car, it is really offensive. Again, this is why these proposals need to come to us on a case-by-case basis. On the other hand, there absolutely are places where there are disused rail lines and the community is not really that interested in having those train services back. They have long accepted that they do not have that. They have public transport in other ways, or perhaps the socio-economic indicators are different, and they are not as concerned. By all means, go and put the rail trail there. That is why these have to be considered on a case-by-case basis.

We have concerns about the level of scrutiny that any sublease might be subjected to. I understand that under this bill the Minister would basically authorise a council, or a few councils acting together, to lease the land for the use of a rail trail—or, as we now know, for a road or other things—and then there is no real restriction on a sublease. It is important that we look at tightening that provision. The Greens will move an amendment that takes that into consideration and tries to tighten that. We need to consider not just the legal rights but also the practical implications of how hard it is to restore train services. If businesses have put up an establishment or are getting some sort of revenue in from a rail trail, it makes it that much harder to reinstate a rail service.

I note that a compensation provision has been included in the bill, which attempts to preclude compensation being payable to those who have been given a lease over the land and transport corridor. When it comes to trying to reinstate a rail service, there is a provision to say that compensation of certain kinds is not payable. But the Legislation Review Committee has pointed out that it does not preclude all types of compensation and, importantly, any compensation that may be payable under the terms of the lease itself may still need to be paid despite the provision. Again, this sets up a practical limitation when a government wants to bring back—if, in fact, it wants to bring back—train services in the future.

Like a decision to pave a road over part of the rail corridor, instead of building a bridge or doing something else or going around it, a rail trail puts in place structures and customs and habits within a community that are very difficult to work around should anyone wish to reinstate rail in the future. That is why it is so important that we make sure we are really tightly regulating how these things occur. I acknowledge that the bill is not quite as bad as it might otherwise have been. We have had good debates in this place on previous rail trails, and I believe that has informed the Minister's drafting of this bill. It certainly is not as bad as it might otherwise have been. It does, on the face of it, seek to attempt to preserve rail corridors for future use for train services. But although train services are legally entitled to repurpose the land, the bill does not really take into account what happens in practice once land is allowed to be used for something else.

I also worry about the reliance on the strategy document around rail trails. For example, it envisages that a council will be the ones to actually propose the rail trail. But when it comes to the legislation, none of that is built in. Of course, it is just a framework document; it is not something with any legislative standing. Our amendments will seek to try to build in some sort of process where at least the council is the one that has to come to the Government, rather than the other way around, when it comes to suggesting that we have a rail trail.

If there is a council resolution where a majority of councillors have agreed that the rail trail is a good idea, that is a pretty good indicator that the community might be on board. Even if that is what is intended, at the moment the legislation says that it is something that the Minister will decide to do on the basis of having consulted with the council. I do not think that is sufficient, and that is why we need to futureproof. Perhaps the Minister will not be the one in the driving seat in five years or 10 years, so it would be nice to futureproof this legislation to

ensure that the very broad discretion given to the Minister is not misused or used in a way that was not intended by the current Minister.

We thank the Government, the Minister's office and Minister Stokes' office for taking the time to talk to us about our concerns on the bill. We also thank the shadow Minister for taking the time to engage with us in relation to our amendments. The Greens support the idea of rail trails in the right place and with the capacity to bring back trains in the future. But this whole debate again highlights the need for the Government to urgently review the needs of regional communities when it comes to public transport and particularly the long-term strategy of building in the rail services that we need, not just now but also 10, 20 and 30 years in the future.

The car will not replace the train and the bus; it is simple mathematics. Cars take up much more space on our roads, et cetera. It is not a realistic proposal. If we are really serious about providing for the regions, the very least we can do is ensure that they can get from A to B when they need to get there. The Greens do not support the bill and do not think it is necessary. We would like to see rail trails come individually. We would support the review that the Opposition has suggested, and we will be moving amendments to try to at least make the bill a little better.

**Ms SUE HIGGINSON (20:32):** I find it sad and outrageous but perhaps a bit unsurprising that a Minister from the New South Wales Nationals is introducing a bill that will further disenfranchise rural and regional communities from the things they deserve and need. Just like The Nationals disenfranchised and walked away from farmers in the face of coal and gas mining—

**The Hon. Ben Franklin:** Not true! We abolished all the PELs in the North Coast. You know that, Sue.

**Ms SUE HIGGINSON:** Go to Narrabri. Today The Nationals' Minister for Regional Transport and Roads is walking away from rural and regional communities and their ability to access public transport and have an integrated freight system. The bill is about failing rural and regional communities. It shouts at rural and regional communities that we do not deserve to be part of New South Wales' public transport plan or have an off-road freight system to help our regional roads and our environment. It is an indictment on the Government that, rather than presenting a plan to the House to deliver much-needed public infrastructure to our regions, it is pitching a false dichotomy and division to our regions, telling us we cannot have trains and all that trains bring to regions; we can only have roads, recreation and tourism.

I am saddened by Labor's position but, again, I am perhaps not surprised. I am from the regional community that was failed and dumped by Labor. Under NSW Labor, the last train out of Lismore pulled up at our station just before 11.34 p.m. on Sunday 16 May 2004. That night more than 200 people stood and waved the train off. In the traditional Northern Rivers style, some 20 members of the community were so upset that they even locked themselves onto the tracks in an effort to stop the last train exiting Lismore. A coffin representing the death of the train was laid outside the Lismore station. But in the typical regional Northern Rivers fashion, even when the community were being completely done over or smashed by their Government, they displayed their protest and loss festively. That was 18 years ago. For the past 12 of those years the Liberal-Nationals Coalition has been in government in New South Wales, and for all of those years it has done nothing.

Today the Liberal-Nationals Government is failing the regions of New South Wales again. Instead of delivering a strategic plan for the provision of modern, sustainable, integrated public and freight rail systems, we are discussing a bill to relegate our most important public transport infrastructure asset—our rail corridors across regional New South Wales—to other non-public-transport uses. At this time we need to be reimagining our regions as the blue-green, sustainable and vibrant regions they deserve to be, safe from the impacts of climate change and with sustainable public infrastructure builds electrified through renewable sources, and helping our communities connect to each other through modern modes of public transport, including trains.

Our regions are growing. COVID-19 and the lack of affordable housing in Sydney have seen an influx of regional settlers, yet the Government is not making adequate plans or provisions for that. The Government is asleep at the wheel when it comes to our regions. Rather than care about, recognise and respond to that trend and work towards and invest in the provision of adequate modern public transport to help communities connect, commute and link up to major centres, here we are doing what this Government has consistently done for the past 12 years—hive off important public infrastructure and assets. We are missing real, genuine and hopeful regional opportunities that investment in regional public transport would bring.

I am really concerned that the bill is inconsistent with the Transport Administration Act and question how it is consistent with the objects of that Act—to promote the integration of transport systems and to enable effective planning and delivery of transport infrastructure and services. The bill goes against the priorities of public transport agencies as outlined in the Act of customer focus, economic development and social benefit, including greater inclusiveness, accessibility and quality of life. The bill does nothing to level the inequalities between city

and regional areas. It is a divestment from the regions and a stumbling block that will add great cost to future investment in much-needed improvements in regional rail infrastructure.

