

LEGISLATIVE COUNCIL

Thursday 18 September 2025

The PRESIDENT (The Hon. Benjamin Cameron Franklin) took the chair at 10:00.

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

Committees

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference

The Hon. JOHN GRAHAM: I move:

- (1) That, according to paragraph (2) of the resolution appointing the Joint Standing Committee on Electoral Matters, the committee inquire into and report on the annual amount to be distributed from the administration fund to eligible minor parties.
- (2) That the committee report by 27 February 2026.
- (3) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

Motions

EARLYED'S CUBBY HOUSE TOY LIBRARY

The Hon. NATASHA MACLAREN-JONES (10:03): I move:

- (1) That this House notes that EarlyEd's Cubby House Toy Library is celebrating its forty-fifth anniversary of supporting children's development and early intervention across the northern beaches.
- (2) That this House further notes that toy libraries provide high quality, educational, recycled toys to over 130,000 families across the country, significantly reducing the number of toys that end up in landfill.
- (3) That this House recognises the valuable role of toy libraries in helping families save money by reducing the cost of purchasing toys for their young children and fostering sustainable practices, and the invaluable contributions of volunteers who ensure these resources are accessible and provide essential support to parents and caregivers.
- (4) That this House notes there are over 290 toy libraries across Australia, including 70 in New South Wales supported by 11,000 dedicated volunteers who play a critical role in ensuring the success of these services.
- (5) That this House congratulates EarlyEd's Cubby House Toy Library on receiving the Toy Libraries Australia National Diversity and Inclusion Award.
- (6) That this House commends EarlyEd's early intervention educators, speech pathologists, occupational therapists, physiotherapists, family support workers, behaviour specialists and program assistants.
- (7) That this House commends the team at EarlyEd, including CEO Kerry Dominish, for the tremendous work they do providing early intervention support and services to children and families.

Motion agreed to.

HOMELESSNESS WEEK

The Hon. NATASHA MACLAREN-JONES (10:03): I move:

- (1) That this House notes that:
 - (a) 4 August 2025 to 10 August 2025 is Homelessness Week with the theme of "Homelessness Action Now"; and
 - (b) Homelessness Week is a national campaign held annually to build community awareness, support and government commitment to end homelessness.
- (2) That this House acknowledges that homelessness in Australia is worsening daily, affecting physical and mental health, education and employment opportunities.
- (3) That this House further notes that since 2023 there has been a 35 per cent increase in the number of people sleeping rough in New South Wales.

- (4) That this House notes that according to the recent Homelessness NSW report *Rough realities: Rising homelessness and housing insecurity in Sydney & NSW*, released on 3 August 2025:
- (a) homelessness is surging across the State;
 - (b) services are at capacity and underfunded, which means vulnerable people are being left behind;
 - (c) wait times for social housing have increased across the State, with the North Coast now experiencing wait times of more than five years, and wait times are also increasing in the Far South Coast, Greater Sydney, Snowy and Capital Country regions;
 - (d) communities across nine of the 33 metropolitan local government areas are in deep rental stress, with:
 - (i) housing costs, cost-of-living pressures and lack of affordable rent increasing the number of people at risk of, or experiencing, homelessness; and
 - (ii) median rent being 40 to 43 per cent of household income in Bayside, Canterbury Bankstown and Fairfield local government areas, and is most pronounced in Bayside and Canterbury Bankstown.
 - (e) Specialist Homelessness Services are struggling to keep up, with Yfoundations revealing that 98 per cent of organisations reported an increase in workload over the past 12 months, with workloads impacted by:
 - (i) increased casework complexity;
 - (ii) longer social housing waitlists; and
 - (iii) the inability to provide long-term housing solutions.
- (5) That this House calls on the Government to provide additional funding to specialist homelessness services, youth housing and support programs to address the growing homelessness crisis and to ensure that everyone across New South Wales has access to safe and secure housing.

Motion agreed to.

Business of the House

FORMAL BUSINESS

The PRESIDENT: Is there any objection to private members' business item No. 2288 standing in the name of the Hon. Jeremy Buckingham, relating to Belanglo State Forest homicides and Taskforce Air, being taken as formal business?

The Hon. Mark Latham: I object.

The Hon. Jeremy Buckingham: Why would you cover up for a mass murderer? Did you even read it?

The PRESIDENT: Order! Objection has been taken.

The Hon. Mark Latham: Point of order: The Hon. Jeremy Buckingham is interjecting. He has now become a member of the Government, having voted with it in the last 38 divisions. Is he eligible to move Standing Order 52 motions, or can he just get it from his ministerial mates?

The Hon. Jeremy Buckingham: To the point of order: I was interjecting. It was disorderly, but I was interjecting because the Hon. Mark Latham is covering up for a homicidal maniac.

The Hon. Mark Latham: Further to the point of order: I am not taking that slur on my character from a lunatic.

The PRESIDENT: Order!

The Hon. Mark Latham: This guy has gone clinically insane with a Milat obsession that cannot be sustained at any level of logic or rationality by this Parliament.

The Hon. Jeremy Buckingham: Why are you blocking it?

The PRESIDENT: Order!

The Hon. Mark Latham: I have a pretty thick skin but because of the damage he has tried to inflict on me and my family on this matter, I am insisting on a withdrawal.

The PRESIDENT: Order! There is no point of order.

The Hon. Mark Latham: Point of order: Given the damage the member has tried to inflict on me and my family—and do not think for a moment they are unaffected by his insanity—I want a withdrawal for what he said about me earlier on.

The PRESIDENT: What is the specific comment that you would like withdrawn?

The Hon. Mark Latham: He said I was covering up for a homicidal maniac. As if I would commit such a crime in New South Wales for a person I never met, you idiot!

The PRESIDENT: Order! The Hon. Mark Latham has asked for the comment to be withdrawn. On the balance, I agree with the Hon. Mark Latham. That particular comment should be withdrawn, and I ask the Hon. Jeremy Buckingham to withdraw it.

The Hon. Jeremy Buckingham: I withdraw my comment that the member was covering up for a homicidal maniac.

The Hon. Mark Latham: It should be unqualified.

The PRESIDENT: That was unqualified. The Hon. Jeremy Buckingham withdrew the comment.

Later,

The Hon. Jeremy Buckingham: Point of order: Apologies, Mr President, I should have taken this point of order earlier. Earlier in proceedings the Hon. Mark Latham called me a lunatic. He also took a point of order where he required me to withdraw the allegation that he was "covering up for a homicidal maniac". His comment casts aspersions on my good character. I ask him to withdraw that comment.

The PRESIDENT: These points of order should be taken immediately, but I understand that things had become heated at that point. I agree with the Hon. Jeremy Buckingham, and I ask the Hon. Mark Latham to withdraw his comment.

The Hon. Mark Latham: I withdraw.

Motions

NATIONAL CHILD PROTECTION WEEK

The Hon. NATASHA MACLAREN-JONES (10:06): I move:

- (1) That this House acknowledges National Child Protection Week from 7 to 13 September 2025, and that this year marks its thirty-fifth anniversary.
- (2) That this House notes that the theme for National Child Protection Week 2025 is "Every Conversation Matters: Shifting Conversation to Action", emphasising that while talking is essential, it must be translated into meaningful and practical action.
- (3) That this House further notes that National Child Protection Week was established by the National Association for Prevention of Child Abuse and Neglect, under the leadership of Rosemary Sinclair and Christine Stewart, with the aim of:
 - (a) raising awareness of child abuse and neglect; and
 - (b) transforming the way Australian society understood and responded to these issues.
- (4) That this House recognises that:
 - (a) every child deserves to grow up safe, supported and loved; and
 - (b) child abuse and neglect are preventable and we all have a role to play to build communities where children are safe and protected.
- (5) That this House commends the dedication of child protection workers, carers and community organisations across New South Wales who work tirelessly to keep children safe and supported.

Motion agreed to.

NEW SOUTH WALES COUNCIL OF SOCIAL SERVICES

The Hon. NATASHA MACLAREN-JONES (10:06): I move:

- (1) That this House notes that the NSW Council of Social Services [NCOSS] is celebrating 90 years of service.
- (2) That this House acknowledges that NCOSS is the peak body for the social services sector and works to alleviate poverty and disadvantage in New South Wales.
- (3) That this House further notes that NCOSS:
 - (a) was founded in 1934 during the Great Depression, when government-funded programs were limited and assistance was provided by religious charities;
 - (b) was formed to coordinate relief efforts to support those in need; and
 - (c) currently has over 400 members who work together to alleviate poverty and disadvantage in New South Wales.
- (4) That this House recognises the commitment, leadership and dedication of NCOSS in advocating for vulnerable people across New South Wales and in strengthening the community services sector.

- (5) That this House commends former and current NCOSS board members and staff for their tireless work over nine decades in driving positive social change and improving the lives of countless individuals and families.

Motion agreed to.

BUSINESS HUNTER AWARDS

The Hon. AILEEN MacDONALD (10:07): I move:

- (1) That this House notes that:
 - (a) the 2025 Business Hunter Awards gala ceremony held at NEX Newcastle on Friday 12 September 2025 was a record-breaking event, attracting more than 600 guests, over 220 entrants and more than 100 finalists across 19 categories;
 - (b) Newcastle Airport was the standout on the evening, receiving Business of the Year, Contribution to the Region and Excellence in Sustainability, and with airlines and partnership manager Matthew Borger named Employee of the Year;
 - (c) other major award winners included:
 - (i) Prosperity Advisers Group, Excellence in Large Business;
 - (ii) SAPHI, Excellence in Small Business and Excellence in Innovation;
 - (iii) Jeremy Brett of Morgan Engineering, Outstanding Business Leader – 21 employees and over;
 - (iv) James Sneddon of Hyphen Health, Outstanding Business Leader – under 20 employees;
 - (v) Steph Loadsman of KPMG, Kristen Keegan Young Business Leader;
 - (vi) Whiteley Corporation, President's Award;
 - (vii) Showtime Kayaking, Outstanding New Business;
 - (viii) Note It, Excellence in Micro Business;
 - (ix) Hunter Breast Cancer Foundation, Outstanding Community Organisation;
 - (x) Omnia, Excellence in International Business;
 - (xi) A Splash of Colour Swimming, Excellence in Diversity and Inclusion;
 - (xii) Primary Health Network, Employer of Choice – over 21 employees;
 - (xiii) Loyalty Management Solutions, Employer of Choice – under 20 employees;
 - (xiv) Maitland Business Chamber, Outstanding Local Chamber; and
 - (xv) 4WD Tours R US, Outstanding Visitor Experience.
 - (d) Business Hunter also inducted Mullane, Monteath and Powys and the Westpac Rescue Helicopter Service into its Honour Roll and awarded Hall of Fame status to Out of the Square Media and the Muswellbrook Chamber of Commerce; and
 - (e) the awards, sponsored by Newcastle Permanent, celebrate excellence, resilience and innovation across the Hunter, with Business Hunter CEO Bob Hawes highlighting Newcastle Airport's expanded international capability and Astra Aerolab development as drivers of regional growth and opportunity.
- (2) That this House congratulates all winners, finalists, sponsors and organisers of the 2025 Business Hunter Awards.
- (3) That this House acknowledges the contribution of Newcastle Airport and other honourees to the Hunter's economy and community and commends the diversity and strength of the region's business sector.

