New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Tuesday, 11 October 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 11 October 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.

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

HEALTH LEGISLATION (MISCELLANEOUS) AMENDMENT BILL (NO 2) 2022

MUSEUMS OF HISTORY NSW BILL 2022

Assent

The PRESIDENT: I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

Documents

REGISTER OF DISCLOSURES

The PRESIDENT: According to clause 21 of the Constitution (Disclosure by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Council for the period 1 July 2021 to 30 June 2022.

PARLIAMENTARY BUDGET OFFICE

Reports

The PRESIDENT: According to the Parliamentary Budget Office Act 2010, I table the report of the Parliamentary Budget Office entitled *Parliamentary Budget Office Operational Plan 2022-23*, dated October 2022.

Motions

TRIBUTE TO BRIAN SHERMAN, AM

The Hon. EMMA HURST (14:34): I move:

(1) That this House expresses its condolences to the family and friends of Brian Sherman, AM, who died on 11 September 2022 following his battle with Parkinson's disease.

(2) That this House notes that:

(a) Brian Sherman, AM, was a distinguished businessman, philanthropist, and animal activist;

(b) he was appointed as a member of the Order of Australia in 2004 for his service to the community; and

(c) in the same year, Mr Sherman and his daughter co-founded Voiceless, the animal protection institute, together serving as its managing directors.

(3) That this House acknowledges that Mr Sherman's accomplishments in his capacity with Voiceless include:

(a) championing the protection of animals through law reform and raising awareness of legalised cruelty;

(b) creating the first legal team within an Australian animal protection organisation;

(c) mainstreaming the field of animal law, by supporting the first animal law textbook in Australia and paving the way for animal law to be taught in universities across the country; and

(d) working towards his vision of a world where animals are treated with respect and compassion.

Motion agreed to.

Bills

ROYAL BOTANIC GARDENS AND DOMAIN TRUST AMENDMENT (FACILITATION OF SYDNEY METRO WEST) 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, on behalf of the Hon. Natalie Ward.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (14:35): According to standing order, I table a statement of public interest.

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 a later hour.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. SCOTT BARRETT: I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 48/57*, dated 11 October 2022.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. SCOTT FARLOW: I table report No. 64 of the Selection of Bills Committee, dated 11 October 2022.

According to paragraph 4 (1) of the resolution establishing the Selection of Bills Committee, I move:

That the following bills not be referred to a standing committee for inquiry and report, this day:

(a) Childcare and Economic Opportunity Fund Bill 2022 (not yet accompanied by a Statement of Public Interest);

(b) Crimes (Administration of Sentences) Amendment (No Body, No Parole) Bill 2022 (not yet accompanied by a Statement of Public Interest);

(c) Criminal Procedure Legislation Amendment (Prosecution of Indictable Offences) Bill 2022 (not yet accompanied by a Statement of Public Interest);

(d) Royal Botanic Gardens and Domain Trust Amendment (Facilitation of Sydney Metro West) Bill 2022 (not yet accompanied by a Statement of Public Interest);

(e) Security Industry Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);

(f) Crimes Amendment (Money Laundering) Bill 2022 (not yet accompanied by a Statement of Public Interest);

(g) Dedicated Encrypted Criminal Communication Device Prohibition Orders Bill 2022 (not yet accompanied by a Statement of Public Interest);

(h) Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Bill 2022 (not yet accompanied by a Statement of Public Interest); and

(i) Prevention of Cruelty to Animals Amendment (Prohibition for Convicted Persons) Bill 2022.

Motion agreed to.

Visitors

VISITORS

The PRESIDENT: I acknowledge a guest of the Hon. Shaoquett Moselmane in the President's gallery, Ms Maryam Khalil, a third-year Law and Communications student at the University of Technology Sydney. She is currently undertaking an internship with the Hon. Shaoquett Moselmane. I welcome her to the Chamber today.

Documents

AUDITOR-GENERAL

Reports

The CLERK: According to the Government Sector Audit Act 1983, I announce receipt of a performance audit report of the Auditor-General entitled *Student attendance*, dated 27 September 2022, received out of session on Tuesday 27 September 2022 and authorised to be published.

Committees

PUBLIC WORKS COMMITTEE

Reports

The CLERK: According to standing order, I announce receipt of report No. 5 of the Public Works Committee entitled *Granting of contract number OoS17/18-021 by the Office of Sport,* dated September 2022, together with submissions, transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, received out of session on Wednesday 28 September 2022.

The Hon. DANIEL MOOKHEY (14:40): I move:

That the House take note of the report.

Debate adjourned.

PROCEDURE COMMITTEE

Reports

The CLERK: According to standing order, I announce receipt of report No. 15 of the Procedure Committee entitled *Broadcast of proceedings resolution*, dated September 2022, together with submissions, minutes of proceedings, a discussion paper and correspondence relating to the inquiry, received out of session on Friday 30 September 2022.

SELECT COMMITTEE ON THE GOVERNMENT'S MANAGEMENT OF THE POWERHOUSE MUSEUM AND OTHER MUSEUMS AND CULTURAL PROJECTS IN NEW SOUTH WALES

Reports

The CLERK: According to standing order, I announce receipt of the report No. 1 of the select committee entitled *Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales*, dated September 2022, together with submissions, responses to an online questionnaire, summary report of the online questionnaire, transcripts of evidence, tabled documents, answers to questions on notice, and correspondence relating to the inquiry, received out of session on Friday 30 September.

Ms CATE FAEHRMANN (14:41): On behalf of the Hon. Robert Borsak: I move:

That the House take note of the report.

Debate adjourned.

SELECT COMMITTEE ON THE IMPACT OF TECHNOLOGICAL AND OTHER CHANGE ON THE FUTURE OF WORK AND WORKERS IN NEW SOUTH WALES

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 1 of the select committee entitled *Impact of technological and other change on the future of work and workers in New South Wales: First report – The gig economy*, tabled on 6 April 2022, received out of session and authorised to be printed on Tuesday 4 October 2022.

PUBLIC ACCOUNTABILITY COMMITTEE

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 13 of the Public Accountability Committee entitled *Transport Asset Holding Entity*, tabled on 8 April 2022, received out of session and authorised to be printed on Friday 7 October 2022 .

Documents

NARRABRI GAS PROJECT

Return to Order

The CLERK: According to the resolution of the House of Wednesday 10 August 2022, I table additional documents relating to an order for papers regarding the Narrabri Gas Project, received on Monday 26 September 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Monday 26 September 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.

EXHIBITED ANIMALS

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 10 August 2022, I table additional documents relating to a further order for papers regarding exhibited animals, received on Thursday 29 September 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Thursday 29 September 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.

FORESTRY CORPORATION OF NSW

Return to Order

The CLERK: According to the resolution of the House of Wednesday 10 August 2022, I table additional documents relating to an order for papers regarding the Forestry Corporation of NSW, received on Thursday 29 September 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

ADVERSE WEATHER AND FLOODING EVENTS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 23 March 2022, I table additional documents relating to an order for papers regarding potential or actual adverse weather or flooding events, received on Friday 30 September 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 Friday 30 September 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.

PUBLIC EDUCATION COMMENTS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 21 September 2022, I table documents relating to an order for papers regarding a comment about "better breeding", received on Wednesday 5 October 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 5 October 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.

WESTERN SYDNEY AEROTROPOLIS PRECINCT PLAN

Correspondence

The CLERK: According to the resolution of the House of Wednesday 21 September 2022, I table correspondence relating to an order for papers regarding the Western Sydney Aerotropolis Precinct Plan, received on Tuesday 4 October 2022 from the Leader of the Government in the Legislative Council, stating that the order purports to require 18 Ministers and 12 New South Wales government agencies to undertake searches, questions whether it is reasonably necessary to fulfil the House's scrutiny functions and considers that the House will be best assisted if a response is provided in the first instance by the Minister for Enterprise, Investment and Trade and by the Western Parkland City Authority.

MR LUKE MOORE

Correspondence

The CLERK: According to the resolution of the House of Wednesday 24 November 2021, I table correspondence relating to an order for papers regarding the arrest, charging and detention of Mr Luke Moore on 25 February 2021, received on Tuesday 4 October 2022 from the Chief Commissioner, Law Enforcement Conduct Commission, explaining the course of the commission's investigation of this matter since the commission's response to the order of the House and the commission's earlier correspondence dated 29 November 2021 tabled in this House on 23 February 2022.

BRUMBIES IN KOSCIUSZKO NATIONAL PARK

Dispute of Claim of Privilege

The PRESIDENT: I report to the House that on 28 September 2022 the Clerk received correspondence from Reverend the Hon. Fred Nile disputing the validity of a claim of privilege on documents lodged with the Clerk on 26 April 2022 relating to brumbies in Kosciuszko National Park. Pursuant to standing orders, a retired Supreme Court judge, the Hon. Keith Mason, AC, KC, 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. Keith Mason, AC, KC, for evaluation and report.

Report of Independent Legal Arbiter

The PRESIDENT: I report that the Clerk has received a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, on the validity of a claim of privilege on documents lodged with the Clerk on 26 April 2022 relating to brumbies in Kosciuszko National Park. The report is available for inspection by members of the Legislative Council only.

PUBLIC EDUCATION COMMENTS

Dispute of Claim of Privilege

The PRESIDENT: I report to the House that on 9 October 2022 the Clerk received correspondence from the Hon. Mark Latham disputing the validity of a claim of privilege on documents lodged with the Clerk on 5 October 2022 relating to the comment about better breeding. Pursuant to standing orders, a retired Supreme Court judge, the Hon. Keith Mason, AC, KC, 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. Keith Mason, AC, KC, for evaluation and report.

BARANGAROO INDIGENOUS CULTURAL CENTRE

Variation of Order

The PRESIDENT: I inform the House that on 29 September 2022 the Clerk received correspondence from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, seeking agreement to vary the scope and due date for an order for papers. I table the correspondence. I further inform the House that, in relation to the following order, the relevant member who moved the motion for the order for papers has agreed to the following request from the Department of Premier and Cabinet:

(1) Barangaroo Indigenous Cultural Centre

(a) that the due date be Wednesday 26 October 2022.

(b) that all documents created since 2014 are required.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The CLERK: According to standing order, I advise the House of the following postponements:

(1) Business of the House notices of motion Nos 1 and 2, standing in the name of Ms Abigail Boyd, postponed until Thursday 13 October 2022.

(2) Government business orders of the day Nos 1 and 2, standing in the name of the Hon. Damien Tudehope, postponed until a later hour of the sitting.

Committees

MODERN SLAVERY COMMITTEE

Membership

The PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of the Modern Slavery Committee:

Government: The Hon. Aileen MacDonald
The Hon. Wes Fang

Opposition: The Hon. Greg Donnelly

Crossbench: Reverend the Hon. Fred Nile

The Hon. DAMIEN TUDEHOPE: I move:

That a message be forwarded to the Legislative Assembly advising of the appointment of four Legislative Council members on the joint committee.

Motion agreed to.

Matter of Public Importance

SCHOOL IMPROVEMENT TARGETS

The Hon. MARK LATHAM (15:19): I move:

That the following matter of public importance be discussed forthwith:

The failure of the Government's education policies to meet its own school improvement targets.

I understand the Government has agreed to bring on discussion of the matter straightaway, without the 10-minute preamble.

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

Motion agreed to.

The Hon. MARK LATHAM (15:20): I point out the tragedy for New South Wales that after 12 years of this Government our schools policy is now operating in a vacuum. The Government had a policy, one of the most disastrous in the history of the Western world, called Local Schools, Local Decisions. That was abandoned a few years ago by the Minister and supposedly replaced by the School Success Model, which has rigorous, hard-hitting, applicable standards and targets for the improvement of schools. But now we find out, hiding behind the fig leaf of COVID—a phony excuse—that those targets and any external validation of schools have been abandoned until the end of 2023. So for the past six months and for the next 12 months—18 months in total—New South Wales has not had a central public policy guiding school education.

This comes at a time when the Government's chosen curriculum reviewer, Professor Geoff Masters, has pointed out that New South Wales has the fastest falling school academic results in the world—not just in Australia, but in the world. The Programme for International Student Assessment [PISA] results show that our 15-year-olds are four years behind their peers in China in mathematics and 3½ years behind in science. When compared with 15-year-old students in New South Wales at the beginning of this century, the students of today are seven terms—a year and a half—behind their counterparts from just 20 years ago. There is a crisis of failure in New South Wales Government schools. Where has it come from? The main culprit is Local Schools, Local Decisions, which guided this Government's policies for eight or nine years.

Former education Minister Piccoli's decision to introduce the policy was a tragedy. There was no central guidance about what a school should look like, or the standards or the core elements of the school's practice to get results. The Government trusted the principals in each and every school to do whatever they wanted under any circumstances. It said, "The principals always know best." Implementing that policy nearly a decade ago was the worst possible timing, because it was at a time when our schools were going down the pathway of fad,

experimental classroom practice and woke content. It was bound to drive down results—and that is exactly what has happened. The fast-falling school results are a tragedy, not just for this generation of school students but for the entire future of New South Wales. The Government's policy of trusting principals and not having any central guidance about what a school should be or what standards, policies and practice a school should implement, according to the evidence base, has been a complete disaster. It was the worst possible timing, as the schools decided—for whatever strange, woke reason—to embark upon these fad, experimental programs in the classroom.

We know—and the Centre for Education Statistics and Evaluation [CESE] has confirmed, along with experts like John Hattie—that explicit instruction works in classroom teaching: the strange notion that the teacher stands at the front of the class and actually teaches, as opposed to the experimental fad of teachers being facilitators and the students, supposedly, being self-starting learners. I wonder, if the students are self-starting learners off the internet, why do we need schools at all? Why do we need schools and teachers at all if they are self-starting learners? Students end up working in groups—which is code for one student doing all the work, normally using junk they have found on the internet—while the teacher walks around the classroom with a cup of coffee as a so-called facilitator. It is a losing strategy. Every single piece of evidence and research from around the world shows it is a losing strategy. But this is the strategy that Local Schools, Local Decisions facilitated. It said, "If you want to do that, if you are a principal and the school leadership and senior teachers think that works for you, you go for it. You knock yourself out doing it"—and, of course, the woke content in the classroom followed.

At that exact time a decade ago, we needed policies that set out the core elements of what works for a school. The evidence base shows that by far the best strategy is explicit or direct instruction in the classroom, teachers teaching, the collective efficacy of a unified single direction, professional development and teacher unity at the school, a back-to-basics curriculum and synthetic phonics for early literacy. These are the things that work and which should have been mandated for each and every school in New South Wales by the education department, instead of them throwing their arms sky high and saying, "Anything will do; any principal can do whatever they like."

On top of that—away from things that work in the classroom, according to the evidence base—the work health and safety requirements of following instructions like the asbestos management plan should have been mandated. Recently Portfolio Committee No. 2 – Education found out about the calamity at Castle Hill High School, where the principal walked off the reservation and said, "We don't really care about work health and safety asbestos concerns." That, in itself, was another disastrous result of the culture and practice of Local Schools, Local Decisions. Clearly, we have some good school principals, school leaders and schoolteachers in New South Wales, but it is not universal. We cannot rely on a policy of blind faith in what every local school does. There have to be core elements of what actually works for a school: direct instruction, synthetic phonics for literacy, collective efficacy, behavioural standards and decent work health and safety requirements. Those things work for a school and should always have been mandated by the Department of Education.

Instead, Local Schools, Local Decisions drove down our schools' results. The Minister had to say, "It is so bad, we have to admit this failure. We are getting rid of it." But it was never replaced by anything of substance: no central mandate, no core elements of what every school in New South Wales should look like and what they should be doing. It was replaced by the promise of the School Success Model and improvement targets for schools, but then they were suspended. The Minister announced in May that the targets are suspended until the end of 2023. External validation of what the schools are doing, according to the evidence base, has been deferred until the end of next year. So now, tragically, our schools are operating in a complete vacuum. There is inertia—no centralised policy of what a school should be doing for excellence in student results. This has happened, of course, because the Government did not want to look at the results this side of the New South Wales election.

A Standing Order 52 motion for papers moved by the Hon. Courtney Houssos resulted in a bundle of documents being produced, including one written by Daniel French, Director, Capability Implementation and School Excellence at the Department of Education, about the progress towards system and school-level targets, the supposed replacement for the failed Local Schools, Local Decisions policy. Mr French wrote that "the likelihood for achieving each system-level target for schools is currently rated as challenging or very challenging. Thirty-six per cent of schools are on track to achieve HSC targets"—so, 64 per cent or nearly two-thirds of schools are going to fail to meet their HSC targets in 2022. Further, he wrote that "38 per cent of schools are on track to achieve their NAPLAN reading numeracy targets"—so, 62 per cent, again almost two-thirds of schools, are failing to meet their targets.

The Minister's response could have been to say, "We must double up our effort to improve schools. We must do the things that work in the classroom: explicit and direct instruction. We must use synthetic phonics for teaching reading. We must mandate these things, not make it optional, not defer the targets." The Minister says she is doing it. Why then has she deferred the performance target for the Year 1 Phonics Screening Check, which has been failed by 43 per cent of students in New South Wales? The Minister's response is not to say that schools

must double down to go harder with this program and measure their results. Her response, in every single area of these targets, is to abandon the targets—not to demand excellence, achievement and school success, but instead to say, "We'll push it off until the end of 2023, on the other side of the New South Wales election."

According to this memo from Daniel French, the Government was embarrassed by the fact that it was failing so badly. It failed with Local Schools, Local Decisions. It failed with the School Success Model—two-thirds of schools were not going to achieve their results—so the Government abandoned the targets. It is an abdication of leadership and direction that leaves the schools now functioning, at this critical time, in a complete policy vacuum. Another Government document, listed as sensitive in the SO 52 bundle, reads as follows about the Year 1 Phonics Screening Check: "Early analysis of the 2021 results shows a significant improvement in student outcomes, with 57 per cent of all year 1 students meeting or exceeding the phonics achievement of 28 or above correct items." But 43 per cent are not. No education Minister or education department should rest until they get that number to 100 per cent. Every student in New South Wales must have, as a right, the capacity to read in a system that teaches phonics to benefit their literacy. The fact that 43 per cent of students are not getting through the year 1 phonics check indicates a significant number of schools are not teaching phonics. They are still locked into the failed whole-word system.

I come to advice that the Minister received from her office as to why this is happening. In a memo to the Minister, which was produced pursuant to an order for papers under Standing Order 52, Daniela Jozic wrote that the real problem is one of public relations, that the risk of getting rid of the targets and pushing them out is "more reputational than political". So the Government is worried about its own backside, its own political interest, rather than the interests of students in New South Wales. The adviser in the Minister's office has written that the real risk here is not a further decline in standards, not taking the pressure off schools to reach their targets, not another slide in New South Wales down the academic league tables; the risk here is "reputational" and "political". They are only worried about themselves; they are not worried about the students in New South Wales.

On the next page of the memo, she talks about the things that will make it easier for school principals and how consultation with certain association leaders is necessary. She says they will "remove the things they don't need". So inside the Minister's office are senior advisers who do not even believe in the targets or the pressure that is needed on schools to lift their results. If we look further at what is happening to the targets, a document in the bundle shows the "proposed adjustments to option two priorities and targets". This is what the Government has adopted: "increase proportion of students in the top two bands of reading by 2022". The target expires this year. It will never be assessed. They pushed it out because of some changes at the Australian Curriculum, Assessment and Reporting Authority, where the top two NAPLAN reading bands are no longer going to be relevant to these targets. It is the same for numeracy.

We have seen the last of any NAPLAN performance measurement in schools. The document says, "The moving target beyond 2022 will likely invalidate school-level targets." So they are gone. The earlier NAPLAN band targets for literacy and numeracy are completely wiped. There was going to be some reporting this year, but that has been pushed away. Other targets are pushed to 2023. A lot of them—the few remaining—are not actually hard-headed evidential targets. Those targets are for "expected growth" in reading and numeracy by 2023. From earlier analysis of the targets, we know that schools are basically allowed to do whatever they like. I mentioned the fiasco at Ashcroft High School, where the Rosetta Stone was needed to work out what targets, if any, the school would use. The school had said that it did not believe in measuring any of those results and got away with it. The fact that at least one school got away with saying "We don't believe in these targets, we don't believe in measuring student outcomes" is a very bad sign for what has happened in the system.

We know for a fact that those targets, now postponed to the end of next year, are a dog's breakfast across New South Wales. There are different types of targets, some of which are to be implemented within three years and some in five. They are totally inconsistent and essentially come down to whatever the school is willing to accept. What excuse does the Government use for this policy vacuum, negligence, and abdication of leadership and core policy development for our schools? You guessed it: COVID, poor old COVID. COVID is now so irrelevant in New South Wales they have abolished the isolation period. It does not exist. COVID is now so irrelevant in New South Wales that the masks—the old "face nappies"—are gone. They are not required on trains and planes or in any other public place. Very few of them are still around and those are not mandated by the Government.

In core government health policy, COVID has become an irrelevance. It does not apply in New South Wales. The only use for COVID is as a fig leaf for the Minister to use to avoid measuring performance against targets in schools. The only place COVID has any remaining relevance is in the Minister's office, where they say, "We've got problems here. We can't let people know how badly our schools are going. We can't let people know how badly our school policy has failed." But they say that the answer is to use COVID, yet again, as the perpetual excuse to cover up any publication of the results—"We'll just push them out to the end of next year and avoid any

scrutiny prior to the New South Wales election." That is the lasting legacy of the COVID policy in the Kean-Perrottet Government: as an excuse, an alibi, a fig leaf and a convenience. When it is worried about the publicity and political consequences of putting these results out, the Government covers up its failure and uses COVID as an excuse.

Beyond that, the Government says there are no teacher shortages. So what could be the impact of COVID on performance in our schools? If there are no teacher shortages and all these schools have been functioning wonderfully, according to the Government's rhetoric, and have been operational and going fantastically through the period, why would it need COVID as an excuse not to publish the targets? The Government's rhetoric is totally self-defeating in this space. Its excuse is phony and invalid. What we really need is an overhaul of education policy that defines the core elements of what makes for a good school, a Minister who says that schools are about resourcing. Of course, it is true that the Gonski rivers of gold are providing record funding for schools. But it is also about pressure—pressure to succeed, to measure performance, to achieve targets and to ensure that schools and students move forward and that we make up for the lost decade of education policy in this State. That is the tragedy of what we are dealing with, and that is what needs to be corrected.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (15:35): I appreciate the opportunity presented by this debate to correct some of the falsehoods expressed about our Government's approach and to talk about some of the achievements that we are seeing in our schools and in our students' success. I make clear that Local Schools, Local Decisions has evolved. I have canvassed it many times in this place. We have said that that policy no longer exists. We have moved to the School Success Model. We have been open and transparent about the fact that, for the first time, every school across the State has targets in place across a range of metrics to measure student growth and get the outcomes that we want to see.

We have made it clear, through the School Success Model policy, that it is all about making sure that the record funding that we are seeing in our schools right across New South Wales leads to better student outcomes. There is a unity ticket on that, I think, in this building. We all want our kids to do better and get the best possible education here in New South Wales. We have the School Success Model in place, and we have targets in place. I need to be very clear about that. The targets still exist. As I said, schools have ambitious targets to meet across areas such as literacy, numeracy, attendance and wellbeing. They are still in place, and they must be met. However, what we did do earlier this year—again, I have canvassed this many times in the House already—is recognise that our schools are still dealing with some of the immediate impacts of what has been a challenging past two years.

In speaking to the motion, the Hon. Mark Latham talked about the "fig leaf" of COVID and how we have moved on and no longer have isolation. We are talking about the impact of learning over the past two years. It should not require much effort for members to cast their minds back 12 months. This time last year we had to delay the HSC by about a month because we still had a large number of cases and we had students who learnt from home in western Sydney, an area that I know the member knows well. In some cases, students learnt at home for up to 14 weeks. We are not talking about the immediate impacts of COVID; we are talking about the fact that over the past two years our school settings experienced significant disruption. We need to make sure that we give our school communities time this year to recalibrate and to get kids back, focused and doing what they need to be doing.

That is why we announced earlier this year—my recollection is that it was in May—that schools would have an extension to the targets. We should also acknowledge our pretty ordinary flu season and the flood issues right across New South Wales, even as we speak. We have communities in the Northern Rivers that are still feeling the impacts of their flooding event. It has not been a normal 12 to 18 months in education. Our schools have been impacted. We speak to school communities, and we recognise that in our policy settings. We also know that because of that schools have not had the real opportunity to fully benefit from targeted and strategic support, which is the other part of the School Success Model. It is not about schools not meeting targets and leaving them to it. We want that intense, targeted, strategic support to communities and schools that need it. That has been a challenge to deliver when we have had learning from home and when schools have been focused on getting kids back and engaged.

We also have our COVID Intensive Learning Support Program, which still has time to run. There are a lot of moving parts and a lot of things happening in our school communities. As a Government, we listen to our school communities and we make sure that we make decisions in consultation with them. As I said earlier, this is about making sure that we give our schools time and space to focus on the things that they have told us they need to do. We have extended the current school improvement plans and targets until 2023. It is important that all members note the word I am using, which is not "removing". We are not getting rid of targets; we are extending them. Extending some of those school-based targets will give schools the opportunity to recover and to focus on implementing the priorities to improve the learning outcomes of all students.

I will mention a couple of the topics the member raised when moving this motion, firstly about the NAPLAN Top 2 targets. Due to some measurement constraints that have been created by the nationally agreed changes to NAPLAN bands planned from 2023, the targets are not being extended to 2023. That does not mean that we will not look at opportunities and targets in terms of NAPLAN. Going forward, we will be looking at new measures focusing on student growth. These changes to NAPLAN at a national level are around reporting and measurement. We need to make sure that we adapt our policy to be in line with the national changes, which every State and Territory has signed up to.

I will mention the phonics target. The member might be surprised to learn that I think that we are on a unity ticket for phonics. I am a proud supporter of the phonics method. It works and is the right thing to do. Since I became the education Minister, I have been vocal in my support for phonics and making sure it is part of our curriculum. It is explicit in the new curriculum that all schools will be doing the year 1 phonics check. The results for that particular check this year will be out soon and will be publicly available. The accountability is there.

The member talked about the percentages in that first round. But we did see a growth from the year before, when it was not mandatory but optional. We know from other jurisdictions that have gone down this path, such as South Australia, that it is about increasing that number. Phonics is key. It is the best way to teach kids how to read. The year 1 phonics check will be mandatory, and we will continue to work with schools to make sure that we see student growth and uplift in that.

I will talk about the strategic improvement plans, which all schools have and publish on their websites. They will continue to work towards achieving both their system-negotiated and their school-determined targets. The other relevant point when we talk about education policy for student outcomes and strategic improvement is that it is not a "set and forget" policy. It should be a continuous process, centred on supporting the growth and achievement of every single child in every single classroom. Planning for and delivering student improvement is the core work of our teachers and school leaders each and every day. All public schools have comprehensive strategic improvement plans, which are aligned to their student learning outcomes, their resources and their communities. Each plan identifies improvements in literacy and numeracy as pivotal learning for all students. There is accountability through the directors of educational leadership, who are required to approve the strategic improvement plan of each school in their networks.

What is important about that strategic improvement planning process is that it helps schools identify what they are doing well. There are a lot of good things happening in our schools. Members should make no mistake about that. There are fantastic things, great teaching and learning, and inspiring outcomes happening in our schools across the State every day, and we need to make sure that we let schools do what they do well and get on with it but also that we work with them on what they can improve. That is what good investment in education and good education policy is all about. The strategic improvement plans are underpinned by the School Excellence Framework, which identifies high-quality practice across the key areas of learning, teaching and leading.

The other relevant point is that, at the beginning of term 3 this year, every New South Wales public school published its annual report, which shows the progress it has made against each of its targets. As I said at the beginning of my contribution, it has not always been easy. One of the targets I will call out is attendance. Because of the COVID-19 pandemic and our messaging to students to stay home if they are unwell, and because of the pretty shocking flu season as well, only 19 per cent of schools were on track to meet their attendance targets when the data was reviewed earlier this year. If you go to any school and speak to any teacher or any principal, as I do regularly, you will hear that attendance has been impacted this year. There is no question about that. People have been listening to the health messages over the past two years of COVID-19 and staying at home if they are unwell. Mandatory isolation is still in place until the end of this week. There have been impacts on attendance in our school community. So it makes sense to extend that target, because we are not trying to capture the attendance of a normal school year.

To put effort into particular schools' attendance due to COVID and sickness would not serve the purpose that members say it would. It is about working with those school communities and being rational and having a bit of common sense here. I am not surprised to learn that attendance targets were not met. Attendance has not been normal. That is true also for teachers. Sick leave in the system is up 60 per cent this year. Teachers have been sick with COVID and with flu. It has been a challenging time for our school communities. We know that and acknowledge that, which is why the extension is in place.

I could talk at length about the amazing things happening in our schools and the number of schools that have met targets. I know that the member chairs Portfolio Committee No. 3, which has engaged with schools as part of its inquiries. I will just mention one, Cambridge Gardens Public School, which has high rates of improvement in reading and numeracy and is going above and beyond its 2022 target. It is a fallacy to pretend that every school is not doing well, that some schools have not met or exceeded their targets and that others are

not on track to do that. That extension of time is a recognition of the lived reality of our school communities for the past couple of years.

I will finish my contribution there. I could say a lot more in relation to this topic, but there is a lot of business before the House today. I appreciate the opportunity to outline some of the good things that are happening in our school communities and the fact that our Government is investing record money into public school education in this State and is working every day with our school communities to get better outcomes for our students. At the end of the day, it is all about our kids and making sure that they get a great education and have a great future.

The Hon. COURTNEY HOUSSOS (15:45): I lead for the Opposition on this matter of public importance. I thank the Hon. Mark Latham for bringing to the attention of the House the falling education standards in New South Wales' schools. This truly is the legacy of 12 years of the Liberal-Nationals Government. After 12 years, we are seeing that not enough schools are being built in the right areas, so many children across this State do not have a local school to attend. We have chronic teacher shortages, which are causing the fastest falling education outcomes in the world. You do not have to take it from me or from the Hon. Mark Latham. You can take it from the Government's hand-picked expert, who reviewed the curriculum and acknowledged that we have the fastest falling education outcomes of anywhere in the world.

We used to do really well. In 2001, along with the Australian Capital Territory and Finland, we were leading the world. Our kids were up there with the best and the brightest. But the legacy of 12 years of the Liberals and Nationals is that, for the first time, our kids have failed to reach the OECD average in maths. Let us think about that. In a century when we are talking about STEM and innovation and opportunities that we need our children to be well educated for, they failed for the first time to meet the OECD average in maths. These are not statistics we take in isolation. This is something that will have far-reaching consequences, not only for our individual children but also for our economy as a whole. Our education outcomes are fundamentally important for our individual students and for their individual capacity to earn, but also for our economy and for the future of our State.

The true cause of this falling education outcome, which the Labor Party has proudly been saying and pointing to, is this Government's signature policy of Local Schools, Local Decisions. There is a part of me that says, well, Mr Piccoli had an idea and he stuck with it. But the consequences of that policy are outlined in excellent detail by Professor Geoff Gallop and his colleagues who produced the report commissioned by the NSW Teachers Federation several years ago, which showed that the cuts this Government made—cuts to the education experts, to the literacy experts, and to the curriculum and wellbeing experts within the Department of Education—left schools out there on their own.