The bill does not have any real safeguards for rail corridors that become repurposed for roads. Once a road is developed, along with infrastructure like roundabouts and lights, it reduces the viability of returning to rail in the future. As is so often the case with this Government, the bill seeks to vest power entirely with the Minister and Executive, removing parliamentary oversight of any decisions concerning rail infrastructure deemed out of operation. Do not under any circumstances interpret this as suggesting The Greens do not support bike paths and trails or tourism, because that would be an absurd denial of fact.

This is about The Greens calling out a Liberal-Nationals government for once again walking away from real opportunity, investment and development in our regional communities, one of which I belong to. We deserve public transport. We are deluded if we think our tourist vision for New South Wales is designed around trading off the regional community infrastructure that we call public transport, including our rail services and trains.

**The Hon. MICK VEITCH (20:39):** First of all, I place on the record a declaration: I was formerly a patron of Rail Trails NSW. It is a role that I no longer hold. I received no financial remuneration for that role; it was a role of love. There are a few things involved in the rail trails debate, and I have been involved in this for a long time. In 2014 I put up my own piece of legislation, trying to create a framework upon which rail trails could be considered in a constructive manner rather than what becomes quite emotive in regional New South Wales. The Government did not support the bill at the time and it got knocked over. Subsequently, we had the Tumbarumba rail trail legislation that came to this House and sat there while discussions occurred around an amendment I moved that required the corridor remain in public hands. The transport Minister at the time, Mr Constance, did not agree with that position, and it took a while to work that through in discussions with the Minister and the department. In the end, the Government accepted the amendment and that particular rail trail went ahead.

I have seen a lot of rail trail proposals. I am up-front with everyone that not every rail corridor makes a rail trail. People need to be clear about that. I have seen rail trail proposals with very poor business cases that are not going to stand up. Those community individuals are working hard and tirelessly to develop their proposals, but there is a long way to go for some of those communities. I have seen other proposals—and there is a good example, picking up on something that Ms Sue Higginson said. Down our way, the Cootamundra to Tumut rail line was suspended back when I used to catch the train in the early 1980s. A part of that line subsequently became the southern lane of the Hume Highway duplication. There is a rail trail proposal from Coolac to Tumblong, which picks up a substantial part of that now sterilised rail corridor. The proposal only goes to Tumblong because the remainder of that corridor goes through Mount Horeb to Tumut.

A proposal has been put forward by a number of community groups, including the Visy mill, about using part of that corridor and a greenfield site to take it to what is now the Bowman interchange, or the Inland Rail interchange, which Deputy President Fang knows well. They do not want to take the whole corridor. The rail trail is for part of it, and they want to use the other part for some form of rail. I am not going to stand here and say that everyone supports those two proposals. There are opponents for both and there are supporters for both. That is what happens in regional communities, and there is a lot of conversation to be had.

Personally, I think the Coolac to Tumblong rail trail proposal is an absolute cracker. There is a spot there on the Murrumbidgee River—as long as the flood didn't wash the viaduct away overnight—where the viaduct crosses the expansive Murrumbidgee flats. It becomes a selfie spot. We can see what would happen there. I have seen other rail trail corridor proposals where we know it is not going to work and that there is a lot of work to be done. My view—not the view of the Labor Party—is that New South Wales could sustain 10 to 13 rail trails at this point in time. I do not think this legislation is going to compulsorily turn every unused rail corridor into a rail trail. I would not support it if that was the case.

There is a rail line from Blayney to Demondrille. Ms Sue Higginson spoke passionately about the closure of the rail line there. I spoke as a member of the government that suspended the rail line from Blayney to Demondrille. I spoke against my government's decision at public meetings and in this Chamber. That particular rail line is onto its third business case. The communities in Blayney, Cowra, Grenfell, Young and Harden are trying to get that line reopened, and I think it should be reopened. It is a wide corridor, and there are some clever individuals that are now talking about a rail trail adjacent to the perway. This is the diversity that we should be talking about and supporting. When it comes to the tourism models across the State, some of the heritage rail enthusiasts have got a good case for their rail lines to not be closed. They add to the diversification of our tourism sector. This is my beef. I think a lot more work needs to be done in supporting all of those options so that it is not all or one. Heritage rail has a real role to play in regional New South Wales and in diversifying our economies.

I put on the record that Minister Stokes, Minister Faraway and their offices have been engaged in conversation with the Opposition about this piece of legislation over the winter recess. I extend my appreciation for that, because it does not always happen. It was not just that we were engaged in conversation and dialogue; it was the manner in which it took place. I think it says a lot about the individuals and staff members who were involved in the process, and I thank them.

This is an important piece of legislation for a number of organisations, but it is not the panacea. The Minister will accept that there is a long way to go for a number of these projects. I do not want anyone to think that, if this legislation gets through both Houses with amendments, all of the rail trails are going to get up. They are going to have to go through a rigorous process, and I think that some of the councils are going to say no. That is the stumbling block. That threshold may make it hard for some of these projects to get up. This is not the panacea that some of the rail trail proponents think it will be.

Having served 12 years on council—sometimes a volatile council; sometimes a constructive council—I can see how some of these projects will be knocked over at that hurdle. People need to be salient in what they expect will happen after this legislation. There is a lot of emotion in rail trail debates. There is a proposal in my hometown of Tumut that goes up through the Gilmore Valley to Batlow. I have no doubt that Deputy President Fang is quite conversant with that proposal. We have all been lobbying extensively.

The proponents of the trail held a public meeting. This line has not been open since the 1960s, and it is not going to reopen because it is a spur off what is now sterilised because of the Hume Highway section. As people walked into this public meeting, they were jostled, bullied and spat on by opponents of the rail trail proposal. It was the first public meeting; this proposal has a long way to go. It may well not get up—I do not know. It has to get through this process. But there was no need for that.

I understand the emotion and why people have those views but, in this particular case, it was not about reopening the rail line. The emotion was not about rail or public transport; it was about people who did not want anything on that corridor at all. I am not sure that is a constructive use of State-owned land, and I think this particular corridor should stay in public hands. I do not think it was a constructive way to go about having a conversation about the potential use of that rail corridor.

In a constructive conversation, some adjacent landholders will have fair and appropriate opposition and arguments that should be considered. We should not dismiss those, but jostling, manhandling and spitting at people as they walk into a public consultation meeting is not what we expect in regional New South Wales. That is not what communities should do and it should not happen. Let us be mature and have an adult discussion about it. Just to be clear, the Opposition was not opposing because it wants the rail line reopened. It is very unlike the community of Ms Sue Higginson; that is not the same debate. The House knows that I am a supporter of rail trails. I make clear for people who might be considering this debate later—not for the House—that not every rail corridor will become a rail trail. People need to be very clear about that. There is a lot of work to be done to prepare a rail trail proposal. Getting a proposal up is not only about capital expenditure. Recurrent expenditure also needs serious consideration.

Our position has always been that we will not give consideration to rail trails until we have seen the business case. Some business cases give no consideration to recurrent funding. That is simply not a business case. If I was a councillor, before I would give any consideration to a proposed rail trail under this framework, I would be saying, "I want to see that information." As I said earlier, that is the hurdle that will trip up a lot of proposals. Debates of this nature can become quite emotional. I understand and appreciate why. Every regional community, and indeed subregional community, has its own—I was going to say "idiosyncrasies" but that is not the right word. They have their own style, their own way, their own nature. In debate, we cannot give consideration to all of those things, so in a broad sense we need to be balanced.