Motion agreed to.

Business of the House

WITHDRAWAL OF BUSINESS

The PRESIDENT: I inform the House that the Hon. Dr Sarah Kaine has withdrawn the formal business request regarding private members' business items Nos 2405, 2406 and 2407 standing in her name on the *Notice Paper* for today.

Motions

TRIBUTE TO THE MOST REVEREND PATRICK "PAT" POWER

The Hon. NICHOLE OVERALL (10:08): I move:

- (1) That this House notes:
 - (a) the passing of the Most Reverend Patrick Laurence "Pat" Power, retired Auxiliary Bishop of the Archdiocese of Canberra and Goulburn, and pays tribute to his remarkable life and service; and

- (b) that Bishop Power, a son of the Monaro, was born in Cooma in 1942 and raised in Queanbeyan, retained a deep affection for the region and its people, regularly acknowledging the formative influence of his family, his schooling at St Gregory's Primary School in Queanbeyan and St Edmund's College Canberra and the close-knit community on his character, mission and ministry.
- (2) That this House further notes:
 - (a) Bishop Pat's decades of pastoral leadership, having been ordained a priest in 1965 and appointed Auxiliary Bishop in 1986 and having given more than 50 years of compassionate service, guidance, comfort and friendship to generations;
 - (b) as a champion of social justice and reconciliation, he was widely admired for his courageous advocacy, interfaith dialogue and embrace of those at society's margins; and
 - (c) Bishop Pat was a humble, approachable shepherd, known for his warmth and humour, who walked alongside people of every background and belief, as well as non-believers, and the Overall family was privileged to know him as a friend, appreciating his support and wisdom over many years.
- (3) That this House extends its deepest sympathy to Bishop Pat Power's family, the clergy and faithful of the Archdiocese and beyond, and to all who mourn the loss of a humble, remarkable "man of the people" and community leader.

Motion agreed to.

TRIBUTE TO GRANT LEE

The Hon. CAMERON MURPHY (10:08): I move:

- (1) That this House notes with sadness that on 3 September 2025, at age 60, Mr Grant Lee, a former Mayor of Bankstown, passed away in Bankstown Hospital after succumbing to an illness lasting several weeks.
- (2) That this House notes that:
 - (a) Mr Lee was a true believer of the Australian Labor Party;
 - (b) Mr Lee served with distinction in public life as North Ward councillor for several terms, ultimately becoming Mayor of Bankstown City from September 1995 to September 1996;
 - (c) significantly, Mr Lee was instrumental in opposing the Liberal Government proposal for Holsworthy as the second Sydney airport, as aircraft noise would have had a deleterious effect on the community in Bankstown, and the closure of Bankstown Airport would have caused significant loss of local jobs;
 - (d) Mr Lee also organised the Bankstown Memorial to recognise the Bombing of Darwin in 1942 and did foundational work for the establishment of Paul Keating Park;
 - (e) as a member of the Australian Labor Party for more than 40 years, Mr Lee was a champion of Labor values and he always promoted fairness and opportunities for those less well off;
 - (f) Mr Lee was known as someone who consistently put the interests of the Labor Party ahead of his own and was always an enthusiastic and hard worker for the election of others;
 - (g) Mr Lee believed Labor was the vehicle for social change that would best deliver for his community, and dedicated his life to it;
 - (h) after his time on council, Mr Lee continued to serve the local Bankstown community on the committee for the Bankstown City Lions FC, and his family had a longstanding relationship with the Yagoona Lions Football Club;
 - (i) Mr Lee was a doting father to his daughter, Brooke, and the best bloke to have around for a barbeque;
 - (j) Mr Lee was a lifelong Bulldogs supporter;
 - (k) Mr Lee served as president and secretary of various Labor Party branches over the years and was a regular delegate to ALP State Conference and National Conference; and
 - (l) Mr Lee had a profound impact on the Labor Party in Bankstown, working on campaigns for and becoming friends with many prominent people in public life including:
 - (i) Alan Ashton, former member for East Hills;
 - (ii) Linda Downey and Ian Stromborg, former councillors;
 - (iii) all of the current Labor councillors on Bankstown Council;
 - (iv) Daryl Melham, former member for Banks;
 - (v) the Hon. Paul Keating, former Prime Minister of Australia;
 - (vi) the Hon. Bob Carr, former Premier of New South Wales;
 - (vii) the Hon. Jason Clare, MP;
 - (viii) the Hon. Cameron Murphy, MLC;
 - (ix) Ms Lynda Voltz, MP;
 - (x) the Hon. Tony Burke, MP; and

- (xi) amongst many others.
- (3) That this House offers its condolences to his mother, Melva, father, Allen, brother, Michael, sister, Naomi, his wife, Lee-Ann, and their daughter, Brooklyn.

Motion agreed to.

UNIONS FOR PEACE VIGIL

The Hon. MARK BUTTIGIEG (10:09): I move:

- (1) That this House notes that:
- (a) on the evening of 21 August 2025, a Unions NSW Unions for Peace Vigil outside Sydney Town Hall calling for an urgent ceasefire in Israel and Palestine was attended by the Hon. Mark Buttigieg, MLC, together with colleagues, several members of both the Legislative Assembly and Legislative Council, and hundreds of union secretaries, officials, delegates and members, including:
- (i) the Hon. Ed Husic, Federal member for Chifley;
- (ii) the Hon. Sophie Cotsis, Minister for Industrial Relations, and Minister for Work Health and Safety;
- (iii) the Hon. Jihad Dib, MP, Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice;
- (iv) the Hon. Dr Sarah Kaine;
- (v) the Hon. Stephen Lawrence;
- (vi) the Hon. Anthony D'Adam;
- (vii) the Hon. Peter Primrose; and
- (viii) Unions NSW secretary Mark Morey.
- (b) this was an evening for union members and supporters to come together to mourn the continued loss of innocent lives in the region and to call for peace and an immediate flow of aid into Gaza and the release of all hostages.
- (2) That this House recognises:
- (a) peace is a matter that affects working people and therefore falls directly under the remit of unions to fight for at a global level; and
- (b) the continued suffering of innocent civilians across the region must end.
- (3) That this House commends Unions NSW and all its affiliates for organising and supporting this important vigil.

Motion agreed to.

MURRUMBATAMAN FIELD DAYS

The Hon. BOB NANVA (10:10): I move:

- (1) That this House notes that the Murrumbateman Field Days event will be held on the weekend of 18 and 19 October 2025.
- (2) That this House acknowledges that in 2024 Murrumbateman Field Days attracted 15,000 visitors through the gates, providing a huge stimulus to the local economy.
- (3) That this House further notes that the New South Wales Labor Government provided a \$20,000 funding grant to the Murrumbateman Community Association to assist with the event.
- (4) That this House congratulates the organisers of the event, the Murrumbateman Community Association, a voluntary, not-for-profit, community-based association that has been supporting local residents since 1936.
- (5) That this House encourages everyone in the Murrumbateman and Yass Valley region to get along to the event and to enjoy a magnificent weekend of activities, food and exhibitions.

Motion agreed to.

Committees

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The Hon. Dr SARAH KAINE: I table report No. 3/58 of the Committee on the Independent Commission Against Corruption entitled *Appropriation for the services of the Independent Commission Against Corruption for the 2025-2026 financial year*, dated September 2025.

*Personal Explanation***THE HON. JEREMY BUCKINGHAM**

The Hon. JEREMY BUCKINGHAM (10:43): By leave: I wish to make a personal explanation. I put on record that earlier in this place, in an exchange between the Hon. Mark Latham and me, it was asserted that I had made comments that were adverse to the Hon. Mark Latham's family and I had potentially attacked his family. I would have to check *Hansard*. I have never intentionally or in any other way attacked the family of the Hon. Mark Latham or any other member of this House, and I would never do so.

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

Ms CATE FAEHRMANN: I postpone business of the House notice of motion No. 1 until the next sitting day.

*Bills***CHILD PROTECTION (WORKING WITH CHILDREN) AND OTHER LEGISLATION
AMENDMENT BILL 2025****In Committee**

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have three sheets of amendments: Animal Justice Party amendment No. 1 on sheet c2025-175F, The Greens amendments Nos 1 and 2 on sheet c2025-183D and Opposition amendment No. 1 on sheet c2025-201B. Based on the order in which they were received, I call the Hon. Emma Hurst to move her amendment.

The Hon. EMMA HURST (10:46): I move Animal Justice Party amendment No. 1 on sheet c2025-175F:

No. 1 **Mandatory training in relation to child abuse**

Page 4, Schedule 1. Insert after line 6—

[7A] **Section 18(4)**

Insert after section 18(3)—

- (4) However, if the regulations provide for training in relation to child abuse that must be completed before a person may be granted a clearance, the Children's Guardian must not grant a clearance to a person unless satisfied the person has completed the training in accordance with the regulations.

We have seen some shockingly high profile cases of child abuse in the media in recent months, particularly in relation to childcare centres. Sadly we know that they are not isolated incidents but rather symptoms of a much larger problem. According to the 2023 Australian Child Maltreatment Study, 28.5 per cent of children in Australia suffer sexual abuse, over 30 per cent suffer both physical and emotional abuse, and almost 40 per cent endure family and domestic violence. It is clear we must act urgently to address that crisis in our society and do better to protect children.

However, I am concerned that the changes proposed in the bill do not go anywhere near far enough to be effective in reducing the rates of child abuse and maltreatment. There is no way that a Working with Children Check could ever screen out every potential predator. That is because all the checks do is check for previous criminal history. While that is an extremely important and valuable tool in protecting children, many abusers who gain access to children have had no criminal history and would easily pass a Working with Children Check under the current regime. What we need to do is ensure that we have more safe adults in our society who are equipped to prevent, identify and respond to child abuse in their workplaces, schools and communities.

Australian research has consistently found that adults feel that they lack the knowledge and confidence required to prevent child abuse and adequately act to protect children. But this is not my amendment; it is what survivors of childhood sexual abuse are calling for. This is survivor-led reform, brought to this House by survivor Emma Hakansson and the Australian Childhood Foundation. The amendment requires that every person seeking a Working with Children Check undertake mandatory training on the identification and prevention of child abuse as a condition of getting the check. It would empower safe adults to identify signs of abuse and to know how to act when they see those signs.

If I was to ask any safe adult on the street if they would want to undertake a short, free training course that could save a child from abuse, I guarantee that most of them would say yes. We have a responsibility as safe adults to arm ourselves with knowledge so we can rally around children and provide them with a safety net to

protect them from the abusers in our society. The training course would be a short one, developed in consultation with experts and those with lived experience. People could do it online while applying for the check. We are talking about a 30-minute online training session—nothing onerous or expensive, but something that could make a major difference in the life of a child. Ideally, this training would be coordinated and funded at a national level, and I know the Australian Childhood Foundation has been discussing that with the Federal Government.