It is true when the Minister says there are great things happening in our schools each and every day, but this is by accident and not by design. We are no longer running a system of schools. We are no longer providing the support to our public schools that should be provided to ensure that they can do their best. Instead, the cuts under Local Schools, Local Decisions meant that schools were cut adrift and left to their own devices. That is the legacy of the 12 years of this New South Wales Liberal-Nationals Government.

In her contribution the Minister made reference to a series of announcements that she has made as Minister, and I acknowledge that. There are many announcements. The problem is that there is no follow-through and no comprehensive plan and the three essential elements of our public education system are now failing. We do not have enough teachers and we do not have enough, or enough properly built, schools. Therefore, our education outcomes are falling, and that is fundamentally the problem of 12 years of this Government.

I place on record that our public schools are staffed by fantastic and dedicated individuals. I cannot imagine that many people go into the teaching profession without wanting to improve our kids' lives and impart knowledge to them. They are passionate and turn up every day trying to do that. The problem is that this Government has, firstly, cut crucial supports for them and, secondly, overburdened them with administration and red tape. The Government has required them to do all kinds of things that distract them from the central thing that they should be focusing on: teaching our children and focusing on what they need to be learning. We know that the biggest influence on the success of our students is the individual teacher in the room. Instead of allowing them to focus on that, this Government has tried to push off as much as it can from the central department onto individual teachers and principals. It has had catastrophic consequences.

When we look at Castle Hill High School, we see a principal who is supposed to be not only an education leader but also a building site manager—something that they are clearly not qualified to do and should not be focused on. Castle Hill High School is a tragic example of what has been going on in our schools. The principal was focused on education but, because of requirements to be an occupational health and safety leader and a building site manager on top of all the other work they were doing, they had to make a decision. They had to

prioritise, and in the end that prioritisation will have huge consequences for that school and that school community. I do not blame that school community; I do not blame the teachers. In fact, I place on record my thanks to the teachers at Castle Hill High School who bravely spoke up and who spoke to our education committee in its inquiry into school infrastructure. But these are the consequences of not having a strong and clear vision for how all schools in New South Wales should be run. That is not occurring.

There has been a series of policy announcements, media releases and stories but no overarching plan about what is going to be delivered. In relation to the education standards that the matter of public importance refers to, it is worth putting on record that, under this Government, New South Wales has fallen from fourth to sixth in reading, from third to fifth in maths and from third to fifth in science compared with other States. As other speakers have noted, we are not just declining in comparison with the rest of the world and the rest of Australia. A year 9 student in 2019 was five months behind the same year 9 student in 2011. Under this Government, the same student in the same classroom is learning less. I note that the Hon. Mark Latham mentioned a slightly different period of time. The fact is that a student today is learning less than they were 12 years ago, and that is the legacy of 12 years of Liberal-Nationals cuts to our education system.

I speak briefly about the work of the education committee of the upper House, of which I am a member. The Hon. Mark Latham is an excellent chair, and the Hon. Anthony D'Adam, the Hon. Wes Fang and various others are members. We have confronted what I would say are the three big issues in the New South Wales school system. In only a matter of months, we came up with a comprehensive plan. I agreed with parts of it and we disagreed with other parts related to the way that we could improve our schools. But it was a comprehensive plan that this Government could have implemented. We have also investigated the chronic teacher shortages that are plaguing our schools.

Our survey showed that more than 50 per cent of teachers are planning to leave the profession in the next few years. We hear constantly about merged classes, about minimal supervision and about what is going on in our schools. We hear how we do not have enough teachers even to teach the existing student population. Members of this Government have failed to acknowledge that. They knew this was coming. Documents produced to this House have been telling them for years, yet they failed to do anything about it. Again, the education committee has looked at this issue in detail. We have heard the overwhelming evidence that this Government has completely ignored. We have spoken to teachers. We have heard about why they are leaving or why they are planning to leave. Just last week, we found out that one in five teaching graduates is not even choosing to become a teacher because it has got so bad. Yet this Government has failed for years. In fact, just last year this Government promised 3,700 new teachers; it delivered just 27 last year. The scale of the teacher shortages across this State is chronic and is being experienced in every single school.

Another issue that our committee is still looking at is school infrastructure. When we started the inquiry, we were talking about the failure to provide for growth in new areas. We looked at Gledswood Hills where, within two years of operation, we had 13 and now have 20-something demountables. Over the hill in Gregory Hills the promised school site is still vacant. Families moved to that area and were promised a school by this Government. That promise has not been delivered. Our inquiry uncovered the remarkable failure in other schools in the provision of even the most basic toilets in the appropriate number. It is clear that across the board our education system is in crisis. Whether it is problems with physical school buildings or the failure of teachers to be in front of classes, there is no doubt that these things are causing the increasing and fast-paced fall in our education standards. That is the legacy of 12 years of this Liberal-Nationals Government, and we need to be talking about that as a matter of public importance today.

The Hon. ANTHONY D'ADAM (15:57): My colleague has been very eloquent in her assessment of the abject failure of this Government's education policy. I think it is clear. We have seen more than a decade of decline. We know that Local Schools, Local Decisions has been one of the contributing factors to the overall decline in results.

The Hon. Sarah Mitchell: It's gone now.

The Hon. ANTHONY D'ADAM: It's not gone, and that is an incorrect assessment.

The Hon. Sarah Mitchell: It is gone. Show me where it exists.

The Hon. ANTHONY D'ADAM: The fundamentals remain in place, including the devolved system of school administration that underpinned that policy and the lack of curriculum support. This Government gutted that support when it introduced Local Schools, Local Decisions, which had a cascading effect in terms of the increasing pressure that was placed on our teachers in classrooms, leading many of them to exit the profession. That has led to the significant shortages of qualified teachers that we are experiencing in the system. But is it any

wonder that we have seen a decade of decline? This Government's policy is confused and contradictory. I cite just one recent example that has been in the media.

The Premier decided that he wants to get his hands dirty when it comes to the education policy. Recently he gave a speech at the James Martin Institute on his views about how the education system should evolve. He seemed to be enamoured with the model of the Michaela Community School—a highly structured and disciplined approach to pedagogy. I think that is interesting, because it seems to be utterly at odds with the position previously articulated by the Minister in support of the behaviour policy. There is one agenda in terms of increasing the disciplinary approach in public schools and then there is the Minister's behaviour policy.

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

Visitors

VISITORS

The PRESIDENT: I welcome to the public gallery this afternoon two Parli-Flicks finalists from Tweed River High School, students Skyla Keska and Mannat Matharu, who are accompanied by their teacher Mr Tony Lambert, along with Mrs Matharu, Mannat's mother. I trust they are enjoying their time at the New South Wales Parliament and looking forward to the Parli-Flicks awards ceremony tonight. I am sure they will see good behaviour in the Chamber during question time.

I also welcome to the public gallery Ms Evelina Ellsmore, a third year student at the University of Technology Sydney studying for a Bachelor of Communication (Social and Political Sciences) and a Bachelor of Creative Intelligence and Innovation. Evelina is currently placed in the office of the Hon. Scott Farlow, Government Whip. I trust she will also enjoy question time today.

Questions Without Notice

HEALTH CARE AND THE HON. BRAD HAZZARD

The Hon. PENNY SHARPE (16:01): My question without notice is directed to the Minister for Regional Health. Does the Minister support the comments of the health Minister, Brad Hazzard, who told overworked New South Wales healthcare workers, the heroes of the pandemic, to "go and work in the third world"?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:01): I thank the honourable member for her question. I believe that those comments by the Minister for Health were misrepresented, but I would have to look at the direct quotation. The intent of the Minister of Health's comments, I believe, was that the New South Wales health system is a world-class system. As recently as last week, people have come from other States to ask us about our system, to see how we are managing and what we are doing, because of our very good results.

Has the system experienced challenges at times? Of course it has. We have been open, honest and up-front about that. We have just come out of a one-in-100-year pandemic, a very challenging time, and we have had a real challenge with workforce. As I said, I do not have the exact quote in front of me, but Minister Hazzard is a passionate advocate for the New South Wales health system. He has been the health Minister for quite some time and he really cares about the New South Wales health system. He has introduced many innovative programs while he has been in charge of the health system. I am very pleased to be the Minister for Regional Health and to work with Minister Hazzard on those issues. He is very respected and a strong advocate for the health system.

FIRST HOME BUYER CHOICE PROGRAM

The Hon. SCOTT FARLOW (16:03): This one is for Sookhey. 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 offering choice to help people in New South Wales get into their first home sooner?

The Hon. Daniel Mookhey: Just pronounce my surname right and you'll be fine. Call me whatever else you want.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:03): I could call the honourable member a lot of things. I have to say to the students in the gallery that they have a great local member. Geoff Provest looks after the people in the Tweed. It is a pleasure to have them in the public gallery. Mind you, I look over at those opposite and they are all a bit sad today. They have a conference on the weekend—this honourable member is trying to get rid of that honourable member. They do not know which one is going to be in the Chamber next year—this one over here is plotting against that one over there; he does not want that one here next year.

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: Order! The Minister will resume his seat. The Leader of the Opposition has taken a point of order.

The Hon. Penny Sharpe: I take my point of order on relevance. The Minister cannot even be relevant to his own party's question.

The Hon. DAMIEN TUDEHOPE: Introductory remarks. It is about to be about those opposite.

The PRESIDENT: Indeed, the Minister is about to come to the question.

The Hon. DAMIEN TUDEHOPE: The New South Wales Government wants to see more people get through the door of their first home sooner by offering a choice that will make the total up-front cost more affordable. Those opposite should be very quiet and not engage in scare campaigns. In 2021-22, transfer duty concessions and exemptions helped 34,195 first home buyers purchase their first home. Our new First Home Buyer Choice—members should note that word "choice"—program will extend support to those purchasing a first home costing up to $1.5 million by offering a choice between an up-front transfer duty or small annual property payments. Those opposite are opposed to choice. They oppose a tax break. They want to grab more money, not give people a choice and not engage in proper tax reform.

I agree with the Hon. John Graham when he addressed the Labor conference in 2016. He, in fact, was endorsing exactly this policy. He wants this policy. I am with him. I stand with him, not with the Hon. Daniel Mookhey. I recently found a very nice property in Austral going for about $1.225 million. The First Home Buyer Choice calculator tells me the choice would be either to add $51,597 in transfer duty to that up-front cost or to opt for the smaller amount of property payment of $1,559. Is it my choice? It said to me, "You choose." The annual property payment will be indexed but capped at 4 per cent per annum. Even allowing for this maximum—a very unlikely scenario—it would take 27 years before the annual payments totalled $51,597. Where did Chris Minns get the figure of $175,000? The bloke can't count. The bloke is lazy. The bloke doesn't do any policy work. [*Time expired*]

MOBILE SPEED CAMERA WARNING SIGNS

The Hon. JOHN GRAHAM (16:07): I was transfixed there by the Leader of the Government. My question, though, is directed to the Minister for Metropolitan Roads. Given it cost $2.6 million to install warning signs on the top of mobile speed camera cars, how much will the Government's decision to now backflip and restore warning signs before and after cameras cost taxpayers?

The PRESIDENT: Order! Members on both sides will come to order.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:08): I am so pleased that the honourable member has given me the opportunity to talk about this fantastic initiative, because the Perrottet Government has listened to the community. That is what a good government does. We listened to the community. Ensuring our roads are as safe as possible for pedestrians and motorists is an absolute priority for this Government. We have always said that our approach to mobile speed cameras is to balance safety with community expectations. That is exactly what we have done. The New South Wales Government has made the decision to boost the number of warning signs around mobile speed cameras across the State to enhance driver awareness of enforcement vehicles. We know that more signs will alert more people more often, giving them the choice to adjust their driver behaviour.

The Hon. John Graham: Point of order: I take a point of order on direct relevance. I am reasonably familiar with the general thrust of the Government's mobile speed camera warning sign policy. The question is specifically about the cost.

The PRESIDENT: The Minister's comments so far have been introductory. I ask the Minister now to directly answer the question in relation to costing.

The Hon. NATALIE WARD: Government members are proud of our record in ensuring fiscal responsibility. That is why we have the programs that we have and can deliver the massive infrastructure that we can, and we can deliver this as well. That decision was announced yesterday by this Government, in response to community concerns, and I am pleased that we could get out there to do that. That will be a matter for operational contractual negotiations with the contractors. I thank Redflex and Acusensus for the great work that they do, and all of those workers who sit in those cars monitoring drivers on our roads and ensuring that people keep safe and keep each other safe.

It would be inappropriate for me to comment while negotiations are being undertaken with those contractors, but I am proud to be part of a government that listens to the community and is prioritising road safety. That is why we are putting the signs out there—because we have listened to the community and we have

demonstrated that we want to ensure our roads are as safe as possible for pedestrians and motorists by giving motorists the choice of adjusting their behaviour while they are behind the wheel of their car rather than three weeks later when they get a fine in the mail. They can sit in their car and adjust their behaviour, the same as they do at school crossings. I acknowledge the fantastic work of inquiry chair, the Hon. Lou Amato, and the cross-party parliamentary committee for making this recommendation. This Government has listened and has acted on that recommendation. I am pleased that we will be ensuring that those signs are out there, giving all drivers on our roads a choice.

The Hon. JOHN GRAHAM (16:11): I ask a supplementary question. Will the Minister elucidate that part of her answer where she said that it would be inappropriate to comment while negotiations on the costs are ongoing? Is the Minister seriously telling the House that Cabinet made the decision without even knowing the cost of that backflip?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:11): No, the Hon. John Graham fundamentally misunderstands the premise of what we are doing. I did not say we are negotiating; I said the Government is—

The PRESIDENT: Order! The Minister has the call and does not need any help from the Opposition.

The Hon. NATALIE WARD: Opposition members do not want to hear the answer. To be absolutely clear, changes to the program will be paid for within the existing Transport for NSW budget allocation. I was trying to make clear to the honourable member that we will take the time to discuss the changes with the contractors who are doing that work to ensure that we can implement those changes alongside them and educate and communicate to the community about our expectations around that. But those costs will be met within the existing budget, and that is what sensible governments do. In terms of the contractors and the work that we do standing beside them, those operational matters will be funded from within the existing budget of Transport for NSW.

COVID-19 AND THE HON. BRAD HAZZARD

The Hon. MARK LATHAM (16:12): My question is directed to the Minister for Regional Health, representing the Minister for Health in the other place. I refer the Minister to sworn evidence at budget estimates by senior Health officials that in June last year they gave Minister Brad Hazzard an individual COVID isolation assessment after he came into physical contact with the infected Adam Marshall at the National Party budget dinner. The Health officials said that their colleague Jennie Musto examined in detail factors such as which way people were facing, how loud they spoke and who breathed on whom. If that is the case, why is that not reflected in the Musto case notes on Hazzard, now belatedly produced, which are merely 27 words of handwritten scribble that do not even mention Hazzard's handshake and conversation with Adam Marshall and, in fact, do not even mention the infected Adam Marshall at all? How does the Government explain the inconsistency by which Brad Hazzard avoided the 14 days of COVID isolation he imposed on millions of other people in New South Wales?

The Hon. Daniel Mookhey: Do you have a note for that one?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:13): Are you insinuating something, Mr Mookhey?

The Hon. Daniel Mookhey: A little.

The Hon. BRONNIE TAYLOR: That is not very nice.

The Hon. Daniel Mookhey: It is not really insinuating; it is openly stating.

The Hon. BRONNIE TAYLOR: That is not very nice, Mr Mookhey. I thank the honourable member for his question, in which he refers to a National Party dinner that most of The Nationals were at. I certainly do not know who I was breathing on.

The Hon. Mick Veitch: Were you there?

The Hon. BRONNIE TAYLOR: Yes, and I went into isolation. Those were very dark days, when COVID had come and hit us all. It was a very difficult time and it was very well handled by the New South Wales health system. The Hon. Mark Latham is referring specifically to comments made in Minister Hazzard's estimates hearing, which I was not at. I do not have the details of what the honourable member is talking about in that regard. I have not seen the detail, I am not privy to that information and I have never asked for that information, but I have every confidence that protocols and procedures were very much followed to a T. We have to remember we were in the middle of a pandemic at that time, a wave that was encapsulating New South Wales and made a lot of people in our community extremely vulnerable. It was at a time before we had the great privilege of a vaccination program in New South Wales, so what happened was extremely concerning. I do not have the detail

that the honourable member is referring to in front of me and have not been privy to that detail. I have never requested to see that.

The Hon. MARK LATHAM (16:15): I ask a supplementary question. Will the Minister elaborate on that matter of detail? Will she now inspect the details of the matter for the benefit of this House? Given that she has said that all protocols and procedures were followed, will she explain why there is no mention in the Musto case notes of Mr Hazzard's contact with Adam Marshall—a handshake and an extensive conversation—after which the Minister should have isolated for 14 days? When the rest of the members at the National Party dinner did exactly that, how did Hazzard get himself off the hook?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:16): I understand that the honourable member has asked specific detail of me. I will take that on notice and endeavour to answer his question in the way in which he has asked it.

The Hon. WALT SECORD (16:16): I ask a second supplementary question. Will the Minister elucidate her answer regarding whether she inquired about why she was required to isolate while the Minister was not?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:17): I thank the honourable member for his supplementary question. That is a matter for NSW Health; it is not a matter for me as a Minister in this Government. The honourable member will be very pleased to know that I followed all instructions at the time, because that is what I do—I follow instructions from NSW Health about what I should do and what the best precautions are.

The Hon. Walt Secord: You are a nurse.

The Hon. BRONNIE TAYLOR: I am a registered nurse—Sister Taylor to you, Mr Secord—and so that is exactly what I did. I can only speak about my own perspective, and I did what I was advised to do by NSW Health. That was at a time when we were all informed whether we were close contacts. We had testing here at Parliament House in the Jubilee Room. I remember the Hon. Taylor Martin did not enjoy COVID PCR testing at all. I remember holding his hand and providing soothing things for him. That was at a time when we were sent text messages and told what to do, we were told when we had to have repeat tests. Anyone that was exposed at that time would know that. But as I said, that is a matter for NSW Health. I will get that information from NSW Health for the honourable member, as he has asked me to do, and endeavour to respond in a timely manner.

EXCELLENCE IN TEACHING

The Hon. PETER POULOS (16:18): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on how the New South Wales Government is rewarding excellence in teaching?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:18): I am very happy to do just that and also publicly acknowledge our guests from Tweed River High School. It is so lovely to have them here. I have visited their school community before, together with Geoff Provest. It is a fantastic school up there in the Tweed. It is one of the schools where we are running a great VET pilot to give opportunities to students up in the Tweed, particularly in careers that are important to the Northern Rivers. It is wonderful to have them here, and I promise that we will try to be as well behaved as possible to set a good example to them all. Great schools do not happen without great teachers. This is a good opportunity to update the House on the really exciting work that the Government is delivering, which is being led by internationally renowned education expert Professor John Hattie.

Last month I was thrilled to join the Premier at the inaugural James Martin Institute Oration to announce a landmark new approach to reward teaching excellence and attract more people to the profession. The new issues paper on the Rewarding Excellence in Teaching project sets out a compelling case for change. The paper identified that currently New South Wales classroom teachers have limited options to progress their careers without taking on formal leadership roles outside of the classroom. Feedback from teachers—because we listen to teachers and we work with our teachers—who have been part of the consultation to date have underscored this point. One teacher stated:

> I am a great classroom operator, but the only way to get a pay rise is to leave the classroom … All my skills and experience [are] wasted if I go to an admin role. I'm best in front of children and I should be rewarded for my expertise.

We wholeheartedly agree with that. That is why this ambitious reform is so important to our Government and why we are so committed to delivering this for the public school system. The paper also found that effective teachers are more likely to stay in the classroom if they can gain career progression from the chalkboard, including the significant salary increases that the Government would like to deliver. Every single parent and teacher across the State would be able to tell you that excellent teaching is happening in their schools. There is no doubt about that,

and I made those comments in a contribution earlier today. This is about ensuring that teachers have a pathway available to them to progress in their careers without having to leave the classroom.

We know that having highly effective teachers in the classroom is the most important factor when it comes to improving student outcomes. Professor John Hattie is a world-leading expert on teaching and learning. He is providing independent expert advice on the reform and looking at research from other education leaders. I will finish with a quick apology to our education experts. It not on my behalf; it is actually on behalf of NSW Labor, because I know those opposite will not be making a genuine one. I apologise on behalf of the Opposition spokesperson, who said that this program was a thought bubble. They said it was a thought bubble, Mr President. That is a direct quote, "a thought bubble".

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: Order! The Hon. Penny Sharpe has the call.

The Hon. Penny Sharpe: The Minister is not very good at this sort of stuff, but she should not be doing it anyway because it is not relevant to the question that she was asked and the answer she is giving. Further to the point of order, if she wants to attack a member, she should do so by way of substantive motion.

The Hon. SARAH MITCHELL: To the point of order: Relating to relevance, this was a question addressed to me about rewarding excellence in teaching. The comment about this being a thought bubble was made by the Deputy Leader of the Opposition in relation to this particular program, so it is directly relevant to the question.

The PRESIDENT: The question asked the Minister to update the House on how the New South Wales Government is rewarding excellence in teaching. The comments in relation to the Deputy Leader of the Opposition might be genuinely relevant but, on a question of direct relevance, it is outside the scope, particularly where it is in the context of making commentary that could be best dealt with by way of a substantive motion. The Minister has the call.

The Hon. SARAH MITCHELL: I will finish by saying that this is a comprehensive policy reform being led by a world-leading expert based on national and international evidence, with extensive development with the profession already and more planned. This is good policy and the Government will deliver it.

DEPARTMENT OF PRIMARY INDUSTRIES RECRUITMENT PROCESS

The Hon. MARK BANASIAK (16:23): My question without notice is directed to the Minister for Regional Transport and Roads, representing the Minister for Agriculture. In relation to the Department of Primary Industries officer who was caught illegally fishing in the sanctuary zone and who then, from evidence in budget estimates, clearly misled compliance officers in his record of interview, will the Minister confirm to the House that this person was actually promoted after this event, bypassing more qualified applicants? Will the Minister explain to the House how such a promotion complies with the ethical framework set out in part 2 of the Government Sector Employment Act 2013, most particularly integrity, trust and accountability?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:23): I thank the member for his very lengthy question. As the Minister representing the Minister for Agriculture, I will take that question on notice and return a reply in due course.

PUBLIC HOSPITAL STAFFING LEVELS

The Hon. MICK VEITCH (16:24): My question without notice is directed to the Minister for Regional Health. Given community concerns about the ongoing crisis afflicting the New South Wales regional health system, with emergency wait times at record highs and patients and healthcare workers struggling due to the Government's chronic underinvestment in regional health, will the Government commit to matching Labor's $150 million for an additional 500 paramedics and $175 million to introduce safe staffing levels in public hospitals?

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. Labor has finally raised the point in this Chamber. Labor has finally raised the fact that, after all these long years supporting nurse ratios, it absolutely walked away from ratios. I have been waiting for this question. I remember standing at pre-poll in Cooma. All the nurses from the union were out saying, "Vote Labor! Vote Labor for nurse ratios!" And then what happened? What happened?

The PRESIDENT: Order! Members on my right will restrain themselves.

The Hon. Greg Donnelly: Point of order: My point of order is about screaming. The Minister is actually screaming into the microphone.

The Hon. Sam Farraway: What about country clothing?

The Hon. Greg Donnelly: The country clothing, yes, in photographs all from Canada—thanks so much, Sam—in NSW Health's paperwork. I think the Minister could just tone it down a little bit and we could all hear a little bit clearer.

The Hon. Damien Tudehope: To the point of order: I entirely reject any suggestion that toning it down should be the subject of a point of order. The Minister is engaging with this question in a most appropriate way.

The Hon. Greg Donnelly: Screaming. Howling.

The Hon. Damien Tudehope: She is engaging with the question.

The PRESIDENT: Order! There is no point of order. There is a point of advice, perhaps, from the member, but no point of order. The Minister has the call.

The Hon. BRONNIE TAYLOR: Point of order: I most certainly was not howling, and I would ask that the member withdraw that comment.

The Hon. Greg Donnelly: To the point of order: The Minister was making a sound which was so loud it was reverberating over this side of the Chamber. She was screaming. She was screaming.

The Hon. Natalie Ward: To the point of order—

The PRESIDENT: Order! The Hon. Greg Donnelly has made his point and will resume his seat. In terms of withdrawing a comment, I did not hear somebody mention "howling" in relation to the question.

The Hon. BRONNIE TAYLOR: He said I was howling.

The Hon. Sam Farraway: Point of order: The Hon. Greg Donnelly yelled from the Opposition benches that the Minister for Women in New South Wales in this Chamber was howling.

The PRESIDENT: I am sorry; I did not hear that. I will have to check the record on that.

The Hon. Sam Farraway: I think you need your ears checked, Mr President.

The PRESIDENT: Order! I call the Hon. Sam Farraway to order for the first time. If he keeps that sort of behaviour up, he will be sitting outside the Chamber watching.

The Hon. Natalie Ward: Point of order: I sought the call earlier on the basis that I do not know that the member identified the part of the standing orders under which he takes a point of order. I note he has not taken a similar point of order in relation to any man who raises his voice in this Chamber. On behalf of a number of the women in this Chamber, I find it quite offensive that he would take such a point of order when a member is clearly making her point in response to a question asked. She is entitled to answer the question.

The Hon. Greg Donnelly: To the point of order: Absolute screaming across the Chamber. Screaming.

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

[*Interruption*]

Order! I call the Hon. Greg Donnelly to order for the first time. It is not orderly to make comments across the Chamber. In relation to the matters that members have raised, I did not hear the comment that members have attributed to the Hon. Greg Donnelly. In any event, members have had their say on this particular issue. There is no point of order raised by the Hon. Greg Donnelly. The Minister has the call.

The Hon. BRONNIE TAYLOR: I am sorry that the students in the Chamber have to see this sort of behaviour in the Parliament of New South Wales. It is disappointing. I make the point that I am respectful in this Chamber. I am not someone who sits here and howls. That is atrocious. As I was saying, I was looking forward to this question from the Opposition and talking about nurse ratios. For years Labor has been talking about nurse ratios, how it was going to support them, what it was going to do and saying during pre-poll, "The great Labor Party is going to support ratios and all nurses that are starting out." Throughout the past few years members opposite have been saying, "This is what we're going to do. We stand for nurse-to-patient ratios." We then had the New South Wales rural and regional—

The Hon. Penny Sharpe: Point of order: It is direct relevance. This question is about whether the Government will commit to 500 additional paramedics and introduce safe staffing levels in public hospitals. It is not about nurse-to-patient ratios and previous debates.

The Hon. Ben Franklin: To the point of order: The question was clearly about Labor Party policy. The Minister was discussing something which was, until recently, Labor Party policy.

The Hon. Daniel Mookhey: To the point of order: On balance, the Minister's comments may be interpreted as being introductory, but the question was quite specific. It is about safe staffing levels, which is different. It is fair for the Minister to call out the difference, if that is what she wishes to do. If she is going to do that, she should explain whether or not she is going to support or reject the policy, which is what the question was about. Incidentally, I would like to hear the Minister's response to the point about the 500 paramedics.

The PRESIDENT: I have heard enough on the point of order. The Minister's comments about staff ratios are within the purview of the question about safe staffing levels in public hospitals which is underpinning all of that debate. Insofar as the Minister is making comments about that and comparing and contrasting, that is directly relevant. If the Minister wishes to go further down the pathway of discussing Labor's policies on other issues to do with health, that is not directly relevant. The Minister has the call.

The Hon. BRONNIE TAYLOR: It has been fascinating watching the policy perspective of the Labor Party play out. The Coalition went to the election and told the truth. That is what it does. Labor does not tell the truth. I commend Ms Cate Faehrmann because she has always wanted to talk about nurse-to-patient ratios, and she supported them in the inquiry. Labor did not. Here we go again. Members opposite do not tell the truth. You cannot trust NSW Labor on anything.

In regard to the 18,058 paramedics announced in the budget, 705 will be in regional areas. As of June 2022, there were 372 intensive care paramedics trained in metro areas and 306 in regional areas. That is what this Government does. This is the biggest workforce policy for rural and regional areas in the history of New South Wales. We are targeting those specific areas with incentives, and that is something we are working on every day. We will not lie to the Australian and New South Wales communities like NSW Labor did. Labor does not care.

The Hon. Penny Sharpe: Point of order: It is direct relevance. The Minister got within the standing orders, which was terrific, but she strayed towards the end. I would like for her to be brought back to order.

The PRESIDENT: I think the Minister might have finished her answer.

The Hon. BRONNIE TAYLOR: I have got eight seconds. I would like to go again.

The PRESIDENT: You will have to be directly relevant. It would be appreciated.

The Hon. BRONNIE TAYLOR: I will stand here in my country clothing and do the right thing for New South Wales. The Coalition cares— [*Time expired.*]

The Hon. MICK VEITCH (16:34): I ask a supplementary question. It relates to the comments that the Minister made about the regional workforce and incentives. Will the Minister elaborate that part of her answer by indicating to the House whether the Government is doing this in consultation with the nurses professional association and the union?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:34): I thank the honourable member for his question. If there is anyone from the Labor Party who understands rural and regional New South Wales, it is the Hon. Mick Veitch. He would be the only one. I have met with the nurses association on different occasions, both with the previous and current president of the NSW Nurses and Midwives' Association and also the person who is working on workforce issues. We talked at length a fortnight ago about the incentive programs that we are running in rural and regional New South Wales. The unions seemed supportive of those. They just want to see more people in positions so that we have all of the full-time equivalent positions filled. We are working very hard to do that.

We have looked at where those incentives would be best placed and how we manage that. It is a culmination of things, which is what has been seen in our workforce package. I mentioned it previously in this House when I talked about the people who were in charge of the tertiary HECS scheme. We know that there are lots of factors that contribute to this, but choosing just one factor is not going to be what matters. If there is an incentive of up to $10,000 in one of our regional hospitals, you can choose to spend that on your HECS payment, on your accommodation, on further education or on whatever you would like to better your career and move into a regional centre. We are seeing people move out. The new nurse practitioner from Deniliquin is the most amazing woman. She is doing incredible things. She has moved from metro Sydney to come out to be a nurse practitioner in the regions, and she has been a smashing success. I look forward to the incentive packages being taken up because there is no better place to work, live and play than in rural and regional New South Wales.

CANCER TREATMENT TECHNOLOGY

The Hon. WES FANG (16:36): My question is addressed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Will the Minister update the House on how regional areas are leading the way in innovative cancer technologies and treatment?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:37): I am very excited to answer this question. The most amazing things have been happening at Griffith Base Hospital. I was out there recently, and they have a surgeon who has previously worked in the United Kingdom, Scotland and Ireland. Dr Kate FitzGerald uses new technology called Magseed. When someone is diagnosed with breast cancer, often a wire is inserted into the tumour within the breast. That wire will guide the surgeon for the removal of the tumour and make sure they get a clear margin around the tumour site. The wires can be uncomfortable and cumbersome. The surgeon often has to take a lot more of the breast tissue to make sure they get a clear margin around the tumour, but now there is Magseed technology.