It has taken a long time to get to this point, but the five-year statutory review is absolutely essential because five years will give the parliamentarians, whoever they may be, the chance to take a good look at what has happened. If there is a plethora of rail trails that fall over, we will want to know why. If there are no rail trails, we will want to know why. Going forward, that statutory review will be absolutely critical because this is a new process and framework, and we need to get it right. If we cannot get it right this time, we will have an opportunity later on down the track to get it right. I will leave my comments there, except to say I will be supporting the bill.

**Reverend the Hon. FRED NILE (20:52):** I speak in support of the Transport Administration Amendment (Rail Trails) Bill 2022. I have been involved in the debate about rail trails for many years, and I am pleased that at last a bill is going through this House which gives in-principle support to the concept of rail trails—with all the various requirements so it is not simply a blank cheque—which are disused rail infrastructure. I emphasise the word "disused". They are eyesores that sit gathering dust. Instead of being useless, they can be improved and given value as rail trails that people of this State can walk and hike on, and ride their pushbikes on.

As disused infrastructure, they are not ready for anything. But they are not difficult to improve and make useful as cycleways. I am pleased that at last we are discussing and hopefully passing a bill that makes use of disused—I emphasise "disused"—rail infrastructure for future rail, pedestrian, cycling and commercial trails of great interest to the majority of people in this State. That is why I support this bill. I hope it proceeds through the House so that rail trails can become an asset in our tourism outreach in the future.

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (20:55):** In reply: I acknowledge honourable members for their contributions to the debate on the Transport Administration Amendment (Rail Trails) Bill 2022: the Hon. John Graham, the Hon. Robert Borsak, Ms Abigail Boyd, Ms Sue Higginson, the Hon. Mick Veitch and Reverend the Hon. Fred Nile. In particular, I acknowledge the Opposition, with whom we have had a good briefing and good debate and dialogue on the bill.

I thank the Hon. Mick Veitch for his comments about my and Minister Stokes' offices and the staff in those offices. Every member of this place who wanted a briefing or further information or who wanted to discuss the bill was given the same opportunity. That is how we have been able to arrive at the point of debating this bill. We will debate some amendments in Committee. The Opposition has made it clear that some amendments will be moved in the other place by its shadow Minister for Regional Transport and Roads, Jenny Aitchison. That is the way it should be done.

I mention the Hon. Mick Veitch, who shared some of the stories about the last time we got close to legislating on rail trails in this place. I highlight some of the comments made by members in debate on the bill. The intent behind the rail trails guideline strategic framework is to set out a framework, guidelines and criteria, irrespective of whether people oppose or support rail trails. The point is that we will have a rail trail strategy document setting out strategic guidelines and criteria that everyone can refer to, whether or not they wish to support rail trails.

It was suggested that the Minister does not care about regional New South Wales. Lots of other comments were made that could not be further from the truth. I am the Minister responsible for freight in New South Wales. I was a small business owner before I became a member of this Parliament. I reside in an area that exports commodities to international markets that feed other parts of the world and require rail. This is not and has never been about ripping up rail lines. Those who have followed the debate on this bill have known that from the outset. This is about being able to walk and chew gum at the same. It is about ensuring there is a framework of criteria for the use of disused rail lines and making sure they stay in State ownership through leasing arrangements.

In her contribution, Madam Deputy President Ms Abigail Boyd said that if a majority of councillors voted for a council resolution to support rail trails that would be a good gauge of community support. That is exactly what is defined in the criteria. That is one of the many parts of the criteria and the guidelines at the front end that will be used by the Department of Regional NSW to grade a rail trail under the new legislation. It is exactly how it will be judged. It is one of many considerations, including cultural and heritage considerations and, in particular, biosecurity, which has been raised time and again. We have ensured that biosecurity is as important as any other consideration when reviewing the prospect of using disused rail corridors as rail trails.

Rail trails—and we have seen this in the debate—are an innovative use of disused railway lines that have the potential to generate substantial economic and social benefits to local communities. They open up access to scenic regional areas, acting as a stimulus for local tourism. I know that some members who made contributions did not agree with that but, in my view, that is why I bring the bill on: I truly believe that it has the ability to be a stimulus for local tourism, if done properly. That is why we have the framework. That is why we have the Department of Regional NSW—not necessarily Transport for NSW—involved in the beginning, working with the community. We have a department that knows the community and understands the framework that it has in place.

As has been said in many contributions—I think the Hon. Mick Veitch spelled this out very well—it must be ensured that it has a sound business case. The sustainability that a local joint organisation or a council can maintain, and the upkeep of such a rail trail in the future, is really important. Let me be very clear as the Minister making this contribution in reply: This is not about fast-tracking rail trails in this State. This is not about ripping up disused rail lines wherever we can.

This is about making sure that we have the framework in place, and a way for our communities to grade and approach whether they want to look at the rail trail or whether there are community concerns. It provides a level of protection for those that do not want to see a disused rail corridor become a rail trail so that they have the ability to raise their concerns in the beginning in their local community. That is really important. To confirm for those who follow the debate, and as the Hon. Mick Veitch said, not every disused rail corridor will become a rail trail. That is not the intent of this bill. It never was and it never will be. But this gets us to a point where



communities across this State have a document and set of guidelines to refer to, whether or not they support rail trails in general being created from disused rail lines.

Measures have been incorporated into the bill to ensure that the repurposing of corridors will not impact on the potential for the corridors to be used for rail in the future. Land will remain in the ownership of the rail infrastructure owner so that it can be used for rail, passenger or freight service in the future, if required. The bill is only one part of the new regulatory framework for rail trails in New South Wales. As I have discussed, including in my second reading speech, the recently published *NSW Rail Trails Framework* identifies the essential criteria that must be met before a rail trail proposal can progress. The framework also provides guidance for councils and communities on how they might undertake community consultation to demonstrate the required community support, along with options for ongoing governance arrangements.

The bill will streamline the process for authorising rail trails once the requirements of the framework have been satisfied, and it provides a sensible solution to what has, to date, been a major obstacle to viable rail trails. I reiterate that viable rail trails that will be determined through what I think is a lot of rigour and a rigid process at the front end will be able to proceed without the costly delays. I understand that The Greens will move amendments in the Committee stage. I look forward to debating those. I commend the bill to the House.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that this bill be now read a second time.

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Wes Fang):** There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments from The Greens on sheet c2022-135F.

**Ms ABIGAIL BOYD (21:04):** By leave: I move The Greens amendments Nos 1, 2, 4, 5 and 9 on sheet c2022-135F in globo:

**No. 1 Name of Act**

Page 2, proposed section 1, line 3. Insert "Roads and" before "Rail Trails".