Just a few weeks ago the Victorian Labor Government announced it would be implementing mandatory training for check holders. I have no doubt that other States and Territories will soon follow suit. This simple amendment would enable mandatory training to occur, with details to be specified in the regulations. It will provide flexibility to the Government as to whether it develops training specific to New South Wales or coordinates with the Federal Government. The amendment has been drafted to ensure that people can continue to obtain Working with Children Checks while the training is being developed but, once it is prescribed in the regulations, it will become a mandatory part of obtaining a Working with Children Check. As I have said, victim-survivors have strongly called for this reform.

In the Our Collective Experience Project report published in 2024, nearly 350 survivors of child sexual abuse and maltreatment called for adults working with children to be more capable and confident to notice early signs of abuse and take action. We must listen to victim-survivors when it comes to designing a society that keeps children safe. I thank Emma Hakansson and the Australian Childhood Foundation for their tireless advocacy. Members will recall that Emma attended Parliament earlier this year when we passed a motion calling for this reform. That motion received broad cross-party support, and I hope to see similar support for the current amendment. I thank the Government and Opposition, including the shadow Minister, for working closely with my office on the amendment. I also thank all members, including The Greens, for their support. The amendment is a simple, achievable and powerful reform that could have a profound impact on the lives of young people in New South Wales. I urge all members to support it.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:50): The Government supports the amendment proposed by the Hon. Emma Hurst and recognises her advocacy in this space. The Government also acknowledges the important work of Emma Hakansson and the Australian Childhood Foundation. The proposed amendment would provide a future mechanism for mandatory training on child abuse as part of the Working with Children Check clearance. As members are aware, the Government has not committed to making such training mandatory, but it has committed, through the Community Services Ministers Meeting, to working with other jurisdictions to discuss and consider a nationally consistent approach. That seems to be going well. In the event that a national agreement is reached regarding mandatory online training, the Government would consult with the Hon. Emma Hurst, Emma Hakansson and the Australian Childhood Foundation and other stakeholders to make the training a reality.

The Hon. NATASHA MACLAREN-JONES (10:51): The Opposition also supports the amendment and acknowledges the work of the Hon. Emma Hurst. It is important to create an environment where children feel safe and supported to disclose abuse. That includes continually improving education to equip people with the knowledge and confidence to identify suspected abuse. The amendment is focused on standardised training for adults, caregivers and professionals to recognise and respond appropriately to the subtle signs of grooming and abuse. I also note that the amendment will come into effect once the regulation is gazetted, ensuring that the Office of the Children's Guardian has the resources and capacity to deliver the training.

Ms ABIGAIL BOYD (10:52): The Greens also support the amendment. As I mentioned in my contribution to the second reading debate, it is not enough to provide Working with Children Checks and forget about them; they need to actually mean something. The amendment goes some way to making those checks more meaningful, so The Greens support it.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2025-175F. The question is that the amendment be agreed to.

Amendment agreed to.

Ms ABIGAIL BOYD (10:53): I will not move The Greens amendment No. 2 on sheet c2025-183D. I move The Greens amendment No. 1 on sheet c2025-183D:

No. 1 **Assessment triggers**

Page 11, Schedule 1. Insert after line 29—

[14A] **Schedule 1**

Insert after clause 2B—

2C **Notices under Children (Education and Care Services) National Law (NSW)**

A person has been given a prohibition notice under the *Children (Education and Care Services) National Law (NSW)*, section 182.

During a hearing of the inquiry into the early childhood education and care sector in New South Wales, which I chair, I noted that there are a lot of cases of people prohibited from working in an early childhood centre still being permitted to get a Working with Children Check. The inquiry has investigated the breakdown in communication between the Office of the Children's Guardian [OCG], the police and the regulatory authority for early childhood education and care, and the need to share information to enable the Office of the Children's Guardian to know when someone has been prohibited. Under the current national law, a prohibition notice is given only in serious circumstances in which an educator is deemed to present a risk to a child or children, such as after a serious incident.

I pointed out during the committee hearing that, through the order for the production of documents, I found plenty of cases of prohibited persons never having a Working with Children Check to begin with, despite working in early education. Lots of people get a prohibition notice and then work with children in other environments. There are also cases of prohibited persons thinking they can work with children in an early education setting because they have a Working with Children Check. During the hearing, I referred to a document received through the call for papers, relating to a person who received a prohibition notice in 2019 that prohibited them from being engaged in any kind of early childhood setting. Despite that, they worked in various early learning centres until 2023 because they had been given a Working with Children Check that came through two years after their prohibition. The regulatory document notes, "As you were cleared, you were of the understanding you were able to work in the industry and that the prohibition order had been cancelled."

In the working with children legislation, the Office of the Children's Guardian has no legislative capacity to take a prohibition notice into account. The amendment ensures that, in addition to offences and all the other reasons the Office of the Children's Guardian is required to conduct a risk assessment of an applicant under that framework, we will also include the fact that they have been prohibited by the early childhood regulator. The amendment will finally ensure that the Office of the Children's Guardian has that ability. Under the relevant division, the applicant gives authority to the Office of the Children's Guardian to check these things. Finally, the OCG legally will be allowed to check whether someone has a prohibition order before giving them a Working with Children Check. That should have been done years ago. I commend the amendment to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:57): The amendment codifies existing practice. The Government supports the amendment.

The Hon. NATASHA MACLAREN-JONES (10:57): The Opposition also supports the amendment. It is quite straightforward.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2025-183D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. NATASHA MACLAREN-JONES (10:57): I move Opposition amendment No. 1 on sheet c2025-201B:

No. 1 **Review of amendments**

Page 11, Schedule 1. Insert after line 29—

[13A] Section 53

Omit the section. Insert instead—

53 Review of Act

- (1) The Minister must review the amendments made by the *Child Protection (Working with Children) and Other Legislation Amendment Act 2025* to determine whether—
 - (a) the policy objectives of the amendments remain valid, and
 - (b) the terms of the amendments remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 18 months from the commencement of this section.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 30 months after the commencement of this section.

During the second reading debate, members across the Chamber expressed concerns about the role of the Office of the Children's Guardian as the sole agency responsible for reviewing Working with Children Checks. Of

particular concern was a restructure that would ensure that the external review process is removed. The Hon. Rod Roberts, Ms Abigail Boyd, the Hon. Stephen Lawrence and I represent a broad range of political backgrounds, but we all share that same concern. It is important that the review is undertaken within 18 months, and that the report is handed down within 30 months, to ensure there is a fair and transparent process and that reforms work as intended.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:58): The Government supports the amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. Natasha Maclaren-Jones has moved Opposition amendment No. 1 on sheet c2025-201B. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

Adoption of Report

The Hon. PENNY SHARPE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PENNY SHARPE: I move:

That this bill be now read a third time.

Motion agreed to.

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

Questions Without Notice

TIMBER INDUSTRY AND GREAT KOALA NATIONAL PARK

The Hon. DAMIEN TUDEHOPE (11:00): My question is directed to the Minister for Agriculture. Noting that the Minister has refused to provide a copy of the ministerial direction that she recently made under section 20N of the State Owned Corporations Act 1989 and that she has elected to keep it secret until she is obliged to table it on 11 November 2025, will the Minister confirm that that is the legal instrument that prevents Forestry Corporation for the next 12 months from continuing to harvest timber in the 176,000 hectares of State forest that the New South Wales Government intends to incorporate into a new national park?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:01): I thank the member for the question. It is a bit of a strange question. I have talked about that order in the Chamber before. I was asked a supplementary question for written answer about it yesterday, and I provided an answer to that this morning saying that it will be tabled in accordance with the requirements. We have been transparent about the creation of the Great Koala National Park. Again I say to the House and to the people who are paying attention to this and to Opposition members: This was an election commitment. We have been open and transparent.

The Hon. Damien Tudehope: Point of order: The question specifically asks the Minister to confirm that the document is the legal instrument that prevents Forestry Corporation for the next 12 months from continuing to harvest timber in the 176,000 hectares of State forest. That is the question that the Minister is being asked to answer. It was not in relation to what she took to the election.

The PRESIDENT: The Minister is being directly relevant. However, the scope of the question is very narrow. I cannot instruct the Minister on how to answer the question, but I encourage her to address the scope of the question.

The Hon. TARA MORIARTY: Thank you, Mr President. As always, I acknowledge your comments. I have referred to the order in this answer and in others. The Hon. Damien Tudehope asked me why I have not

tabled the document this morning in answer to a question he asked yesterday. I will be tabling it in accordance with the rules. It is part of delivering on the election commitment that we made to create the Great Koala National Park. We have also been transparent about the fact that an order has been issued to cease harvesting for that geographical area of New South Wales for that period. That has been openly and transparently discussed with the community and in this House. In fact, we talked about it in the media release and on the day that we announced it.

I have issued the order to Forestry Corp to stop harvesting in that part of New South Wales while we work through all the other issues that we said we would work through as part of the comprehensive work that we are doing to create that very important national park, which, again, is a longstanding commitment that was taken to the people of New South Wales as part of our election offering. People elected us, and it is our job to deliver on the things that we told people we would do. We are working through delivering on election commitments across all of our portfolios. All of my ministerial colleagues are doing that work.

In relation to the creation of the park, the Minister for the Environment is doing the work to deliver the park. As the portfolio Minister for the industry, I am working closely with her, the Premier and the rest of the Government to implement what we told the people of New South Wales we would implement. The things that we have talked about in this place over the past two weeks and the details that we provided as part of the announcement of the work that we are doing now are all out in the open. I have put the order in place to cease harvesting in that geographical area while we work through all of the issues.

The Hon. DAMIEN TUDEHOPE (11:05): I ask a supplementary question. Will the Minister elucidate her answer and her comments on when she will table the document? Why will she keep it secret until 11 November? As the direction issued by the Minister is directly resulting in workers losing their livelihoods, does the public not have a right to see it?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:05): I thank the member for the supplementary question. I have talked about the details that are in the direction. I have also said—and I will say again—that it will be tabled in Parliament in accordance with the law. The details will be provided as they are appropriately required to be provided. We have talked a lot in this place and in the public domain about the work that we are doing to support the six mills that are impacted by the decision. My department, the Department of Primary Industries and Regional Development, is in the area talking to the people and the businesses that are being impacted now. They will be talking to their workforces now. We are treating people with respect by not blasting this information across the public domain before workers have been informed and before people who are directly impacted by this have been informed.

The PRESIDENT: Order! Members will come to order. The Minister has the call.

The Hon. TARA MORIARTY: As I and others have talked about in this place, there is a comprehensive package of support to make sure that the workers who are unfortunately impacted by the decision will be supported by the Government, as they should be.

WAGES GROWTH

The Hon. MARK BUTTIGIEG (11:06): My question is addressed to the Treasurer. How is the recent growth in household disposable income benefiting families in New South Wales and what are the wider impacts on our economy?

The Hon. DANIEL MOOKHEY (Treasurer) (11:07): I thank the member for his question.