These seeds are smaller than a piece of rice, and they can be inserted as the tumour marking so that the surgeon knows exactly where to go within the breast to resect the tumour and get a good margin without having to take more breast tissue than necessary. This happened because of an incredible breast cancer support group in Griffith, which had heard about the Magseed technology and Dr Kate FitzGerald. She came and presented to them and said, "I really want you to help me on this journey. Let's look at a fundraiser and look at buying this particular piece of equipment that I know how to use." So the first use of Magseed technology in New South Wales is happening in Griffith hospital, a regional hospital in New South Wales.

It is interesting to note that a journalist I was talking to said, "This must be really unusual, a first, for this sort of technology in breast cancer treatment to be used in regional New South Wales?" I said, "Actually, it's not unusual at all. It's just that you don't like to cover the positive stories." This has been really powerful. It has brought the community and the hospital together. Some surgeons may prefer to still use the wire-guided technology, and that is absolutely fine, but now they have the opportunity to use this Magseed technology.

I am really proud of my team who found this story and we were able to get some great coverage on it. Dr Kate rang me the other day and said that now people not only from regional New South Wales but from all across Australia are phoning her to ask about this technology that she's using in Griffith to save women's lives. One anecdote is that a woman who had had a second occurrence of breast cancer and experienced both the wire-guided and Magseed methods said that there was a world of difference.

REGIONAL COUNCILS AND ROAD FUNDING

The Hon. ROBERT BORSAK (16:40): My question is directed to the Minister for Regional Transport and Roads, the Hon. Sam Farraway. In response to my colleague the member for Orange, who earlier last month called on the Government to urgently direct State government funding to assist regional councils with the enormous job of repairing damaged roads, and many subsequent calls from safety-concerned citizens, the Minister announced that the Government would direct funding for regional roads of $19.4 billion from the regional roads and infrastructure fund. How much money from this fund will be directed to regional councils to aid with road repairs, and will the Minister guarantee that the redirection will not negatively impact the original purpose of the fund?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:41): I thank the member for his question. This Liberal-Nationals Government has a $19.4 billion infrastructure pipeline for regional New South Wales. That includes some legacy-building infrastructure across this State, whether it be the Coffs Harbour bypass, the bypasses in Singleton and Muswellbrook, the Great Western Highway or the $1.7 billion going into the Newell Highway. This is our infrastructure pipeline. Specifically to the question, the Government has delivered record infrastructure and investment for local councils across this State since 2019. It was this Liberal-Nationals Government that took a half-a-billion dollar commitment to the 2019 election to support every regional council across this State through the Fixing Local Roads program, including the most recent round of $140 million that has been offered up.

Applications have closed, we are going through the grading process and we will deliver $140 million of projects in the coming months to local councils across this State. That complements and completes our $500 million—our half a billion dollars—in that one program alone. That is in addition to working with the former Federal Coalition Government to top it up by another $191 million; that is on top of our $400 million Fixing Country Rail program; and that is on top of the hundreds of millions of dollars in the Fixing Country Roads program that is currently open to applications for the final round of $80.3 million—again, directed to local councils. This funding is all in addition to the State Government, Transport for NSW, maintaining and building our State highways and State roads and providing new infrastructure for the future for regional New South Wales.

In the member for Orange's electorate—I am basically the member for Orange these days, because the member for Orange does very little—$25 million—

The Hon. Penny Sharpe: What about the resident of Orange? What do you do with him?

The Hon. SAM FARRAWAY: There are two of us. That is how committed we are; the people of Orange have two members. The Orange electorate has had $25 million invested through the Fixing Local Roads program. Just in that electorate, just in one program, $25 million is going to local councils—Orange City Council, Forbes Shire Council, Parkes Shire Council and Cabonne Council. This is a government that delivers. We deliver. Not only do we deliver the critical infrastructure that is needed, we have our Transport for NSW crews working directly with general managers if they need any support outside of the normal scope. It could be engineering, it could be geotechnical advisers, it could be project managers, it could be a raft of measures. We are there, ready and able to support the Central West, just like we support the North Coast, just like we support the Northern Rivers, just like we support all of regional New South Wales. [*Time expired.*]

MOBILE SPEED CAMERA WARNING SIGNS

The Hon. JOHN GRAHAM (16:44): My question is directed to the Minister for Metropolitan Roads. Why will it take until 1 January to bring these warning signs back? Where are the old signs?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:45): I am pleased that the member has rejoined us in the Chamber, after ducking out to do his social media grabs. He is finally back in here and interested again in our mobile speed camera program. This is a government that listens. I am very pleased to be part of a government that is putting these signs on the road to give drivers the option of adjusting their behaviour while they are behind the wheel of a vehicle. It is important that we give them that choice while they are driving, as opposed to sometime later when they receive a letter in the mail. Of course, Transport is making this change as quickly as possible. We are working closely with the contractors to do that, while ensuring that the camera operators and contractors have the appropriate time to adjust and to implement those changes correctly. It might be a laughing matter for the Hon. Walt Secord—

The Hon. Walt Secord: The appropriate time to adjust?

The Hon. NATALIE WARD: Road safety might be very funny for you. It is not a laughing matter for people in New South Wales.

The Hon. Walt Secord: The appropriate time to adjust?

The PRESIDENT: Order! The Minister will resume her seat. I call the Hon. Walt Secord to order for the first time. The member will refrain from interjecting across the Chamber. The Minister has the call.

The Hon. NATALIE WARD: This is a very serious matter, and this Government is proud of our record in road safety and in listening to the community. It might be a flippant matter for the honourable member, but it certainly is not for us. Ensuring that we implement these changes safely and that the operational matters are taken care of thoroughly, so that those operators on the road have the opportunity to implement this government policy, is something that we will prioritise. We will execute that within the existing Transport budget, as I have said to the House, and we will undertake the work as quickly as possible.

ILLEGAL PROTEST LEGISLATION

The Hon. CHRIS RATH (16:47): 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 the progress of the New South Wales Government's laws against illegal protests and whether there are any risks to the current approach?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:47): I thank the Hon. Christopher Rath for his question and his interest in this area. He takes these matters seriously, as does the Government, and has done great work in this Chamber in the time that he has been here. I thank him for that. We have said all along that the Perrottet Government supports the rights of all individuals to participate in lawful process. It is an integral part of our democracy, and we stand by that. However, the right to protest must be weighed against the right of other members of the public to move freely and not be obstructed in public places such as our roads. What we saw earlier this year was a severe disruption to the daily lives of commuters in New South Wales—people on their way to work, to school, to job interviews, potentially to hospitals and other places, going about their daily lives. That is why the Perrottet Government took immediate action against the unlawful conduct seen on display earlier this year of protesters obstructing arterial roads and tunnels.

Illegal protesters put themselves, our first responders—who have to remove protesters from roads, bridges and tunnels in peak-hour traffic—and others at risk. As a consequence, any person who obstructs a bridge or tunnel across Greater Sydney will be fined up to $22,000 or face two years' imprisonment, or both. It is on public record that the Labor Left opposed Chris Minns in his support of these laws. We saw the Opposition spokesman try to make the bill obsolete by allowing for peaceful protest, despite the impact of these protests on everyday citizens, so that protesters can peacefully hold up tens of thousands of commuters on the roads. That is why I was interested to hear that a motion is being taken to the NSW Labor State Conference—

The Hon. Sarah Mitchell: Did they raise the Mick motion? I hope so.

The Hon. NATALIE WARD: Yes, after the Mick motion conference members will be moving the John Graham motion at the next election to work with The Greens to repeal the very legislation that protects commuters in Greater Sydney from severe disruption on our roads. The motion is being sponsored by the Labor Left, the same faction that the Opposition roads spokesman comes from. They will be putting that forward on the floor. How can anyone trust the New South Wales Labor Party to keep laws in place that are protecting the commutes of everyday citizens when the shadow spokesperson is pushing to abolish those very laws? This is the difference between the Perrottet Government and the Minns Opposition.

The Hon. Damien Tudehope: Point of order: I know those opposite do not like it when their dirty laundry is aired in this place. However, they ought to come down—

The Hon. Daniel Mookhey: It's a rehearsal for Saturday. This is good!

The Hon. Damien Tudehope: It just means you can't go to The Everest, mate.

The PRESIDENT: Order! The Minister will come to his point of order.

The Hon. Damien Tudehope: My point of order is that members opposite should allow the Minister to be heard in silence.

The PRESIDENT: The Minister was certainly being heard in relative silence, compared to what we had earlier in question time.

The Hon. NATALIE WARD: That is the difference between us—

The Hon. Rose Jackson: It just sounds like the Coalition party room.

The Hon. NATALIE WARD: That is the difference—they don't want to hear it—between our side and theirs, because we are building the infrastructure and putting the laws in place to get drivers to and from work every day, to get families home earlier at night to their loved ones by ensuring that they can get across our roads. The Minns New South Wales Labor Party is positioning itself against the hardworking people of New South Wales— [*Time expired.*]

PEABODY ENERGY COAL POLLUTION

Ms SUE HIGGINSON (16:51): My question is directed to the Hon. Ben Franklin, representing the Minister for Environment and Heritage. As recently as the first of this month, the Peabody Metropolitan Colliery was continuing to discharge black water into Camp Gully Creek above the Royal National Park. The NSW Environment Protection Authority has issued a statement that the authority does not consider this black, filthy discharge to be pollution under the colliery's environmental protection licence. Is the Minister satisfied that Peabody should be allowed to continue to leak turbid, filthy coal sediment into the headwaters of the Royal National Park with legal impunity?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (16:52): I thank the honourable member for her question and for raising these concerns. The New South Wales Government is committed to protecting waterways from mine water discharges, particularly in sensitive drinking-water catchments. As the Minister for Environment and Heritage has publicly stated, coal fines discharges by Metropolitan Collieries are unacceptable. Our national parks are some of our most precious environments, and incidents like this put an entire ecosystem at risk. Mines that operate adjacent to sensitive environments like national parks must be good neighbours. All industries are required to comply with environmental legislation. Strict regulatory systems are in place to monitor and limit the environmental impact of mine water discharges, and the NSW Environment Protection Authority [EPA] maintains a robust regulatory approach through its licensing system.

I have been advised that the EPA has not made any such statement, referred to in the member's question, that condones coal fines discharges from Peabody Metropolitan Colliery. The Government and the EPA take this matter very seriously. In fact, I have been informed that the EPA has commenced a criminal investigation and

issued various legal notices to drive the clean-up operations and the cessation of water discharges from the site. I note the question refers to a discharge event on 1 October 2022. I am advised that no discharges of coal fines from the mine have occurred between early September and 7 October 2022. During that period the community may have observed some coal fines downstream of Camp Gully Creek. The increased water flow during this period caused some of the coal fines discharged in early September 2022 to be remobilised downstream.

On 9 October 2022 Metropolitan Collieries informed the EPA of stormwater discharge from the sediment dam into Camp Gully Creek during a heavy storm event the previous evening. Obviously, that unauthorised discharge, although during heavy rainfall, is utterly unacceptable. The EPA is investigating the cause of this most recent discharge. It attended the site the following morning to collect evidence and water samples. The EPA observed that no further discharge of coal fines into Camp Gully Creek had occurred. I can assure the House and the honourable member that the EPA continues to take strong action to ensure that Metropolitan Collieries is held to account and takes clean-up actions to restore Camp Gully Creek.

Ms SUE HIGGINSON (16:54): I ask a supplementary question. Will the Minister elucidate that part of his answer in which he suggested that a clean-up is happening and that these are constrained sites? In such rainfall events, will we continue to see the black fines and turbid water that I saw on 1 October discharging from that mine site?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (16:55): I do not have much to add to my previous answer, except to reinforce the fact that the NSW Environment Protection Authority has commenced a criminal investigation into this matter. That is the appropriate course of action. Obviously, it is a very serious course of action, and it will happen.

SOUTH COAST RADIATION ONCOLOGY SERVICES

The Hon. GREG DONNELLY (16:55): Mr President, before I start I acknowledge that earlier today, as I was walking back to my seat, I did in fact say the word "howling". I said that following my comments about "screaming", which I do not withdraw. However, if the Minister took offence at the word "howling", I apologise.

The Hon. Natalie Ward: And withdraw?

The Hon. GREG DONNELLY: I apologise.

The Hon. Natalie Ward: And withdraw?

The Hon. GREG DONNELLY: I apologise.

The Hon. Natalie Ward: So you will not withdraw?

The Hon. GREG DONNELLY: I apologise.

The PRESIDENT: Order! The member has the call.

The Hon. GREG DONNELLY: If an apology will not suffice, I cannot do much more, so I will move on to my question.

The Hon. Sarah Mitchell: But you will not withdraw?

The Hon. GREG DONNELLY: I do not know what more I can do.

The PRESIDENT: Order! I will take advice from the Clerk. Having now confessed to using the word "howling", which I did not hear at the time, the member should withdraw because it was offensive to the Minister.

The Hon. Shayne Mallard: Point of order: The member's time has expired. I have the next question.

The PRESIDENT: I really do not think so. The Hon. Greg Donnelly has the call.

The Hon. GREG DONNELLY: How does the Minister respond to community concerns on the New South Wales South Coast that elderly and vulnerable cancer patients have to make a 5½-hour round trip to Canberra to get specialised treatments because of her Government's failure to provide medical facilities on the South Coast, like a radiation oncology centre in Moruya?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:57): I note for the record that the honourable member did not direct that question to me. He just said "Minister". From the context of the question, I presume it was directed to me. I thank the honourable member for his question regarding cancer services on the South Coast of New South Wales. He referred to a 5½-hour trip to a treatment centre. I am not sure which particular place on the South Coast he was talking about.

The Hon. Greg Donnelly: Moruya to Canberra.

The Hon. BRONNIE TAYLOR: I acknowledge that interjection. We have extensive cancer services on the South Coast. We have one of the most incredible chemotherapy units at the South East Regional Hospital. It is probably one of the most beautiful units you could ever see in New South Wales, with its use of dairy farms. I have been there myself. I am a previous director of cancer services, although it is quite some time ago now, in the Southern NSW Local Health District. If the member was referring to services within the Bega electorate, I would also suggest that it would be prudent for the local member to raise some of those issues with me.

The Hon. Greg Donnelly: Point of order: The Minister has had plenty of time. It is a very specific question. I ask that the Minister be directed to the specifics of the question and not go off on some tangent about what some member or may or may not have raised. I do not know what a member may or may not have raised.

The PRESIDENT: I do not have a copy of the question in front of me. It has been some time since I heard the question, given some of the other activity that was involved. If the member could pass me the question, I could have a look at it. The question is clearly about health facilities on the South Coast. The oncology centre at Moruya is mentioned. From what I have heard of the Minister's answer, I think she is being directly relevant. The Minister has the call.

The Hon. BRONNIE TAYLOR: Thank you, Mr President. I will continue to be directly relevant to the question about cancer services in southern New South Wales. I was recently down in Moruya, opening a new Tresillian service along with a Tresillian van. The local media asked me about radiotherapy services. As I said then and I say now, it would be great if the member for Bega wanted to speak to me and discuss any of those issues with me. I have had no representations from him. I have had no meetings. I do not know what it is—

The Hon. Greg Donnelly: Point of order: We are going round in circles. It is a very specific question. I will read it out again if it helps the Minister. She does not seem to understand. It is about the 5½-hour return trip to Canberra. That is the question.

The PRESIDENT: I understand the member's point of order. He does not need to editorialise the point of order when he makes it. The Minister was being directly relevant until she started to move into the zone of the local member and what the local member may or may not have said about the issue raised in the question. That is generally relevant, but it is not directly relevant to what has been asked by the member. The Minister will respond to the question directly.

The Hon. BRONNIE TAYLOR: Thank you, Mr President. I am attempting to be directly relevant to cancer services in the area when I talk about chemotherapy services. The member specifically asked about radiation oncology services. There are no radiation oncology services in the Bega Valley. Those services are based on things we look at when we are building new hospitals, such as where we will place linear accelerators, which are very high-tech machines that provide very high-tech treatments for cancer. We will continue to look at that. I understand that there is a petition.

As I said, I would like the member to talk to me about this. I think that that is how you do things when you talk about health. But southern New South Wales has absolutely brilliant cancer services. Not all areas have linear accelerators and radiotherapy services, but we look at the data and the population projection of those communities to make sure that we look at things that are on the table and could be considered in the future. At the moment, people need to travel for their radiation therapy, which is why we have helped with a record investment in the Isolated Patients Travel and Accommodation Assistance Scheme as well.

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

Supplementary Questions for Written Answers

MOBILE SPEED CAMERA WARNING SIGNS

The Hon. JOHN GRAHAM (17:03): My supplementary question for written answer is directed to the Minister for Metropolitan Roads. What is the cost of each of the policy changes in relation to warning signs, including the implementation of 1,000 general warning signs, the signs on the roofs of mobile speed camera vehicles, the survey of customer satisfaction, and the return of warning signs before mobile speed camera vehicles?

COVID-19 AND THE HON. BRAD HAZZARD

The Hon. MARK LATHAM (17:03): My supplementary question for written answer is directed to the Minister for Regional Health. How can it be that when three contact tracers interviewed Adam Marshall about his movements on budget night last year and identified close contact with Brad Hazzard and when Minister Hazzard

was then given an individual assessment by Jennie Musto, the head of the Government's COVID response team, in her case notes she made absolutely no mention of Adam Marshall or any contact with him? How can the Minister explain that Minister Hazzard was classified as casual, avoiding his 14 days of COVID isolation?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. JOHN GRAHAM: I move:

That the House take note of answers to questions.

MOBILE SPEED CAMERA WARNING SIGNS

The Hon. JOHN GRAHAM (17:04): The Opposition has welcomed the stance the Government has taken to reverse its position on warning signs for mobile speed cameras. We have been unashamed about that, but politics is a team sport. It is true that the Opposition has been active in this area, but a range of people have put to the Government a strong view over the two years this has taken. I will acknowledge some of those people. Firstly, there has been a very strong community reaction. The community has reacted to never being asked about the removal when the signs were removed in budget week. The NRMA has played a leading role in putting a balanced view on this matter. Crucially, the committees of the Parliament played a key role. I thank all the members of the Joint Standing Committee on Road Safety, in particular the chair, the Hon. Lou Amato, who steered a sensible review into this policy as it rolled through.

Mr Deputy President, I acknowledge the role you have played in Wagga as an outspoken member of this House on this matter. I think that we have seen eye to eye on it. I thank the Hon. Duncan Gay, former roads Minister, former long-time member of this place, for putting a commonsense view. Duncan came in as a former member of this place. He held back for quite a while, but then he put a commonsense view on this issue to high effect. A range of people over a long period of time has put a strong view to this Government. It did take two years, but we welcome this turnaround.

I object to what we have had to face over the past year, when the Government was pretending to back down and not being up-front. The Premier was saying on radio, "We agree with the Opposition. We're bringing some signs back." That was never their position, and the public saw through it. We had a real issue with the Minister's refusal to engage on this issue at budget estimates and acknowledge the real difference between the policies—closed now, closed yesterday. Now we all agree about where these are up to.

There are some questions. What is the cost of this series of backflips by this Government? We know it cost $2.6 million to put the signs on the roof. We know it cost $150,000 for a customer satisfaction survey to ask people what they thought about speed cameras. Ten minutes on talkback radio would have done the job. What we do not know is the cost of bringing back these warning signs. Where are the old signs? Is it true that the old signs are too big to fit in the new cars? Is that one of the issues here, leading to a multimillion-dollar cost to now bring back the warning signs? Why is it going to be so slow? Why do we need wait till 1 January? Why can't we do this more quickly? What happens to the motorists who are fined between now and 1 January as we wait for the signs to come back? They are some major questions the Minister was unable to answer today. We call on the Government to answer those. [*Time expired.*]

COVID-19 AND THE HON. BRAD HAZZARD

The Hon. MARK LATHAM (17:07): The health committee's inquiry into budget estimates for 2022-23 was a rather colourful event. But, amid the hyperbole from Minister Hazzard and multiple character assessments, I was able to ask some questions about his own responsibility. Having made millions of decisions about isolation and requirements for people across the State, the Minister, Brad Hazzard, has a supreme responsibility to follow those rules himself. He set the rules for millions, so he must follow those rules himself.

Twelve months ago, having commissioned an order under Standing Order 52, I received documents that showed that, when three contact tracers interviewed Adam Marshall about his movements on that budget night last year, he identified and they recorded close contact with Minister Hazzard—meaning, you would think, that like so many people at the very popular budget night National Party dinner who had to isolate for 14 days, he would too. I wanted to know how Brad Hazzard, who had had close physical contact with Adam Marshall, got off the hook. How did the Minister not apply to himself the rules he had applied to millions in New South Wales? The remarkable excuse that came back from the Health officials was, "No, no. For the Minister we did the sophisticated individual assessment of his contact with Adam Marshall."

I asked, "What does that mean in practice?" They said, "It all depends on which way you are facing, how loud you are speaking and who is breathing on whom." I was thinking, "This is quite intricate," and I asked, "If that's the case, in the SO 52, why wasn't there the production of any notes about what this sophisticated individual

assessment meant in practice?" They got back to me in answers out of the estimates saying, "Hang on, sorry, 12 months ago we excluded from the SO 52 the case notes of Jennie Musto, who assessed Brad Hazzard, and here they are." It is a one-page handwritten note. I can read it; it will not take long.

It says, "Minister Hazzard. Reception in office but no face-to-face," or FTF, "6.30 p.m. Nat Strangers' Dining Room. Head of Pharmacy. Three metres past David Heffernan," who is the head of pharmacy. With Adam Marshall there, they were discussing the need to have the vaccine program rolled out by pharmacies in country New South Wales. It continues, "20 seconds speech, then left. Left at 6.50," and then underlining the word "casual". That is the assessment—that he is a casual contact.

In this 27-word assessment, there is no sophisticated assessment of anything. There is nothing about which way they are facing, who breathed on whom or how loud people spoke. There is no mention of Adam Marshall whatsoever in these notes. It is quite remarkable that the Minister has got off, with no assessment made of anything to do with Adam Marshall. This is a complete and utter rort. The Minister has not applied the rules he has applied to millions around New South Wales. He was a close contact of Adam Marshall. He walked into the Strangers' Dining Room, shook hands with Adam Marshall and had a conversation. He clearly should have isolated for 14 days, as everyone else at the function, including the catering staff, was required to do. [*Time expired*.]

CANCER TREATMENT TECHNOLOGY

The Hon. SCOTT BARRETT (17:11): Regional New South Wales continues to get better every single day. We heard another example of that today from the Minister for Regional Health, who updated the House on Magseed technology, which is helping fight breast cancer across the Murrumbidgee Local Health District. It is incredible to hear of this great work and the incredible things happening in our rural health system. This is just another example of many things. The Minister outlined the technology, which is a huge benefit to men and women battling breast cancer, and it was wonderful to hear. I take note also of two other points that the Minister made. The first is how regional health care can match or even beat what we see in the cities, despite what others take great pleasure in saying. The second, being the power of community volunteer fundraising in health care, I will get to later.

The Magseed technology is just one example of health care that we would expect to see in our city hospitals, but this Government is delivering it for the first time in one of our regional hospitals in Griffith. Places I have been to, such as at Coonamble, Coonabarabran and Cobar, have wonderful health services. Their virtual and telehealth services provide such great services to the people of New South Wales. Programs like Telestroke see some patients seen to and treated faster than some city patients. I commend all of the community healthcare volunteers who give up their time to advocate and enable better health services for the communities they live in. The Griffith Breast Cancer Support Group raised over $50,000 towards the Magseed technology, through hard work and perseverance. That is a fantastic effort by the local community and creates greater buy-in. I congratulate our community volunteers, Dr FitzGerald, the district and the Minister on this initiative.

We heard the Minister speak with incredible passion about this technology, as she does about all topics in regional New South Wales. She should not apologise for that, and she should not be asked to apologise for that. We should embrace that passion. It would be great to see that passion for regional New South Wales from more members in this House. I note there are a few across the aisle that have the experience of living and working in regional New South Wales. I have heard whispers that there is a bit of a play to remove some of those people that have that experience. That would be a shame for regional New South Wales and would make this Chamber a lesser place.

SOUTH COAST RADIATION ONCOLOGY SERVICES

The Hon. GREG DONNELLY (17:13): I participate in this debate on answers given today, specifically the answer to my question and related matters by the Minister for Regional Health. The Opposition finds it pretty rich that this Coalition Government, elected in March 2011, a coalition made up of the Liberal Party and the National Party, in December 2021, for the first time, appointed a Minister for Regional Health. Yet between March 2011 and December 2021, there was silence on matters of health in regional, rural and remote New South Wales. The National Party was essentially silent. In fact, it was the Labor Party, working with crossbench members, who had been advocated by a number of people outside the Parliament, which sought to bring on the inquiry. This led to the report which led to, in the first instance, the appointment of the Minister for Regional Health, which we have acknowledged is a good thing, and subsequently the appointment of a person specifically within NSW Health who has responsibility for matters regional, rural and remote with respect to health matters and outcomes.

In the answer to the question given today, the Minister endeavoured to go down a bit of a rabbit hole, trying to reflect on a member from the other place about advocacy. The member may or may not have done so; I am not too familiar with that. But I take it that the member has some inside knowledge that I do not have. In terms of the

member's comments to the media about the provision of radiation oncology services, which were reported in the public domain, this is what the regional health Minister said, "There was no evidence to support the need for the service in Moruya." No evidence. But, skipping a breath, she then says, "We've seen massive surges in populations in the area." The population surges have happened. So for the Minister to say that the Government is going to look at the matter is a completely prospective exercise. The people need this now.

The woman who was the basis for the question had to travel 5½ hours, appallingly, to get the treatment. It is not satisfactory for the Minister to come here and say that the National Party now gets health in the bush and they are doing more and are listening. It is all well and good to go around and cut ribbons and tell the good stories, but what about all the matters that we covered in the report, page after page? There is a long way to go. We are looking at this. When the Minister acknowledges that massive growth has already taken place in these areas and that there is massive demand, for her to simply say that she is not going to deal with it and make no comment about it is appalling. [*Time expired*.]

PEABODY ENERGY COAL POLLUTION

Ms SUE HIGGINSON (17:17): I take note of the answer given to me by the Hon. Ben Franklin on behalf of the Minister for Environment and Heritage. The integrity of the Royal National Park is being compromised daily by the ongoing discharge of polluted, coal sediment-laden water. The enforcement and clean-up orders of the Environment Protection Agency [EPA] are not having an effect to slow or stop the spilling of fine sediment into Camp Gully Creek. That is evidence of the complete failure of the law that empowers companies to recklessly pollute the environment under the cynically named environment protection licences. We know they would be far more accurately called environment polluting licences, because that is exactly what they allow.

Following more community outcry about the pollution from Peabody's Metropolitan Colliery at the beginning of this month, the EPA did release a two-line statement outlining that it has investigated the site and that there is no further pollution. The Minister repeated that today. I have seen the photos. I have seen the videos. I can tell the House right now that there most certainly has been further pollution of Camp Gully Creek by this multibillion-dollar American company, and I strongly suggest that it is happening now. While they enact phase one of their clean-up plan—a plan that amounts to a primary school emu-bob operation where people walk along the creek and pick up lumps of coal—phase two of the clean-up operation has been deferred, due to the risk of disturbing the creek bed and what that poses to the environment.

The clean-up of the creek bed is necessary because it is lined with thick black sludge that exists because of the sediment-filled water that is continuously leaking from the colliery. It is all well and good to pick up big lumps of coal, but the much more insidious and dangerous coal sediment, which might be impossible to safely clean, continues unabated, with permission under a pollution licence from this Government. The Government needs to act now because the Metropolitan Colliery's environment protection licence is not up for review until 2024. This means that, without Government intervention, Camp Gully Creek and the Hacking River will have a continuous flow of black sludge entering into them. There have been unprecedented rain events. We are in our third La Niña. This is unacceptable to me and to the community. It is unacceptable for the environment. And, by the words of Government members, it is unacceptable to them too. The power to stop this travesty from continuing is in the hands of Government members, but they are refusing to act. I say to them: You are failing us all.

EXCELLENCE IN TEACHING

The Hon. PETER POULOS (17:19): I take note of an answer provided today by the education and training Minister to a question I asked in relation to updating the House on how the Government is rewarding excellence in training. The Minister acknowledged the work and advocacy of education expert Professor John Hattie, who has been guiding a process. The New South Wales Government has announced a groundbreaking new approach to rewarding teaching excellence and attracting more people to the profession. Evidence published today in an issues paper on the Rewarding Excellence in Teaching program sets out a compelling case for change. The program aims to create a modern education system that recognises and rewards excellence in our classrooms, strengthens the practice of all teachers and makes the profession more attractive as a career, which we all clearly endorse.

Many options are on the table regarding design and implementation of this ambitious reform. That is why we will continue to hear from experts, teachers, principals, school leaders and all those involved in our school communities across the State, as the Minister outlined. The paper looks at international models of rewarding excellence such as those undertaken in Singapore and Washington as well as programs closer to home such as those in Victoria and Western Australia, finding that many programs feature defined standards, specific roles and higher salaries. Professor John Hattie is a world-leading expert on education outcomes and student learning. He is providing independent expert advice on this reform initiative. Throughout the initial phase of his consultation,

there is encouraging news. He has indicated that, so far, the consultation progress and the interest has been very positive.

EXCELLENCE IN TEACHING

The Hon. COURTNEY HOUSSOS (17:22): I, too, take note of the answer provided by the education Minister today about the policy paper that was announced to improve the pay for our teachers in our schools. I, too, place on record my deep respect for John Hattie, a world-leading expert in education. It is great that the Government finally, after 12 years, has decided to tap into his knowledge and understanding of an important issue: how we can keep our best teachers in the classroom. But it is after 12 years that the Government has finally realised that we have a problem. After 12 years it has announced a policy paper that will not pay a single teacher an extra dollar before the next election. After 12 years it is more interested in media announcements than actually improving the pay and conditions for our teachers in our New South Wales schools.

The Government has a program called Highly Accomplished and Lead Teachers, which would pay our teachers more. Do members know how many teachers in New South Wales have been paid more? In a system of more than 2,200 schools with thousands of teachers, 274 teachers are being paid an additional amount, because this Government has made it difficult to access that program and has not prioritised it. Instead, years ago this Minister announced the Best in Class program, which was the equivalent of giving our best teachers a gold star. Do not get me wrong; it is great to recognise and acknowledge the work of our best teachers. Highly Accomplished and Lead Teachers is based on a fantastic program in Singapore, which does keep its best teachers in the classroom instead of thinking that the only way that they can get paid more is by taking on an executive leadership role. But the program has been in place in New South Wales for years and has been neglected by this Government.