**No. 2 Using disused railway lines for rail trails only**

Page 3, Schedule 1[3], proposed section 99E, lines 17–26. Omit all words on those lines. Insert instead—

- (2) The regulations may authorise the use of subject land for a rail trail.
- (3) The regulations may, for the purposes of the use of the subject land for a rail trail, also authorise—
  - (a) the removal of railway tracks and other works from the subject land, and
  - (b) the rail infrastructure owner to enter into a lease of the subject land with a local council or joint organisation (an *authorised lease*).
- (3A) A regulation made under subsection (2) must apply to a specified rail trail project and not to rail trails generally.
- (3B) Before recommending the making of a regulation under subsection (2), the Minister must—
  - (a) carry out a cost-benefit analysis, comparing using the subject land for a rail trail with re-opening the railway line for rail services, and
  - (b) arrange for independent community consultation to be carried out, and
  - (c) make the outcome of the independent community consultation publicly available.

**No. 4 Using disused railway lines for rail trails only**

Page 3, Schedule 1[3], proposed section 99E(4), line 27. Omit "(a)(i)".

**No. 5 Council and community support required**

Page 3, Schedule 1[3], proposed section 99E. Insert after line 33—

- (4A) A regulation may not be made under subsection (2) unless—
  - (a) the council of the area in which the subject land is located agrees to the use of the subject land for a rail trail, and
  - (b) there is local community support for the use of the subject land for a rail trail, based on the outcome of the independent community consultation carried out under subsection (3B).

**No. 9 Meaning of "rail trail"**

Page 4, Schedule 1[3], proposed section 99E(9). Insert after line 8—

*rail trail* means a track or trail on a disused railway line used mainly for walking or cycling.

I will go through the amendments slightly separately, so let us start with amendment No. 1. I make the point that I made during the second reading debate: I note again that the Minister's contribution in reply was very much focused on rail trails. I understand that rail trails are part of the delegation that is been given to the Minister under this bill. But the Minister is also delegated the authority to build a road over the corridor to do other things. So the Act is misnamed. It should be called the roads and rail trails bill. It allows that sort of road infrastructure to be built as well as a rail trail, so let us be honest about that.

In amendment No. 2 we have sought to restrict this to rail trails only. If this is about rail trails, let us get rid of the delegation in relation to road and road infrastructure. That is what amendment No. 2 is trying to do. I will not touch on (3A) within amendment No. 2 because I think that we will get to that when I move amendment No. 3. Effectively, what we are trying to get at here is if we establish a rail trail we should make a separate regulation for each rail trail. That will ensure that the relevant community and stakeholders are made aware, but also that the disallowance procedure does not become too cumbersome. I am particularly aware that we could end up with a situation where a rail trail is declared with much fanfare and perhaps supported by the community, but then a concreting over of a completely different bit of rail corridor in a different bit of the State is thrown in, and we are not supposed to focus on that as much. What we are trying to do—and I understand this is the intention of the Minister—is to make sure that each regulation can be dealt with individually.

What we have tried to do in the end of that amendment plus some of the amendments that follow is to take what the Minister is saying about how we have a guideline and a lovely, shiny document talking about how a rail trail gets implemented, but it does not have the status of law. So let us build that in. Let us arrange for independent community consultation to be carried out. Let us make that transparent. Let us have a cost-benefit analysis that compares reinstating train services and the benefit that that would bring the local economy versus introducing a rail trail.

That has dealt with amendments Nos 1 and 2. Amendment No. 4 is consequential upon amendment No. 2. Amendment No. 5 is an extension of that amendment. If, under the guidelines, the idea is that a council applies to have an area of land made into a rail trail, then let us have the Minister's discretion bounded by that having happened first. So the council of the area in which the subject land is located agrees to the use of it for a rail trail, meaning that they pass that resolution. That is a really good start. If that is something that is going to happen anyway under the Minister's proposed structure that is great. But let us futureproof it in case that structure changes. Similarly, and again reflecting on exactly what is in those guidelines, real independent community consultation needs to be carried out. Amendment No. 9 is again consequential upon amendment No. 2. That is the reason for all of the amendments. I commend them to the Committee.

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:09):** The Government does not support The Greens amendment No. 1 which will amend the title of the bill to include the words "roads and". It is not seen as necessary as the text of the bill already covers roads. The Government does not support The Greens amendment No. 2. The effect of this amendment would be to remove the provisions of the bill that would enable a disused railway line to be used for the purposes of essential road or road infrastructure proposals without the need for an Act of Parliament. For example, enabling the most appropriate design solution for road access to be delivered in a timely and cost-efficient way will enable the full economic benefits of special activation precincts, also known as SAPs.

The Government does not support The Greens amendment No. 4. This is for the reasons outlined in our response to The Greens amendment No. 2. The Government does not support The Greens amendment No. 5. Community support is critical to the success of any rail trails proposal. As such, it is a mandatory requirement of the New South Wales rail trails framework that, for each and every rail trail proposal, councils demonstrate that community support. Councils will lead the community consultation. Community consultation and support are obviously critical to a rail trail success. The bill and the framework ensure that this is secured as part of developing the proposal. The Government does not support The Greens amendment No. 9. It does not consider it necessary to define a rail trail in the bill. The New South Wales rail trails framework already sets out a definition of a rail trail.

**The Hon. JOHN GRAHAM (21:11):** The Opposition will not support the amendments. I indicate that we intend to support other amendments that The Greens will move in debate. I will not recap on all of the proposed amendments, but we accept that there might be some need for flexibility in relation to amendment No. 2. We certainly would not want to see that misused, but I think the Minister has put his case well. We are attracted to the element of the amendment that would see each of these rail trail proposals spelt out separately. There is a case for real transparency for the community. I thought the member articulated the reason for that well. For that reason, I indicate that we will be supporting The Greens amendment No. 3, which picks up that part of the proposal as an alternative amendment.

That transparency will be really helpful to what might be a long-running community debate about these as the legislation comes into force. We do see some of the other provisions as duplicative of what is already in the framework. Those things are important, but we do not necessarily see that they need to be lifted up to legislation. The member is not making an unreasonable case. It really is a judgement on balance, but on balance we will be opposing these specific amendments.

**The CHAIR (The Hon. Wes Fang):** Ms Abigail Boyd has moved The Greens amendments Nos 1, 2, 4, 5 and 9 on sheet c2022-135F. The question is the amendments be agreed to.

**Amendments negatived.**

**Ms ABIGAIL BOYD (21:14):** I move The Greens amendment No. 3 on sheet c2022-135F:

**No. 3 Using disused railway lines for rail trails only**

Page 3, Schedule 1[3], proposed section 99E. Insert after line 26—

(3A) A regulation made under subsection (2)(a) must apply to a specified area of subject land for a specified project.

I did cover the amendment in my previous contribution. We would feel a whole lot more comfortable with this legislation if we knew that each project was being dealt with separately. I note that the drafting note on the sheet is not quite right; it still has "for rail trails only". That is not what this does. It treats the existing section 99E as it is. Whether it is for the purposes of a rail trail or any other purposes, the idea is that we have a separate regulation for each specified project.

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:14):** The Government will support The Greens' amendment No. 3 on sheet c2022-135F. Obviously, we will not oppose it because we are supporting it, but we believe that it is already provided for in the bill. But for the sake of what has been put forward, the Government will support the amendment.