The Hon. Penny Sharpe: Point of order: All this week the Leader of the Opposition has allowed a question to be asked, whether by a member on his side of the Chamber or by another member, and then proceeded to interject during the answer. I have been very patient in allowing him to do that, but I now wish to draw it to your attention, Mr President. I ask you to remind him that interjections are disorderly at all times and that he is to cease interjecting.

The Hon. Wes Fang: To the point of order: Perhaps the reason the Leader of the Government has been so willing to let the Leader of the Opposition do that is that when she was the Leader of the Opposition, she did exactly the same thing. It seems to me to be the pot calling the kettle black. Perhaps the Leader of the Opposition learnt from observing the now Leader of the Government when she was in opposition.

The PRESIDENT: I am not sure that that is a particularly helpful contribution, as true as it may be. Having said that, the point of order taken by the Leader of the Government has some truth to it. I did get grumpy with the Leader of the Opposition on Tuesday. I do not want to get grumpy with him again. The Minister has the call.

The Hon. DANIEL MOOKHEY: On Tuesday I had the opportunity to remind the House that Fitch has reaffirmed the State's triple-A credit rating. Yesterday I was in a position to tell the House that the latest national accounts show that business investment has climbed again. Today I am just as pleased to say that we are seeing a decent rise in household disposable income, which anyone who has invested in the success of the New South Wales economy would welcome. That rise in gross household disposable income comes after its sharpest fall in a very long time, which was just prior to Labor's election to government. The fact that, on the Liberals' watch, real wages were suppressed at the same time that interest rates were up is a big reason for households feeling so much cost-of-living pressure.

The PRESIDENT: Order!

The Hon. DANIEL MOOKHEY: In the very first economic statement that I gave in 2023, I recall saying that a key part of what we had to do was get inflationary pressures out of the economy—otherwise the value of people's pay packets would continue to erode—and that would allow interest rates to come down. Two years later I am pleased to say that disposable income is up in New South Wales, and household consumption spending is up by 0.7 per cent. The shadow Treasurer is the State's leading Keynesian.

The PRESIDENT: Order! The Hon. Damien Tudehope, the Hon. Scott Farlow and the Hon. Natalie Ward will cease interjecting.

The Hon. DANIEL MOOKHEY: The shadow Treasurer's love for Keynesian economics is rivalled only by that of the Opposition Whip, the Hon. Christopher Rath, who is a highly regarded Keynesian. All good Keynesian economists know that when households spend more money, businesses invest. That is what economists call the demand-pull and supply dynamic which, incidentally, is a cornerstone of ensuring we get the private sector sustaining jobs and wages growth, not just public balance sheets. This is an important step forward. I hope this virtuous circle is given more time to get ahead and is not undermined by anyone advocating for the return of a wages cap. One of the worst things we could do, which would bring this to an end, would be to entertain the suggestion that a wages cap come back. The Government got rid of the wages cap. Wages are up, interest rates are down, and household finances are recovering.

PRIMARY PRODUCER LAND TAX

The Hon. SARAH MITCHELL (11:11): My question is directed to the Minister for Finance. Noting that Destination NSW is actively encouraging primary producers to diversify into agritourism ventures by combining ongoing primary production with new uses of their land, such as cellar doors, wine tasting with grape growing, pick your own produce and farm stays, what steps has the Minister taken to review the exemption from land tax for land used for the dominant purpose of primary production to ensure limitations to the exemption do not act as a barrier to primary producers taking up diversification?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:12): I thank the member for the question. It is a good question. Members of the crossbench are concerned about that issue and have raised it with me as well. The Hon. Scott Barrett raised it in his adjournment speech last night. It was also covered by the ABC in the Central West last week. My office has engaged with the wine industry, and I will be meeting with it next week. New South Wales winemakers are a cornerstone of our regional economy, and we have excellent winegrowers across various regions of New South Wales. I will not pick a winner.

The Hon. Emily Suvaal: Come on.

The Hon. COURTNEY HOUSSOS: I can hear the Hon. Emily Suvaal. I know that she would be advocating for the Hunter. Revenue NSW must apply the law consistently across all sectors. It has not reinterpreted the primary production land tax exemption. It is worth noting that no legislative changes relevant to the exemption have been made in 20 years, I am told. The rules that apply under this Government are the same as those that applied under the previous Government. It is relatively common in the taxation space that legal cases have particular rulings, but this ruling reinforces the Revenue NSW position. There has been no change to the law. I will continue to engage with industry and hear its concerns. The Government will listen to specific concerns raised by that particular industry.

The use of land for primary production is important. There has been a long-running land tax exemption for land used for that purpose. As things stand, rural land is exempt from land tax if its dominant use is for primary production purposes. The Government will continue to engage on the issue and monitor it closely. I note the interest of the Opposition and the crossbench. The Government wants to ensure that our laws continue to be administered in a fair and consistent way across different industries.

The Hon. SARAH MITCHELL (11:14): I ask a supplementary question. I appreciate the Minister's answer but ask that she elucidate that part of her answer about the land tax exemption where she said that there has been no change to the law. Will the Minister undertake an appropriate review of the terms of the exemption in light of the Government's policy goals for agriculture and tourism?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:15): I do not commit to that review today because it is important that we have stability in the way the laws are administered. My office has engaged with the industry, and we are aware of the issue.

The PRESIDENT: Order! The Hon. Courtney Houssos has the call.

The Hon. COURTNEY HOUSSOS: It has just been brought to my attention that other Labor members already raised this issue with my office, so they are well across it. The Government will engage, as it does, with the industry and will listen to its specific concerns. I do not commit to that type of review today, but the Government continues to monitor the implementation of those laws. It is important that we provide a stable investment environment for our industries across the State, particularly in the regions.

REGIONAL CRIME

The Hon. ROD ROBERTS (11:16): My question is directed to the Leader of the Government, representing the Premier. In March 2024 the Premier announced policing and community initiatives for regional communities. He declared:

We will not leave regional communities behind, and we will ensure regional communities are safe and appealing places to work, live and raise a family.

Some 18 months later and in the wake of a brutal stabbing in Moree, when will the Government fulfil the Premier's commitment?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:16): I thank the member for his question and note that the Government takes this extremely seriously. The Moree case that the member referred to is truly horrific. We have an ongoing challenge in dealing with these matters. The member is aware of the challenges we have had with the Moree bail hostel. The Government is continuing with that because it is important for managing people who have done the wrong thing and making sure they are not just bailed out with nowhere to go and left on the street. The Government understands that problem and has done something about it. As members know, the Government has also taken strong action by changing bail arrangements to deal with regional crime.

The Hon. Susan Carter: Has it worked?

The Hon. Scott Farlow: It didn't work on Sunday.

The Hon. PENNY SHARPE: Thank you for your input. I am pleased that you wanted to raise that with me when I just acknowledged that as a serious matter.

The Hon. Damien Tudehope: Point of order: I accept that the interjection was disorderly, but the response was disorderly also.

The PRESIDENT: Interjections are disorderly at all times, as is responding to them.

The Hon. PENNY SHARPE: I will endeavour to not be provoked. There are important things to know, and the Government is keeping a close eye on what happens with bail decisions. It is also waiting on the review into *doli incapax*, the legal presumption that 10- to 13-year-olds do not understand the difference between right and wrong. That is under active consideration, and the Government expects to receive the report soon. The Government is also making a significant investment in additional Youth Justice funding throughout New South Wales.

It is important to understand that, more broadly, there are some signs of improvement in the statistics from the Bureau of Crime Statistics and Research. We are not singing those from the rooftops. There are still significant issues in communities. However, there are also a number of promising improvements that we hope suggest that the changes in the law are working, despite the continuing issues. The latest trends show some improvement, but there is also more work to do. Property-related offences in regional New South Wales have dropped by 8.9 per cent over the past two years. In the Far West and Orana, they have dropped by 22 per cent, and the Riverina has seen a 16.6 per cent decline. Across regional New South Wales, key crimes like break and enter, robbery, stealing from cars and malicious damage have decreased by at least 7 per cent. [*Time expired.*]

The Hon. ROD ROBERTS (11:20): I ask a supplementary question. I must admit that it was a bit hard to hear the Minister because of the interjections. Will the Minister elucidate the part of her answer where she touched on the bail accommodation at Moree? That accommodation has not been established. There is no sign that it is imminently about to be established. Will the Minister explain the Government's position on that? When will it be established?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:20): The Government shares the member's concern. The bail accommodation is an incredibly important part of the picture. It is no secret that it has been challenging to find a place to establish the accommodation. The advice I have is that we will continue to work on that. We obviously hope to have it in place as soon as possible, and we will report to the House once that occurs. We have not been able to finalise the accommodation yet, but we are continuing to pursue it very strongly. People are working on it every day. Once it is finalised, I will inform the House.

The Hon. SUSAN CARTER (11:21): I ask a second supplementary question. In light of the comments about the delay in establishing the bail accommodation in Moree, which was promised in March 2024, the Opposition has a question about the priorities of the Attorney General in pursuing that important work compared with other work, such as changing the titles of magistrates, and how relatively important that work is.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:21): Opposition members should be careful when they get a piece of paper with a question to ask about the Government's record in pursuit of these matters. Let us be clear about the changes that have been made to bail. The Coalition made a deal with The Greens to bring forward the sunset on the changes.

The Hon. Susan Carter: Point of order: The question was very specific. It did not deal generally with the whole issue of bail; it dealt with the priority of allocating time to bail accommodation in Moree compared with other changes, such as to magistrates.

The Hon. Courtney Houssos: To the point of order—

The Hon. PENNY SHARPE: I am very happy to answer this. It is beyond ridiculous. The Attorney General is focused on regional crime and driving it—

The PRESIDENT: I will rule on the point of order. The Hon. Courtney Houssos has risen to contribute to the point of order.

The Hon. Courtney Houssos: To the point of order: The idea that the question was in any way specific is an absolute laugh. It was a long, rambling diatribe. The Minister was providing quite an erudite response on a very important issue. The idea—

[Opposition members interjected.]

The PRESIDENT: Order!

The Hon. Courtney Houssos: I contend that there is no point of order.

The PRESIDENT: Order! The question was not narrow or specific. It asked about the priorities of the Government, and that could not be more broad. That said, the priorities of the Government do not encroach into the priorities of the Opposition. For that reason, I uphold the point of order. The Leader of the Government has the call.

The Hon. PENNY SHARPE: I always accept the rulings of the President. But I make the point that if Opposition members are trying to make accusations about the Attorney General, they are barking up the wrong tree. The Attorney General is singularly focused on changes to bail. We are looking at that very closely and he is examining every bail decision in relation to the way crime is dealt with. Opposition members do not like it, but there is some good news. Members should recognise that the elements that the Government has put in place—and that the Opposition watered down—are beginning to produce some green shoots. Some statistics are going down. I hope all members would agree that the stats going down is a good thing. If Opposition members are trying to challenge what the Attorney General is doing, they are just wrong. Very good people in the agencies are working diligently to establish the bail service in Moree.

The PRESIDENT: I call the Hon. Natalie Ward to order for the first time.