Now, at five minutes to midnight, the New South Wales Liberals and Nationals have finally understood that paying our teachers more plays a role in keeping them in the classroom. Our own parliamentary inquiry has heard that a survey of over 8,000 teachers found that six in 10 teachers will leave in the next five years, of whom 92 per cent will do so because of an overwhelming workload. The Government has said, "If you want to get paid more, we are going to contribute to that workload. We are not going to help you, make it easier or recognise the important role that you play in the classroom." And now, five minutes before the election, it wants to take a victory lap for announcing another policy paper. We need a comprehensive plan to address chronic teacher shortages in our public schools. Teachers need more pay, not a policy paper. [*Time expired.*]

MOBILE SPEED CAMERA WARNING SIGNS

The Hon. ROD ROBERTS (17:25): I take note of the answer provided today by the Minister for Metropolitan Roads on mobile speed cameras. I echo the remarks of the Hon. John Graham in his contribution and also acknowledge the stance that you, Mr Deputy President, took on the matter. I know it takes gumption to speak out against your own government's policies, but you knew right from wrong. I congratulate you on that. I will read from the *Hansard* record my contribution on 19 November 2020 on mobile speed cameras:

> I take note of the answer given in relation to removing the signs for speed and mobile cameras. The cynical ones amongst us would say that it is purely revenue raising. I live by the motto that prevention is better than cure. If this Government were serious and in fact fair dinkum in its pursuit of its goal of towards zero—

in relation to road fatalities—

> surely it would be putting up more signs?

I then said:

> Mr President, this is a rhetorical question and I ask it of you: When you see a speed camera or a marked highway patrol car, what do you do?

The Hon. Walt Secord interjected, which is unlike him, and said, "You slow down." I said:

> We all slow down. If we are not speeding, we still check our speed. If I were the Minister in charge, I would be putting up signs everywhere, even if there was not a camera. Because the moment someone sees the sign, they slow down. Is that not what we are trying to do?

There is another interjection from the Leader of the Government. We will skip over that part. I then finish off:

> There is a need for more signs as we know from our life experience that they work. If we see a sign, we slow down. Any government that says it is taking signs down to decrease the road toll has lost its grip on reality.

How true have these words of mine turned out to be in the end. It was purely a revenue-raising exercise. One can see that. Finally, common sense has prevailed and, if the Minister wants good and sound policy, I advise her that the One Nation office door is open at any time.

FIRST HOME BUYER CHOICE PROGRAM

The Hon. SCOTT FARLOW (17:27): I take note of the answer given today by the Leader of the Government to the question I asked about choice in property tax and how people in New South Wales can own their first home sooner because they have a clear choice, as the Minister outlined in this House today. This side of the House provides choice—a choice to either pay the up-front stamp duty as the system exists at the moment or a choice to pay a smaller annual property tax, which is being proposed for first home owners in New South Wales by the Perrottet-Toole Government. The other side of the House provides absolutely no choice at all. I remember when we started on the path of the Federal Financial Relations Review. The Opposition said at the time that it wanted to be part of the conversation. It wanted to be at the table. It wanted to be there. It was not going to be the party of resistance or opposition. It was going to be there for constructive discussion.

What we have seen is a massive scare campaign—poorly executed, I might say. But the only thing we are seeing from those opposite is "No". We are seeing "No" to choice. There is choice on this side of the table and no choice at all on the other side. If you want to pay stamp duty, that is well and good. You can pay stamp duty under our policy, but you could also pay the smaller annual property tax, which those opposite want to stop. Those opposite want to stop people from getting into their new homes sooner. When my wife and I were saving for our first home, we went to a mortgage broker. We thought we had accumulated enough for a deposit. Then, of course, we discovered we had to pay stamp duty as well. That set us back another year. In that year, what happened to property prices? Property prices went up by another $100,000, and we were set back further and further from being able to get into our first home. That is what those opposite want to see happen forevermore—they want to see people locked out of their first homes forever. They want to see fewer and fewer people get onto the property ladder; that is what it is all about. This policy is designed to help first home owners get onto the property ladder and to get people into their new homes sooner, but sadly those opposite want to deny them that choice.

In the coming weeks, members in this Chamber will have an opportunity to stand with the angels and say, "We want to support first home owners into their new properties sooner," or to side with those opposite, who say, "No, we don't want to see first home owners get into their properties sooner," and who do not want to see tax reform and choice. As outlined by the Leader of the Government today, the opportunity is clear: Members can stand on this side of the House when it comes to choice for first home owners to get into properties sooner, or they can stand with those opposite and say no.

PUBLIC HOSPITAL STAFFING LEVELS

CANCER TREATMENT TECHNOLOGY

The Hon. PENNY SHARPE (17:30): I take note of answers given today. I note at the outset that there are 15 more question times between now and the end of this Parliament, and that is 15 more opportunities for Government members to say that they have been listening to the public and adopt Labor's policies. I really encourage them to use those 15 days very seriously and very carefully and to take on board more of Labor's policies, as they did today. I also acknowledge the role of the Deputy President and the Hon. Lou Amato in joining with Labor to make a change within their own Government, and I really welcome that. I take note of a number of answers given today by the Minister for Regional Health regarding the situation in our rural and regional hospitals. This Minister likes to tell us all the good news of the things that are happening, and I note those.

The Hon. Bronnie Taylor: Do I howl?

The Hon. PENNY SHARPE: Will you continue interjecting or not? Point of order: Mr Deputy President, will you please ask the Minister to stop?

The DEPUTY PRESIDENT (The Hon. Wes Fang): Members will hear the Hon. Penny Sharpe in silence, as they have heard the other members who have made contributions today.

The Hon. PENNY SHARPE: People are waiting longer than at any time in the past 12 years to get access to an ambulance. They are waiting longer than they ever have before to get treatment at an emergency department when they actually get to a hospital. In rural and regional hospitals on any given weekend, often there is no doctor for anyone to see. Too many people—tens of thousands of people in only three months—are walking out of emergency departments because they cannot get the treatment that they need, even though they have presented because they were so worried about their health. That shows a system that is under great strain.

If the Minister had not been so rude before, I would have gone on to say that it is good that the Minister wants to promote the good things that are happening in hospitals. We welcome the work that frontline workers get up and do every single day in every little corner of this State to keep people healthy, to treat them when they are sick and to deal with the challenges that they have. But the system is pushed into crisis, and Government

members cannot continue to ignore that and then be annoyed when the Opposition asks questions about what they will do about it.

The final point that I will make is that I was disappointed with the Minister's answer on Eurobodalla. She gave a very long answer about cancer treatment, and we all want people who have cancer to have the best treatment available. It took her a long time to get to the point: that there is no radiation access for people in the Eurobodalla and that they have to go to Canberra. I do not know whether those opposite think that is good enough, but Labor members definitely do not. [*Time expired.*]

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TAYLOR MARTIN (17:33): I wrap up the take-note debate for today, and I start by taking note of an answer given by the Minister for Women, Minister for Regional Health, and Minister for Mental Health. This may sound a bit more like a personal explanation than a take-note wrap-up. The Minister's answer alluded to an incident in which she sought to hold my hand when we were all being given rapid antigen tests [RATs] in late June 2021—a Thursday afternoon in budget week. My recollection is that we were all well spaced and socially distanced. But it may have been the case that Sister Taylor was assisting nearby because I had recently had surgery, a sinus reconstruction, which made it a particularly painful RAT for me that afternoon. But we all had to be tested so we could come into the Chamber and vote on the 2021 budget on that Thursday afternoon.

I particularly take note of the answer given by the Minister for Finance and Leader of the Government in relation to offering choice to help people get into a first home sooner. It really highlighted the stark difference between the Coalition and Labor. To be clear, we are looking to remove one of the biggest barriers to entry to getting into the market today: stamp duty. We are offering a choice—a new option to get people into a home sooner. But those opposite say, "No, stick with stamp duty," because Labor loves tax. Over the past week the Federal ALP tried to dump its tax cuts but, after running that idea up the flagpole, it has now realised the public actually do not want to pay more tax. NSW Labor is surely not far behind. Less tax is better. Trust us, especially on an issue as important as first home ownership. Saving up for stamp duty can take an extra two years for some in a market like Sydney, so our reform is ideally placed to get people into their first home sooner.

As the Minister noted in his answer, Labor members are not focused on those issues. As per usual, they are focused on themselves. Ahead of this weekend's ALP conference, they are focused on internal battles and trying to come up with a policy position. In 165 days, the people of New South Wales will make a choice of their own between a Coalition Government delivering on key issues like housing and tax reform and an ALP with no policy platform as yet, but one which might start to take shape this weekend when the unions and faction leaders come together to knock together their wish list for the Minns Labor team.

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

Motion agreed to.

Written Answers to Supplementary Questions

SCHOOL INFRASTRUCTURE

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

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

The New South Wales Government is investing record funding in public education infrastructure across our 2,200 public schools.

The 2022/23 NSW Budget invests an additional $1.2 billion for the ongoing planned maintenance program across all New South Wales public schools. This takes the total planned maintenance investment to $2.2 billion over four years.

The 2022/23 program of planned maintenance works is currently being finalised in consultation with schools.

Bills

SECURITY INDUSTRY AMENDMENT BILL 2022

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT (NO BODY, NO PAROLE) 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. SHAYNE MALLARD: On behalf of the Hon. Sarah Mitchell and the Hon. Natasha Maclaren-Jones: 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 the next sitting day.

Motion agreed to.

The Hon. SHAYNE MALLARD: Statements of public interest have been prepared with respect to each of the bills, which set out those issues relating to the bills and satisfy the obligation of Ministers to provide such a statement.

According to standing order, I table the statements of public interest.

Statements of public interest tabled.

Committees

PUBLIC ACCOUNTABILITY COMMITTEE

Report and Government Response

Debate resumed from 16 February 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Budget process for independent oversight bodies and the Parliament of New South Wales - Final Report*, dated February 2021, and the Government response.

Motion agreed to.

PUBLIC WORKS COMMITTEE

Report and Government Response

Debate resumed from 21 June 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Costs for remediation of sites containing coal ash repositories*, dated March 2021, and the Government response.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

Report and Government Response

Debate resumed from 24 March 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Cyber security*, dated March 2021, and the Government response.

Motion agreed to.

JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020

Report and Government Response

Debate resumed from 24 March 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*, dated March 2021, and the Government response.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Report and Government Response

Debate on report entitled *Review of the New South Wales school curriculum,* dated April 2021, and the Government response called on and adjourned.

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Reports

Debate resumed from 24 March 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Provision of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020*, dated April 2021.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE

Report and Government Response

Debate resumed from 24 March 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *2020 Review of the Workers Compensation Scheme,* dated April 2021, and the Government response.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE

Report and Government Response

Debate resumed from 24 March 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Mandatory Disease Testing Bill 2020,* dated April 2021, and the Government response.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Report and Government Response

Debate on report entitled *Gay and Transgender hate crimes between 1970 and 2010: Final Report,* dated March 2021, and the Government response called on and adjourned.

PRIVILEGES COMMITTEE

Report and Government Response

Debate resumed from 11 May 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Proposal for a Compliance Officer for the NSW Parliament*, dated May 2021, and the Government response.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

Report and Government Response

Debate resumed from 12 May 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Budget Estimates 2020-2021*, dated May 2021, and the Government response.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Report and Government Response

Debate on report entitled *Long-term sustainability of the dairy industry in New South Wales*, dated May 2021, and the Government response called on and adjourned.

SELECT COMMITTEE ON THE PROVISIONS OF THE PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2020

Report and Government Response

Debate resumed from 10 June 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020*, dated June 2021, and the Government response.

Motion agreed to.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report and Government Response

Debate resumed from 21 June 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Reducing trauma on local roads,* dated July 2021, and the Government response.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Reports

The House took note of report No. 8 of Portfolio Committee No. 7 - Planning and Environment entitled *Rationale for, and impacts of, new dams and other water infrastructure in NSW – Part 2*, dated July 2021.

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Reports

The House took note of report No. 9 of Portfolio Committee No. 7 - Planning and Environment entitled *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*, dated August 2021.

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Reports

The House took note of report No. 10 of Portfolio Committee No. 7 - Planning and Environment entitled *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021*, dated August 2021.

REGULATION COMMITTEE

Reports

The House took note of report No. 8 of the Regulation Committee entitled *Environmental planning instruments (SEPPs)*, dated August 2021.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The House took note of report No. 3/57 of the Committee on the Independent Commission Against Corruption entitled *Review of the 2019-2020 Annual Reports of the ICAC and the Inspector of the ICAC*, dated August 2021.

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Reports

The House took note of report No. 49 of Portfolio Committee No. 4 - Industry entitled *Coal and Gas Legislation Amendment (Liverpool Plains Prohibition) Bill 2021*, dated August 2021.

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Reports

The House took note of report No. 50 of Portfolio Committee No. 4 - Industry entitled *Petroleum (Onshore) Amendment (Cancellation of Zombie Petroleum Exploration Licenses) Bill 2021*, dated August 2021.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Reports

The House took note of report No. 2/57 of the Committee on the Health Care Complaints Commission entitled *Review of the Health Care Complaints Commission 2019-20 Annual Report*, dated August 2021.

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Reports

The House took note of report No. 44 of Portfolio Committee No. 3 - Education entitled *Education Legislation Amendment (Parental Rights) Bill 2020*, dated September 2021.

STANDING COMMITTEE ON STATE DEVELOPMENT

Reports

The House took note of report No. 47 of the Standing Committee on State Development entitled *Development of a hydrogen industry in New South Wales*, dated September 2021.

SELECT COMMITTEE ON THE PROPOSAL TO RAISE THE WARRAGAMBA DAM WALL

Reports

The House took note of report No. 1 of the Select Committee on the Proposal to Raise the Warragamba Dam Wall entitled *Proposal to Raise the Warragamba Dam Wall*, dated October 2021.

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Report and Government Response

Debate resumed from 19 October 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Health and Wellbeing of Kangaroos and Other Macropods in New South Wales*, dated October 2021, and the Government response.

Motion agreed to.

COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION AND THE CRIME COMMISSION

Report and Government Response

Debate resumed from 19 October 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *2021 review of the annual and other reports of oversighted agencies*, dated October 2021, and the Government response

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Report and Government Response

Debate resumed from 9 November 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Review of the Heritage Act 1977*, dated October 2021, and the Government response.

Motion agreed to.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report and Government Response

Debate resumed from 9 November 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *2021 Review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian*, dated October 2021, and the Government response.

Motion agreed to.

PUBLIC ACCOUNTABILITY COMMITTEE

Report and Government Response

Debate resumed from 12 November 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Special report on the examination, publication and use of cabinet documents by Legislative Council committees as part of an inquiry*, dated November 2021, and the Government response.

Motion agreed to.

PRIVILEGES COMMITTEE

Report and Government Response

Debate resumed from 16 November 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Proposal for a Compliance Officer for the NSW Parliament No.2*, dated November 2021, and the Government response.

Motion agreed to.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report and Government Response

Debate resumed from 25 November 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Reputational impact on an individual being adversely named in the ICAC's investigations*, dated November 2021, and the Government response.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE

Report and Government Response

Debate resumed from 22 February 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Voluntary Assisted Dying Bill 2021*, dated February 2022, and the Government response.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Report and Government Response

Debate resumed from 17 May 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Crimes Amendment (Display of Nazi Symbols) Bill 2021*, dated February 2022, and the Government response.

Motion agreed to.

PRIVILEGES COMMITTEE

Report and Government Response

Debate resumed from 22 February 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Examination, publication and use of cabinet documents by Legislative Council committees*, dated February 2022, and the Government response.

Motion agreed to.

SELECT COMMITTEE ON FLOODPLAIN HARVESTING

Report and Government Response

Debate resumed from 22 February 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Floodplain Harvesting*, dated December 2021, and the Government response.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

Report and Government Response

Debate resumed from 22 February 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *Workers Compensation Legislation Amendment Bill 2021*, dated February 2022, and the Government response.

Motion agreed to.

PUBLIC ACCOUNTABILITY COMMITTEE

Report and Government Response

Debate on report entitled *Further inquiry into the regulation of building standards*, dated February 2022, and Government response called on and adjourned.

PUBLIC ACCOUNTABILITY COMMITTEE

Report and Government Response

Debate resumed from 29 March 2022.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the report entitled *NSW Government's management of the COVID-19 pandemic*, dated March 2022, and the Government response.

Motion agreed to.

SELECT COMMITTEE ON THE IMPACT OF TECHNOLOGICAL AND OTHER CHANGE ON THE FUTURE OF WORK AND WORKERS IN NEW SOUTH WALES

Report and Government Response

Debate on report entitled *Impact of technological and other change on the future of work and workers in New South Wales: First report - The gig economy, dated April 2022, and the Government response* called on and adjourned.

The PRESIDENT: According to the resolution of the House of Wednesday, 21 September 2022, proceedings are now interrupted to enable the Hon. Aileen MacDonald, OAM, to make her first speech without any question before the Chair.

Members

INAUGURAL SPEECHES

The PRESIDENT: Before calling the Hon. Aileen MacDonald, I welcome to my gallery some of her very special guests, including her parents, Graham and Patricia Birch; Scot MacDonald, her husband and a former member of this place—members might remember him; her beautiful children, Alex, Nicola and James; Chloe, her

gorgeous granddaughter; Gillian, her sister-in-law; Andrew, her brother-in-law; and Alasdair, her nephew. I also acknowledge a range of members from the other place and welcome the Premier, who has just joined us, to the Legislative Council. Welcome, everybody, to this important moment. It is an historic moment for all of us and, indeed, most particularly for the Hon. Aileen MacDonald. I now call the Hon. Aileen MacDonald for her inaugural speech.

The Hon. AILEEN MacDONALD (18:01): I would first like to acknowledge that we meet on the homelands of the Gadigal people, who are the traditional custodians of this land. I pay respect to Elders, past and present, of the Eora nation and extend that respect to other First Nations people here today. I would also like to take a moment to acknowledge the recent passing of Her Majesty Queen Elizabeth II. I was the last member of Parliament in New South Wales to be sworn in under Her Late Majesty's reign and I am honoured to have made an oath to such a remarkable female leader. In a time when everything seems so fleeting, her 70-year reign is an extraordinary achievement and I have great admiration for her dedication and service to the Commonwealth. May I also join with recent sentiments expressed by my colleagues in this place and say God Save The King. I wish His Majesty, King Charles III, and the Queen Consort all the best as they begin their new lives.

I am humbled to accept this opportunity to serve as a member of the Legislative Council, humbled to be in this place—one of our nation's great halls of power—and humbled to be surrounded by such history. As is only fitting for an inaugural speech, I have been reflecting quite a lot on my path to this point and the two questions I intend to answer today: Who am I, and how will I serve? I am a first-generation Australian, a daughter of a coalminer. My parents, Graham and Patricia Birch, immigrated to Australia from the East Midlands of England in 1963. Escaping the dreariness of the United Kingdom appealed to my father, especially as he did not want to spend any more time down the pit. So when they spotted an advertisement encouraging workers to Australia, they jumped at the chance for a warmer climate and a new adventure. Fast forward five years and they had three children—my two brothers, David and Danny, and me. Unfortunately, my brothers could not be here tonight.

My father worked in labouring roles in New South Wales and then in Queensland, and my mother supplemented the family income by taking on part-time cleaning roles to ensure we never went without. In 1980 my parents purchased a corner store. It was my first job before attending TAFE. I learnt a lot from watching my parents run their small business, and that experience served me well later in life. My parents taught us how to be aspirational and how to make those aspirations happen: step by step; small actions matter. They worked hard and did not have it easy. My mother was a quiet but firm advocate for her family, and the glue that kept us together—someone who always focused on others instead of herself, even when she stared down cancer. And while she is all of five feet tall, she is a giant in my eyes. My mother is the person I admire most in this world.

Whilst my mother holds that title, my husband, Scot, is also a strong contender. He is certainly the love of my life—he must be, because this Friday we will be celebrating 33 years of marriage—and probably the most honourable person I know. If it was not for his support and encouragement, I would not be standing here in front of you today. Scot taught me to believe in myself. At times, he has pushed me beyond my comfort zone, but I have always known it is because he could see something greater in me. I can speak to many achievements in my life on a personal, professional and community level, but my greatest, without doubt, are my three children, Alex, James and Nicola. All three have a strong sense of justice and a readiness to do the hard yards, and always go that extra mile. I admire the choices they have made in their lives. I am incredibly proud of them and hope to make them proud of me.

Joining our great party and the NSW Liberal Women's Council has been nothing short of life changing. From the minute I first became involved with the Liberal Women's Council and could see the difference that it is possible to make, I was hooked. The NSW Liberal Women's Council has been a place where I took on roles I had never imagined. Of course, it has been a place where I have met wonderful people, many of whom have helped me on my journey—people such as Robyn Parker, Patricia Forsythe, Peta Seaton, Felicity Wilson, Robyn Preston, Gabrielle Upton, the late Linde Jobling, and one of the people who I most admire in the Liberal Party, Marise Payne. I have found incredible mentors. In working alongside Mary-Lou Jarvis in supporting women and encouraging them to put their best self forward, I found not only my inspiration but my path, and I am eternally grateful.

I have honestly taken every bit of the inspiration I have found, the skills I have gained, and the connections I have made and applied them to my work in the community—to my local preschool, the school P&F association, the chamber of commerce, Rotary, Country Women's Association, Renew Armidale, the New England Rail Trail and, of course, the regional advisory council of Business NSW. I have every intention of continuing in this vein for the community of New South Wales. Today, as I pledge to serve my community and my party in these halls, I do so with small business very close to my heart. I know small business. I understand the rewards and the pitfalls. Yes, there are hurdles and sometimes tears, but there is also great joy. Small business deserves the support of our community and the Government, as it is the unsung hero of our economy. In this new role, I will continue to work

with business chambers and tap into their experience and expertise to find solutions and innovations in the way we do business in the regions. I will also continue to advocate for New South Wales regional communities, because I genuinely believe there is no better place to live, work and raise a family.

Whilst I am committed to working for and representing everyone in my community and across New South Wales, I make a special commitment to women and First Nations people. In my most recent role as a community corrections officer at Armidale Community Corrections, I became painfully aware of the over-representation of First Nations people in the corrective services environment. According to the 2021 census, the Aboriginal and Torres Strait Islander population in the Armidale local government area was 8 per cent of the total population, yet they often represent more than 50 per cent of the caseload in the Armidale community corrective services environment. Over the past 10 years there, the Coalition Government has invested in the corrective services model to enable behaviour change to occur. However, I believe we must provide better support and initiatives for change that will directly address those figures and provide better opportunities for First Nations peoples.

Likewise, there is work to be done to ensure women continue to be able to access greater opportunities and lead fulfilling lives. The Perrottet Government, with its NSW Women's Strategy and reforming budget, is already answering that call, providing much-needed boosts to child care and creating opportunities across our regions. Initiatives aimed at increasing resilience, wellbeing and participation in the workforce are firmly on the Coalition's agenda, as well as providing support for female entrepreneurs. The landmark $5 billion Childcare and Economic Opportunity Fund will also answer that call. I hope this House approves it. Those initiatives will assist in that journey, and I will be able to represent regional women in those important discussions.

I am also committed to seeing changes made in my new workplace. As a woman, I am motivated to support increased female representation in Parliament and to ensure that this place is a safe place. When the Broderick review was released the day after I attended a joint sitting, I was motivated to continue to advocate, as have others before me, for a better future and a workplace that is safe, free from bullying and harassment. I will do so because I believe that if we insist on respect and implement change in our parliamentary environment, that change will be reflected in other workplaces and more women will take courage from our actions.

I take that personally, not only because I am a woman but because I am a mother and a grandmother, and I believe our children and grandchildren deserve better. I will fight for change in the way Parliament operates so that when my granddaughter, Chloe, is ready to make her mark on the world it will be a better place for her and all others. I am always reminded by what retired Lieutenant General David Morrison said: The standard you walk past is the standard you accept. It is incumbent on all of us to stop walking past, not accept the status quo but make change happen. We can all be agents of change.

I turn to northern New South Wales, which is an amazing place. Our community has been through so much: the crippling drought, the devastating Black Summer bushfires, a mouse plague, major flooding and, of course, like everywhere, the impacts of COVID-19. I want to play a role in that region that I hold dear and has given me so much throughout my life, from childhood holidays at Harrington to taking my own family on holidays throughout the region, and as a newlywed moving to Guyra to commence a new business and start a family. I found community and purpose through Rotary, Quota, the Country Women's Association [CWA], chambers of commerce, my church parish, school associations and sporting clubs, all of which led me to travel all over New England, the north-west and the North Coast. If I have learnt anything from my time in that great region, it is that people are resilient and will respond if we back them. I intend on doing exactly that.

My community has inspired me to put my hand up to represent it, but I would not have been here without the help of so many people. To all in the gallery, I thank you for coming and being here tonight. It means so much to me as you have been on this journey. I thank you for travelling to get here. I thank my friends who have encouraged me every step of the way. Forgive me if I read out all the names. It is too important to rely on my memory alone. Even then, I will probably still forget. I thank Diane Gray; Martha Weiderman; Dorothy Lockyer; Alan and Liz St Clair; Joe Townsend; Garry Slocombe; Kim Bransdon; Bronwyn Pearson; Catherine D'Angelo; Karen Newberry; Sherry Dorling and Tony Woodbridge; James and Jenni Jackson; Zahoor Ahmal; my friends in the Rotary Club of Guyra and the CWA Guyra Evening Branch; and my many friends in Guyra and Armidale. They gave me courage to make change.

I thank my work colleagues—I will only say their first names—Tina, Sharyn, Marco, Paul, Reece, Fiona, Lisa, Meron, Wendy, Jen, Josh and Sam, for their courage in the work they do every day to keep the community safe and change lives. Through our work on the Local Government Grants Commission, Allan Baptist, OAM, Grant Gleeson, Bruce Notley-Smith, Helen Pearce and I travelled all over country New South Wales visiting small communities and larger regional centres, meeting local councillors and everywhere hearing stories of skills shortages and frustrations about how to make the funds they have spread further. Perhaps we need to change how the pie is divided up so that councils with the greatest relative need do not miss out.

I thank my extended Liberal Party family: Tom and Val Hellmann; Wendy Berkley; John Burrell; Derek Tink; Matthew and Marion Tierney; Terry McDermott; Jim Peters; Louise McKinnon; James Owen; Dr Harvey Ward; Shayne Miller; Dr Brian Pezzutti; and all members who live in the Country North Province. I also thank Les Wells; Kit Hale; Chris Rath, who used to be in State Executive but is now a member of this House; and Wade McInnerney. I make special mention of my predecessor, the Hon. Catherine Cusack, for her decades of service to the Liberal Party and her fierce representation for the Country North Province. I have big shoes to fill. I thank Jacqui Munro, our newly elected Women's Council president. I can see a bright future ahead for her. She will assist the Women's Council to continue doing its great work in assisting women to take their seats.

I thank the members of the small business professional branch; Troy Wilkie; and the members of the rural and regional committee—Sandra Blackmore, Sarah Lawrence, Pallavi Singh. I give special thanks to my friends who have helped me on this journey: Mitchell Cutting, Rob Assaf, Dylan Whitelaw, Christine Kay and the Young Liberals who stood as candidates in Armidale for the local government elections in 2012. I thank Sally Betts, who has been a great encouragement and took my calls any time of the day; the Hon. Philip Ruddock, AO; my colleagues on State Executive over the past four years; Chris Stone, the State director; and all the staff at the secretariat. I have enjoyed getting to know you and thank you for your guidance and support.

I will not name all my parliamentary colleagues who are here. But I thank them for the warmth they have provided as I navigate my next chapter. Cloe Brown, who has joined my team, has the biggest, brightest smile. I know she will help me to keep it real. Lastly, I thank my family—my parents, Graham and Patricia Birch; my brothers, Danny and David; and David's wife, Natalie, and sons, Connor and Liam—for always motivating me to take action on things I care about. I thank my relatives in the United Kingdom. Obviously, is too far for them to travel here today. I thank my father-in-law, Jim MacDonald, and my late mother-in-law, Lilian MacDonald. If she had been here today, it would have been her birthday. I also thank Gillian, Roland, Andrew, Jennifer, Katrina, Alasdair, Ruairidh, Lara and Liam. Lara and Liam will be parents in April 2023. I took Roland up on his suggestion that they appear in *Hansard*; now they will. They have always made me feel like I was part of the MacDonald clan. Of course, to my husband, Scot; children, Alex, James and Nicola; daughter-in-law, Shanice; and granddaughter, Chloe, words alone cannot express my thanks. They all keep me grounded. I do this for them.

If I had one goal for my first speech today, it was to leave everyone in no doubt about who I am: I am Aileen MacDonald, grateful daughter of loving ten-pound Poms; wife to a husband that inspires and walks this path right alongside me; a fiercely proud mother to three incredible humans; a grandmother to a gorgeous granddaughter, Chloe; a hardworking and successful small business owner; a proud resident and determined advocate for the Guyra and Armidale community and for northern New South Wales; and a dedicated member of the Liberal Party of New South Wales. I believe in freedom of speech and that it is in the community halls and around kitchen tables where good ideas and policy is born. I will push for regional New South Wales, small business, and fair representation for women and First Nations people. I stand with our great party and Premier Perrottet, and I will give it my all for those I represent.

I may not be a natural public speaker. However, I will get the job done, as I am determined and a quiet achiever, step by step, knowing that small actions matter because, as the late Queen Elizabeth II herself has said, it is worth remembering that it is often the small steps, not the giant leaps, that bring about lasting change. It is an honour and a privilege to be in this place and speak for the first time. As Madeleine Albright herself has said, it took me a long time to develop a voice and, now that I have it, I am not going to be silent. As I said at the beginning, I am humbled to have the opportunity to serve as a member of the Legislative Council of New South Wales. I do not take this for granted. I intend to serve with humility and courage. Thank you.

Members and officers stood in their places and applauded.

The PRESIDENT: I will now leave the chair. The House will resume at 8.00 p.m.

Bills

CRIMES AMENDMENT (MONEY LAUNDERING) BILL 2022

DEDICATED ENCRYPTED CRIMINAL COMMUNICATION DEVICE PROHIBITION ORDERS BILL 2022

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (DIGITAL EVIDENCE ACCESS ORDERS) BILL 2022

First Reading

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

The Hon. DAMIEN TUDEHOPE: I table statements of public interest in respect of each of the three bills.

Statements of public interest tabled.

The Hon. DAMIEN TUDEHOPE: I move:

That standing orders be suspended to allow the passing of the bills through all their 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 bills stand as an order of the day for a later hour of the sitting.

Motion agreed to.

Matter of Public Importance

SCHOOL IMPROVEMENT TARGETS

Discussion resumed from an earlier hour.

The Hon. ANTHONY D'ADAM (20:04): Is it any wonder that education results are in such a state of decline under this Government, given that its agenda is confused and contradictory? As my colleague pointed out, the Government has engaged in a piecemeal approach to education with no overarching vision. We have the Minister going in one direction and then the Premier coming in over the top with a completely contradictory approach. There is no better example of that than the behaviour policy, which the Government has stood by. Now the Premier is articulating an agenda around behaviour that appears to be completely at odds with the direction of the policy.

The behaviour policy is taking away from principals and teachers the necessary tools that they have available to manage behaviour in schools. It is a policy that has met with a lot of resistance from the teaching profession, yet the Government has persisted. Now the Premier, out of nowhere, has decided that behaviour is going to become a focus of the Government. The Government appoints a behaviour tsar and thinks that putting in a rewards process is somehow going to lift behaviour standards in our schools, even though the Opposition has been saying that the settings of the behaviour policies that the Government has been trying to implement are wrong and that it needs to have another look at them.

Part of the problem is that both the Minister and the Premier have a superficial understanding of the problems that are afflicting the education system. They are ignoring the complexity. I get frustrated with the debate about targets and measures. There are two schools of thought about what is actually driving the poor performance of our schools. A very good article in *The Sydney Morning Herald* last week stated that there is a widening gap emerging between advantaged and disadvantaged children who are undertaking the HSC. This is information that has been provided to the department. The department has analysed what is driving poor results, and inequality is one of those things. That is something that the Government has failed to acknowledge.