**The Hon. MICK VEITCH (21:15):** I think it is eminently sensible that we go about it this way. As my colleague has said, we will be supporting the amendment. There is a lot of work in The Greens' amendments. I know the shadow Minister, Jenny Aitchison, has a range of amendments in the lower House. A large body of work has also gone into those. We should acknowledge that these amendments have not just been plucked out of the air; a lot of work has been done on them. To oppose them, as the Hon. John Graham said, is a balance call for us. This one, in particular, is eminently sensible and should be supported. Whether the Minister supports or opposes the amendment, guess what? At the end of the day it is still getting up.

**The CHAIR (The Hon. Wes Fang):** Ms Abigail Boyd has moved The Greens amendment No. 3 on sheet C2022-135F. The question is that the amendment be agreed to.

**Amendment agreed to.**

**Ms ABIGAIL BOYD (21:16):** I move The Greens amendment No. 6 on sheet c2022-135F:

**No. 6 Term of leases**

Page 3, Schedule 1[3], proposed section 99E(5), line 34. Omit "30 years". Insert instead "10 years".

The bill provides for a lease of 30 years. As I said in my contribution to the second reading debate, the Legislation Review Committee was unclear as to whether or not the compensation provision operated effectively to limit the amount of compensation that might otherwise be payable under a lease. Given that 30 years is a very long time, it would be preferable in our view to make it 10 years, even if it was on a rolling basis. It is not just that the compensation that is still payable could end up being a monetary hurdle; one could also, if subleases have been made on the basis of those 30 years, end up with some well-established activities on the land, which would again make it that much harder to plan for the future and reinstate rail. That is why we have proposed the amendment. I commend it to the Committee.

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:17):** I will be very clear on this one. The Government will oppose The Greens amendment No.6. A maximum 10-year lease would simply be too short to give councils and local communities the certainty to establish a rail trail and to reap all the benefits that rail trails will bring to them and their economies. Previously I spoke over and over about the domestic tourism element. They will need far more certainty than a 10-year lease.

**The Hon. JOHN GRAHAM (21:18):** This is a question of balance for the Opposition. We often debate what is an appropriate lease point in this Chamber. Often that is the only restriction that we get to put on the activities of Executive Government. So it is a good question to ask in theory. In practice, on balance we will oppose the amendment. One of the reasons I feel comfortable doing so is not the theoretical question but the practical view. Firstly, it is up to 30 years. I think the Minister makes a good point about that. Often a lot of the

activities around these rail trails are small businesses and small footprints. That does make me more comfortable in supporting this view. But it does not mean that it necessarily has to be taken up to that limit. In saying that, I acknowledge it is one of the few controls we have. Those are the reasons why the Opposition has fallen on this side of that balance.

**Ms ABIGAIL BOYD (21:19):** I will quickly respond. I understand where the will of the Chamber is going and that the amendment is not going to pass. But I ask the Minister, when he gets the report back from the Legislation Review Committee, to consider whether it is possible to tighten that compensation provision to ensure that it has not inadvertently missed some of the compensation that might otherwise be payable in these circumstances.

**The CHAIR (The Hon. Wes Fang):** Ms Abigail Boyd has moved The Greens amendment No. 6 on sheet c2022-135F. The question is that the amendment be agreed to.

**Amendment negatived.**

**Ms ABIGAIL BOYD (21:20):** By leave: I move The Greens amendments Nos 7 and 8 on sheet c2022-135F in globo:

**No. 7 Subleases**

Page 3, Schedule 1[3], proposed section 99E(8). Insert after line 42—

- (a1) the circumstances in which a sublease of an authorised lease may be entered into.

**No. 8 Subleases**

Page 4, Schedule 1[3], proposed section 99E(8)(b), line 1. Insert "or sublease" after "authorised lease".

Amendment No. 8 is about the authorised lease. The regulations will specify the circumstances in which that authorised lease gets entered into but, of course, it can then be subleased. The Greens expect that the sublease terms would also be specified in the regulation, so that it is not just a free-for-all. That is what we are asking for here. The Greens have put forward amendment No. 8 on the basis that it would get us there, but the advice from the Parliamentary Counsel's Office is that No. 7 is also necessary, because that then ties the legislation nicely into it—or is it the other way around? Anyway, both amendments are needed to bolster the provision and make sure that it flows properly. I hope that The Greens get support for these amendments.

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:22):** The Government will not be opposing The Greens amendments Nos 7 and 8. We believe they are already covered within the bill as written, but we will not be opposing either amendment. The Parliamentary Counsel's Office has indicated in earlier advice that both amendments are required. It is much smarter than me, so I will take its guidance.

**The Hon. JOHN GRAHAM (21:22):** The Opposition will be supporting the amendments.

**The Hon. MICK VEITCH (21:22):** We probably need to think through how the amendment will apply. If we think about Crown land and multiple leases, it makes a lot of sense to do this because for some of these rail trails, the railway station itself can be used for a range of activities: ablution blocks, restaurants or coffee shops. I have seen goods yards turned into quite attractive and well-maintained camping grounds. There are a range of other uses besides just the walking trail. Every rail trail is going to have its own nuances. We do not want to stymie that. But at the same time I can see why this provision is required.

The Minister says that it may well already be covered in the bill and that is why the Government is not going to oppose the amendments. Of the proposals put forward by The Greens, I think that this one makes a lot of sense. Thinking about some of the Crown leases in New South Wales and how they operate, there are multiple leases across the same land—this is my issue—and if one goes under, for whatever reason, we do not want the other lessees burdened or impacted as well. These amendments go a long way towards providing that surety and that is why the Opposition will be supporting them.

**The CHAIR (The Hon. Wes Fang):** Ms Abigail Boyd has moved The Greens amendments Nos 7 and 8 on sheet c2022-135F. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

**The Hon. SAM FARRAWAY:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

**The Hon. SAM FARRAWAY:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. SAM FARRAWAY:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **CRIMES AMENDMENT (PROHIBITION ON DISPLAY OF NAZI SYMBOLS) BILL 2022**

### **First Reading**

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

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:27):** I table a statement of public interest in connection with the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022.

**Statement of public interest tabled.**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

**The Hon. DAMIEN TUDEHOPE:** I move:

That the second reading of the bill stand as an order of the day for the next sitting day.

**Motion agreed to.**

### *Adjournment Debate*

### **ADJOURNMENT**

**The Hon. DAMIEN TUDEHOPE:** I move:

That this House do now adjourn.

## **HUNTER REGION GOVERNMENT INVESTMENT**

**The Hon. TAYLOR MARTIN (21:28):** Over the past couple of weeks there have been a number of significant announcements across the Hunter, demonstrating that this Coalition Government is continuing to deliver for this important region. During the last sitting week, I spoke in this Chamber about the 2022-23 budget allocation for the redevelopment of the \$835 million John Hunter Health and Innovation precinct. Enabling works are now underway on that important project, with the Minister for Health, the Hon. Brad Hazzard, health and construction workers and me turning the first sod recently. The John Hunter precinct is part of the New South Wales Government's record \$11.9 billion investment in health infrastructure to 2025-26, with nearly one-third going to regional and rural health facilities this financial year. The precinct will be a centre of excellence, attracting the most skilled and experienced clinicians to work in outstanding new facilities, ultimately improving health outcomes for local patients.