The Hon. PENNY SHARPE: From the cheap seats, it is easy to be critical of how that has gone. However, any suggestion that the priorities of the Attorney General or the Government are somehow lacking as we establish

this service is absolutely wrong. The work is continuing. It is a very high priority, and to suggest otherwise is just ridiculous.

CRITICAL MINERALS MINISTERIAL ADVISORY COMMITTEE

The Hon. STEPHEN LAWRENCE (11:25): My question without notice is addressed to the Minister for Natural Resources. Will the Minister update the House on the New South Wales Government's new Critical Minerals Ministerial Advisory Committee?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:25): I thank the member for the important question. I acknowledge that he comes from a part of the State where there are fantastic opportunities in critical minerals and high-tech metals. We look forward to unlocking more of them, particularly the huge Australian Strategic Materials project just outside of Dubbo. It is an exciting time and there is a lot going on in the critical minerals sector. As the Government implements its Critical Minerals and High-Tech Metals Strategy, which was announced late last year, I have convened an advisory committee. I recently attended its first meeting, and I thank the members of the committee for their contributions.

The Government does not want the strategy to be a single document that is issued and then just sits on the shelf—"Nice job; well done; it has been issued." We want to see it in practice. The next key challenge is to unlock the opportunities we have, particularly across the Central West and the Far West, but right across New South Wales. I have said many times that we have to mine our way to a clean energy future, and the Government is committed to that. In Australia, and particularly in New South Wales, we are uniquely positioned in having rich deposits of the critical minerals and high-tech metals that will be crucial for the clean energy future.

I thank the members who attended the first meeting of the Critical Minerals Ministerial Advisory Committee at Parliament House. Now it is about continuing that engagement. We had quite extensive engagement as we developed the strategy but, as we implement it, we want to hear feedback and find out if we could be doing things better. One of the key challenges is to unlock the opportunities and attract investment. There is a global race for that capital. Companies are looking right around the world and making comparisons. We want to say, "Come here. Invest here." We have a robust planning system to get through, we have excellent worker safety standards and we have tough environmental regulations. But we want those jobs, we want that investment and we want it here. We want to be able to unlock it.

There are 4,000 people who currently work directly in minerals mining in New South Wales, but there are another 10 projects awaiting investment. They are expected to generate a further 4,600 jobs through construction and 2,700 ongoing jobs. One of the key challenges, as our mining industry looks to the future, is that critical minerals mining requires a different set of skills to coalmining. The Government is continuing to engage with universities to make sure that there is a strong pipeline of the skills required for those opportunities for the future. It is important to use the convening power of government to say, "These are the opportunities. This is how we are getting everyone on the same page." I again thank the members of the ministerial advisory committee for their attendance at the first meeting.

The PRESIDENT: Before I call the Hon. John Ruddick, I welcome to the Parliament students from Homebush Boys High School and St Andrew's Cathedral School who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education team.

PRIMARY PRODUCER LAND TAX

The Hon. JOHN RUDDICK (11:28): My question is directed to the Minister for Finance. It follows on from an excellent question from the Deputy Leader of the Opposition. In April a NSW Civil and Administrative Tribunal [NCAT] decision established a concerning precedent for wine producers. NCAT determined that where wine sales generate greater revenue than grape sales, the predominant purpose shifts from primary production to manufacturing, thereby disqualifying the property from the land tax exemption. A similar court ruling expanded the reach of payroll tax. When he was in opposition, the Treasurer gave an election commitment that there would be no new taxes, but the Government seems to be expanding taxes via court rulings. Who is directing this strategy of expanding the tax base via court rulings—the Minister and her ministerial colleagues or her department?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:29): I thank the honourable member for his important question. I also welcome the visiting school students to question time in the Legislative Council. I will answer the question in my capacity as the Minister for Finance, but I am also currently the Acting Minister for Education and Early Learning. It is a real privilege to meet so many of our fantastic school students from around the State. I welcome them to Parliament today. I cannot guarantee that members will be on our best behaviour, but we will try!

The Hon. John Ruddick asked an important question. The Opposition also asked me a question about this earlier today. I reject a couple of things from the outset. I reject the assertion that this is a new tax. It is not. It is also not a reinterpretation of the existing law. In fact, it was an affirmation of the law as currently administered by Revenue NSW. The idea that there is some kind of strategy being pursued by the Government, directed by me, to expand the application of the law is not correct. I reject that particular part of the question. The way it has been characterised in the media is not accurate. We need to administer our tax system fairly. I am yet to meet a willing and enthusiastic taxpayer. There are certainly a number of taxpayers who seek to exercise their legal right to challenge particular rulings from Revenue NSW, and that is why we are seeing some of these court cases.

[A Government member interjected.]

I will not acknowledge interjections, because I know they are disorderly. Taxpayers take up their right to appeal in the legal system, and it is appropriate that we respond. This particular ruling affirmed that Revenue NSW had administered the law correctly. As I said in my previous answer, we will continue to engage with the industry on its specific concerns. I will be doing that next week. It is important for us to continue to engage with the industry to hear its concerns. There has not been a change in the way the law is administered. I am advised that there has not been a legislative change in this area for about 20 years. The exemptions that apply to land tax remain consistent.

PRIMARY PRODUCER LAND TAX

The Hon. NICHOLE OVERALL (11:32): My question is directed to the Minister for Agriculture. The NSW Wine Industry Association has sought an urgent meeting with the Minister since 3 September 2025 to discuss the impact of the recent decision on the application of the primary production dominant-use land tax exemption for grapegrowers. Has the Minister met with the association on this matter? If not, will the Minister undertake to meet with it as soon as possible?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:32): I thank the member for her question. There is obviously a lot of interest in this topic today. I share that interest, particularly in the winegrowing industry in the Central West of New South Wales. I am happy to meet with all kinds of stakeholders but, unfortunately, Parliament is getting in the way. I have to be in this place answering questions. I would much rather be meeting with stakeholders.

The PRESIDENT: Order! The Minister has the call.

The Hon. TARA MORIARTY: I am happy to meet with this stakeholder and with any others. I will check with my office to see if something has been agreed to. I am sure that will be the case. I am meeting with a number of stakeholders from Mudgee, and other parts of that region, in the next week or so about a broad range of issues relating to agriculture and primary production in that part of the State. I look forward to meeting with them.

SOCIAL HOUSING ENERGY EFFICIENCY

The Hon. CAMERON MURPHY (11:34): My question without notice is addressed to the Minister for Energy. Will the Minister update the House on the investment by the New South Wales and Commonwealth governments to provide energy upgrades for thousands of social housing homes?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:34): This is a very good question. From the start, I thank my colleague the Hon. Rose Jackson for the cooperation between our two agencies on this.

The Hon. Damien Tudehope: How many solar panels are going into landfill? Are we dealing with that issue?

The Hon. PENNY SHARPE: Do you actually not care about energy upgrades for people?

The Hon. Damien Tudehope: What about the landfill?

The Hon. PENNY SHARPE: Let's go there. I am really happy to go there.

The PRESIDENT: Order!

The Hon. PENNY SHARPE: Energy efficient homes are cheaper to run and nicer to live in. They improve people's quality of life and also lower their bills. The Government is proud to work with the Federal Government on the \$175 million program that will upgrade around 24,000 social housing properties in New South Wales over the next few years.

The PRESIDENT: Order! I call the Hon. Scott Farlow to order for the first time.

The Hon. PENNY SHARPE: Members who are following along and who actually care about social and community housing would know that a lot of our community and social housing stock was built over 20 years ago. That was before we had energy efficiency requirements and before we had even contemplated the idea that houses need to be warm in winter and cool in summer. These incredibly important upgrades will help some of the most vulnerable households across the State. We have now upgraded over 8,000 government-owned social housing properties.

The Hon. Rose Jackson: Hear, hear!

The Hon. PENNY SHARPE: Yes, it's really good. We have also partnered with 22 community housing providers to co-fund upgrades for more than 2,300 homes with around \$18 million in joint funding. Upgrades include air conditioners, heat pump water heaters and thermal shell upgrades like insulation. This is life changing for the people living in those houses. Western Sydney can be 10 degrees hotter than the city centre on a hot summer's day, and we know that those hot days are going to increase. It is not just better to live in a house where you can be cool—it actually saves lives. People die in the heat. These life-saving upgrades give people a cool home that they can afford, because the upgrades also reduce their bills.

Unfortunately, Australia has some of the most energy-inefficient homes in the world. We think it is just pleasant all the time. It is really important for us to upgrade these over 24,000 homes. At the end of the day, the upgrades mean that social and community housing tenants will live in comfortable homes that are cheaper to run and healthier to live in. All members of this House should be pleased to hear about that.

BOWDENS SILVER PROJECT

The Hon. MARK BANASIAK (11:37): My question without notice is directed to the Minister for Agriculture. In 2023 the Minister's department replied to a Mudgee primary producer who raised concerns about the Bowdens mine causing lead contamination in grapes and olives. In the response, the Minister quoted the mining proponent's claim that lead is poorly taken up by plants. How can the Minister justify that advice when it is in direct conflict with a fact sheet published by the Government which says that plants can absorb lead from soil and that surface contamination on fruit also poses a high risk?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:38): I thank the member for his question. I think he was asking me about a letter that was provided by the department. I am not familiar with the content of that letter. I am happy to take that part of the question on notice and find, if I can, the specifics of a letter sent by the Department of Primary Industries and Regional Development to any stakeholders. I do not get cc'ed in on all its correspondence. I am happy to take that part of the question on notice.

I know that the member has been pursuing this issue on behalf of stakeholders. I am taking this issue seriously. As I indicated in my previous answer, I will shortly be meeting with a range of stakeholders, primary producers, people and businesses from that part of New South Wales to discuss their concerns about this issue. I cannot remember the date, but I think it is in the next week or so. I look forward to hearing more from them directly about their concerns and whether the Government needs to do anything to support them.

The Hon. MARK BANASIAK (11:39): I ask a supplementary question. I seek leave to table a copy of the letters that came from the Minister's department.

Leave granted.

Documents tabled.

The Hon. MARK BANASIAK: In her answer the Minister talked about being aware of these issues and meeting with primary producers. Given that the lead mine has the potential to impact grazing properties, not just properties that produce wines, grapes and olives, will the Minister confirm she will also meet with primary producers who specialise in grazing?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:40): I thank the member for his supplementary question and acknowledge his ongoing interest in this issue on behalf of stakeholders. As I have indicated, I am meeting with a range of businesses and people who have raised concerns in relation to this recently. I cannot provide a list of those stakeholders off the top of my head. But if others are interested in participating in this discussion at this point or at any other point, I am happy to hear from any agricultural businesses to work through any issues or concerns they might have.

The Hon. WES FANG (11:41): I ask a second supplementary question. The Minister has indicated that she is happy to meet with stakeholders. In an earlier answer she indicated that, despite the fact that grapegrowers already wrote to her office, she has not met with them yet. What is the waiting time to get a meeting with the Minister?