In fact, at budget estimates I asked the Minister the exact question of whether she thought the decline in results was driven by socio-economics, by inequality. She flatly refused to engage with the question. I think that reflects very poorly on her capacity to see what is happening to the education system. It means that the policy focus is in the wrong direction. If you have to choose what is driving the results and you are focusing on the teacher quality side and ignoring the inequality side, you will end up with the wrong prescriptions. Ultimately, that will lead our education system further into the hole rather than get us out.

We know that inequality is geographically distributed. It is predominantly a feature of rural and regional education. While we are focusing on teacher quality, we are not focusing on the fundamental basics of having a qualified teacher in every classroom. If we do not get those basics right, if we do not even have a teacher at the front of the classroom, micro measures about trying to improve teacher quality through targets and through greater data collection will not help the problem.

Because of the teacher crisis we are collapsing classes, we are engaging in minimum supervision, and children are not getting instruction. Forget quality teaching—they are not getting any instruction. The problem that the Government needs to direct its attention to is how to make sure that every class has a qualified teacher in front of it. That goes to the question of teacher retention. It goes to pay and conditions. If we are not addressing those issues, we are not going to get the results that we need to turn our education system around. Frankly, the only way we will get an improvement in the education system in this State is with a change of government.

Discussion concluded.

Committees

PROCEDURE COMMITTEE

Extension of Reporting Date

The Hon. DAMIEN TUDEHOPE: I move:

That the reporting date of the inquiry into the operation of Standing Order 52 by the Procedure Committee be extended to 10 November 2022.

Motion agreed to.

Bills

WORKERS' COMPENSATION (DUST DISEASES) AMENDMENT BILL 2022

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:11): I move:

That this bill be now read a second time.

Before I start my speech on the Workers' Compensation (Dust Diseases) Amendment Bill 2022, I acknowledge that Mr Stephen Bromhead gave his valedictory speech in the other place today. Mr Bromhead made a significant contribution to the Parliament in his capacity as the member for Myall Lakes. Mr Bromhead suffers from mesothelioma, which is a disease that is connected with dust diseases. He has been suffering from this debilitating illness for a long time, and it has often prevented him from attending at this workplace. However, he has continued in his responsibilities as the member representing the constituency for which he was elected. Even when very ill, he was still seeking to represent the interests of the people of Myall Lakes. It is appropriate today, in introducing this bill in this place—and it will hopefully be passed in this place—that it is done acknowledging the contribution that he has made and the illness that he suffers from, which is connected with the subject matter of the bill.

The Dust Diseases Care Scheme provides financial compensation and healthcare support to people affected by work-related dust diseases, and the bill is part of the response to mis-payments that were identified by icare in 2020. A remediation program is underway to repay those workers who were underpaid, but during that remediation program it was identified that some workers had been overpaid through a continuation of payment practices that appeared reasonable and in conformity with the payment practices but became inconsistent with legislative changes over the years. Therefore, the bill seeks to amend legislation to make it consistent and to enable the continuation of current payment practices. I emphasise that the bill is effectively legalising payments that may have been illegal if the correct payment schedules had been applied. The bill further amends legislation to simplify benefit calculations and, therefore, ease the administrative burden on injured workers.

I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

I now turn to the detail of the bill. The bill removes references to coalminers in the 1942 Act to clarify that coalmining provisions do not apply to workers with a dust disease. The bill amends rates of compensation to injured workers to align with the 1987 Act, rather than with the lower rates under the Workers' Compensation Act 1926, and it ensures that workers get paid a statutory rate that is 20 per cent higher than currently entitled. The bill amends provisions so that, regardless of the date of the injury occurring, calculation of benefits for injured workers are consistent and in line with the rates within the general workers compensation scheme. The bill amends provisions to ensure partially disabled workers who are retired or unfit for suitable duties as a result of their dust disease are entitled under legislation to payments for dependants. The bill amends the 1987 Act so that current weekly wage rates can be calculated according to the Australian Bureau of Statistics average earnings.

The bill will contribute to improving the customer experience for workers in the scheme by removing ambiguity over their entitlements and by ensuring that payments are made promptly to workers who are elderly or gravely ill. The bill will directly assist many of those workers by removing the difficult burden of verifying earnings by providing documentation from many years ago. Without this bill, payment practice would need to change, and injured workers would lose their entitlements that have been in practice and have been paid to date. The cost impact of the recommended amendments will be funded by a marginal increase in the rate of drawdown from the scheme's investment fund. There will be no need to increase the levy and thus no cost impact on employers from the recommendation. The recommended amendments do not put the sustainability of the scheme at risk. The bill before the House today represents another important step in our reform agenda and will ensure that the Dust Disease Authority is delivering the scheme in line with legislated provisions and in a way that is fair and reasonable to all claimants. I thank all those involved in drafting the bill.

Second Reading Debate

The Hon. DANIEL MOOKHEY (20:15): I lead for the Opposition on the Workers' Compensation (Dust Diseases) Amendment Bill 2022. The object of the bill is to amend the Workers' Compensation (Dust Diseases) Act 1942 and the Workers Compensation Act 1987 regarding the rates of compensation payable to workers

suffering from dust diseases. The bill validates certain past payments of compensation made to injured workers by deeming amendments that have been enforced on and from the commencement of the Workers Compensation Act or relevant amendments to that Act. I welcome the chance to speak about the Workers' Compensation (Dust Diseases) Amendment Bill today. The bill will ensure that rectifications that icare has undertaken to deal with historical mis-payments are supported by legislation. It will enable the continuation of current payment practices and amend legislation to simplify benefit calculations.

I am indebted to the member for Canterbury in the other place, who has led for the Opposition on this matter, for her diligence and hard work in ensuring that the victims of dust diseases get what they are entitled to. I note that icare has stated that a 2019 review identified issues regarding the interpretation of the Dust Diseases Care benefit scheme. This is a euphuistic way of saying that there was a concern around historical mis-payments. I note with concern that it would appear that icare realised this much earlier. I am the first to acknowledge, as a tough critic of icare, that the new leadership and new management there has grappled with this issue in a prompt way. The Opposition appreciates that on behalf of the victims of dust disease. I know that is a matter that the Minister takes seriously, and I acknowledge that as well. The Opposition has done its job of applying scrutiny in this area. It would be remiss of me to not acknowledge, as a result of the work that we have done, that when the Hon. Damien Tudehope became the Minister on this matter, he made sure that there was prompt action as well.

According to the August 2021 Deloitte assessment of the Dust Diseases Care award remediation program, icare identified the following three issues: one, the underpayment of participants due to an incorrect rate being used for the first 26 weeks; two, the overpayment of participants due to an incorrect rate being used; and, three, the overpayment of participants due to dependent allowances being granted in error. Icare commenced the Dust Diseases Care award remediation program in 2021 to remediate underpaid participants. It would appear that more than 1,100 New South Wales workers who have died or are suffering deadly dust diseases such as mesothelioma and silicosis have missed out on almost $15 million in compensation because of decades-old payment errors. This is a serious problem. The average underpayment is huge. About 830 workers have already died without correct compensation, while at least 300 workers who are alive have been underpaid almost $4 million since 2014.

I am glad, given the track record of icare, that overpayments will not be recovered. Icare has stated that it identified about 1,400 files that may have been miscalculated, including 800 deceased estates. PricewaterhouseCoopers has overseen the remediation of underpaid compensation. The Minister's office has stated that icare has contacted impacted participants and estates to make arrangements for remediation payments to be made. Payments were by lump sum, and there are 35 estates that have been unable to be reached so far. The bill removes references to coalminers in the 1942 Act to clarify that coalmining provisions do not apply to workers with a dust disease. The bill amends rates of compensation to injured workers to align with the 1987 Act rather than with the lower rates under the Workers' Compensation Act 1926, and it ensures that workers get paid a statutory rate that is 20 per cent higher than currently entitled.

The bill amends provisions so that, regardless of the date of the injury occurring, calculations of benefits for injured workers are consistent and in line with the rates within the general workers compensation scheme. The bill amends provisions to ensure partially disabled workers who are retired or unfit for suitable duties as a result of their dust diseases are entitled under legislation to payments for dependants. The bill amends the 1987 Act so that the current weekly wage rates can be calculated according to the Australian Bureau of Statistics' data on average earnings.

In a positive but long-awaited development from a Government whose record on both workers compensation and dust diseases has been sparse at best, the list of diseases in schedule 1 to the Workers Compensation (Dust Diseases) Act will be expanded to include diffuse dust-related pulmonary fibrosis, hypersensitivity pneumonitis, pneumoconiosis in any form, silica-induced carcinoma of the lung, and systemic sclerosis. This was first recommended as recommendation 6 of the Law and Justice Committee's 2018 review of the dust diseases scheme, which, from memory, was led by the Hon. Shayne Mallard.

It would be remiss of me not to acknowledge and pay tribute to a few of the people who were on that committee at the time and who worked very hard for this recommendation to get up. I speak of the Hon. Trevor Khan and Mr David Shoebridge—now Senator Shoebridge—who worked very hard to expand the list of diseases. I am also prepared to say that I, the Hon. Greg Donnelly and others on the committee at the time played a role as well in making a case to expand that list. It is really important. It is the first such expansion in a very long time, going back to 1940. It reflects the changing nature of dust diseases, as well as their severity.

The 2018 dust diseases review noted that the dust diseases Act was archaic and had not been updated to take into account modern medical understanding of dust diseases. At the time, some of the most respected experts in the profession aggressively testified to how out-of-date the Act was and to the consequences of that for people. I acknowledge Associate Professor Deborah Yates, a well-regarded and leading expert in the field of dust diseases in this country and the world. The 2018 review called for the "deemed diseases" in schedule 1 to the Act to be

updated to include diseases that are now known to be linked to silica and other dust exposures in the workplace which are not listed in the Act. At the time, Associate Professor Yates testified that over the past 25 years there had been a lot of changes in respiratory medicine, particularly in the understanding of basic disease physiology. That included occupational lung disease, and the spectrum of occupational lung disease has vastly widened.

I note that the Government commissioned Professor Tim Driscoll to complete a review of schedule 1. This has taken too long. The Thoracic Society of Australia and New Zealand provided feedback on the draft evidence review report, known as the Driscoll report, which was also peer reviewed by Dr Ryan Hoy in May 2021. The Driscoll report was only finalised in September 2021. Taylor Fry was then commissioned to conduct an independent actuarial study, which was only finalised in October 2021. I put on record that this happened years after it should have occurred, and it happened because of the persistent agitation of NSW Labor, health experts, many unions in this space—including the Australian Workers' Union, the Maritime Union of Australia, the Australian Manufacturing Workers Union, and the Construction, Forestry, Maritime, Mining and Energy Union—and business groups that have acknowledged there is a need for change in this area.

The amendments proposed by the bill probably do not go far enough. Autoimmune diseases linked to silicosis have not been included, making it harder for sufferers to get access to workers compensation. A broader definition would allow sufferers of silicosis to not have to jump through hoops to access the compensation they need to deal with such an insidious disease. As someone who has personally worked with many silicosis sufferers, I can say that it is not a pleasant disease. A person who is fighting silicosis should not have to fight a bureaucracy as well in order to access the care that they are entitled to. In this House, and elsewhere, Labor has canvassed the return of silicosis as an occupational disease in New South Wales. It is disappointing to see it rear its head again. It is on a large scale and likely to be the fastest growing source of new claims against the scheme. It is so important that we meet our responsibilities to prevent people from developing silicosis, rather than spending a lot of time thinking about how to pay for their compensation. As always, a prevention approach is the preferred approach when it comes to avoidable occupational dust diseases.

It is pleasing to note that the Federal Government is re-engaging in the international campaign against the use of asbestos, which is still a widely used material. I note just recently there was a conference in Rotterdam convened by, I think, the International Labour Organization or a like body of the Union Nations that is developing worldwide practices around the use of asbestos. Asbestos is still imported into Australia. It still comes into this country. It comes in on ships. It comes in in other forms of building material. Anyone who suggests that the battle against asbestos is over is wrong. Australia, as a good international citizen who, in many senses, has led the world in stamping out asbestos use and undertaken the very difficult task of winding down an asbestos mining industry, needs to return again to the international stage to crusade against asbestos use globally. The biggest miner of asbestos is Russia. Of course, we have very difficult relations with Russia right now. But we cannot forget our responsibility to stamp out the use of asbestos, because if we do not, we will find people needing access to this scheme.

I turn now to the Government's record on silicosis. It is a deadly lung condition. It is an occupational disease that is traditionally associated with people who quarried to produce bricks. But now it is returning, especially with stonemasons and miners, as well as tunnellers, including people who are tunnelling under Sydney through sandstone. Sydney sandstone has a very high silica concentration. A labour historian noted:

> The damage is not caused by dust clogging the lungs. Rather, in trying to expel the particles, the air sacs are scarred, which stops the lungs from stretching as much as they need to do to take in enough breath. Victims smother from the inside.

Silicosis was common in the 1940s, 1950s and 1960s, primarily in workers engaged in public works projects, including those who were tunnelling into Sydney sandstone. Those workers could get a decent wage, but a labour historian dubbed them "the wages of death". In 1908 a Sydney contractor acknowledged that "strapping" workers, within two years after working on these projects, would "pine away to almost nothing". It was, again, the work of unions and Labor governments—including Chifley's new postwar regulatory body, the NSW Joint Coal Board, as well as the actions of the McKell Government at that time—that led to the development of safer work practices and support for sufferers of dust diseases.

Again, I point out that the Workers Compensation (Dust Diseases) Act in 1942 was introduced by a Labor Government, which shows just how important this issue has been to the labour movement. It is also very important to farmers. We should acknowledge the contributions of farming organisations in establishing these types of protections. Preventative measures were introduced into workplaces, including using personal protective equipment, stopping dry cutting and using water to keeping the dust down. That was in response to the rise of cases in New South Wales stonemasons, especially in those working with artificial stone.

Effective regulation and work health and safety legislation meant that silicosis virtually disappeared, but it has come back. I want to be clear about this: The rise of silicosis is a failure of regulation. This is the case both

for workers in the manufactured stone industry, where Caesarstone and similar products have become popular in bathroom and kitchen renovations, and also for workers in tunnelling and quarrying. I note the Australian Workers' Union's important action in this area. Medical professionals, work health and safety experts, and legal experts who testified in the 2021 review of the dust diseases scheme—which I am sure you recall quite well, Mr Deputy President—looked at the re-emergence of silicosis in the manufactured stone industry and said that in almost all reported cases there was little adherence to basic protection measures such as provision of appropriate ventilation systems and use of personal protective equipment.

Multiple experts contended—and continue to do so, even if SafeWork will not acknowledge it—that dry cutting is widespread in New South Wales in installation settings where workers are installing benchtops. Medical professionals have told us, over and over again, about the need for vigorous enforcement of dust-reduction regulations, particularly in the growing engineered stone products industry. The report of the 2021 review of the dust diseases scheme, published in June 2022, demonstrated that the Government could be much more proactive in this matter. It is disappointing that the Government did not take up the committee's recommendations in full. We would have had a much tougher response if it did. At the hearings, union representatives, work health and safety experts, lawyers and respiratory specialists testified about the terrible consequences of inaction by State governments, including the New South Wales Liberal-Nationals Government. The committee commented in the report:

> … we remain concerned that the sense of urgency and importance which we would expect to see around these issues is not evident in New South Wales. In our view, New South Wales continues to lag behind other states in its response.

It also commented:

> … we cannot help but question whether the government's response to the issues we have raised in the past and our previous recommendations appreciate the seriousness of the issue at hand.

Further experts said, "There is clearly more work to be done in this area, and we hope it happens soon so that other lives are not taken prematurely and the social, economic and human costs associated with silicosis are avoided."

I turn to the lack of screening in New South Wales. Unlike other States, which have far better screening regimes than New South Wales does, we do not know how many workers in New South Wales have silicosis. That means hundreds of workers in our State have silicosis right now and do not know it. We have campaigned for a mandatory registration scheme for sufferers of silicosis. It is good that now we at least have mandatory notification to the health department about the number that have been imposed on doctors, with the support of doctors. It is important that we know precisely how silicosis is developing in this State.

With that, I simply say that the Opposition acknowledges that this Parliament will continue to have to respond to the emergence of dust diseases. We must continue our work to make sure that these compensation schemes are fit for purpose. It is pleasing that we have been able to reach agreement on the bill. It follows some hard work undertaken on both sides of politics, especially on my side of politics, which has done a lot to expose what went wrong at icare and the need for further and more prompt action when it comes to silicosis. The fact that the Government has responded is most welcome. But members should rest assured: If there is a change of government in March, the next Labor government will take these issues far more seriously than the government we replace.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:30): In reply: I thank the Hon. Daniel Mookhey for his observations on the Workers' Compensation (Dust Diseases) Amendment Bill 2022. I acknowledge his deep interest in this matter and his fanciful thoughts regarding changes of government. I suppose it is late in the evening and dreamtime is upon us.

The Hon. Scott Farlow: It's a bedtime story.

The Hon. DAMIEN TUDEHOPE: It's a bedtime story. With those few words, I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. DAMIEN TUDEHOPE: I move:

That this bill be now read a third time.

Motion agreed to.

SCRAP METAL INDUSTRY AMENDMENT (REVIEW) BILL 2022

Second Reading Speech

The Hon. LOU AMATO (20:32): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Scrap Metal Industry Amendment (Review) Bill 2022 amends the Scrap Metal Industry Act 2016 and Scrap Metal Industry Regulation 2016 to implement the legislative recommendations made in the report on the statutory review of the Scrap Metal Industry Act 2016. Broadly, the bill will provide for more effective regulation of the scrap metal industry by clarifying who a scrap metal dealer is, by enhancing existing powers to strengthen enforcement and improve administration of the Act, and by updating certain penalties to appropriately reflect their seriousness.

I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

The statutory review was undertaken in 2020 by the New South Wales Police Force and completed in accordance with section 29 of the Scrap Metal Industry Act 2016. This involved extensive consultation with key industry and government stakeholders. The purpose of the statutory review was to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. The statutory review found that the Act's policy objectives remain valid however, the industry has evolved and amendments are needed to address emerging issues and better realise the policy intent of the legislation.

While there are no express objects of the Act, the principal policy objective of the Act is to prevent property crime in NSW through the regulation of the scrap metal industry. This is primarily achieved through requiring scrap metal dealers to register as dealers, prohibiting the use of cash as payment for scrap metal, transparency and record-keeping requirements for scrap metal dealers, and the provision of appropriate powers for police to enforce the Act.

Key issues raised by stakeholders—the industry stakeholders in particular—were the lack of adequate enforcement powers, ineffective penalties, and commercial detriment caused by the inability to compete with non-compliant scrap metal dealers.

Speaking plainly, law-abiding scrap metal dealers are losing out to rogue dealers evading the requirements of the Act and we need to strengthen regulation to level the playing field. These nefarious dealers who use cash to facilitate dodgy dealings are currently able to evade meaningful enforcement by operating their business using unconventional means and are able to absorb any fines as mere business costs. This is inconsistent with the intent of the Act and sends the wrong message to the industry and community.

I am advised by NSW Police that these people are clearly carrying on a business of dealing in scrap metal, but don't fit the traditional definition of a scrap metal dealer as currently defined. This includes people who conduct their business using only a motor vehicle, without a business premises or scrap metal yard.

In total, 19 recommendations were made by the statutory review, of which 16 related to amendments to the *Scrap Metal Industry Act 2016* and Scrap Metal Industry Regulation 2016. This Bill implements all 16 recommendations to bolster NSW's regulation of the scrap metal industry and ensure legislation in NSW remains response to the emerging issues identified in the statutory review and throughout stakeholder consultation.

To that end Mr President, I now turn to the detail of the Bill. This Bill will clarify that a scrap metal dealer is a person who carries on a business of dealing in scrap metal, whether or not the business is registered under the Act. Although implied, the definition of scrap metal dealer does not explicitly state that it applies whether or not a person is registered. This amendment closes that potential loophole.

This Bill provides that for the purposes of the Act, carrying on a business in relation to scrap metal firstly does not include where the person is carrying on a business as a collection point operator within the meaning of the *Waste Avoidance and Resource Recovery Act 2001*, Part 5. Secondly, it does not include where the person is carrying on a business under a licence within the meaning of the *Pawnbrokers and Second-hand Dealers Act 1996*, to the extent the business involves dealing in gold or silver. These amendments will ensure that collection point operators and second-hand gold and silver dealers are not inadvertently captured as scrap metal dealers as this was never the intent of the Act.

The Bill clarifies that 'carrying on a business' includes carrying on a business from a location other than a scrap metal yard and thus requires these scrap metal businesses to be registered. This amendment will ensure that rogue scrap metal dealers, like dealers who operate using only a motor vehicle, can no longer evade the requirements of the Act. The Bill will also require scrap metal dealers who carry on their business using a motor vehicle to keep their transaction records in the motor vehicle.

Acknowledging that scrap metal businesses can be run exclusively using a motor vehicle, this Bill empowers a police officer to stop and search a motor vehicle for the purposes of determining whether there has been compliance with, or a contravention of, the Act. Currently, efforts to enforce the legislation are often frustrated due to the inability of police to stop and search motor vehicles for this purpose. This power can only be used if the officer reasonably believes the vehicle is being used for the purposes of carrying on a scrap metal business and is intended to put an end to those dealers seeking to evade police when carrying on their business using a motor vehicle.

This power is a natural extension of the existing powers in the Act which allow a police officer to enter a premises where the police officer reasonably believes such a business is being carried on for the purposes of determining whether there has been compliance with, or a contravention of, the Act.

The Bill creates a rebuttable presumption that a person who deals in scrap metal on more than six days in a 12 month period is carrying on a business of dealing in scrap metal. The Act is currently vague in defining who is carrying on a business of dealing in scrap metal which has resulted in rogue dealers being able to avoid the obligations of the Act despite engaging in activities which

appear to law enforcement to be carrying on a business of dealing in scrap metal in the ordinary sense. A similar presumption exists for second-hand dealers in the *Pawnbrokers and Second-hand Dealers Act 1996*.

The Bill also introduces three increases to penalties to send a strong message and deter those seeking to take advantage of the industry and exploit it for nefarious purposes. These amendments form part of a holistic approach to address the issue of non-compliant, rogue scrap metal dealers who are perpetuating property crime in NSW and enhance deterrence.

Firstly, the Bill increases the penalty for carrying on a business of dealing in scrap metal without being registered from 100 penalty units to 500 penalty units and makes the corresponding penalty notice amount $5,500. The current penalty notice amount is not substantial enough to act as a deterrent. Non-compliant dealers who receive these fines can absorb these fines as mere business costs, effectively allowing them to continue to deal in scrap metal using cash, without records, and largely undetected — a small price to pay in order to access a market of ill-gotten gains.

The comparable offence of carrying on a business without the appropriate licence under the *Motor Dealers and Repairers Act 2013* currently attracts a maximum penalty of 1,000 penalty units and the penalty notice amount is $5,500. In the case of a second or subsequent offence, the maximum penalty is 1,000 penalty units or imprisonment for 12 months, or both.

Secondly, the Bill increases the penalty for buying or disposing of a motor vehicle if the unique identifier for the vehicle has been removed or altered from 100 penalty units to 500 penalty units and makes the corresponding penalty notice amount $5,500. The current penalty notice amount of $550 is not substantial enough to act as a deterrent, nor is it an appropriate reflection of the seriousness of the offence.

One of the main types of property crime that this Act intended to reduce was motor vehicle theft and by extension, its corollary crimes, like vehicle rebirthing. Crimes like motor vehicle theft and motor vehicle rebirthing are facilitated by the unrecorded buying and selling of unidentified vehicles. In other words, the easier it is to buy or sell unidentified vehicles, the more appealing vehicle theft becomes. This amendment is reasonable in the circumstances and proportionate to the seriousness of the offence.

Thirdly, the Bill also increases the penalty for failing to comply with a police officer's order not to alter or dispose of scrap metal in the dealer's possession from 50 penalty units to 500 penalty units and makes the corresponding penalty notice amount $5,500. Contravention of this provision not only concerns the disposing of suspected stolen scrap metal, but also requires disobeying an explicit order made by police not to do so.

The equivalent offence in section 102 of the *Motor Dealers and Repairers Act 2013*, for example, appropriately reflects the seriousness of the offence as it carries a maximum penalty of 500 penalty units. This amendment will reflect the seriousness of the offence and introduce more consistency with the *Motor Dealers and Repairers Act 2013*.

This Bill includes new requirements for scrap metal businesses who operate without a scrap metal yard to be registered. This requires providing registration information to the Commissioner including the address of premises other than a scrap metal yard and the registration number of a vehicle, if the scrap metal dealer deals in scrap metal from the premises or vehicle. A scrap metal dealer must also provide information as to whether the dealer holds a licence under the *Motor Dealers and Repairers Act 2013* or the *Tow Truck Industry Act 1998*. Further, where necessary approval is required to use a specified premises as a scrap metal yard (such as development consent from Local Council), the dealer must provide information that the necessary approvals have been obtained to use premises as a scrap metal yard.

The Bill also empowers the Commissioner to refuse to register a business under the Act, or suspend or revoke a registration, where the scrap metal dealer has breached the Act or Regulation, or where the Commissioner believes on reasonable grounds that the scrap metal dealer is likely to breach the Act or Regulation.

The Act does not currently provide for any circumstances in which the Commissioner can suspend, revoke or refuse registration of scrap metal business. Similar regulatory regimes such as the *Motor Dealers and Repairers Act 2013* and *Pawnbrokers and Second-hand Dealers Act 1996* contain provisions which allow for refusing, suspending or revoking licences.

This amendment will strengthen the policy objectives of the Act and increase confidence in the industry by providing an avenue to keep nefarious dealers from operating.

The Bill also empowers the Commissioner to publish a register about convictions for offences against the Act or the Regulation, and penalty notices issued to people in certain circumstances. This is similar to the existing approaches adopted in NSW to publicly record non-compliance for those involved in offending behaviour, such as the Food Authority's Name and Shame Register and the NSW Fair Trading's Public Warnings page.

This Bill introduces a new offence which supports the existing prohibition against payment of cash for scrap metal in the Act by prohibiting a scrap metal dealer from advertising the payment of cash for scrap metal attracting a maximum penalty of 20 penalty units, where the corresponding penalty notice amount is $220.

A common complaint from industry stakeholders is that there are dealers who advertise cash payments for scrap metal. Operational police have raised the difficulty in proving that dealers are paying in cash when investigating these advertisements. Without this proof, police are unable to penalise the dealers responsible and the Act does not provide police with any power to stop advertisements for cash. This amendment will address this issue.

This Bill removes the exclusion of aluminium cans from the definition of scrap metal. The industry stakeholders have told Government that the exclusion is largely irrelevant for compliant dealers and presents an opportunity for non -compliant dealers to circumvent the cash prohibition.

This Bill empowers the Local Court to issue long-term closure orders for scrap metal premises on the basis that there has been repeated non-compliance at or in connection with the premises. Repeated non-compliance will mean the commission of 6 or more offences against the Act or Regulation, or alleged contraventions for which a penalty notice is issued within 12 months.

This Bill provides for the annual automatic indexation of the prescribed registration fee in accordance with the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Finally, this Bill removes the offence in section 16 (4) of the Act as a penalty notice offence. Section 16 (4) of the Act prohibits a person, in purported compliance with any requirement reasonably made of the person by a scrap metal dealer for the purposes of the

dealer's compliance with their record keeping obligations, from furnishing information or making any statement knowing that it is false or misleading. This offence is currently prescribed as a penalty notice offence but should not be due to the mental element required. All other offences in the Act that refer to false or misleading statements are not prescribed as penalty notice offences for the same reason.

I commend the bill to the House.

Second Reading Debate

The Hon. TARA MORIARTY (20:33): I lead for the Opposition in debate on the Scrap Metal Industry Amendment (Review) Bill 2022, which makes amendments to the Scrap Metal Industry Act 2015 and the Scrap Metal Industry Regulation 2016 following a review of the Act by the NSW Police Force. Labor will not be opposing the bill. I acknowledge the member for Wollongong, and shadow Minister for Police for his work on this issue. He led for the Opposition in the second reading debate on the bill in the other place.

The original Act was introduced to better regulate an industry that was historically unregulated. It sought to prevent property crime that had become part of the operation of the industry by some while allowing good operators to continue to operate businesses that provide an input into other processes while dealing with a waste stream. It sought to do that by requiring scrap metal businesses to register as scrap metal dealers, imposing duties and obligations on scrap metal dealers and providing appropriate powers to police to administer and ensure compliance with the Act.

The Act also included a requirement for it to be reviewed as soon as possible after three years from the commencement of the Act. The Act was reviewed by the NSW Police Force in 2020. A final report of the review was tabled in November 2020. That report contained 19 recommendations with respect to improving the Act and its operation. Most of those changes were in response to the evolution of the industry and the emergence of an overlap with the motor vehicle recycling industry. The review concluded that the policy objectives of the Act remain valid but that the industry has evolved since the commencement of the Act and, therefore, the Act required some strengthening. I am advised that the industry is largely supportive of that conclusion.

I also understand that since the commencement of the Act, end-of-life vehicles have reduced by up to 40 per cent because illegal operators are taking business from compliant scrap metal dealers. When Labor did not oppose the original Act, it was never our intention to create a situation where legitimate businesses would have their businesses eroded by illegal operators because of the evolution of the industry. We do not want to see that continue to happen. That is why we are not opposing the bill.

I summarise the bill's key provisions. The bill seeks to clarify that a scrap metal dealer is a person who carries on a scrap metal business, regardless of whether the business is registered under the Act; clarify that a business premises is not required to be classified as a scrap metal business which requires registration under the Act; and increase the penalties for carrying on a scrap metal business without being registered, for buying or disposing of a motor vehicle where the vehicle identification number has been altered or removed, and failing to comply with direction to alter or dispose of scrap metal in a dealer's possession.

The bill introduces new scrap metal business registration requirements; empowers the commissioner to refuse, suspend or revoke a registration; introduces a new offence of advertising payment of cash for scrap metal, which supports the existing prohibition on cash payments for scrap; removes the exclusion of aluminium cans from the definition of scrap metal; and removes the offence relating to false or misleading statements on record keeping as a penalty notice offence to align with other provisions of the Act relating to false or misleading statements. The inclusion of a provision enabling the commissioner to suspend, revoke or refuse registration of a scrap metal dealer adds a power to the commissioner that allows dodgy dealers from being stopped from operating.

As the Minister outlined in his second reading speech in the other place, similar regimes exist in other areas such as provided for by the Motor Dealers and Repairers Act 2013 and the Pawnbrokers and Second-hand Dealers Act 1996. This is a sensible strengthening of the Act. It is supported by giving the commissioner powers to publish a register of convictions for similar offences against the Act or the regulation. It is similar to approaches regarding food regulation and NSW Fair Trading's public warnings. Those, too, are sensible improvements to the Act.