The acute services building will provide a 60 per cent increase in intensive care unit capacity and an almost 50 per cent increase in theatre capacity. Treatment spaces in the new emergency department will jump by almost 40 per cent. John Hunter Hospital is one of the largest trauma centres in the State and will meet the demand of the region for years to come, with the region's population predicted to increase by 22 per cent over the next 15 years. This significant infrastructure project will create jobs for the community and provide a significant boost to the local economy during construction, with an expected 70 per cent of the work being delivered by businesses throughout the Hunter region. The enabling works, which include roadworks and the relocation of services, will set up the site for main works construction, expected to commence before the end of the year. The project is scheduled for completion in 2026.

Last month I joined the Minister for the Arts, the Hon. Ben Franklin, to announce that Newcastle's historic Victoria Theatre will be reinvigorated thanks to a \$4 million injection of funding from the New South Wales Government's Creative Capital program. The upgrade will transform the Victoria Theatre into a world-class cultural asset and ensure that the 168-year-old theatre can be enjoyed for generations to come. Stage one of the refurbishment will see the doors reopen to performances within 12 months. It is expected that over 170,000 patrons, artists and related workers will pass through the Victoria Theatre in its first three years of reopening.

The theatre has not operated as a performance venue for around 60 years, so its refurbishment is an important cultural infrastructure project for Newcastle and will shape its future as a destination for arts and culture, and enhance experiences for performers and visitors alike. The funding is made possible due to a \$72 million investment from the Coalition Government's Creative Capital program and means that more projects like this can now come to life, providing more people with access to the best arts and culture, no matter where they live in the State, particularly in the regions. I congratulate all those who are involved in working to get the Victoria Theatre restored to its former glory. The community cannot wait to once again attend productions at the Victoria Theatre.

Finally, I recently opened Honeysuckle's much anticipated harbourside promenade with Hunter and Central Coast Development Corporation chief executive officer Valentina Misevska and Hunter Water executive manager Emma Berry. The completed section now means there are 11 kilometres of uninterrupted pathways alongside Newcastle's stunning harbour, stretching from the Wickham marina in the city's west to Merewether in the east. The new waterfront promenade and a more natural-looking Cottage Creek are part of the New South Wales Government's \$55 million commitment to Honeysuckle's infrastructure and public domain delivery.

The newly completed promenade joins Honeysuckle Park to an architecturally designed pedestrian and cycle bridge over Cottage Creek. The former 100-year-old concrete stormwater channel has been replaced with tiered sandstone and native plants to soften the creek's edge and create a nicer community park. As a government, we are investing in the Hunter by building what matters to make daily life better for locals and securing a brighter future for people across the Hunter.

### COST OF LIVING

**The Hon. SHAOQUETT MOSELMANE (21:33):** The cost of living is skyrocketing in New South Wales and across Australia. Be it fuel, groceries, rent, tolls, child care, education, health, gas or electricity, the cost of everything is going up and up while wages are not keeping pace. Nationally, this quarter the price of fruit and veggies rose 5.8 per cent; the cost of new dwellings rose at a similar pace, at 5.6 per cent; the cost of furniture rose even higher, at a rate of 7 per cent; the price of clothes rose 4.4 per cent; and fuel rose by 4.2 per cent. Data released on 27 July by the Australian Bureau of Statistics showed prices climbing by 6.1 per cent over the 12 months to the June 2022 quarter. That is the fastest annual pace since 2001.

While it is true that global tensions, coronavirus and other international pressures loaded the impact on inflation and the consequent rise in oil and gas prices, it is also true, as noted by our Federal Treasurer, Jim Chalmers, MP, that our country under the Liberal-Nationals Coalition has suffered a wasted decade of missed opportunities and messed-up priorities. The reality is that real wages have fallen by 2.7 per cent. That is the worst result in more than two decades. It is not Australian workers and their wages causing this inflationary crisis; rather, it is soaring corporate profits.

It has been a gross decade of waste and mismanagement by the Liberals and The Nationals, while workers languished under their incompetence. We need look only as far as the Coalition's JobKeeper—or BillionaireKeeper, as it may be better named, given that, since the COVID pandemic began, billionaires doubled their wealth. A report by Ownership Matters showed that \$1 in every \$5 from JobKeeper went to firms whose underlying earnings rose. That is just one example of the gross mismanagement and wasted opportunities presided over by the previous Federal Liberal-Nationals Government.

On current projections, inflation may peak at about 7.5 per cent to 8 per cent in the December quarter and may trend downwards from there, but it may take until even 2024 for inflation to return to the Reserve Bank of Australia's target range of 2 per cent to 3 per cent. That is if we can still believe in the Reserve Bank's predictions. In other words, real wages may not start growing again until 2023-24. That is a kick in the guts for workers who deserve a pay rise to meet the rising cost of living. Every pensioner, every parent, every home owner, every student, every renter and every worker is feeling the pinch right now. Left alone, inflation that persists at too high a level and continues serves only to threaten living standards and jobs and wreck economies. Increased mortgage repayments follow rising interest rates, which are already having an effect, with house prices in Australia dropping at their fastest pace since the 2008 global financial crisis.

Renters are being squeezed from both ends: Not only are their wages not rising but, as their landlords' mortgage repayments increase, rents are surging rapidly, at the fastest rate in 14 years, according to research firm

CoreLogic's quarterly rental review. In many parts of Australia we are seeing vacancy rates of less than 1 per cent, while rents are now 9.1 per cent higher across capital cities and are up 10.8 per cent in regional areas, compared with June 2021—coupled with further rate rises from the Reserve Bank of Australia looking likely and wages unlikely to grow until 2023-24. The former Federal Liberal-Nationals Government has really and truly left Australian workers in misery. I am glad we finally have some steady hands in Canberra and a government that cares. Labor really does have a heart. It has already shown that it cares about the interests of workers by putting their case forward in its submission for an increase to the minimum wage, which has now risen by 5.2 per cent. Under the Albanese Labor Government, we now have a chance at a better future and a decent living standard for all.

### MISUNDERSTOOD ANIMALS EXHIBITION

**The Hon. MARK PEARSON (21:38):** I first met Newcastle artist Rhonda Partridge 15 years ago when she invited me to open her art exhibition *Whales and Ocean Rhythms*. Amongst the paintings were images of whales formed from whaling stamps. The stamps were from the time of commercial whaling, when industry stamps marked whale carcasses ready for butchering. No doubt the viewing public would see such images as jarring, now that we are accustomed to viewing whales as magnificent marine animals to be conserved rather than exploited for their blubber, ambergris and oil. Whales were once understood only for their utility to humanity. They lit the lamps of London. But a lot of time has passed, and now they are appreciated for their inherent worth and beauty. Such is the purpose of the current exhibition of Partridge's artwork, *Misunderstood Animals*, on display at New South Wales Parliament House from 2 to 25 August.

Rhonda Partridge shares the same philosophy as the Animal Justice Party: That all animals have intrinsic value. She chose three misunderstood animals—the crow, the rat and the rooster—because of her empathy, compassion and respect for these vilified animals. These are animals that are routinely used, abused or demonised in our society, but Partridge has elevated them to subjects immortalised in art. She has created a series of paintings and sculptures, each with a poem to inspire the viewer to connect with the animal beyond the prejudices and phobias of the human world.