The Hon. Courtney Houssos: Point of order: That is a new question and should be posed as a separate question rather than an elucidation.

The Hon. John Graham: Also it was a stupid question.

The Hon. Rod Roberts: We would have to make a new standing order for that.

The Hon. Courtney Houssos: I acknowledge those interjections. My point of order is that the second supplementary question did not seek an elucidation of the Minister's answer. The Deputy Leader of the Government also helpfully provided that it was stupid, and the Deputy President provided that that should be accounted for in the standing orders. I agree with both of those points, but I am not sure they are points of order.

The PRESIDENT: I uphold the point of order. The second supplementary question is out of order.

SYDNEY TRAINS REVIEW

The Hon. NATALIE WARD (11:42): My question is directed to the Minister for Transport. On 28 May 2025 the Minister announced a short, sharp independent review into the punctuality of Sydney trains. The review is now four weeks overdue. Some might say it is later than a South Coast train. When will the review be completed, and will the Minister release it?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:42): I thank the shadow Minister for her question. It is a very good question about a serious report that was commissioned by the Premier and the Government to look at the May incident that we have spoken about often. That incident brought the train system to a halt for far longer than it should have. The Premier and I have both been clear that we will release the report. We will do so shortly. The shadow Minister moved to call for papers yesterday for the report. I was clear in that debate yesterday that we will release the report, and that we will release it well before the date that she has put in the call for papers. I discouraged her from slowing down the work of the rail agencies to improve reliability by running a dragnet of documents that is causing a significant burden for these operational agencies. We have 70 Transport officials—

The Hon. Natalie Ward: Point of order: It is relevance. The Standing Order 52 motion was dealt with yesterday. This is a specific question about the report that the Government has said it will release. The question was when will the review be completed, and will the Minister release it?

The PRESIDENT: I do not uphold the point of order. The Minister was explaining the context in which the report will be released and why. The Minister has the call.

The Hon. JOHN GRAHAM: I have been clear—both in public and in the House—as recently as yesterday that we will release the report publicly and that we will release it soon. The Premier has also been clear that it is a sobering read. It will lead to some real reflection about the significant amount of work we have to do to bolster reliability on the heavy rail system. That is the key priority. The key goal I have given Sydney Trains is to bolster supply on the network. It is tough. We have to catch up on the backlog of maintenance that grew by hundreds of millions of dollars, particularly between 2019 and 2021. We are catching up on some of that. It was held back by the rail dispute. Happily, that moment has now passed and we have a window now to invest in reliability. We are determined to do that. The rail review is an important step to focus attention on those goals. But what I expect from the review is a very frank assessment about how this happened and what we have to do to get on top of the problem. That is what I hope for. The review is complete and it will be released shortly.

The Hon. NATALIE WARD (11:45): I ask a supplementary question. I thank the Minister for his answer. In relation to his comments that it is a sobering read and that the key priority is to bolster reliability, will he elucidate on improving the on-time performance of Sydney trains? Noting that while the short, sharp review has been delayed, on-time performance for intercity trains dropped during that time—from 68 per cent in the week that the review commenced to just 65 per cent last week. In relation to the sobering read and statistics, will he elucidate when the travelling public will see actual improvement across the system?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:46): Just to give members a bit of a snapshot about how things have travelled this week, on Tuesday on-time running was 98.1 per cent. On Wednesday on-time running was 97.2 per cent. We have had two issues on the network this morning and on-time running has dropped to 89 per cent. I would like that higher. They are the most recent statistics for metropolitan running times on the

Sydney Trains network. They give members some feel for what is going on in the network as we have gathered in this place for the past three days. But we are catching up. We are catching up on a maintenance backlog that rose from \$440 million to \$670 million under members opposite over the two years between 2019 and 2021.

One of the things we have done to improve reliability is put the trains on the tracks—the trains that were purchased and sat in a shed for five years under the previous Government. For years I sat where the Deputy Leader of the Opposition is now sitting and interjected, "Why don't you put the trains on the tracks?" Members opposite kept telling us they would do it, and they never did. It took this Government to put the trains on the tracks. The Leader of the Opposition should get out on the Hunter line. She should take a trip to Bar Beach in Newcastle on the Mariyung. She should have a quiet cup of coffee at Bar Beach, after a smooth ride up there on the Mariyung train that she promised to get on the track, but never did. The trains are on the tracks, and as a result— *[Time expired.]*

TAXI FARES

The Hon. BOB NANVA (11:48): My question without notice is addressed to the Minister for Transport. How is the Minister working with the taxi industry to protect customers from rogue cabbies who want to rip them off?

The Hon. Damien Tudehope: The cardinal rule is you don't use a song that you've used before: You don't use the same song twice.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:48): I acknowledge that interjection.

The Hon. Damien Tudehope: You owe the House an apology.

The Hon. JOHN GRAHAM: I apologise to the House for that breach of what should be a standing order. If the Hon. Damien Tudehope moves that as a new standing order, the Government will back it in. I have been distracted. I want to make this point. Like Rome, Paris, New York, Montreal and Tokyo, Sydney is a world city. Those other global cities have capped cab fares for a ride into the city centre. It cuts out the haggling, the nasty surprises and the reputational damage to the city that often arises. I am pleased to say that Sydney will join those other cities; we are introducing a capped taxi fare from Sydney airport to the CBD. At the moment "We've got a ticket to ride, but it's not fair." This cap is something that the NSW Taxi Council has advocated for. I thank them for their leadership. They do not want bad actors sully the taxi industry.

The Point to Point Transport Commissioner has received complaints of taxi drivers turning off the meter and charging people over \$150 to get into the CBD. There was one case earlier in the year where a cabbie was fined \$2,000 for refusing to use the meter and landing an overseas family with a \$188.26 fare for travelling from the international terminal to a hotel in the CBD. Imagine what that would be like for someone who has flown to Australia, with their kids, for their first visit here. They are exhausted. They think that the fact their hotel is only a 15-minute drive from the airport is a major bonus. But when the cabbie turns around at the end of the trip and tells them that the fare is \$188 and loose change, the blood drains from their faces.

From 3 November that will no longer happen, because the taxi fare for the short trip from the airport to the CBD will be capped at \$60. It will start with a trial and be made permanent if it is a success. The introduction of this cap implements the recommendation of the Independent Pricing and Regulatory Tribunal in its report into taxi fares, delivered in May. It also has the backing of Sydney airport. Australia is not the land of the rip-off. The land of the fair go should also be the land of the fair fare—and from now on, that will be the case. When someone arrives at Sydney airport from overseas, they will be able to get a flat white and a flat \$60 taxi fare to go from the airport to the city. So, Mr President:

I don't think you're gonna be sad,
I think it's today,
The cabbies driving us mad are going away,
Because we've got a ticket to ride,
We've got a ticket to ride,
And it is fair.

FERAL ANIMAL AERIAL SHOOTING

The Hon. ROBERT BORSAK (11:51): My question is directed to the Minister for Agriculture. Both the recent inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025 and the budget estimates hearings have highlighted the dearth of verifiable data on aerial shooting operations, particularly the numbers of animals shot, their location and the number of shots required per animal. Without this transparency, the public has no way of knowing whether the taxpayer-funded programs are humane or effective. What is the

current impediment to fitting helicopters and firearms used in aerial shooting operations with GPS-verified video cameras, with the footage then independently scrutinised?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:52): I thank the member for his question. I know he has a lot of interest in the aerial culling operations conducted by Local Land Services. In relation to fitting cameras to helicopters, that is not something that is currently in place. As I understand it, there are three people on board who all verify the results of what happens in these operations. There is also a navigator on the flights who enters the information and data into a system. I am confident that what is being recorded by those three people on those helicopters is as accurate as it can be. But that does not mean that we are not open to new suggestions and ideas. I am happy to talk to the department about the feasibility of fitting cameras, or other ways of collecting evidence of the operations they are conducting. I will talk to Local Land Services and get advice from them, and from the department, on any suggestions and the feasibility of that technology.

The Hon. ROBERT BORSACK (11:53): I ask a supplementary question. Has Local Land Services costed the installation and operation of such systems and, if so, what percentage of the total cost of aerial shooting operations in 2024-25 would this have represented?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:54): I thank the member for his supplementary question. As I said in my previous answer, this technology is currently not used by Local Land Services on the helicopters used in its aerial culling operations. I am not aware whether Local Land Services has ever given consideration to or costed that kind of technology. But as I said in the previous answer, all new ideas are welcome, and I am happy to investigate whether this is something that is feasible and whether it has been looked at before. In response to the question, I cannot give an answer on any costings, but I am happy to seek advice on future use.

WORKPLACE GENDER EQUALITY

The Hon. NATASHA MACLAREN-JONES (11:55): My question is directed to the Treasurer, representing the Minister for Industrial Relations. In just 12 days time, hearings before the Industrial Relations Commission into nurses and midwives awards will commence. Will the relevant provision of the Industrial Relations and Other Legislation Amendment (Workplace Protections) Bill 2025 be proclaimed in time to ensure that this specific objective, which the Minister described as supplementing the existing provisions on equal remuneration for equal work, can be fully taken into account in the arbitration determination?

The Hon. DANIEL MOOKHEY (Treasurer) (11:55): I thank the member for her question and her interest in this matter. The member has asked me the question in my capacity representing the Minister for Industrial Relations, so I think it is important that I take the question on notice and refer it to the Minister in order to obtain an answer for the member. I have been asked questions about this previously. I am aware that my good friend the shadow Treasurer, who is also the shadow industrial relations Minister, asked the Minister this question in the budget estimates hearing. The Minister made it clear that work is being done to establish the date upon which that provision will commence.

I also note that part of the member's question which asks whether or not the commission will be required to take gender equality into account. As I have said previously, regardless of the law, the commission is obliged to take gender equality into account because it is a part of the wage fixation principles, which have to be considered. That has been the case for more than 17 years, on my count. What stopped the commission from being able to take it into account for 12 of those years was a wage cap. For example, it meant that even if, during that period of time, a respondent to an award brought a case seeking a revaluation on gender and the commission at that time considered that it would require a pay rise adjustment above the cap, it could not do it. That was the consequence of having a wage cap and that is why, over that period of time, we saw the gender pay gap increase in the New South Wales public sector.

Pleasingly, in the first 2½ years of this Government, the gender pay gap has decreased. That is because it got rid of the wage cap. I say to the member that it is all well and good for the Coalition to take an interest in the forthcoming case, but under its wage cap policy, such a case could never have been brought. At the same time, those opposite are championing the enactment of a labour law they opposed and are yet to say whether or not they will bring the wage cap back. The Government respects the independence of the Industrial Relations Commission and will not provide a running commentary on its deliberations in the case. But we will continue to point out that under the Coalition's policy such a case could never have been brought.

The Hon. NATASHA MACLAREN-JONES (11:58): I ask a supplementary question. Will the Treasurer elucidate his answer in relation to the lapsing of the wage cap and inform the House whether the

Government intends to press its argument that nurses and midwives ought not to be given a wage rise higher than 3 per cent for each of the three years 2024-25 to 2026-27?