However, it is important to note that changes to the legislative framework alone will not address all of the matters faced by the scrap metal industry. Again, my colleague the member for Wollongong, and shadow Minister for Police, Paul Scully, has dealt with much of that in the other place. I note our concern that the bill still does not deal with matters associated with transferring problems that may stem from unprocessed scrap being shipped overseas. It does not deal with making sure that there is sufficient waste metal in the processing and recycling system to assist in supporting the development of industry for the secondary use of materials where scrap is an essential input.

Labor has concerns regarding the enforcement provisions of the original Act, and that concern translates to the extension of provisions in this bill. We have raised these issues during the original debate and since then, and they relate to appropriate resourcing of police to properly enforce this law. As I understand it, originally there was a specialised group within the NSW Police Force, established to assist with the enforcement of the Act. A number of aspects are technical in nature and require particular expertise and experience. I also understand that this group was disbanded at some point. We have suggested to the Government that consideration should be given to bringing this group back, and we continue to prosecute that view.

Police, no doubt, do a good job of enforcing this Act, but we maintain that they would be assisted to further clean up the industry with the support of a specialised group of police to assist and support frontline police. Labor supports the intent of this bill. We acknowledge that it is driven out of recommendations of the NSW Police Force to support and strengthen the provisions of the original Act. On that basis, we will not be opposing the bill.

Ms SUE HIGGINSON (20:40): I speak on behalf of The Greens. At its root, the Scrap Metal Industry Amendment (Review) Bill 2022 empowers police to search vehicles without a warrant if they reasonably believe that the vehicles are used for scrap metal business. Delivering more power to police to search individuals on the basis of something they believe but do not necessarily have evidence of means that we are likely to see further targeting of those who are often over-policed in the system. We are referring to people who are economically disadvantaged, First Nations people and all those people who are routinely targeted and over-policed. The Government purports to be introducing this bill in response to the 2020 statutory review. Effectively, that review was driven entirely by the NSW Police Force. We cannot claim that it was an objective or independent review.

Essentially, the amendments make those who are carrying on small-scale scrap metal enterprises, including out of their trucks or trailers, focused on recycling and making some cash, the target of police. Then they will be swallowed up by the monopoly of the bigger end of the scrap metal industry, which incidentally is a great industry. We are talking about people at the bottom of the socio-economic scale, mainly people in the regions. They are most often blokes who have kids or grandkids and cannot afford to be running out of a scrap metal yard. So now they will be criminalised. Under this scheme, if they are caught, they will be named and shamed. Rather than naming and shaming people who are disadvantaged economically, perhaps we should be making it easier for people seeking a side hustle to help themselves and their families.

These amendments are just not necessary. They provide more powers to police to stop and search. We know that being stopped and searched is something that can be traumatic for many people, including the ones who keep being stopped and searched. We need to be working to build our communities to be safe for everyone and to help people trying to have a go, not legislating powers that are likely to further break down relationships between communities, particularly those who are economically disadvantaged and having a go. For these reasons, The Greens will oppose the bill.

The Hon. LOU AMATO (20:43): On behalf of the Hon. Sarah Mitchell: In reply: I thank the Hon. Tara Moriarty and Ms Sue Higginson for their contributions to this important bill. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. LOU AMATO: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMINAL PROCEDURE LEGISLATION AMENDMENT (PROSECUTION OF INDICTABLE OFFENCES) 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, on behalf of the Hon. Natalie Ward.

The Hon. DAMIEN TUDEHOPE: I table a copy of the public interest statement in connection with the Criminal Procedure Legislation Amendment (Prosecution of Indictable Offences) 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 a later hour.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That Government business order of the day No. 4 be postponed until a later hour.

Motion agreed to.

Bills

CRIMES (SENTENCING PROCEDURE) AMENDMENT BILL 2022

Second Reading Speech

The Hon. PETER POULOS (20:47): On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce the Crimes (Sentencing Procedure) Amendment Bill 2022. The bill gives effect to the New South Wales Government's commitments to, first, legislate to require the courts to apply current sentencing patterns and practices to all crimes, regardless of when they were committed; and, second, address a historical drafting issue to ensure intensive correction orders are not available for certain historical sexual offences such as sexual assault and child sex offences.

I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

Sentencing law is a critical part of our criminal justice system. When a court has found an accused person guilty beyond reasonable doubt or has accepted their plea of guilty, the court is tasked with imposing an appropriate sentence within the parameters established by the Parliament that adequately reflects the seriousness of the offence and the purposes of sentencing. Those purposes of sentencing are set out in section 3A of the Crimes (Sentencing Procedure) Act 1999. They are:

(a) to ensure that the offender is adequately punished for the offence,

(b) to prevent crime by deterring the offender and other persons from committing similar offences,

(c) to protect the community from the offender,

(d) to promote the rehabilitation of the offender,

(e) to make the offender accountable for his or her actions,

(f) to denounce the conduct of the offender,

(g) to recognise the harm done to the victim of the crime and the community.

The court must also take into account the sentencing practices developed through the decisions of appellate courts and any patterns of sentencing that can be identified for similar offences. A central tenet of the rule of law is that the law should be knowable and able to be obeyed. A corollary of this is the fundamental principle of criminal law that a person may only be punished for an act that would have constituted a criminal offence at the time it was committed and should be given no greater sentence than the maximum penalty that would have been available at that time. That means that where a person is charged with a historical offence, they can only be convicted of an offence that was in force at the time that the act was committed and can only be sentenced in accordance with the maximum penalty and, if applicable, standard non-parole period that was in place at the time.

At common law, courts are required to sentence an offender in accordance with the sentencing patterns and practices that existed at the time an offence was committed rather than the sentencing patterns and practices in existence at the time of sentencing. This was established by the New South Wales Court of Criminal Appeal in R v Shore (1992) 66 A Crim R 37 and later in R v MJR (2002) 54 NSWLR 368. This has been subject to judicial disagreement over the years, including a powerful dissenting judgment by President Mason in MJR. There, His Honour was critical of a sentencing rule that required courts to perpetuate past errors and to impose sentences that do not reflect current community expectations.

Other courts have subsequently commented on the practical difficulties of this approach. The Royal Commission into Institutional Responses to Child Sexual Abuse found, in relation to child sexual offences, that applying historical sentencing patterns and practices can result in sentencing outcomes that are perceived to be too short by current standards and may prevent courts from considering some aggravating features now recognised by the law. Accordingly, the royal commission recommended that all State and Territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with

the sentencing standards at the time of sentencing instead of at the time of offending. However, the sentence must be limited to the maximum sentence that was available for the offence at the time when the offence was committed.

In response to this recommendation, in 2018 the New South Wales Parliament amended the Crimes (Sentencing Procedure) Act 1999 by inserting section 25AA. This provision requires the courts to sentence offenders for child sexual offences in accordance with sentencing patterns and practices that existed at the time of sentencing rather than those that existed at the time of the offence. The Government's intention is that section 25AA operate to ensure that sentencing outcomes for these offences reflect community expectations and the modern understanding of the terrible harm inflicted by these offences.

The common law position, however, has continued to apply for other offences. This has proven to be problematic. For example, in the case of the R v Gregory Richardson—unreported, District Court of New South Wales, Berman DCJ, 20 October 2020—an offender was sentenced for a number of historical sexual offences against victim-survivors aged between 14 and 25. Because of section 25AA the offender was not able to benefit from more lenient historical sentencing patterns for the offences committed against the victims aged under 16. However, the offender did receive that benefit for the offences committed against victims aged 16 and over. This resulted in a disparity in sentencing outcomes for different offences depending solely on the age of the respective victims. This also potentially produced a final sentence that did not adequately reflect legitimate community expectations. The bill will expand the reforms which began with section 25AA to all categories of offences.

Schedule 1 (1) to the bill will insert a new section 21B into the Crimes (Sentencing Procedure) Act 1999 to require courts to apply the sentencing patterns and practices in existence at the time of sentencing rather than at the time the offence was committed. This will ensure that sentences for historical offences are consistent with current community standards, that they reflect community expectations and that courts are not obliged to perpetuate past sentencing errors or maintain historically inadequate sentencing patterns. Proposed section 21B (1) reflects the current drafting of section 25AA (1) except that it is not limited to child sexual offences. Consistent with the approach in section 25AA, proposed section 21B (5) expressly states that the provision does not affect section 19 of the Crimes (Sentencing Procedure) Act 1999.

Section 19 provides that any increase to a statutory maximum or minimum penalty only applies to an offence committed after the commencement of the increased penalty whereas any reduction to a statutory maximum or minimum penalty applies to any offence regardless of when it is committed. Section 21B (2), like current section 25AA (2), provides that the standard non-parole period for an offence is the standard non-parole period, if any, that applied at the time the offence was committed, not at the time of sentencing. The bill includes, in proposed section 21B (3), an exception to the new rule where an offender demonstrates that there are exceptional circumstances. This will ensure that courts retain a limited degree of flexibility to ensure that unfairness is not occasioned in exceptional circumstances. The exception will not, however, apply to child sexual offences. This is in recognition of the findings of the royal commission and the special considerations that apply to this category of offences.

Proposed section 21B (4) in the bill will address a technical matter where a person is resentenced following an appeal. Under this bill, in those circumstances the offender will be sentenced according to the sentencing patterns and practices that existed at the time of the original sentence rather than at the time of resentencing after the appeal. This is because it would be an unfair for an appellant to be exposed to harsher sentencing patterns and practices that existed at the time of their initial trial simply because they exercised their right to have an error in their sentence corrected through an appeal.

This bill will also address a historical drafting lacuna in relation to intensive correction orders inherited from the former Labor Government's 2010 reforms. Schedule 1 (3) to the bill will amend the Crimes (Sentencing Procedure) Act 1999 to ensure that an intensive correction order cannot be made for certain sexual offences regardless of when the offence was committed or under what provision it is charged. An intensive correction order is a court sentence of two years or less which is served in the community under the strict supervision of community corrections instead of full-time imprisonment. It is the most serious sentence that can be served in the community. An intensive correction order is only available to eligible offenders as provided for in the statute.

When the previous Government introduced its Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010, this legislation provided that an intensive correction order would not be available for a "prescribed sexual offence" as defined under the Crimes (Sentencing Procedure) Act 1999. Prescribed sexual offence was defined in the legislation and subsequent iterations of the Crimes (Sentencing Procedure) Act 1999 as including an offence under part 3, division 10 of the Crimes Act 1900 involving an offence against a child under 16 years of age or an offence against a person of any age, the elements of which include sexual intercourse.

Division 10 was inserted into the Crimes Act 1900 on 29 June 2000. Because division 10 did not exist prior to 2000, the definition of "prescribed sexual offence" does not capture offences committed prior to that date, even if the same offences would have been defined as a prescribed sexual offence after that date. The bill removes this lacuna to ensure that an intensive correction order is not available for certain offences regardless of when they were committed or charged. In conclusion, this bill will give effect to two important amendments to help ensure that sentences handed down by the courts reflect our community's standards and expectations. I commend the bill to the House.

Second Reading Debate

The Hon. PENNY SHARPE (20:48): I speak on behalf of the Opposition and my parliamentary colleague the shadow Attorney General, who is in the other place, on the Crimes (Sentencing Procedure) Amendment Bill 2022. I indicate at the outset that the Opposition does not oppose the bill. While the bill appears to be short and simple, its implications are important and a significant change to common law principles that should not be underplayed. The bill seeks to change a common law principle—that a crime can attract only the sentence that was applied at the time the crime was committed—by requiring courts to apply the sentencing pattern that is in place at the time of sentencing.

The principle has already been changed for child sexual offences after the Royal Commission into Institutional Responses to Child Sexual Abuse found that, when sentencing those convicted of child sexual offences, the common law principle meant that sentences for historical child sexual abuse offences were often too lenient by contemporary standards. In 2018 changes were made to remedy this issue, requiring courts to sentence

those convicted of child sexual offences according to contemporary sentencing patterns rather than historical ones. The bill before us seeks to bring sentencing for those other offences into line with this principle. The common law principle that historical sentencing patterns must be applied has also proved difficult for the courts to apply in practice and has led to inconsistent outcomes.

Relying on historical judgements, statistics, case summaries and judicial memory, it has been difficult to apply this principle. Where these were unavailable, there is a risk that the outcome is that the sentence is unjust or well outside community expectations. Beyond this, where sentences have become more lenient due to changing public perceptions of a crime, judges have been unable to apply sentencing patterns that accord with contemporary community expectations. To achieve this change, the bill will insert a new section 21B to require courts to apply the sentencing patterns and practices in existence at the time of sentencing, rather than at the time the offence was committed. The standard non-parole period will remain the same as that which applied at the time the offence was committed. This change also does not affect section 19, which preserves the important principle of equal justice that a person should not be sentenced to a substantially higher sentence than an offender who committed a like offence at the same time.

The second change this bill makes is to effect the availability of intensive corrections orders to certain offenders. In *Director of Public Prosecutions (NSW) v Van Gestel*, Justice Garling identified a deficiency in section 67 of the Crimes (Sentencing Procedure) Act that means some historical sexual offences may not be covered by the current definition. This amendment adds a paragraph to section 67 (2) to ensure that all sexual offences of the same nature, whether historical or not, are covered by the present definition of "prescribed sexual offence" and treated consistently by the courts. This would remove the deficiency described by Justice Garling. Otherwise, the section remains the same.

More generally, in relation to the issue around sexual offences and the way the community sees them and treats them, it has been a long journey. Decades ago, sexual abuse was, I would argue, as prevalent as it is now but it was treated very differently. We have learnt a few things from all of the testimony of victim-survivors and from all of the reviews that have taken place over a long time. We know that people may take a long time before they necessarily disclose what has happened to them. We know that the process that they go through under the law can often be as traumatic as the abuse itself. And we know that it is very challenging to bring a matter to court and have it dealt with. That is why the Opposition supports this bill. We believe that, hopefully, it provides more clarity around sentencing that is more in line with community expectations and that it encourages victim-survivors to come forward and pursue the process to seek justice in relation to these matters. The Opposition does not oppose this bill.

Ms SUE HIGGINSON (20:52): On behalf of the Greens, I contribute to debate on the Crimes (Sentencing Procedure) Amendment Bill 2022. The bill in its current form is deficient. It has a whiff of arbitrary government intervention in the administration of justice. However, I clearly understand the necessity and the reasons that we need to address historical offending. It is a very complex legal matter, but the bill does not provide judicial officers with the discretion they should have. These are serious and complex matters. Judicial officers need to be given the discretionary powers to consider both historical and current patterns of sentencing. I foreshadow we will be moving an amendment to ensure that both the historical and current patterns of sentencing can be considered. We believe that this is the more reasonable and better approach in the carriage of justice.

We note that the Law Society of New South Wales, in its submission to this proposed amendment, identified there was a strong public policy argument for the introduction of a similar law in relation to child sexual offences. But that was based on clear evidence of demonstrated error in historical sentencing practices. We do not have the same circumstances here. The argument does not apply generally to all other offences. As the Law Society has pointed out, extending the principle to all offences may, in fact, lead to an increase in sentence length for a range of offences. The common law approach reflects the foundational principle that a person should not be punished for something that was not criminal when they did it or punished more severely than they could have been punished at the time of the offence. It is not good law to depart from this principle without a very strong public policy argument based on evidence of failure and injustice, as was the case with the historical child sex crimes. I will speak to the amendments during the Committee stage.

The Hon. PETER POULOS (20:54): On behalf of the Hon. Natalie Ward: In reply: I take this opportunity to thank the Hon. Penny Sharpe and Ms Sue Higginson for their contributions and observations. This bill will implement two commonsense reforms dealing with sentencing practices for historical offences. First, it will ensure that sentences for historical offences reflect contemporary community expectations and that courts are not compelled to perpetuate past legal errors and erroneous sentencing practices. Second, this will address a gap in existing law and ensure offenders are not able to obtain an intensive correction order for a historical sexual offence. For these reasons, I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Chris Rath): 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. There is one amendment from The Greens on sheet c2022-161B.

Ms SUE HIGGINSON (20:57): I move The Greens amendment No. 1 on sheet c2022-161B:

No. 1 **Sentencing patterns and practices**

Page 3, Schedule 1, lines 6–23. Omit all words on those lines. Insert instead—

A court when sentencing an offender may consider either or both of the following—

(a) the sentencing patterns and practices at the time of sentencing,

(b) the sentencing patterns and practices at the time the offence was committed.

The amendment would allow the court to take into account all relevant considerations, such as previous sentencing patterns, if readily available, any change in community standards, and whether or not the accused's conduct caused the delay in the prosecution. It is really important we trust the courts and the judiciary. As the institution of the administration of justice, other than us, it is important that we give them the appropriate powers and responsibilities. We are moving this amendment so that it is consistent with the knowledge and experience that the administration of justice benefits from in the application of judicial discretion in individual cases. These matters are complex criminal matters. They are of the utmost seriousness and they require a case-by-case approach. The Greens amendment mirrors the law in Victoria. This approach is reasonable and sensible. I commend the amendment.

The Hon. PETER POULOS (20:58): The Government does not support this amendment. The Greens amendment would add to, rather than reduce, uncertainty in the sentencing process by allowing courts to apply either or both sentencing patterns and practices—at the time of the offence or at the time of sentencing—without providing any guidance as to which should apply. The proposed amendment is similar to, but weaker than, the standard set out in the Victorian sentencing legislation. In Victoria the legislation provides that courts must have regard to current sentencing practices. Unlike The Greens' amendment, that approach still requires courts to take into account current sentencing practices. By contrast, The Greens' amendment would not even require courts to have regard to current sentencing practices. This would have the effect that courts may continue to apply outdated and overruled sentencing patterns and practices that are not consistent with current community expectations.

Courts would still be permitted to perpetuate past judicial errors by ignoring modern sentencing patterns and practices. The Government considers that adopting this approach would lead to further inconsistency and lack of clarity in the law. Retaining section 25AA in its current form and adopting this amendment for all offences would also create inconsistency and separate sentencing processes for different offences, which is contrary to the objective of this reform. This reform is intended to promote equality by ensuring consistent sentencing practices for all offences. The amendment would undermine that objective. The Government considers that the drafting of the bill—which allows courts to depart from the sentencing rule in exceptional cases, for example, where it may result in unfairness—provides sufficient flexibility without undermining the objectives of the reform by increasing complexity and uncertainty.

The Hon. PENNY SHARPE (21:00): Labor has listened carefully to the Government's position in relation to this. We understand where The Greens are coming from, but we agree with the Government. We believe that the amendment will just add to uncertainty and inconsistency, which is what we are trying to get away from. We are worried about that generally but also particularly in relation to historical sex offences. I understand what The Greens are trying to do, but on this occasion we do not support it because we think it makes it harder.

The CHAIR (The Hon. Wes Fang): Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2022-161B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. PETER POULOS: I move:

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

Motion agreed to.

Adoption of Report

The Hon. PETER POULOS: On behalf of the Hon. Natalie Ward: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PETER POULOS: On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES LEGISLATION AMENDMENT (ASSAULTS ON FRONTLINE EMERGENCY AND HEALTH WORKERS) BILL 2022

Second Reading Speech

The Hon. PETER POULOS (21:04): On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce the Crimes Legislation Amendment (Assaults on Frontline Emergency and Health Workers) Bill 2022. This bill contains a suite of important reforms for better protection of health and emergency services workers, who commit their working lives to keeping our community safe. Importantly, the bill will ensure that people who assault frontline health workers, correctional and youth justice officers, and emergency services staff and volunteers will face tougher penalties under new offences.

I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

Every person should be able to feel free and safe in their workplace, including health and emergency services workers who perform an essential public service for our community in difficult circumstances and often at personal risk. That is why I asked the Sentencing Council to review the sentences for offences involving assaults on police officers, correctional staff, Youth Justice officers, emergency services workers and health workers in New South Wales.

After widespread public consultation and consideration of crime and sentencing, the Sentencing Council in its report of July 2021 found, in particular, that in New South Wales the criminal law provides insufficient protection against assault to frontline health workers including ambulance officers, hospital medical staff and hospital security staff. The Sentencing Council made 10 recommendations, including for legislative reform, in its report entitled *Assaults on emergency service workers*. The New South Wales Government supports all of these recommendations in full or in principle and is going further in one key respect. This is by ensuring that firefighters from the NSW Rural Fire Service, Fire and Rescue NSW and the NSW National Parks and Wildlife Service, pharmacy staff, community health workers and NSW State Emergency Service frontline workers will also be covered by the new offences. This legislation is a critical part of our response to the Sentencing Council's report. It underscores the Government's strong commitment to strengthening frontline services.

This bill recognises the vital role these workers have in our community. It makes clear that assaulting them is not only reprehensible but also will attract serious criminal punishment. Acts of violence on emergency services workers and frontline workers in the course of their duties are unacceptable. Those who perpetuate disgraceful acts of violence on these dedicated individuals should face stringent consequences.

That is why the New South Wales Government is committed to strengthening criminal law protection for frontline health and emergency services workers as distinct and grave offences through this bill. This bill will also improve the clarity, consistency and coverage of the existing offence regime in the Crimes Act 1900 for assaults against other emergency services workers such as police officers and correctional officers. These reforms have the benefit of extensive consultation on both the state of existing laws and the drafting of the current bill.

The Sentencing Council received more than 20 written submissions from frontline workers' representative bodies, legal stakeholders and members of the public. This included submissions from the Australian Paramedics Association, the United Services Union, the Australian Medical Association, the NSW Rural Fire Service Association, the Australasian College of Paramedicine, the Police Association of New South Wales, the Public Service Association of NSW, the NSW Police Force, Corrective Services NSW, Legal Aid NSW, the Aboriginal Legal Service, the Law Society of New South Wales and the Office of the Director of Public Prosecutions. The Sentencing Council also conducted six in-depth roundtable and individual consultations and closely considered crime and sentencing data. Separate from the Sentencing Council's processes, the New South Wales Government conducted further consultation with impacted frontline agencies and legal stakeholders both in developing the New South Wales Government's response to the Sentencing Council's recommendations and on the detail of the drafting of the bill itself.

We thank the NSW Sentencing Council and all stakeholders who shared their insights as part of these processes. With regard to the technical detail of the bill, the most significant aspect of this reform is that it creates offences for assaults and other actions against frontline health workers and frontline emergency workers under schedule 1 to the bill. The new offences recognise that acts of violence against these workers merit express and distinct recognition and higher penalties than are currently available under the general assault provisions in the Crimes Act 1900. While it is already an offence under New South Wales law to assault another person, the offence charged and the maximum penalty depends on the circumstances of the offending and the injury caused. These

reforms will create new, bespoke, graduated offences of assault and other actions against frontline emergency workers and frontline health workers through proposed section 60AD and section 60AE of the Crimes Act 1900, contained in schedule 1 [14] to the bill.

The structure of these offences and the maximum penalties align with the existing offences for assaults on police officers in section 60 of the Crimes Act 1900. This will ensure greater flexibility, better recognition and a more targeted response to the specific circumstances in which assaults against these frontline workers occur. It will also ensure that the new offences can address varying levels of criminal behaviour and intent. Under proposed amended section 60AA, contained in schedule 1 [6] to the bill, "frontline emergency worker" will be defined in the Crimes Act 1900 to include:

(a) a member of an emergency services organisation, within the meaning of the *State Emergency and Rescue Management Act1989* other than the Ambulance Service of NSW and the NSW Police Force, who provides emergency or rescue services, or

(b) a person employed within either of the following while the person is undertaking firefighting activities—

(i) the National Parks and Wildlife Service,

(ii) the NSW Forestry Corporation.

This means emergency services workers from organisations such as the NSW Rural Fire Service, Fire and Rescue NSW, the State Emergency Service, Surf Life Saving NSW, the NSW Volunteer Rescue Association Inc. and volunteer Marine Rescue NSW will be covered by these new offences. To avoid unnecessary duplication, Ambulance Service of NSW workers are included under the definition of "frontline health workers" and New South Wales police officers continue to be covered by the existing offences under section 60 of the Crimes Act 1900.

Under proposed section 60AA, contained in schedule 1 [6] to the bill, "frontline health worker" is defined to include members of the Ambulance Service of NSW, persons employed or otherwise engaged by St John Ambulance Australia (NSW) who provide medical care, members of Hatzolah who provide medical care, persons who are employed or otherwise engaged to provide community first responder services, persons employed or engaged to provide medical or health treatment to patients in hospitals or equivalent health institutions, pharmacy staff, persons employed or otherwise engaged to provide community health services and persons employed or otherwise engaged to provide security services in hospitals or equivalent health institutions. "Pharmacy staff' is defined to mean:

(a) a pharmacist, and

(b) a pharmacy assistant or another person employed or otherwise engaged to provide services at a pharmacy.

"Community health services" is defined to mean:

Providing medical or other health treatment to patients in the community on behalf of a public health organisation within the meaning of the *Health Services Act 1997*.

This is intended also to cover health workers who provide medical or other health treatment in patients' homes on behalf of a public health organisation within the meaning of the Health Services Act 1997. "Community first responder services" is defined to mean:

Rendering emergency first aid to sick or injured persons.

This is intended to cover services that provide first aid prior to the arrival of professional first aid —for example, the arrival of NSW Ambulance. These services are especially important in rural areas of New South Wales, where ambulance services may not be in close proximity to the scene of an accident or other health emergency. Equivalent health institutions have been included to ensure that these offences extend to rural and remote New South Wales, including where a multipurpose service delivers hospital-like services.

Proposed sections 60AD (1) and 60AE (1) contained in schedule 1 [14] to the bill will make it an offence for a person to hinder, obstruct or incite another person to hinder or obstruct a frontline emergency worker or frontline health worker in the course of the worker's duty. These are summary offences with a maximum penalty of 12 months' imprisonment and/or a fine of 20 penalty units, currently $2,200. The offence under proposed 60AE (1) contained in schedule 1 [14] to the bill is not intended to be used in circumstances where a patient is merely exercising their right to refuse treatment or not consent to treatment being provided by a frontline health worker. Proposed sections 60AD (2) and 60AE (2) contained in schedule 1 [14] to the bill make it an offence to assault, throw a missile at, stalk, harass or intimidate a frontline emergency worker or frontline health worker in the course of the worker's duty, even if no actual bodily harm is caused to the worker. These offences will carry a maximum penalty of five years' imprisonment.

Proposed sections 60AD (3) and 60AE (3) contained in schedule 1 [14] to the bill introduce an aggravated version of these offences that will apply if the offence is committed during a public disorder. The aggravated version of these offences carries a maximum penalty of seven years' imprisonment. Proposed sections 60AD (4) and 60AE (4) contained in schedule 1 [14] to the bill make it an offence to assault a frontline emergency worker or a frontline health worker in the course of the worker's duty and by the assault cause actual bodily harm to the worker. These offences will carry a maximum penalty of seven years' imprisonment. Proposed sections 60AD (5) and 60AE (5) contained in schedule 1 [14] to the bill introduce aggravated versions of these offences that apply if the offence is committed during a public disorder. The aggravated versions of these offences will carry a maximum penalty of nine years' imprisonment.

Proposed sections 60AD (6) and 60AE (6) contained in schedule 1 [14] to the bill make it an offence to wound or cause grievous bodily harm to a frontline emergency worker or a frontline health worker in the course of the worker's duty or be reckless as to causing actual bodily harm to the worker or another person. These offences will carry a maximum penalty of 12 years' imprisonment. Proposed sections 60AD (7) and 60AE (7) contained in schedule 1 [14] to the bill introduce aggravated versions of these offences that apply if the offence is committed during a public disorder. The aggravated versions of these offences will carry a maximum penalty of 14 years' imprisonment.

Proposed sections 60AD (8) and 60AE (8) contained in schedule 1 [14] to the bill, like the equivalent existing provisions in relation to police and other law enforcement officers, make it clear that an action is taken to be carried out in relation to a frontline emergency or health worker in the course of the worker's duty, even if the worker is not on duty at the time, if it is either carried out as a consequence of or in retaliation for actions undertaken by the worker in the course of the worker's duty or because the worker is a

frontline emergency or health worker. The sentence imposed by court for these offences will be subject to existing sentencing principles, including but not limited to the principles of totality, proportionality and the need to give effect to the purposes of sentencing, which include deterrence and rehabilitation.

Proposed subsections 60AA (ia) and 60AA (ka) contained in schedules 1, 7 and 8 to the bill extend the definition of "law enforcement officer" for part 3 division 8A of the Crimes Act 1900 to include a person who is employed or otherwise engaged to provide services to an inmate in a correctional centre, within the meaning of the Crimes (Administration of Sentences) Act 1999, for the purposes of education, health or rehabilitation, or a detainee in a detention centre, within the meaning of the Children (Detention Centres) Act 1987, for the purposes of education, health or rehabilitation. The definition under existing law currently does not include these workers, who may be at an equally high risk of assault as correctional officers and youth justice workers who, like these officers, perform an essential service that puts them in dangerous situations. The bill will remedy that.

As recommended by the Sentencing Council, schedule 1 [11], [12] and [13] to the bill will introduce three aggravated offences located in proposed sections 60A (1A), 60A (2A) and 60A (3A) for assaults and other actions against law enforcement officers during a public disorder. These three aggravated offences are based, in structure and maximum penalty, on the equivalent existing offences against police officers under section 60 (1A), 60 (2A) and 60 (3A) of the Crimes Act 1900. Schedule 1 [1] to the bill will broaden the definition in section 4(1) of the Crimes Act 1900 of "public disorder" to include a riot or civil disturbance at a correctional centre and a youth detention centre. This means that such offences against correctional and youth justice officers will apply in cases of riots or disturbances in correctional centres and detention centres, and be subject to greater maximum penalties. This will better recognise the key role that corrective services and youth justice staff play in keeping our community safe and promoting the rehabilitation of offenders, and better acknowledge the challenges, dangers and risk these officers face.

As recommended by the Sentencing Council, schedules 1, 2, 3, 9 and 15 to the bill consolidate existing assault and related offences against police officers into section 60 of the Crimes Act 1900 and, in doing so, repeal the second paragraph of section 58 and section 5460. In order to ensure that no existing offences are lost in this consolidation, proposed section 60A (IAA) contained in schedule 1 [10] to the bill introduces a summary offence of hindering, resisting or inciting another person to hinder or resist a law enforcement officer, other than a police officer, like the equivalent offences in proposed sections 60 (IAA), 60AD (1) and 60AE (1). This offence has a maximum penalty of 12 months' imprisonment and/or a fine of 20 penalty units, currently $2,200. Schedule 1 [14] also creates an offence under proposed section 60AB for a person who assaults a person who comes to the aid of a law enforcement officer being assaulted in the course of the officer's duty. This is to ensure that such offending remains specifically criminalised following the repeal of the second paragraph of section 58 of the Crimes Act 1900. In keeping with current section 58, this offence has a maximum penalty of five years' imprisonment.

Finally, schedule 1 [14] creates an offence under proposed section 60AC of the Crimes Act for a person who hinders or obstructs a person who comes to the aid of a law enforcement officer who is being hindered or obstructed in the course of the officer's duty. In keeping with the offences for hindering or obstructing police and other law enforcement officers, this offence has a maximum penalty of 12 months imprisonment and/or a fine of 20 penalty units.