Partridge described an incident that led to the creation of the *Misunderstood Animals* artworks. She found a dead rat in her shed and she came back the next day to bury it. Overnight, that dead female rat's young baby had found her and curled up alongside her mother's body and died. Filled with compassion for the mother and the baby, she wanted to give artistic expression to the truth that the desire for life and love resides in all animals, including those we shun. Partridge's artwork includes depictions of crows, roosters and rats and encourages the observer to reconsider the way we typecast them as the dirty rat, the cunning crow and the annoying rooster. The rooster is denigrated for his noisy and aggressive ways, but his primary drive is to safeguard the flock, as Partridge's poem *Bojangles* explains:

My chest is bursting with pride  
My girls follow me as I strut by,  
My crow is loud and strong  
I call them if danger lurks near,  
I call them as the sun begins to shine  
And serenade them at bed times.

Since ancient times, the rooster's feistiness has been abused by humans, especially by those running cockfighting rings. They may be officially banned, but fights are still being held in the back blocks of hardscrabble towns. In 2017 RSPCA inspectors seized roosters and cockfighting equipment in places such as Cairns, Gympie, the Sunshine Coast and Ipswich. As recently as last year, two properties in Melbourne were raided and found to be using cockfighting equipment.

Although crows are protected native animals, farmers can still obtain licences to harm these incredibly intelligent birds. Crows share many attributes with humans: They are capable of fashioning tools, recognising human faces and, according to one study, understand the concept of cause and effect. Rats are, of course, the most despised and persecuted of animals. Despite the fact that they are seen as being so alien to humankind, we maim and kill millions of them each year, subjecting them to medical experiments designed to identify whether drugs or chemicals are likely to be harmful to human beings. Wherever there is human civilization, there are rats cleaning up after us. *Misunderstood Animals* is displayed alongside a selection from her *Whales and Ocean Rhythms* exhibit. In talking with Rhonda we discovered that we had both worked as nurses at Newcastle Hospital and brought patients to the windows to view the migrating whales from their bedsides and balconies.

### NATIONAL SCIENCE WEEK

**The Hon. LOU AMATO (21:43):** National Science Week will be celebrated this month from 13 to 21 August. All the benefits we enjoy as a society are a direct result of the sciences. Medical breakthroughs, telecommunications, transport, new materials and almost every aspect of our lives has been improved through the

sciences. Even from the beginning, humankind looked out into the night sky and pondered the great question: What is the cosmos and can we possibly make any sense of it?

On 25 December 2021 a monumental event took place: The James Webb Telescope was launched aboard an Ariane 5 rocket from French Guiana. The James Webb Telescope will provide the most detailed images of the observable universe and answer many questions on the origins and make-up of the cosmos. It is the successor to the highly successful Hubble Space Telescope, which gifted the world with the most stunning images of the cosmos. The James Webb, unlike the earth-orbiting Hubble, occupies the sun-earth L2 Lagrange point 1.5 million kilometres from earth, providing an unprecedented view of the universe.

The James Webb Telescope consists of 18 hexagonal mirror segments made of gold-plated beryllium, providing six times the resolution and light-gathering ability of the Hubble. It records images in infrared, allowing distant objects previously obscured by cosmic dust to be revealed in stunning clarity. The telescope is capable of resolving objects 13.6 billion light-years distant. In fact, the James Webb is so sensitive it could detect the heat signature from a bumblebee on the surface of the moon from its distant 1.5 million kilometre orbit in the L2 Lagrange point.

Until recent times science was unsure if any of the suns in space had planets similar to our own solar system. Scientists, not being happy with uncertainty, finally devised ways to detect what we now call exoplanets. As of 1 August 2022 some 5,125 exoplanets have been discovered in 3,794 planetary systems and 829 of these planetary systems have more than one planet. Many of these planets are no doubt habitable, and we can only imagine if life forms inhabit these alien worlds.

Although the primary role of the James Webb Telescope is to discover the origins of the universe by peering back in time to the beginning of creation, scientists have discovered that it is capable of detecting if a distant exoplanet contains the necessary conditions to support life. James Webb, with its infrared capabilities, can look for biosignatures as starlight passes through the atmosphere of a distant exoplanet. By observing faint chemical signatures in the light spectrum, it can give us a detailed analysis of the atmospheric and surface conditions of the planet.

In the coming months scientists are pointing the telescope to the exoplanet TRAPPIST-1e, a potentially habitable planet 39 light-years from earth. The closest exoplanet to earth is Proxima Centauri b, which orbits the red dwarf star Proxima Centauri at a distance of 4.2 light-years. Initial data on Proxima Centauri b indicates it is unlikely to support life; however, the James Webb may be capable of detecting artificial light generated on the surface. We may be surprised to learn we have interstellar neighbours, possibly pondering the same question we have asked since we first looked into the night sky: Are we alone in the infinite cosmos?

Closer to home Australian scientists have made monumental discoveries, changing the lives of many on our planet. The list of Australia's contributions to scientific discoveries is comprehensive. To name just a few: the black box flight recorder, which has been the greatest tool to increase aircraft safety and travel; spray-on skin, which is easing the suffering of many disfigured due to burns and other injuries; the electronic pacemaker, restoring normal heart rhythm and quality of life to patients with diseased hearts; and the medical application of penicillin, which has saved millions of lives from infection.

The list also includes the cochlear implant, or bionic ear, giving the gift of hearing to those who are born deaf; wi-fi technology, which every one of us takes for granted as we transmit data, access social media and watch our favourite movies online; the ultrasound scanner, which has provided safe non-radioactive medical imagery to diagnose many illnesses that can be treated or cured; and the Gardasil and Cervarix vaccines saving millions of girls' lives worldwide from the terrible disease of cervical cancer. The pursuit of a career in science is an admirable vocation. Science has improved our lives and remains committed to the goal of nothing less than a complete description of everything in our universe.

## SKILLS POLICY

**The Hon. DANIEL MOOKHEY (21:48):** If we were talk to almost any employer in any industry right now, we would quickly hear stories about the difficulties they face hiring and retaining staff and the shortage of high-demand skill sets. It would be easy for us to blame the COVID shutdown for the skill shortage problem in New South Wales. The migration tap was turned off for nearly two years, and turning it on straightaway is not necessarily an immediate solution. We have to look at the causes of the skills shortage and treat the underlying reasons, not necessarily just the symptoms. We also cannot risk compounding the disaster that has been skills policy in this State for the past 12 years. For 12 years the New South Wales Government has relied heavily on temporary migration to provide cover for the absence of a skills system that is capable of generating the labour force our employers require. That underinvestment in our own workers, both young people and those looking to



change careers or retrain, is why we simultaneously have skills shortages and high rates of underemployment, job insecurity and people juggling multiple jobs to support their families and get ahead.

Skill shortages and poor employment outcomes are not mutually exclusive, as some argue; they are two sides of the same bad policy. In New South Wales the record of 12 years of this Government office speaks for itself. Since 2011 more than 5,000 TAFE teachers and support staff have lost their jobs. TAFE enrolments are down by nearly 150,000 students, and 14 TAFE campuses have been sold off. The number of people starting apprenticeships or traineeships has halved and, critically, the number of traineeship and apprenticeship completions is at its lowest level since 2013.