The Hon. DANIEL MOOKHEY (Treasurer) (11:59): I relish the question. The case being run by the health department in the court is a matter for that department, and we will not provide a running commentary on a court matter. The member asked me about the Government's argument. In fact, the argument the court is considering is a consequence of the former Government's wages cap and whether that requires an adjustment. The member asked a question about one detail of the claim. The actual matter that the court must consider is whether the former Government's wages cap led to an undervaluation of nurses' labour. That is the central question, and we will allow the court to consider the evidence.

I take the example of the decision relating to the firefighters, which will be an interesting issue when it is taken up in the court soon. Firefighters needed an adjustment because the former Minister for Industrial Relations put in a 0.3 per cent wage policy. That created the conditions that led to underpay. What is fascinating about the decision that the court will need to make is whether that 0.3 per cent cap created the conditions that require a catch-up. The Coalition cut their pay; this Government brought back their right to fight for higher pay.

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

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SARAH MITCHELL: I move:

That the House take note of answers to questions.

TIMBER INDUSTRY AND GREAT KOALA NATIONAL PARK PRIMARY PRODUCER LAND TAX

The Hon. SARAH MITCHELL (12:01): I take note of some of the answers given by Ministers. In particular, I address two issues. The first relates to the question asked by my colleague the Leader of the Opposition to Minister Moriarty about the copy of the ministerial directive which is essential to the locking up of timber harvesting in the area of the Great Koala National Park. The Opposition has been asking for a copy of that directive, and we understand that the Minister will provide it in due course under the guidelines. That is what she said today. Government members talk about how transparent they have been about the park, and how it was an election commitment that they have been working on for years. Why not provide the directive now? Why not acknowledge that people are interested in seeing the directive before the Minister is required to table it? Why not provide a copy so that members, the public and, particularly, Mid North Coast timber industry workers can see the terms of that ministerial direction?

Instead, Government members say, "We have been very open in consulting, but we are still working through it all." A weird juxtaposition is coming from those opposite. They claim that they have worked on this for 2½ years, that it was an election commitment and that it has been a long-term policy of the Labor Party. But when we ask questions about details or specifics, they say they are still working through them and consulting. It is an admission that they were not ready to announce it. They announced something because they thought they should tick off another failed election commitment that they had not delivered. There has been no thought about people in the community, who are still in the dark about what is in the ministerial direction.

I also mention our excellent grapegrowers and wine industry in New South Wales. I met with the Wine Industry Association yesterday, and it is having a real issue with the application of the exemption from land tax. I note what the Minister says about that not being a change in the law, but these people are good, honest, decent, regional small business owners looking to value-add to what they do. I am the first to admit that when I visit the Hunter or Central West, I go to those wineries.

The Hon. Rod Roberts: Brokenwood is a good winery.

The Hon. SARAH MITCHELL: I have not been to Brokenwood but I do like its semillon. Maybe one of the Labor members could give me a lift. Those wineries might have a cellar door or a restaurant. Some have activities for families to make a day of it. It is a great part of regional communities and our tourism sector. The Government should address this issue. As I said, I appreciate that it is not a change in the law, but businesses and industry are saying, "Could you help us?" Could we find a way so that those people do not end up leaving the industry because they are getting sluggish by the land tax? I call on the Government to sort it out. [*Time expired.*]

REGIONAL CRIME

The Hon. ROD ROBERTS (12:04): I take note of the answer of the Leader of the Government in relation to my question. All members would agree that back in March 2024 regional and rural crime was out of control, particularly in Moree. The big response from the Minns Government was a fly-in fly-out campaign. They were in and out in one day—Premier Minns along with the hapless Commissioner Karen Webb and a couple of footballers whose antecedents and characters I seriously question. I also question the Government for taking those particular footballers with them. They threw around a few footballs and, while they were at it, they threw around some money too, including \$700 million for some new bail accommodation. That bail accommodation is needed. It provides safe and secure accommodation for disadvantaged youth who need help. Clearly, families in that area are dysfunctional, and something needs to be done. The Government's big announcement that day was that it would build or secure bail accommodation.

The Government only had to lease a premises; it is not very hard. But we still have nothing 17 months later. Had that secure bail accommodation been built and operating, perhaps the young fellow who stabbed a motel owner on Saturday night would have been in there, and that incident might never have happened. It is a rhetorical question but does this Government have blood on its hands over what happened last Saturday night? Was it a consequence of its inaction? At budget estimates hearings Attorney General Michael Daley wanted to blame the locals of Moree. He said, "We've tried to secure accommodation but they won't partake. They won't get involved. They won't lease it to us; they won't sell it to us."

A couple of things stem from that. Why will they not do it? Perhaps they know that it is just window-dressing—a facade—and nothing will happen anyway. They know that, because they are on the ground; they are living this day in, day out. I find it hard to believe that locals do not want to participate. The crime rate is so high in Moree that everybody is petrified. People are leaving town; there are no businesses. I am sure that some landlord would want to secure a great government tenant. I am having difficulty comprehending Daley's excuse. I do not think properties are that sought after in Moree. There are plenty vacant, and I am sure a landlord would be after some money. This Government is big on announcements, press conferences and throwing around money that it has not had to spend because it has not kicked a goal yet. But we see nothing from the Government, and we still see rampant juvenile crime in our regional towns.

REGIONAL CRIME

The Hon. SCOTT FARLOW (12:07): I also take note of the answer given by the Leader of the Government to the Hon. Rod Roberts' question. I know the hotelier, Mick Cikota, who was stabbed on Saturday night. He is at Royal Prince Alfred Hospital now and is hopefully recovering. I was incensed by the Minister's answer, because it was trying to spin the Government's actions. The Hon. Rod Roberts is right: That incident could have been prevented. I talked to some of the hotelier's friends in Moree. They said that crime has taken hold of their city, and this has certainly hit home. Funnily enough, when the Premier went to Moree on his dashed visit, the Government put out an incorrect media alert, saying that the media conference would be held outside his hotel because it was one of the areas that had been impacted by crime. Actually, that was not the case, and another hurried media alert was put out for a different location because the Government got the wrong location. It really came home for him and his family, including his elderly mother who was onsite and is still shocked and shaken by the whole event. The offender had 80 prior offences, was out on bail—

The Hon. Rod Roberts: For serious crime already.

The Hon. SCOTT FARLOW: —for serious crime already and, after appearing via video link before the court in Parramatta, was released on bail again. The cycle continues. The Government tells the Opposition, "Sorry, we need some time for the Attorney General to look through the legislation with a fine-tooth comb". The Government must take action. The victim was medically transferred to Sydney to get the help that he needed—it is lucky he has family in Sydney who can support him—but that was not necessarily going to be the case. He could have lost his life. Many people in Moree and in other areas of regional New South Wales live in fear, day in and day out. It is well past time for the Government to act to change the system of granting bail to young offenders and ensure law and order and safety on our streets. People in New South Wales, particularly in regional New South Wales, live in fear. Offences in Moree, unfortunately exemplified by the one that occurred last Saturday night against Mick Cikota, show that it is a reasonable fear to have.

BOWDENS SILVER PROJECT
FERAL ANIMAL AERIAL SHOOTING
TAXI FARES

The Hon. MARK BANASIAK (12:10): I take note of an answer given to my question about the Minister's department giving contrary advice to winegrowers regarding the impact of lead on their produce. I was told by a wise principal, "Always read something before you sign it". So this is my message to Kate Lorimer-Ward, who should have farmers' back: Why did you not read what you were signing? Why did you put out a letter that spoke for the proponents of the mine, rather than conveying your own Government's advice? There is a lesson in that for Ms Lorimer-Ward.

I take note also of answers to questions from my colleague about cameras on choppers. The Minister should not be so confident about the accuracy and honesty of her information. If she goes back to the video evidence from budget estimates—because, unlike the helicopters, there is video evidence of what happens in estimates—she will see that there are serious concerns around the honesty and accuracy of some of those operations. I raised an example where the same numbers were apparently being shot across two separate days, which is highly unlikely.

I also gave the example of being on a property a couple of days after a huge number of shots were allegedly fired into empty gullies. If 400 shots are fired into a gully, the smell and the presence of dead animals would be expected to be quite high. There were no dead animals in those gullies. Clearly, there are examples of State-sponsored fraud in the aerial culling program at the moment. That is a shame because it means that the people who need help to deal with pest problems are not getting it. Essentially, the culling program is being thrown away on State-sponsored joy flights and fraud.

Finally, I take note of the Hon. John Graham's answer regarding taxis and the implementation of a cap. We would not have to do that if we had listened before some of us voted for the complete deregulation of the industry. What people are experiencing at airports and seeing around the city is a product of the complete deregulation of the industry. This is what happens. Now the Government is trying to walk the policy back and fix the problem, but it should not have been done in the first place. That is another lesson for the Government: Think before you act.

DEVELOPMENT APPLICATIONS
REGIONAL CRIME

The Hon. STEPHEN LAWRENCE (12:13): I take note of the answer to a question on notice by the Hon. Scott Farlow earlier in the year about development application [DA] assessment times. The question of how long it takes to obtain development approved in New South Wales is a really important issue. Everyone will be aware that the Government has just announced the biggest changes to planning in 50 years and that legislation has been introduced in the other place. The issue of development and housing approval times is often talked about in the context of Sydney. The pressures in Sydney are acute, but the pressures in the regions are acute as well. The issue of slow development approval times is as big an issue in the country as it is in the city.

I draw to the attention of the House the fact that, of the top five councils for the slowest approval times and the number of days taken for approvals to be assessed, three are in the regions. I will not name and shame them, because approvals are difficult for small councils. The Government's reforms will have a big impact in regional New South Wales as well as in the city. In particular, one single statewide community participation plan will be developed by the planning secretary. The plan will set consistent consultation requirements for all planning authorities and functions across New South Wales, which will mean quicker housing approvals in the city and the country.

In relation to regional crime, it was good to see results from the Bureau of Crime Statistics and Research that are consistent with long-term trends. The long-term downward trend in property crime is indeed significant. Over 25 years or 30 years, property crime rates are dropping, but people who listen to political discussions would not know that. I was interested in comments about bail. If I were a member of the Opposition, I would not be talking too much about bail. I would not be opportunistic in demanding stronger and stricter bail laws when the Government has introduced the toughest bail laws in a long time.

The Government's action stands in contrast to the Opposition's record. In 2011-12, when I represented a defence organisation, I was involved in a consultation process when the former Government was considering bail law reforms. I remember saying during internal discussions that it would be asking too much to have a uniform presumption in favour of bail, but guess what? The previous Government delivered a uniform presumption in favour of bail. It was celebrated by defence lawyers, who were all very happy about it. We now hear accusations

that this Government has enacted soft bail laws, whereas the previous Government was the softest on bail laws in the history of New South Wales.