I now turn to amendments to the Criminal Procedure Act 1986. Schedule 2 [1] to the bill will amend the Criminal Procedure Act 1986 to provide the offences created by new sections 60A (2A), 60AD (4) and (5), and 60AE (4) and (5) of the Crimes Act 1900 are to be tried summarily unless the prosecutor or defence elects otherwise. Schedule 2 [2] to the bill will amend the Criminal Procedure Act 1986 to provide that the offences created by new sections 60A (1A), 60AB, 60AD (2) and (3) and 60AE (2) and (3) of the Crimes Act 1900 are to be tried summarily unless the prosecutor elects otherwise. This mirrors the status of existing offences under sections 58, 60 and 60A of the Crimes Act 1900 on which these new offences are based.

I now turn to the amendment of other Acts. Schedule 3 to the bill will amend the Fire and Rescue NSW Act 1989, the Health Services Act 1997, the Rural Fires Act 1997 and the State Emergency Service Act 1989 to repeal existing obstruction offences under these Acts. As this conduct will now be covered by the new offences in new sections 60AD and 60AE of the Crimes Act 1900, it is unnecessary to have duplicate offences in multiple Acts of Parliament. I now turn to other reform. In its response to the Sentencing Council's report, the New South Wales Government also committed to supporting in principle the Sentencing Council's recommendation to extend sections 56 and 58 (3) (a) (ii) of the Crimes (Sentencing Procedure) Act 1999 to offences committed by inmates on remand.

The Sentencing Council considered, and the New South Wales Government agreed, that sections 56 and 58 (3) (a) (ii) of the Crimes (Sentencing Procedure) Act 1999 should not be limited to offences committed by offenders while a "convicted inmate" or "while a person subject to control". Rather, these sections should also apply to all relevant offences committed by inmates on remand. The New South Wales Government continues to support this recommendation in principle and is actively working to resolve complexities identified by agencies and stakeholders associated with giving effect to this in drafting.

In conclusion, the New South Wales Government is pleased to introduce the bill to ensure that assaults and other acts of violence against frontline health and emergency service workers are better recognised and appropriately punished. This is another example of our commitment to support frontline workers and to ensure that our justice system best serves our community. I commend the bill to the House.

Second Reading Debate

The Hon. TARA MORIARTY (21:05): I lead for the Opposition in debate on the Crimes Legislation Amendment (Assaults on Frontline Emergency and Health Workers) Bill 2022. I acknowledge the work of my colleague the shadow Attorney General, Michael Daley, who has carriage of the bill for the Opposition in the other place. The Opposition supports the bill. It provides important reforms for the better protection of health and emergency services workers, whose job it is to keep our community safe. The bill will ensure tougher penalties for those who assault frontline health workers, correctional and youth justice officers, and emergency services staff and volunteers. In general terms, the provisions of the bill strengthen protections for those who protect our community. Every worker should be safe at work, including those who work in difficult and challenging circumstances.

In my time as the shadow Minister for Corrections, I have seen the courage and dedication of corrections officers. They are like all other professions covered in this bill. Police have protections, but health workers do incredible work in extraordinary circumstances to keep us safe. I take this opportunity to thank those workers who go above and beyond to keep us safe. The bill is largely a response to a review conducted by the NSW Sentencing Council released in July 2021, entitled *Assaults on Emergency Services Workers*. The Sentencing Council report found that assaults can result in both short-term and long-term physical and psychological injuries and, in some cases, can end the careers of emergency services workers. The council also reported on added pressures placed on workers compensation schemes due to the need for workers compensation payments to those injured workers. The report also states:

> While all physical violence is unacceptable, assaults against emergency services workers are particularly serious because the victims work, often in knowingly dangerous situations, to keep the community safe. As the Committee on Law and Safety wrote in 2017:
>
> > Our emergency services workers, both paid and voluntary, perform a vital role day in and day out to keep the community safe, and it is essential that they too are safe and secure in the line of duty.
>
> Assaults against emergency services workers often occur in difficult, high-pressure situations. These factors pose challenges to developing effective offence and sentencing regimes for these assaults.

The report notes the challenges in developing effective offence and sentencing regimes for assaults in these circumstances, and it is challenging in high pressure, human interaction based situations, particularly highly volatile ones. However, this bill is an important step in making workplaces safer. It recognises the vital role frontline emergency and health workers play in our community and makes it clear that assaulting, hindering, harassing or engaging in other negative behaviour against them not only is unacceptable but also may lead to more serious criminal punishment. Acts of violence on those workers in the course of their duties is completely unacceptable.

The most notable aspect of the reforms promoted by the bill is that it creates offences for assaults and other negative interactions against frontline health workers and frontline emergency workers under schedule 1 to the bill. Those new offences recognise that acts of violence and other unacceptable acts against those sorts of workers deserve a more refined and direct recognition. The reforms in the bill create specific, tailor-made offences of assault against frontline emergency workers and frontline health workers and will bring them generally into line with the penalties for assaults against police officers that are already inherent in section 60 of the Crimes Act. Under proposed new section 60AA, "frontline emergency worker" will have its own definition, which will notably include other people to whom we should also give thanks. "Frontline emergency worker" is defined as:

> (a) a member of an emergency services organisation, within the meaning of the *State Emergency and Rescue Management Act 1989* other than the Ambulance Service of NSW and the NSW Police Force …

For the first time, it will include workers from the fire brigade within the meaning of the Fire and Rescue NSW Act 1989, the NSW Rural Fire Service, the State Emergency Service, Surf Life Saving NSW, the New South Wales Volunteer Rescue Association and the volunteer Marine Rescue NSW. "Frontline health worker" is also defined in the bill and will include members of NSW Ambulance and people who volunteer for St John Ambulance Australia and provide medical care, as well as other persons who are employed or otherwise engaged to provide community first responder services and persons employed or engaged to provide medical or health treatment to patients in hospitals or equivalent health institutions and pharmacies. That is welcome given that we are asking pharmacists and workers in pharmacies to provide more and more public health services. It is appropriate that they are caught within the umbrella protections of the bill.

The definition also covers persons employed or otherwise engaged to provide community health services and persons employed or otherwise engaged to provide security services in hospitals or equivalent health institutions. I acknowledge the work of the Health Services Union [HSU] and in particular the secretary, Gerard Hayes, who has been fighting on behalf of his members for better safety protections in their workplace for a very long time. I recognise the challenges that those workers face, and I acknowledge the hard work of the union in prosecuting their case. The bill also extends the definition of "law enforcement officer" in part 3, division 8A of the Crimes Act to include:

> … a person who is employed or otherwise engaged to provide services to—
>
> (a) an inmate in a correctional centre, within the meaning of the Crimes (Administration of Sentences) Act 1999, for the purposes of education, health or rehabilitation, or
>
> (b) a detainee in a detention centre, within the meaning of the Children (Detention Centres) Act 1987, for the purposes of education, health or rehabilitation.

The bill also amends the Crimes Act 1990 to extend the definition of "public disorder" to include a riot or other civil disturbance at a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999 and/or detention centre within the meaning of the Children (Detention Centres) Act 1987. That will mean that an offence against a youth justice officer or correctional officer will apply in cases of riot or disturbances in

correctional centres and detention centres and will be subject to greater maximum penalties. The inclusion of correctional officers and youth justice officers in the bill is a good one.

The Prison Officers Vocational Branch [POVB] of the Public Service Association [PSA] and its members have been fighting for that reform for years. I acknowledge Nicole Jess, president of the POVB, and Stewart Little, secretary of the PSA, for their ongoing work on behalf of their members over a long period to provide better protections for their members in often volatile and difficult circumstances. We stand with them. From 1 July 2021 to 30 June 2022 there were 184 assaults on staff in correctional facilities in New South Wales. That is an incredible and unacceptable number, and the personal stories that go with it are worse. In February 2022 we heard the story of a correctional officer who was assaulted at the Bathurst Correctional Centre. He suffered a broken jaw and broken nose from the assault. We have heard public reports that a female officer was held hostage in February this year by an inmate at St Heliers Correctional Centre, causing injury to her. I can list many more examples.

In every one of those situations, officers were doing their job and keeping the community safe. Being an officer in a correctional facility is a tough job. Staff know the dangers of their work when they start the job, but they expect the Government to have their back when something horrendous goes wrong. It is important that the bill will help to provide additional protections when an officer is assaulted in circumstances like the ones I have outlined or in many other cases. Labor supports the inclusion of those workers in the bill and thanks each and every one of them for the work that they do. They deserve to be safe in their workplaces.

The bill will make it an offence for a person to hinder, obstruct or incite another person to hinder or obstruct a frontline emergency worker or frontline health worker in the course of the worker's duty. They are summary offences with a maximum penalty of 12 months' imprisonment and/or a fine of 20 penalty units, which is currently $2,200. The bill will also make it an offence to assault, throw a missile at, stalk, harass or intimidate a frontline emergency worker or frontline health worker in the course of the worker's duty, even if no actual bodily harm is caused to that worker. Those offences will carry a maximum penalty of five years' imprisonment.

Proposed new sections 60AD (3) and 60AE (3) introduce an aggravated version of those offences that will apply if the offence is committed during a public disorder. The aggravated version carries a maximum penalty of seven years' imprisonment. The bill will also make it an offence to assault a frontline emergency worker or a frontline health worker in the course of the worker's duty and cause actual bodily harm to the worker as a result of the assault. Those offences will carry a maximum penalty of seven years' imprisonment. A number of other provisions have been dealt with in the other place. Proposed new sections 60AD (6) and 60AE (6) will also make it an offence to wound or cause grievous bodily harm to a frontline emergency worker or a frontline health worker in the course of their duty or to be reckless as to causing actual bodily harm to the worker in those situations. The maximum penalty for that is a very significant 14 years' imprisonment.

It is important that those sentences and additional punishments are serious. We do not want those offences to occur in the first place, but it is also important that the legislation places additional disincentives and consequences to injuring people in the course of those important duties. They are often in difficult, volatile situations, but we need to do everything that we can to make sure that those workplaces are safe for inmates and the people who work in them. Opposition members are happy to support the additional protections for those workers and the additional penalties that will be in place as an incentive for people not to cause violence or harm to workers in those places. I commend the bill to the House.

Ms SUE HIGGINSON (21:17): On behalf of The Greens, I contribute to the debate on the Crimes Legislation Amendment (Assaults on Frontline Workers) Bill 2022. It is fundamental to recognise the vital work that is undertaken by frontline emergency and healthcare workers and to state that no person should be subjected to violence, assault or mistreatment wherever they are, including at work, but we cannot support the bill. This punitive and regressive law and order-style bill is not the way to prevent attacks or violence against frontline emergency services personnel. The Government is trying a quick fix on the eve of a State election to win back people who have been at the sore end of so much ineptitude and disregard from the Liberal Party and The Nationals. I note that in 2017 the law and safety committee undertook an inquiry into violence against emergency services personnel. Its report contained no recommendations to create new offences. In fact, its finding 12 was very precise:

> It is not necessary to create new offences or penalties to appropriately punish offenders for violence against emergency services personnel.

The 2017 inquiry heard overwhelming evidence that the current provisions in the Crimes Act allow for action to be taken in relation to anyone who perpetrates harm or violence against a frontline emergency services worker. Some of the other recommendations recognised that there was not enough resourcing for healthcare professionals, paramedics and other frontline workers. Some highlighted the disparity between technological protections for the police versus other emergency service workers, such as alarm systems in emergency service vehicles.

The bill really does nothing that was recommended by the law and safety committee. Actually protecting frontline emergency service workers would cost money and resources, and the Liberal-Nationals Government is not willing to provide the proper investment. Instead, it is barrelling ahead with more misguided amendments to the Crimes Act. The Greens, in no uncertain terms, completely reject violence of any kind and against any person. We want to be part of the productive and actioned conversation about protecting emergency service workers, but we are not interested in helping this Government conceal a systemic neglect of workers in the emergency services industry with a law and order punitive response. There are current provisions in the criminal law that deal with offences committed against frontline workers.

In its submission to the bill, the Legal Aid Commission identified that in its experience there are cases where emergency services personnel are injured by offenders with mental illness and intellectual disability, and this can be a legitimate matter for the court to consider in sentencing. That is precisely why the judiciary should retain the fullest discretion in reflecting the aggravating and mitigating features when sentencing an accused. The introduction of mandatory minimum sentences for assaults on emergency service workers is also not at all desirable, and the courts should retain the power to fully consider cases on their individual merits.

The Aboriginal Legal Service has raised similar concerns and has urged us to look beyond a narrow criminal justice response to these very important issues. It rightly identified that there needs to be an increased emphasis on improving police and community relations, addressing systemic racism, ending the targeted policing of Aboriginal communities and people of colour, and developing therapeutic responses which more appropriately respond to, and address, individual needs and community wellbeing.

Before arbitrarily introducing new offences, the Government needs to examine the real crisis that is facing emergency service workers. They are being hammered by staff shortages, inadequate resourcing and apparent apathy from this Government about their lived reality on the front lines. We need to find solutions to the problems that lead to assaults against emergency service workers instead of trying to legislate harsher penalties that will do nothing to proactively protect these very important frontline workers.

The Greens members oppose the bill because we want workers protected from assault. We want safe and secure workplaces that are well resourced and that are given the tools to reduce the risk of violence or assault. The bill does not protect workers from the risks that are faced daily by frontline emergency service personnel. This is just another populist law and order grab.

The Hon. ROD ROBERTS (21:22): One Nation supports the Crimes Legislation Amendment (Assaults on Frontline Emergency and Health Workers) Bill 2022, but I place on record that One Nation does not think that the bill is tough enough or strong enough. I remind members of the second reading speech I delivered in September 2020 when I introduced the Crimes Amendment (Assault of Emergency Services Workers—3 Strikes Sentencing) Bill 2020. At the beginning of that speech, I said:

> As members of the Parliament of New South Wales, it is our duty to stay informed and to address and respond to the concerns of the people of the State. It is with this understanding that feel I can speak for the citizens of New South Wales when I say that the continued violent assaults on our frontline emergency service workers are unacceptable. The community, including my colleague Mark Latham and I, are sick and tired of seeing our emergency service workers being used as punching bags. This must stop. I am a retired detective sergeant and I have seen firsthand the violence that is directed at our emergency service workers. Their jobs are hard enough dealing with all manner of dangerous and life- threatening situations, let alone having to put up with being subjected to violent assaults as they carry out their duty of protecting and serving the community.
>
> I have seen the careers of many dedicated emergency services workers cut short as a result of physical and mental injuries occasioned from violent attacks while just trying to do their jobs.

I made that speech in 2020. I applaud the Government for finally taking on board part of my bill. I do not believe that it has gone far enough, and I do not believe that the increases in penalties will have any real effect on assaults, because magistrates will still have the discretion of sentencing.

I note that Ms Sue Higginson has talked about mandatory sentencing. I think that is a red herring as far as the bill is concerned, because there is no mandatory sentencing in the bill before the Chamber tonight. The position of One Nation is that there should be. However, the bill introduced in 2020 incorporated all emergency service workers under its umbrella. This bill will do the same. It covers correction centre workers, juvenile justice centre workers, paramedics, fire brigade officers et cetera. Workers on the front line need our support. This is a step in the right direction. It is not a step far enough, but at least it is heading in the right direction. One Nation supports the bill.

The Hon. PETER POULOS (21:25): On behalf of the Hon. Natalie Ward: In reply: I thank the Hon. Tara Moriarty, Ms Sue Higginson and the Hon. Rod Roberts for their respective contributions to the debate. In response to Ms Sue Higginson's observations, I note that the Sentencing Council did not recommend introducing mandatory sentences for assaults against emergency service workers. In New South Wales and Australia, the typical approach to legislating criminal offences is to provide a maximum penalty. A core tenet of the New South Wales criminal

justice system is that sentencing decisions are made by judges and magistrates who are appointed because of their experience, knowledge and qualifications and who have a thorough and impartial understanding of each case.

Mandatory sentences are not generally recommended as they reduce judicial discretion, reduce the incentive for an early guilty plea and can have a disproportionate impact on vulnerable persons, including Aboriginal and Torres Strait Islander persons. There are only two offences that carry a mandatory sentence in New South Wales: murdering a police officer, and assault causing death while intoxicated. The bill, in line with the recommendations of the Sentencing Council, does not introduce mandatory sentences for assaults against emergency service workers.

The bill demonstrates the New South Wales Government's commitment to strengthening frontline services and supporting those who selflessly serve in these critical roles at daily risk to themselves. The bill implements important recommendations made by the Sentencing Council and ensures that the penalties in our criminal law for reprehensible acts of violence against health and emergency service workers are appropriate. The criminal law is a crucial foundation to ensure that, if violence does occur, appropriate penalties and consequences can and will be delivered against the offenders who perpetrate such atrocious behaviour against our vital frontline service workers. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. PETER POULOS: On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a third time.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That Government business notices of motion Nos 6 and 7 be postponed until a later hour.

Motion agreed to.

ELECTORAL LEGISLATION AMENDMENT BILL 2022

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:29): On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

The Electoral Legislation Amendment Bill 2022 amends the Electoral Act 2017 and the Electoral Funding Act 2018 to implement recommendations made by the Joint Standing Committee on Electoral Matters in its report entitled *Administration of the 2019 NSW State Election*. The amendments primarily relate to recommendations accepted by the Government in its response to the report. In particular, the bill will amend the Electoral Funding Act to implement increased expenditure caps for third-party campaigners for State election campaigns, as recommended by the committee.

I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

This bill introduces important amendments to the Electoral Act to facilitate the upcoming 2023 State general election and any State or local government by-election between 1 July 2022 and 25 March 2023. This includes special provisions for those elections to reflect the Electoral Commissioner's determination that technology-assisted voting will not be used for those elections, other than telephone voting for vision-impaired or blind electors. In part due to the absence of iVote, it is anticipated that there will be an increase in postal voting at the 2023 State general election. The bill makes changes to certain postal voting provisions to facilitate this expected increase in demand. The bill also makes minor amendments to the Electoral Act and Electoral Funding Act to address minor inconsistencies and administrative inefficiencies.

I turn first to the amendments to the Electoral Act. The bill amends section 114 (2) (a) to reduce the maximum period of early voting to seven days prior to election day, commencing on the Saturday preceding election day. This will give candidates and parties more time to register their electoral material after the ballot draw. This amendment implements the first recommendation of the committee's report. The bill makes a number of amendments to section 149 regarding postal voting to facilitate the timely processing of the anticipated high volume of postal votes in upcoming elections. This includes amendment to section 149 (1) (b) (i) to allow the

Electoral Commissioner to receive postal votes up to 13 days following the close of voting, instead of four days. The bill allows the period to be prescribed by the regulations, being a period not exceeding 13 days. This time frame aligns with equivalent Commonwealth provisions regarding the receipt of postal votes and better accommodates potential delays with postal services.

Additionally, the bill amends section 149 (1) (a) to allow the preliminary scrutiny of envelopes on which a postal vote certificate is printed to commence 14 days prior to election day, instead of five days. This time frame aligns with equivalent provisions applying to local government elections and enables earlier commencement of the preliminary scrutiny of postal vote envelopes to help facilitate the timely determination of election results. The amendments make clear that postal ballot votes cannot be accepted for further scrutiny if the postal vote certificate has been completed after 6.00 p.m. on election day.

Further, the bill inserts a new section 149A to provide that ballot papers are not to be rejected for further scrutiny merely because the ballot papers were not inside the envelope on which the postal vote certificate is printed. This will have the effect of saving postal ballots in certain circumstances where the ballot paper is not correctly sealed in the envelope bearing the postal vote certificate. Safeguard measures are included so that, for example, the Electoral Commissioner must be satisfied that the postal vote certificate has been properly signed and witnessed and relates to the ballot paper.

Moving to other changes to the Electoral Act, section 186 (1) (a) currently requires that, during the regulated period, a person must not print, publish, distribute or publicly display electoral material—other than a newspaper announcement about the holding of a meeting—without legibly showing on the material the name and address of an individual on whose instructions the material was printed, published or distributed. The bill will insert a new section 186 (1A) dealing with social media posts, allowing the regulations to prescribe the way these details must be published or distributed. This will clarify the requirements for publication of authorisation details on a variety of social media platforms and help to ensure electoral laws remain relevant and appropriate for emerging forms of social media that are used during campaigning. There remains an exemption from the requirement to have a name and address recorded on social media posts in certain circumstances, as prescribed under section 186 (2) (d) of the Electoral Act and clause 8A of the Electoral Regulation 2018.

The Electoral Act prohibits a person from canvassing for votes, or displaying a poster, within six metres of an entrance to a voting centre or early voting centre. The bill inserts a new section 206A providing for guidelines to be published by the Electoral Commissioner and considered by voting centre managers and election officials before enforcing the "six-metre rule". This will provide managers and officials with guidance regarding the enforcement of the rule. That is welcome guidance.

Section 268 of the Electoral Act sets out a general obligation not to disclose information obtained in connection with the administration or execution of the Electoral Act, or any other Act conferring or imposing functions on the Electoral Commission or Electoral Commissioner, subject to limited exceptions. The bill inserts an additional exception to enable the Electoral Commission or the Electoral Commissioner to inform persons who have provided information to them or it about the progress or outcome of an investigation or any action taken, where it is considered reasonably necessary, and it is in the public interest to do so. Information may also be disclosed to report to the public about the progress or outcome of an investigation into a possible contravention of the Electoral Act, Electoral Funding Act or a regulation under either of those Acts, if the Electoral Commissioner is satisfied it is in the public interest to do so. These amendments will assist to enhance transparency and confidence in the management of reports made to the Electoral Commission or Electoral Commissioner about possible breaches of electoral legislation.

Special provisions for the 2023 State general election and certain by-elections regarding technology- assisted voting will be inserted in schedule 7 to the Electoral Act. The bill provides that technology- assisted voting—other than telephone voting for vision impaired or blind electors—will not be used for the 2023 general election, or a by-election held during the period after 30 June 2022 and before the 2023 general election. This is consistent with a determination made by the Electoral Commissioner on 15 March 2022 under section 162 of the Electoral Act and section 333L of the Local Government (General) Regulation 2021.

Schedule 2 to the bill makes a number of amendments to provide for the inclusion of registered party logos on ballot papers for Legislative Assembly and Legislative Council elections. This change will assist voters to identify their preferred party or candidate and may benefit voters with a disability and voters from a culturally and linguistically diverse background. The bill provides that the option for party logos to be included on ballot papers will commence on 1 October 2024, after the 2023 State election. This will enable time for this change to be implemented across the State. The bill allows the regulations to prescribe a date on which these amendments concerning party logos will apply in relation to local government elections.

I turn now to the amendments to the Electoral Funding Act. The bill inserts a new section 14A to deal with the making of disclosures where a candidate in a State election has been disendorsed. A party agent of the registered party may notify the Electoral Commission that the party has disendorsed a candidate. On and from receipt of the notice by the Electoral Commission, the person responsible for making a disclosure required under part 3 of the Electoral Funding Act for the candidate is the candidate and not the party agent of the registered party. This amendment has been recommended by the committee and will ensure that party agents are not responsible for the disclosure obligations of disendorsed candidates. It is a sensible amendment.

The bill makes amendments to section 15 to increase certain periods within which disclosures of political donations must be made from four weeks to six weeks after the end of the half-year or disclosure period concerned. Minor amendments are made to section 19 (2) to clarify that details disclosed about reportable political donations required under section 19 must include the date on which donations were made or received. The bill also increases the applicable caps for electoral funding for third-party campaigners in State election campaigns in section 29 (10) of the Electoral Funding Act. The expenditure caps will be $1,288,500 for those registered under the Act before the commencement of the capped State expenditure period for the election, and $644,300 in any other case, with these amounts to be adjusted for inflation.

In the case of *Unions NSW v New South Wales* [2019] HCA 1, the High Court ruled that the State had not adduced sufficient evidence to justify the expenditure cap amount recommended by the independent expert panel led by Dr Kerry Schott and introduced by the Electoral Funding Act in 2018, and that the cap was therefore invalid. The bill reinstates the expenditure caps for third-party campaigners in State general elections that applied prior to the commencement of the Electoral Funding Act in 2018. That is also consistent with the committee's recommendation. The committee considered that, by reinstating these higher amounts, third-party campaigners would have adequate opportunity to present their case, and that the caps would be proportionate to the expenditure caps that apply to political parties under the Act, and other direct contestants at elections.

The Government has considered the committee's recommendations and reasonings carefully across the board. I note that the amended expenditure cap of $1,288,500 is equal to the cap for parties that endorse candidates in a group for election to the Legislative Council

but do not endorse any candidates for election to the Legislative Assembly or only endorse candidates in 10 or fewer electoral districts. It is also equal to the applicable cap for a group of candidates in a periodic Legislative Council election who are not endorsed by any party. The Government has also considered the total amounts previously spent by registered third- party campaigners during the capped expenditure periods for the 2011, 2015 and 2019 State general elections. Notably, the highest amount previously spent by a third- party campaigner at a State general election was under $1 million, which was less than the cap that applied at the time. The amounts implemented by the bill are also consistent with those that applied for the 2019 State general election under the Electoral Funding Amendment (Savings and Transitional) Regulation 2019.

The bill makes a further change to the caps on electoral expenditure for State and, for consistency, local government elections. Specifically, the bill amends the definition of "electoral expenditure" at section 7 of the Electoral Funding Act to exclude expenditure on travel and travel accommodation for candidates and staff engaged in electoral campaigning for the purpose of the electoral expenditure caps. This change is in response to the committee's recommendation that the Government consider amending the Electoral Funding Act so that travel and accommodation expenses are not captured as electoral expenditure for the purpose of the caps. Those expenses will still need to be disclosed, of course, in accordance with the disclosure requirements under part 3 of the Act.

Next, the bill amends section 57 of the Electoral Funding Act to raise the threshold for the exception to the aggregation rule for small donations at fundraising ventures and functions from $50 to $100. That aligns with the cash donation threshold in section 50A. The bill makes amendments to section 90 (2A) and section 91 regarding quarterly advance payments of administration funding. It provides for quarterly administrative funding payments to be made in advance, not in arrears, and for any portion of the quarterly payment to which the party or the elected member is eligible but did not spend to be carried over to the subsequent quarter within a calendar year. Those amendments will provide for a simpler scheme under which a party's entitlement is paid entirely in advance and may reduce disadvantage to smaller parties or independent members of Parliament.

The bill amends the claim period for the New Parties Fund from a calendar year to a financial year and provides for transitional arrangements to implement the change from calendar to financial year and updated indexing. The bill also inserts a new section 157 to enable a party's registered officer—where they have undertaken prescribed training—to sign documentation required under the Electoral Funding Act in circumstances where the party agent is unavailable and notice has been given. This will assist administrative efficiency. I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (21:30): I speak on behalf of the Opposition in debate on the Electoral Legislation Amendment Bill 2022. As the Minister has indicated, the bill amends the Electoral Act 2017 and the Electoral Funding Act 2018. The work of the Joint Standing Committee on Electoral Matters and dealing with that report is one of the things that gives the Opposition more confidence in supporting key elements of the bill. I thank all members of the Joint Standing Committee on Electoral Matters. It has been one of the best institutions in this Parliament over a long time. I particularly thank the Opposition members of that committee, who are the Hon. Courtney Houssos, the Hon. Peter Primrose and Mr Paul Scully. I thank them for guiding the Opposition's consideration on these matters.

I take the view that changes to the electoral law should, where possible, be bipartisan. That is the only way to approach dealing with the rules of the game. While we might bat backwards and forwards on some other matters, where possible we have to agree on the rules of the game. That is fundamental to asking our citizens to trust in democracy in New South Wales. It is also the only way that the rules will stand the test of time. These changes should not be made rapidly or without being tested. That is the role that the joint standing committee has often played.

I thank the Government for its consultation on this matter. I particularly thank the former chair of the joint standing committee, Peter Phelps. He has been important in dealing with the Opposition on this. I also thank Minister Speakman's office. There is one key issue in the electoral law that means the Opposition cannot support the bill without amendment. I am referring to the acting-in-concert provisions in the existing Act that are switched on by the electoral caps as a result of this bill. The Opposition supports the caps, but it does not support the effect that the existing law has in switching on the acting-in-concert provisions. I flag now that the Opposition will seek to amend the bill to remove acting-in-concert provisions from the electoral laws.

The bill makes a range of amendments to the Electoral Act and the Electoral Funding Act. The amendments to the Electoral Act reduce the early voting period to a maximum of seven days. This is a matter that has been of significant relief to political parties and political campaigners. We have noted that the commission has indicated that it places them under some pressure, and that is something that we need to keep an eye on, but I think this will be well received. It ensures that election day remains an important part of the process. This change will make sure that election day remains a community day, which is important to the way that citizens experience democracy.

The bill allows the preliminary scrutiny of postal voting envelopes to begin 14 days before election day, instead of five days. It allows postal voting envelopes to be accepted into scrutiny if received for a period not exceeding 13 days from the close of voting, instead of four days. The bill also makes clear that the postal voting procedure may take place before the close of voting and inserts a provision that, where a voter is delivered two envelopes, ballot papers will not be rejected if they are not in the envelope that the postal vote certificate was printed on. I am grateful to the Electoral Commission for taking us through the detail of those changes. It has made it much easier for the Opposition to support the provisions.

In relation to the registration of electoral material, the bill further amends the Electoral Act by replacing "the registered officer or official agent" with "the registered officer or the first candidate of the group of candidates". It also inserts a new section dealing with social media posts. The example given in the bill is that, for a three-minute TikTok video, the regulations may prescribe that the name and address be displayed for a specified number of seconds or with a specified size as a percentage of the video display.

Ms Sue Higginson: Not TikTok.

The Hon. JOHN GRAHAM: I reassure members of the House that it is a platform that I am familiar with but not currently present on. Turning to the six-metre rule, which everyone who has stood outside a polling booth is very familiar with, the bill updates the guidelines for its enforcement by the Electoral Commission. There are new provisions made in the bill that assist to enhance the management of reports about potential breaches of the electoral legislation made to the Electoral Commission or Electoral Commissioner. The bill provides that technology-assisted voting, other than telephone voting for vision-impaired or blind electors, is not to be used at the 2023 general election or a by-election held during the period after 30 June 2022 and before the 2023 general election. This essentially ensures that online voting will not be used.

I place on record that online voting has been a matter that has received significant commentary in this Chamber over the years, particularly by members of the committee. I again place on record the Opposition's view. It supports the traditional use of technology-assisted voting to aid voters with disabilities, but it does not support the wholesale extension of the iVote system to voters generally. The Opposition shares concerns that other members of the Chamber have reflected. It is a pity that the iVote system has fallen over altogether. In the view of the Opposition, that reflects the funding issues that the Electoral Commission has been lumped with. That is the phrase I might use; it is not particularly an electoral term. I welcome the fact that the Government has now provided greater funding. The Opposition has received some assurances publicly about that through the committee process, and it is welcome. The fact that the iVote system fell over is a reflection that the funding was inadequate in the first place.

My colleague Ms Kate Washington put some comments on the record in the other place about the importance of the iVote system for voters with disabilities in order to be able to cast a secret ballot. I commend those comments. I also commend the comments of former Minister Primrose, who drove the reform for voters with disabilities in the first place. Having said that, the Opposition supports this provision, given that is where we have got to. The bill allows for the inclusion of registered party logos on ballot papers in election, commencing after 1 October 2024. That is after the next election. The Opposition would have liked to have seen logos on ballot papers at the next general election, and it considered amending the bill to provide for that. The Electoral Commissioner gave robust advice about how logistically possible that would be, and as a result the Opposition will not move an amendment.