Of course Labor members support a reasonable and responsible skilled migration program, but we believe it is our duty to make sure we are also continuing to invest in the skills of our domestic workforce. We want to build up their skills so we can sustain the economy we need for future generations. At the recent Australian Workers' Union national conference, a resolution was passed to recognise that the end of the COVID border closures provides our decision-makers with an opportunity to reset our skilled migration program—a reset that the AWU says should be done in tandem with a national policy to rebuild Australian workforce skills via a genuine partnership between business, unions and governments.

The conference called on all levels of government to commit to a skills and migration compact that would require businesses that access the skilled migration program to make an equal investment in the domestic development of skills. The AWU's preferred proposal is for employers to contribute to skills development by taking on one trainee for every skilled migrant or, alternatively, to contribute financially to a national skills fund that invests in local vocational and technical training and helps build high-skilled workforces across every industry, from manufacturing, construction and information technology to the hospitality and care industries. The conference also called on the Federal Government to create a process for all skilled visa migrants to access collective bargaining via their relevant union. Having a voice at work and having the ability to collectively bargain is one of the most powerful tools that ordinary working people have in order to access fair wages.

Other parts of the union movement have led the fight to empower workers in other parts of the economy that have high turnovers of temporary migrant labour—in the gig economy, in hospitality, and in our increasingly casualised and insecure aged-care, childcare and university sectors. We have to do better than simply restarting a cycle of temporary migration, with no rights afforded to workers under Commonwealth laws and equally no requirement for there to be continuous investment in our own skills.

It is pleasing that the new Federal Government was elected on a platform of skills development and additional skills training, and State governments equally have a role to play. We look forward to the AWU and others taking those ideas to the jobs summit that is likely to be held next month by the Commonwealth Government. We have a once-in-a-generation opportunity to fix our skills crisis in New South Wales so that every young person, and workers of all ages, can train and retrain to contribute to the industries that will drive the information and energy revolutions. The best time to have fixed the skills crisis was, indeed, a decade ago. But in the absence of any meaningful action from this Government, the next best time will be after March next year as we go about electing a Labor government in this State.

### SINGLETON FIRE STATION

**The Hon. ROD ROBERTS (21:53):** I alert the House and my fellow members to an unacceptable and frankly untenable situation that exists at the Singleton fire station. The situation that the staff of Singleton find themselves in is completely unacceptable, but more concerning is that it is downright dangerous. I do not mean dangerous in a physical sense but dangerous from a governance viewpoint. The lack of governance exposes both the Government and Fire and Rescue NSW to the real possibility of legal action.

The Singleton fire station was built in 1915, and very little has been done with it over time. I know that because I have visited and inspected the facility. Imagine, if you will, a fire station like one sees in the movies—a single-storey brick building with a big, open front door and a fire truck parked right in the middle. Down the right-hand side are pegs hanging on the wall, and hanging on those pegs is the protective gear that the firefighters wear when they attend emergency situations. "Well, no problem there," members may say, but let me explain further. The station is situated at 1A Pitt Street. Pitt Street intersects with John Street and is situated right in the middle of Singleton CBD, and right across the road from the fire station is a large public car park.

Imagine this, if you will: The fire officers, both male and female, are on duty and receive a call to attend a fire. They go to the wall where their individual safety gear is. But before they put the safety gear on, they must change out of the everyday uniform that they wear when not actually engaged in active duty—both males and females stripping down to their underwear to get changed, all the time in full view of anybody walking down Pitt Street. The idea of men and women in their underwear together in the workplace is a whole matter of its own that

I will turn to shortly. Men and women are in their underwear in full view of members of the public in Pitt Street because they do not have a simple change room.

It gets worse. As I have stated, the station is situated at 1A Pitt Street, and across the road at 2A Pitt Street is a dance studio predominately frequented by young girls. If that were not bad enough, just around the corner in John Street is a second dance studio, again catering to young female dancers. We have firefighters stripping down to their underwear in full view of the public, in extremely close proximity to two dance schools and across the road from a public car park that is used to service those two dance schools, amongst other premises. The firefighters I have met at Singleton are extremely decent and dedicated officers, but they are fearful that some member of the public will take offence to them in their underwear. That leaves both them and their employer open to criminal or civil prosecution for some form of obscene exposure.

I have mentioned previously that Singleton fire station is staffed by both male and female officers. We are in 2022, and in this day and age there is no way that men and women should be forced to strip down to their underwear in front of each other. The fact that it is work related is irrelevant. As I have said, I have had the pleasure of meeting some of the staff at that station, and there is no way that the male officers would deliberately do anything to offend their female colleagues. The female officers that I have met are not precious princesses but dedicated professionals who just want to get on with the job. However, there is no way their employer, Fire and Rescue NSW, should put them in a position where inappropriate behaviour could be alleged.

Just when one thinks it cannot get any worse, it does. Those male and female officers also have to share the same toilet and shower facilities. Yes, there are no separate male and female toilets but all in together, and they must share the same facilities. Of course, the shower is located in the same room as the toilet, so imagine the lack of practicality in that. Again, we have males and females provided with no choice but to share toilet facilities, whether or not they like it.

As I have said, this is 2022. Imagine the uproar in this building if males and females were forced to change in front of each other and to share bathroom facilities. What is good for us should be good enough for the brave men and women of the Singleton fire station. They are not asking for a new fire station—although that would be good—but are instead just asking for a demountable building that could be located in the rear of the premises that would provide them with both male and female toilets and showers and an area to get changed in that takes them away from the glare of passing civilians in the street. That is not too much to ask. Should we not protect those that protect us? I call upon the emergency services Minister to rectify this immediately.

#### **CHIEF INSPECTOR BOB FITZGERALD**

**The Hon. WALT SECORD (21:58):** As the shadow Minister for Police, I express my solidarity with Chief Inspector Bob Fitzgerald, who was attacked by three youths at Rooty Hill station at around 4.25 a.m. on 1 August. Chief Inspector Bob Fitzgerald, aged 60, asked the three boys to stop harassing passengers and rail staff. He identified himself as an off-duty police officer. Police allege that he was then set upon by the three youths, who were 12, 13 and 14. They struck him on the head with a bicycle pole after he tried to arrest the trio. Paramedics from NSW Ambulance treated him at the scene, and he was taken to Blacktown Hospital with head injuries that required stitches.

I wholeheartedly agree with Blacktown Mayor Tony Bleasdale and New South Wales Police Association president Kevin Morton, who both publicly condemned the attack. Soon after the attack, I contacted Chief Inspector Fitzgerald to check on his welfare and express my support for him. I told him that he had my full support. He was surprised by the call, and he joked that he could not wait to get back to work. Chief Inspector Bob Fitzgerald has been a police officer for nearly 40 years. I wish Chief Inspector Bob Fitzgerald well and wish him a speedy and full recovery. I thank members for their consideration.

*[Business interrupted.]*

#### *Documents*

#### **SENIOR TRADE AND INVESTMENT COMMISSIONERS**

##### **Further Return to Order**

**The CLERK:** According to the resolution of the House this day, I table documents relating to a further order for papers regarding the appointment of the Senior Trade and Investment Commissioner to the Americas, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

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

*Adjournment Debate*

**ADJOURNMENT**

*[Business resumed.]*

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

**Motion agreed to.**

**The House adjourned at 22:00 until Wednesday 10 August 2022 at 10:00.**