Turning to the Electoral Funding Act, the bill broadens who is able to audit disclosures and claims made under the funding Act to include persons that the commission is satisfied has sufficient skills, rather than only registered company auditors. The bill removes the expenditure incurred from auditing campaign accounts from electoral expenditure and removes the expenditure incurred on travel and travel accommodation for candidates and campaign staff from electoral expenditure. I understand there may be a further amendment proposed, and we will look at that in good faith when it is proposed in this debate. The bill also includes provisions for when a candidate has been disendorsed and a party agent notifies the commission so that the person responsible for making the funding disclosure is the candidate and not the party agent.

The bill increases certain periods within which disclosures of political donations must be made and allows a person to make a request for an extension. The bill provides that small donations of $100 or less, rather than $50 or less, do not have to be aggregated with other donations for disclosure purposes if made at a fundraising venture or function. Of note—and the Minister referred to this in his comments—the bill reinstates expenditure caps for third-party campaigners under the Electoral Funding Act. The Opposition supports expenditure caps. In fact, it was part of the regime that Labor introduced when in government. It is part of comprehensive regulation of the electoral system in New South Wales—not just regulating donations, not just regulating expenditure, but regulating third-party campaigners. Labor supports those caps. It is important that money cannot flood into the system and determine elections, but we do have the concerns that I have outlined.

The caps were supported by the Joint Standing Committee on Electoral Matters. The new amounts are $1,288,500 if the third-party campaigner was registered before the commencement of the capped State expenditure period for the election, which I note has just commenced. This triggers the return of the acting-in-concert provisions, which I will come to. In relation to administration funding, the bill makes an amendment to deal with the calculation of quarterly payments from the Administration Fund. I flag that is one of the areas the Opposition is considering amendments to. There are discussions unfolding on that front. We would only seek to do so if it was a commonsense approach which attracted support. Furthermore, the bill inserts a provision to enable the

registered officer of a party, if the party agent for a party is absent or otherwise unavailable, to lodge a declaration or claim a payment.

Having dealt with the provisions in the bill, with the stamp of approval from the joint standing committee, the Opposition is happy to stand behind those matters. I thank my colleagues on both sides of the House, in both Chambers, for the diligent work they have done to process those. That gives us the confidence to back those provisions. However, I want to place on the record the Opposition's ongoing concerns about the acting-in-concert provisions. We brought a motion to the House previously—and I am grateful for the support of most of the Chamber on that matter, when we dealt with this issue in principle—and we place that issue now, specifically in relation to this bill, on the table. The concern is this: acting-in-concert provisions prevent third-party campaigners from discussing issues of mutual concern in their campaigns or pooling resources. They place restrictions on third-party campaigners from advocating together on major issues of joint interest, such as domestic violence, climate change or industrial protections, in case it is captured within the expenditure cap. We view the repeal of acting-in-concert provisions as an improvement to the electoral law.

Government members, through the Joint Standing Committee on Electoral Matters, initiated a review on a relatively short time frame into this issue of caps and the potential reintroduction of third-party campaign caps. I have indicated that was the law introduced by the former Labor Government, and that is why we support those caps. However, these provisions have been controversial before. When the caps were put into place, they did turn on these acting-in-concert provisions. They have been heavily opposed at that inquiry, at short notice, in submissions from a range of industrial associations—the Public Service Association of NSW, the New South Wales Teachers Federation, the NSW Nurses and Midwives' Association, Unions NSW and others. Labor and The Greens both made submissions opposing this specific provision.

Those provisions are contained at section 35 of the Electoral Funding Act 2018. They restrict third-party campaigners from acting in concert and make it unlawful for two or more campaigners to coordinate campaigns where their combined expenditure exceeds the applicable caps. Those provisions and the way the caps worked were the subject of a challenge in the High Court of Australia, where the argument was made that the third-party expenditure cap and the acting-in-concert provisions impermissibly burdened the implied freedom of communication on matters of politics and government protected by the Constitution. On 29 January 2019 the High Court found in favour of that argument regarding the expenditure cap but did not substantively address the question of the validity of the acting-in-concert provisions, finding it was unnecessary to do so given that the caps no longer applied. Given that this bill now seeks to apply the caps again, the Opposition believes it is appropriate for the Chamber to turn its attention to those acting-in-concert provisions.

As I have said, on 30 March 2022 this Chamber passed an Opposition motion noting concern about the acting-in-concert provisions and expressing concern regarding their impact on the implied freedom of political communication. The motion was passed 22 to 14 by the Chamber. I thank all of the members who supported that motion. The idea that electoral laws would rule out people acting together in political movements, Labor believes, is antithetical to democratic principles. There should be caps restricting money coming in from third-party campaigns, but they should not seek to capture where ordinary citizens work together to chip a little bit of money in and seek to express a voice in the political system. That is really the distinction that we are trying to make here; not all third-party campaigners have the social, financial or political capital to effect change on their own.

Restrictions on acting in concert inherently disadvantage the implied freedom of political communication for these actors. They have a chilling effect on the campaigning work of non-profit and community organisations. This should not be a matter of taking a view about their politics; whichever way they are arguing, it does take that form of activity, which we believe should be encouraged, out of the electoral system. The principle must be to allow citizens to participate in the political process in a fair and transparent way. Average community groups will struggle to deal with this legislation in the way it is currently framed, and this is one of the ways we could improve that. I also note that third-party campaigners have flagged that the presence of acting-in-concert provisions in the electoral law increases the likelihood of a constitutional challenge during and after the 2023 election. That should be of concern to the Chamber.

I will put two other views on this matter. The first is that there is a real philosophical principle sitting behind the disagreement here. The view I want to put, in contrast to the view that the Government has put, particularly in the other place, is that we want a political system where people can band together—community groups, membership-based associations. I know the Government is concerned about trade unions being one of them. Working people who find it hard to influence ordinary life can chip in a little bit of their money to influence their workplace rights and to express a view about issues which are important to them. That is not activity we should be restricting in this way.

The same should apply to the NSW Farmers Association—a membership-based organisation. The same should apply to a community group of citizens who are chipping together small amounts of money to have their

say on issues that are important to their environment. That is the distinction the Opposition seeks to draw here. We support the aim of ensuring that money does not determine results. I think we can all agree on that. It should not be case that third-party campaigners are allowed to do that. Importantly, it does not matter if we are talking about a right-wing or left-wing group. That should not be the concern. We are taking out a class of activity here that Labor thinks should be welcome in the political system.

Secondly, I put the view that our real concern is that this is an American concept. This is an Americanisation of our electoral system. It has all the echoes of the protections that are required in the United States because the torrents of money are so big. We are very lucky to have the restrictions that we do in New South Wales, that have been layered, over the past decade or so, that now mean money is much less important in the New South Wales political system. That is very welcome.

The US protections, either on the Democrat or Republican side, that see political action committees or independent campaigns are heavily funded. But then a wall is put up during the campaign so they cannot communicate with each other. That is one of the key mechanisms used to control this in the US. That idea is not welcome here because we have succeeded in keeping a lot of money out of politics. It is a US artifice in a lot of ways, which we believe we should not import. Nor should we import the culture of US money into the New South Wales system. We believe the comprehensive system that has evolved here, driven by Labor and supported and evolved by this Government—I put that on the record—is really important. We seek to amend the bill for the reasons I have outlined. I thank the members of the House who have supported that view in principle. The Opposition looks forward to putting that into practice during the course of this debate. I commend the bill to the House.

Ms ABIGAIL BOYD (21:50): On behalf of The Greens, I contribute to debate on the Electoral Legislation Amendment Bill 2022. The bill amends the Electoral Act 2017 and the Electoral Funding Act 2018, and follows the results of a government-led report into the administration of the 2019 State election. The bill goes to the heart of our democratic system and concerns the processes and guardrails that safeguard the operations of our elections. Unfortunately, it is the wishes and prerogatives of the Government that dictate the contents of this bill. It is replete with the greatest hits of the NSW Liberal-Nationals Government. Union-bashing, corporate donations-soliciting and disability-maligning clauses are replete throughout, peppered in amongst otherwise innocuous changes in a flimsy attempt at camouflage.

Of great concern to The Greens is the total failure of this Government to adequately resource the NSW Electoral Commission to provide for appropriate and adequate inclusion of the voices of this State's already marginalised communities, including First Nations peoples, people from culturally and linguistically diverse backgrounds, and people with a disability. The bill prohibits the use of technology-assisted voting at the next State election, except for phone voting for vision-impaired and blind electors. It also shortens pre-poll to seven days and, in turn, increases reliance on postal voting. This Government's decisions would serve to seriously disadvantage people with a disability, such as those with vision impairment or mobility issues, as well as potentially exclude young people and people in precarious or casualised work.

The Government's failure to adequately fund the Electoral Commission between election cycles is to blame for the failure to adequately resource voting options for our community. People with disability continue to be excluded from society because of failure after failure of the Coalition Government. Meeting basic accessibility requirements for people with disability should be the bare minimum, not an afterthought that is placed on the backburner for years and then given up on. We must do better to ensure that every member of our community is able to participate equitably in every aspect of our democracy. Anything else is simply not good enough.

I turn to the acting-in-concert provisions and the reason why The Greens cannot support the bill in its current form. The Government's attempt to pre-emptively stymie the campaigning ability of members of our society outside their own exclusive members-only tent stinks of desperate, rank politics. The acting-in-concert provisions have already been found unconstitutional once, yet in the middle of a cost-of-living crisis and waves of industrial unrest amongst the State's own employees, this Government is attempting to silence its elected advocates in the union movement.

It is clear that the principal intention was to limit expenditure by unions as a group. We support the view that section 35 unreasonably burdens the implied freedom of political communication. We believe collective action, such as coming together, should be permitted under the Act without any detriment. Decisions taken regarding the conduct of elections should be taken with bipartisan agreement, but the Government's insistence on the inclusion of this provision is anything but.

Earlier this year in this Chamber, the Government was delivered a resounding repudiation of its approach with a 22-to-14 vote expressing concern with the acting-in-concert provisions, noting their dangerous impact on the implied freedom of political communication. The irony of that vote is not lost on me—a motion moved by the

Opposition expressing concern at infringements on the implied right to political communication. On the same day the Opposition joined forces with the Government to crack down on that same right to rush through, in an anti-democratic way, some of the most anti-democratic and draconian laws this State, and indeed this country, has ever seen, designed to stamp out the right to protest in this State.

I note now, as I noted then, the irony of that position of Labor and note the threats to our democracy that we are facing in New South Wales. So perhaps we should not be surprised that we are where we are today: with a Liberal-Nationals Coalition that has grown used to sweeping aside our rights in pursuit of short-term political gain. The anti-democratic monster is beyond the gates. It has been welcomed through the door by craven politics and commercial radio shock jocks. The Greens cannot support the bill with the acting-in-concert provisions retained. We encourage the Government to act in good faith to remove those provisions at this stage and to allow the rest of the bill to pass.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:55): On behalf of the Hon. Natalie Ward: In reply: I thank the Hon. John Graham and Ms Abigail Boyd for their contributions to debate on the Electoral Legislation Amendment Bill 2022.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

SHALOM GAMARADA INDIGENOUS SCHOLARSHIP PROGRAM

The Hon. WALT SECORD (21:56): On 14 September I was honoured to host a parliamentary event for the Shalom Gamarada Indigenous Residential Scholarship Program. Almost 200 people came together to back the program, which supports First Nations students to pursue university study, particularly in the field of medicine. As a unique friendship between Jews and First Nations peoples, it provides safe accommodation on campus, healthy meals, tutoring and encouragement to assist scholarship holders to stay the course. Co-founded in 2005 by Ms Ilona Lee, AM, and Professor Lisa Jackson Pulver, AM, the program has produced 64 graduates, including 27 Indigenous doctors. Another two doctors are expected to graduate later this year, bringing the total to 29. That is remarkable as there are 175 Indigenous doctors in Australia. This means almost 17 per cent of all Indigenous doctors in the country are associated with Shalom Gamarada.

At the event we heard from Miranda Wallace and Kane Jenner, two first-year medical students; Kyall Flakelar, a sixth-year medical student; Mitchell Heritage, a recent graduate; University of New South Wales vice-chancellor Professor Atilla Brungs; and Shalom Gamarada executive director, Gina Cohen. I acknowledge the numerous financial sponsors, which include Medicines Australia, Wolper Jewish Hospital, the Jewish Communal Appeal, Baker McKenzie and various family foundations, including the Goodridge, Gonski, Joffe, Windt, Pinshaw and Hersch families, to name a few.

Over the years I have hosted these events in three capacities: as the deputy chair of the NSW Parliamentary Friends of Israel, as a member of Sydney's Jewish community and as the bi-cultural son of a late Mohawk-Ojibway First Nation man who grew up on the Mississaugas of the Credit First Nation reserve in southern Canada. In my more than 12 years in Parliament, I am proudest of my small association with Shalom Gamarada and the annual Myall Creek massacre commemoration in northern New South Wales.

You might say that the circumstances of my birth and upbringing in a disadvantaged Indigenous community mitigated against my chances of becoming a member of Parliament, let alone in another country. Statistically speaking, you would be right. I was the first member of my family to complete high school, university and postgraduate education. In fact, I was the first member of my family to fly in an airplane. As a young man growing up on the Indian reserve, I experienced an unusual twist of fate. My father's business partner was an extraordinary man. He was an orthodox Jew who survived Auschwitz. Godel Silber saw something in me and became a mentor. He taught me about Judaism, Israel, racism, intolerance and the Holocaust. Above all, he taught me about the power of education and its capacity to be a great leveller in an unfair society.

As each decade passes, I see more and more clearly how many of my achievements I owe to that great, generous man, just as decades from now generations of Indigenous doctors will reflect with both pride and gratitude on the work of Shalom Gamarada. This program is a testament to what can be achieved when a hunger for knowledge is given generous and careful support. That is why I never hesitate to lend my support when Shalom Gamarada ask me to become involved.

On that note, it is with great sadness that Ms Ilona Lee announced at the most recent event that she was stepping down as the chair of the board of trustees. Ms Lee is going to be replaced by Dr Lisa Sarzin. I wish to pay tribute to Ms Lee, a former educator and senior NSW Health manager who has held many senior Jewish and non-Jewish communal positions over the years. They include the Jewish Communal Appeal, the New Israel Fund, Plus 61J, JewishCare, Moriah College, the NSW Jewish Board of Deputies and the Shalom Institute. In 2008 she was appointed a member of the Order of Australia, in recognition of her remarkable contribution to the community.

I have known her since 1988, when I first encountered her with her late husband, former Waverley councillor Norman Lee, who was a local government advocate for people with disabilities and a man truly ahead of his time. The Lees are well known for their commitment to tikkun olam, the Jewish precept of performing service in order to "repair the world". Ms Lee can be proud of her achievements and how she has touched so many lives and for making possible a program that I wish had existed when I was a university student. As a wonderful aside, she is also the proud mum of Australian musician, actor and singer Ben Lee. But that is for another time.

Finally, I remember the isolation and the lack of emotional support when I first went off to university in Canada. I did not have a campus mentor, and it was very lonely to move from my father's Indian reserve to a university residence. I know how education changes lives, and I know that Shalom Gamarada changes lives. I thank the House for its consideration.

RIDING FOR THE DISABLED

MEMBER FOR MYALL LAKES

The Hon. SCOTT BARRETT (22:00): On 23 October 1972, 50 years ago next week, Pearl Batchelor and Nan Everingham were the driving forces behind the inaugural meeting of Riding for the Disabled in New South Wales. Obviously, the organisation has grown significantly since then and now has 35 centres across New South Wales catering for over 1,700 riders, assisted by 1,300 volunteers, 120 coaches, 40 assistant coaches and 80 trainees. The Riding for the Disabled Association [RDA] aims to enable people with disabilities and the volunteers to experience enjoyment, challenge and a sense of achievement through participation in horseriding and associated activities.

Recently I called into the RDA in Orange, which holds its riding days on a Wednesday with students from a couple of the local schools. I went to have a look at what they were doing there on the Wednesday morning. I thank President Robyn Livermore for hosting me on this day. My visit was around the time of my grandfather's birthday. Jim loved his horses and spent much of his life working with them. As a result, he accumulated a shed full of saddles and bridles and other tack. When he died a few years ago, we donated this gear to the RDA. So it was a good opportunity around his birthday to duck out and catch up with them again.

You cannot help but be impressed when you visit one of these centres. The place was abuzz with volunteers saddling up horses, handing out boots and helmets and organising kids onto their rides for the day. The volunteers' happiness and excitement are matched by that of the kids, who have been waiting all week to get back on their horses. The horses too seem to know that it is their big day, as they stand around patiently and diligently, ready to do their good work. And what fantastic good work it is.

I will tell the story of Piper, who has multiple disabilities and has been heading to the RDA in Orange for about three years now. Apparently, early on Piper was not all that enthusiastic about jumping up on a horse, but reports now suggest that she loves the idea. She laughs and is clearly excited all the way out on the bus, because she knows where she is off to on a Wednesday morning. Piper has her own special saddle. In the three years since she has been with RDA, combined with physiotherapy and great work at the school she attends, she has gained huge ground. The president told me, "It could be the movement of the horse. It's stimulated something. We just don't know. But it just works. Her back and core muscles have improved out of sight." That is not to mention just how excited Piper gets when she is out there and how happy this experience makes her. Having seen Piper riding, I can tell you she does have a great time being up on that horse.

The other story I will quickly tell is that of Caelin, also from Orange, who I am told is the most delightful child, always happy and willing to help out. Caelin has spina bifida and many other complications and spends time in a wheelchair, except when he is up on a horse. He is an incredibly determined and independent young rider who does what he can to get on and get off. If you spend enough time on horses, you are going to come off one, and that happened to Caelin. He did not get hurt from his fall, but his confidence had been built to the level where he got straight back on. Like a true horseman, the first thing he did was to get back on, and he was back out there the next week, full of smiles, with a great story of his fall to tell. The quote sent to me about Caelin is, "When he is on his horse, he is able to do everything everyone else does. He is an equal." What an experience to give to young Caelin.

To everyone involved in Riding for the Disabled, I give a massive thankyou, especially life member Margaret Norman, who helped me pull this together, along with the team from Orange, branch president Robyn Livermore and head coach Merrilyn Mendham in particular. I asked Robyn whether there were a few other volunteers she would like me to single out, but she said that it is very much a team effort and every volunteer is precious. Indeed they are. I give a big shout-out to all those who volunteer there in Orange and elsewhere for Riding for the Disabled. The final thanks, of course, should go to the horses, of all different shapes and sizes, some pretty and some not so much. They do not judge or ask questions. They do not ask for anything in return, but they play a huge part in this incredible movement. I wish a happy fiftieth anniversary to Riding for the Disabled.

I take the opportunity to congratulate Stephen Bromhead, who gave his final speech today in the other House. He has given many years of service to the New South Wales Parliament, the New South Wales Nationals and, most importantly, the people of Myall Lakes. Brommy has been a great advocate for the people of regional New South Wales, in particular Myall Lakes. I thank him for his role in making regional New South Wales the best place to live, work and raise a family.

ANDREW THORBURN AND ESSENDON FOOTBALL CLUB

Reverend the Hon. FRED NILE (22:05): In this adjournment debate, I will be speaking on the subject of the persecution of Christians and Christianity in Australia. Christians and Christianity are under attack in Australia. This is despite the Bible-based morality which forms the foundations for the ethics that have shaped Western civilization. This is despite Christianity forming the foundation of the Australian Constitution. This is despite the loving Gospel of Christ, which is a gift for all of humanity.

I was appalled by the Essendon Football Club's dismissal of Andrew Thorburn. Mr Thorburn was previously the CEO of the Bank of New Zealand and then the CEO of NAB. He is an extremely accomplished businessman with a passion for football but also for his faith. After serving only one day as the CEO of the Essendon Football Club, he was dismissed due to the fact that he was serving on the board of the City on a Hill church. Some of the views of the church, while not radical, appeared to upset the board of the Essendon Football Club, who asked Thorburn to resign—a request he accepted and obliged. The board's statement read:

> … a clear conflict of interest with an organisation whose views do not align at all with our values as a safe, inclusive, diverse and welcoming club for our staff, our players, our members, our fans, our partners and the wider community.

The clear message is that faithful Christians need not apply to work for the Essendon Football Club; Christians are not welcome in Australian rules football. *The Australian* journalist Greg Sheridan rightly pointed out the hypocrisy of it being against the law for an employer to ask an employee about their religious beliefs but that it is seemingly within the law to sack someone for having traditional Christian beliefs. The CEO of Deloitte, Adam Powick, remarked that the sacking of Thorburn is disturbing.

These traditional Bible-based views are standing for life and offering mutual support to same-sex attracted Christians struggling with their faith and sexuality. These views are normal to Australian Christians. Are Christians not allowed to serve as executives any longer? It was reported by the ABC that First Nations players for Hawthorn claimed they were being pressured to stop seeing their partners and, in one case, to have a partner's pregnancy terminated, to focus on training. With support for AFL players and their families reaching this all-time low, it is clear that the AFL is in need of more leaders like Andrew Thorburn, whose Christian views will foster a culture that offers players support on a more holistic level. I say this without fear. I say that I am proud to be a Christian. There has never been a greater need for an unapologetically Christian voice in our parliaments. God bless New South Wales and God bless Australia.

FEDERAL GOVERNMENT TAXATION POLICY

The Hon. CHRIS RATH (22:11): It has not even been six months since a Federal Labor Government was elected, and yet it just cannot help itself. Despite taking a promise to honour the Coalition's tax cuts to the 2022 elections, Labor has spent the past week equivocating on increasing income tax rates in the future. Fortunately for hardworking Australians, it seems that Labor will not repeal the Coalition's stage three tax cuts in the upcoming budget. However, Albanese has been citing an increasingly uncertain global economic outlook as justification for a tighter approach to the budget in future. This is an alarming sign of potential tax increases going forward, undoubtedly to be complemented by a range of other revenue-raising tools.

The calls to scrap the stage three tax cuts are incredibly misguided. They are not a tax cut to the rich. The top marginal tax rate remains unchanged. Stage three is tax cuts to middle income earners on $45,000 to $200,000 per year. They also address the harmful effect of bracket creep that plagues Australia, now more than ever in a high-inflation environment. Earning $120,000 a year does not make you rich, especially if you are supporting a

family and living in Sydney where rents, property prices and the cost of living generally are more expensive. A worker with an income of $120,000 would stand to lose $1,875 per year if the stage three tax cuts were jettisoned.

Our Premier is right to call such a move an all-out attack on aspiration. I quote: "Reversing the tax cuts would be a kick in the guts to the hardworking families of New South Wales … who are the workhorse of the Australian economy." There is a divide between the major parties on the issue of tax cuts, both federally and in this place. Cutting taxes is not a decision of wealthy over poor, although I note that it is often disingenuously portrayed that way by Labor and The Greens. It is instead a decision to support hard work, initiative, thrift and free enterprise over a mindless tendency to expand the government treasury and the power of the State over individuals.

Opponents of tax cuts often also return to the principle of equality. They cite the fact that higher income earners will usually receive a larger nominal tax cut as furthering inequality and favouring the rich. Are tax cuts unfair? It is true that high-income earners receive the highest absolute retained income from a tax cut. However, they also pay the most tax. To simplify things, an individual earning around $40,000 of income per year currently pays just over $4,000 in tax. An individual on $120,000 pays around $30,000 in tax. This is because of the progressive tax system in Australia where people on higher incomes pay not only a higher amount of tax but also a higher proportion of their income in tax. Therefore, when any government cuts taxes, of course it is those who pay the most tax that often see the higher savings.

To increase taxes only on top income earners would create a brain drain in Australia, where those highly skilled workers would be encouraged to move overseas where taxes are lower and business conditions more favourable. This could have devastating effects on the economy. It is why I have always liked the idea of a flat rate of income tax. Particular attention should be given to the work of economics Nobel Prize recipient Milton Friedman. I quote: "A flat tax is more efficient and equitable than a progressive tax system … A flat tax would likely yield a higher revenue than the existing progressive system, while smoothing out inequalities in the tax code."

This Government in New South Wales should be congratulated on reducing taxes, especially the egregiously inefficient payroll tax, which is nothing more than a tax on jobs. Further tax cuts should be made and there remains enormous scope to see productivity and efficiency-increasing tax reforms in this State, beyond simple tax cuts. Practical examples include the work that the New South Wales Government has already undertaken with stamp duty. I sincerely support the boldness with which the Liberal Party has considered and implemented tax reform opportunities in New South Wales.

WORKERS COMPENSATION SCHEME

The Hon. ANTHONY D'ADAM (22:16): Since its election more than a decade ago, this Government has dramatically restructured the workers compensation scheme in New South Wales. Using claims of a fiscal deterioration of the scheme as justification, the Government cut benefit levels and eligibility for thousands of injured workers. The Government's so-called reforms have been cruel, cutting compensation levels for injured workers and even eliminating benefits entirely for workers after a maximum of five years, leaving thousands without adequate compensation.

In July of this year, the McKell Institute, with the support of Unions NSW, released its report into workers compensation in New South Wales since 2012. The report is aptly titled *It's Broken*. It examines the performance of the workers compensation system against the core principles codified in the 2012 changes, against which the scheme is to be measured. The findings are damning. The 2012 changes have failed to reduce either workers compensation claims or fatalities, with numbers stalling over the past decade. Since the changes, premiums have remained stable but above the national average, though there was a sharp decline from 2011 corresponding with dramatic reductions in benefit payouts. These declines, however, are part of a race to the bottom between the States chasing lower premiums by denying payouts to workers.

The scheme has also been failing to improve return-to-work rates, and indeed return-to-work rates have declined. Today, return-to-work rates are lower than at any time since at least 2008-09. For the past couple of years, driven largely by declining return-to-work rates, the scheme has run a deficit, demonstrating that the changes have failed to ensure the financial stability of the scheme. While payments to workers have sharply declined since 2011, administrative costs have not. Despite claims remaining steady, operating expenses have skyrocketed since 2011, from $264 million in 2011 to $926 million in 2021. Board and committee fees have also grown to outrageous levels, reaching over $1 million in 2021.

The regulatory burden and administrative complexities of the scheme have not been reduced as intended by the 2012 changes. Indeed, many workers have expressed difficulty navigating the scheme, with over 10 per cent of workers surveyed by the McKell Institute stating that they had to engage with over 25 separate case managers.

Most importantly, the scheme is failing to support injured workers in their recovery and in regaining their financial independence. According to the McKell Institute survey, the overwhelming majority of workers surveyed who have gone through the scheme report that they find it difficult meeting costs of living on payments they receive from the scheme.

As the cost of living rises, the payments to workers have not kept pace. One worker said that the scheme did not even provide them enough money to buy their own wheelchair. Many describe being unable to live on the scheme. Over 80 per cent of respondents state they either agree or strongly agree that their experience with the system has negatively impacted their mental health and wellbeing, with many even reporting suicide ideation. A similar number say the system has not helped them recover from their injury. Over 70 per cent report their insurer attempting to reduce their payments. Most also report delays in approval of treatment and being underpaid.

The overriding focus of the workers compensation scheme should be to ensure that injured workers can live a dignified life, not one of poverty and insecurity. It should be focused on returning workers to health and, where possible, work. They should be able to live in financial security comparable to when they were employed, rather than being forced into poverty due to injuries sustained at work. The current scheme abysmally fails at these goals. Instead of focusing on reducing premiums, the scheme must be aimed at getting workers their compensation fairly, quickly and with as little time and bureaucracy as possible. The cruel cessation of payments after five years under the Workers Compensation Act should be repealed to ensure that those who need support can still receive it.

Pay for the icare board should be reduced. It should be restructured to provide formal representation for injured workers organisations and unions. Additionally, the privatisation of claims management to private corporations such as EML should be reversed. Private providers should not be allowed to make a profit off the suffering of workers. Society and government have moral obligations to provide support and compensation for those who are injured and unable to support themselves. There is a political choice to be made. Will the Government continue to prioritise savings for private employers and profit for the scheme itself through austerity measures imposed on injured workers? Or will it prioritise compensating workers for loss and suffering from injuries received at work?

ANIMAL ETHICS

The Hon. MARK PEARSON (22:20): My speech poses the question: If animals grieve—and I believe the evidence is clear that they do—what is our moral responsibility regarding our conduct that causes such grief? The Western attitude towards animals has been characterised by treating them as objects of exploitation, not as subjects with their own complex lives independent from their usefulness for humans. To do otherwise may give pause for thought as we mutilate them, cage them, remove them from their mothers and families, and take their lives away. The Renaissance philosopher René Descartes greatly influenced the Western perspective on animals, famously stating that animals were merely "automata", complex physical machines without sentience. This absolved humanity from any moral responsibility towards animals. Shoot millions of kangaroos in the dead of night, bash the brains of joeys, subject primates and pigs to xenotransplantation experiments, or knowingly feed the excruciatingly painful 1080 poison baits to foxes and cats—no moral consideration required.

It has become more difficult to hold this line as the latest science begrudgingly aligns with what has always been obvious to anyone with a heart and eyes to see. Animals are complex beings and they are absolutely capable of suffering. Animal advocates are not afraid of being accused of anthropomorphism when we say that animals are also capable of experiencing grief for their deceased babies, family members and companions. What alternative conclusion could be drawn when an orca mother was observed in 2018 off the coast of North America, carrying her dead calf for 17 days and travelling more than 1,500 kilometres before finally letting her baby go? Given the emotional and financial investment in not wanting to know whether the lamb on our plate was grieved over by their mother, it is not surprising that there is little corporate enthusiasm to conduct such research on animal cognition and emotion.

Times are changing, however, with the development of technologies such as animal vocalisation recognition tools. University of Copenhagen researchers are using such tools to rate vocalisations to assess the stress levels experienced by pigs on farms. The study of death and its associated rituals is called evolutionary thanatology, and researchers are now including animal behaviour into their bodies of work. Anthropologist Barbara King in her book *How Animals Grieve* defined animal grief as a change in their essential functions—a departure from the usual pattern of eating, sleeping and socialising—that is triggered by an observed death. Researchers report examples of grief-like behaviour in animals such as the cradling of dead babies—a giraffe standing watch over her baby's corpse to protect it from being scavenged and an adult chimp's refusal to eat any food for weeks after the death of his elderly mother. Elephants are the most documented species for behaviour that mirrors grieving: carrying dead babies on their trunks, covering bodies with leaves, the herd gathering in silence or walking in circles around the dead body, and returning to graves after many years.

One day we will be able to clearly understand the emotions of other animals. We already have technologies that can identify the various facial cues related to emotions in sheep. Sheep display emotional expressions through their ear postures, and the movement of their eyes, mouths and cheek muscles. Such facial expressions are able to be identified as relating to pain, fear, serenity or stress. Measuring fluctuations in the social bonding hormone, oxytocin, can also reflect changes in an animal's emotional wellbeing. Are farmers ready for real-time feedback on their husbandry practices? We will know whether a sow really does grieve for her stolen, butchered children or whether the dairy cow mourns for the bobby calf that has been taken to be killed. But in the meantime nothing prevents us from acting as though all animals are indeed capable of experiencing grief. Such an assumption would have significant welfare implications for the animals we breed and keep in captivity, those we hunt and those whose habitats we destroy and commandeer for our own purposes. It is time to change our views.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 22:26 until Wednesday 12 October 2022 at 10:00.