SYDNEY TRAINS REVIEW

The Hon. NATALIE WARD (12:16): I take note of the responses to questions by the Minister for Transport about rail reliability, which Opposition members have consistently been asking questions about. We are not asking for a new metro, because clearly the Government will not do that. We are not asking for transformational infrastructure. We are simply asking for the trains to run on time so that people can get out of their cars and onto the transport system. The Government insisted on having its first trains review, at the cost to taxpayers of hundreds of thousands of dollars, but that was not good enough. It then went in for a second bite and instituted a second trains review. The Government proposed to do a review and a report to show why the trains were running late. The great irony is that the short, sharp independent inquiry into the punctuality of Sydney Trains—which the Opposition consistently asked about in estimates and elsewhere—was delivered late as well, as only Labor could. Labor could not even get the report done on time.

The second report cost hundreds of thousands of dollars, which could have gone towards rail reliability, timetabling and signalling upgrades. The Government preferred to keep talking and paying consultants to talk about it. It did not want to review the actual outcomes for commuters and preferred to pay someone else to do that. I giggled when the Minister for Transport claimed the Government is open and transparent and would produce the report. Yesterday the Minister opposed a motion calling for that report under Standing Order 52—the very report that the Minister said would be produced under the SO 52. But that was not his choice. The Government actively fought against it and sought to extend the time within which to comply and produce a report that was already overdue. Moreover, the Government confined the production of documents under Standing Order 52 to ministerial briefings only, which would not have included the trains review. Quite deliberately, the Government actively left out the trains review.

The irony of the Minister suggesting the Government is all about transparency and accountability is that it opposed the call for papers in relation to a report that should already have been produced. The taxpayers have paid people to conduct a review that will not make trains run on time. Ask anyone who lives on the South Coast or the Central Coast, or anyone else who travels a significant distance and relies on trains. It is not only an inconvenience; it is detrimental to their lives, their businesses, their families, their ability to attend medical appointments and their ability to access vital transport infrastructure. I would note that the answer on taxis was ironic as well. We suggested the idea of a QR code in every train because people from every country know how to use a QR code. Those problems and those complaints could have been solved immediately.

PRIMARY PRODUCER LAND TAX

The Hon. JOHN RUDDICK (12:19): I take note of the answer given to me by the Minister for Finance about wineries and land tax. Land tax was introduced in this State in 1884, when it was still a colony. Alexander Stuart was the Premier. Today New South Wales raises roughly \$48 billion in taxes each year and around \$8 billion of that is from land tax. In 1956 agriculture became exempt from land tax. I am pretty sure there was a Labor Premier at the time. Why would the State make agriculture exempt from land tax? Firstly, farmers have so much land. Secondly, we need prosperous farmers; we need them to produce our food.

New South Wales has between 400 to 500 successful commercial wineries, which have been exempt from land tax since at least 1956. Traditionally wineries produced the grapes, processed them to some extent and then sold them to wholesalers. An encouraging trend in recent years is that many farmers have realised that they can grow and process the grapes and have a little retail shop or a restaurant out the front of the winery. People from Sydney like going to wineries and buying directly from the grower. Because of those little retail shops, which are often profitable, the Government, via a court ruling, now requires that wineries pay land tax because they are no longer classified as agriculture; they are classified as retail.

The Treasurer, who is in the Chamber, said unequivocally before the election that there would be no new taxes if people voted for a Labor government, but that is what it is doing, via court rulings. It did it with payroll tax and now it is doing the same with the land tax on the wineries. It is really damaging what should be a thriving industry. This is one occasion where I can say that the Victorian Government is doing the right thing. It is doing better than New South Wales, and we should absolutely look at doing the same thing here. In Victoria farmers or people who own agricultural land and have some type of retail shop, which in most cases will be wineries, are explicitly exempt, via legislation, from land tax. That is the direction that this State should definitely move in. I know this Government does not want our debt to balloon—that is good—but its answer should be to slash spending, not look at devious ways, via the courts, to raise taxes.

REGIONAL CRIME

The Hon. SUSAN CARTER (12:21): I take note of answers given in relation to the bail accommodation at Moree and the work that is being done in relation to the Moree place-based response. I also note that a 13-year-old boy in Moree, while on bail, was involved in a very serious assault on a 52-year-old motel owner in Moree and that, after that assault, he is back on bail. If this Government had actually done what it said it would do 18 months ago and provided bail accommodation in Moree, the situation may be different. The reality is, having recognised the need and having promised to address it, the Government has not provided the bail accommodation. There was nowhere to hold that 13-year-old boy safely, for him or for the Moree community, so that boy is again on bail.

If the Government had fulfilled the promise made by the Attorney General to review section 22C of the Bail Act and to conduct a review of bail laws to make them tougher, then things may have been different. If it had done that review, which we know from the recent budget estimates hearing has not even commenced, it may have had cause to look at the fact that those laws apply only to 14-year-olds to 18-year-olds. If the Government had taken the problem seriously, perhaps the very serious assault allegedly committed by the 13-year-old boy while he was on bail—and he is on bail again today—would not have happened.

The Government promised an action plan within six months to guide what was to happen in Moree. It is clear that that plan has not even been done, because no actions have been assigned. The Government promised bail accommodation and appropriate bail laws, but we do not get appropriate bail laws unless we evaluate, test and consider, and that is simply not happening under this Government. It is not a problem that we can ignore because it has real impacts on young people and others, especially in our regional communities. It is a problem that needs serious consideration.

CONSTRUCTION INDUSTRY DATA

The Hon. TANIA MIHAILUK (12:24): I take note of answers to questions on notice that I put to the Minister for Better Regulation and Fair Trading. The questions asked the Government whether it monitors the level of apartment construction financing in New South Wales, specifically the total amount of construction financing and whether it has fallen relative to other States. The answer I received from the Minister is that Building Commission NSW does not collect such data. I also asked whether builders have left the sector in the past two years due to insurance problems, which is a very significant issue and one that I think the Government needs to be across. Again I was advised by the Minister that the commission does not collect data on that.

My questions are part of a tranche of questions that I had already put to the Minister about data collection relating to the construction industry. Every time, I received a stock-standard answer that the data is not collected. This is the one area covered by Fair Trading for which data really does need to be collected. The Government should be across that information, because the other portfolios and the rest of the Cabinet need that detail to make sure that the reforms that the Government is pursuing actually are assisting the building industry and providing the relative support that it needs to ensure that it can meet its housing targets.

I have raised the issue a couple of times already and I will continue to raise it, because there are concerns from leaders in the building sector, such as Brad Armitage, the executive director of the Housing Industry Association, who have said that they requested parts of the package of reforms be looked at, but that work is yet to happen. Members need not trust me on that; they can read the transcript of the inquiry. Katie Stevenson, the executive director of the Property Council of Australia, also raised that the council's members are concerned about the complexity and cost burden of the regulatory framework, which is creating uncertainty and driving up the cost of delivery. Again there is no action in that regard. Tom Forrest has also raised concerns. It is a problem.

I know the Government has finally announced planning law reforms—well done—and I will have a good look at those, as will others. I heard Minister Scully on the radio this morning. He was very articulate, spoke well and was across the detail, which is fantastic. It will help the Premier and the rest of the Cabinet meet the Government's housing targets if the Minister for Planning and Public Spaces knows what he is talking about. My concern is that that is not the case for Fair Trading NSW. Legislation is being held back in the Premier's office, and that is not good enough.

WAGES GROWTH

The Hon. RACHEL MERTON (12:27): I take note of answers given about the state of the New South Wales economy and the picture that was painted about household income and what is happening in households. I inform the House of what is happening in the community relating to families, small businesses and jobs. Members only need to look at the results of the Business NSW survey, which show that small businesses are being squeezed by rising costs, worker shortages and compliance pressures. I ask the Treasurer to read the survey results, meet the operators and hear from the families. Conditions are tough. People are being squeezed. Jobs are being

lost. There are insolvencies—businesses are shutting their doors. The survey highlights that 97 per cent of businesses are struggling to lift productivity, for several reasons. Rising costs were identified by 65 per cent of respondents, 42 per cent pointed to a lack of skilled labour and 41 per cent said that regulatory demands were holding them back. Those are not abstract numbers; they are family-run businesses.

I draw on recent conversations with small business operators who run cafes and startups in Wetherill Park. They have moved three or four times. The economic squeeze was too great, so they shut their doors and relocated. There are vacancies and insolvencies at Telopea shops. I alert members to family-run businesses where mums and dads once worked without wages to give their sons every chance to get their businesses off the ground. Small businesses that used to be operated by mum, dad and two or three casual or part-time employees are now run just by dads. Mums have had to find another job outside the area since there are no jobs left for locals. Small business and families are still trying to keep the doors open to help the community, but conditions are very tough.

Let us also look at some of the statistics about single-parent families: Some 84 per cent have recorded facing at least one financial stressor. As a consequence, they are rationing meals. Renters, many of them young families, have been hit hardest, with essential expenses devouring disposable income. The situation is declining, not easing. Families are not just worried; they are borrowing from relatives or skipping bill payments. Labor's response is that everything is okay. New South Wales deserves a better response.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! Pursuant to standing orders debate is interrupted to allow the Minister to respond.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY (Treasurer) (12:31): The Government welcomes question time and the scrutiny it provides. We heard members reflect on the state of crime in Moree and the Government's response, the Great Koala National Park and the New South Wales economy. We welcome all contributions of members to the take-note debate and we are glad we once more have the opportunity to engage in this forum in the Parliament.

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

Motion agreed to.

Written Answers to Supplementary Questions

NEW ENGLAND RENEWABLE ENERGY ZONE

In reply to **the Hon. SARAH MITCHELL** (17 September 2025).

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage)—The Minister provided the following response:

EnergyCo published the *New England Renewable Energy Zone Generation and Storage Consultation Paper* on 15 August 2025. EnergyCo informed stakeholders about the publication and webinar through a website update, the New England REZ e-newsletter, the Powering NSW e-newsletter, a newsletter column reaching more than 40,000 local readers, and a social media post.

EnergyCo hosted a public webinar on 26 August 2025 which addressed the issues raised in the consultation paper and provided stakeholders an opportunity for open questions and answers. The webinar was recorded and published on EnergyCo's website, ensuring all stakeholders could access it. This is available to view at www.energyco.nsw.gov.au/industry/access-schemes/new-england-rez-access-scheme.

EnergyCo provided briefings and additional information to stakeholders at their request and offered extensions for submissions deadlines to any stakeholder who requested one.

TIMBER INDUSTRY AND GREAT KOALA NATIONAL PARK

In reply to **the Hon. SUSAN CARTER** (17 September 2025).

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales)—The Minister provided the following response:

I am advised:

Section 26 (1) (j) of the State Owned Corporations Act requires a copy of the direction to be tabled in Parliament within 14 sitting days after it is issued.

I will comply with this legislation.

VENUES NSW TENDER POLICY

In reply to **the Hon. MARK LATHAM** (17 September 2025).

The Hon. DANIEL MOOKHEY (Treasurer)—The Minister provided the following response:

I am advised by the Minister for Sport:

Venues NSW's current turf tender—Contingent Turf Supply, VNSW2024-128—has been undertaken in accordance with the New South Wales Government's Procurement Framework.

Venues NSW established a comprehensive Tender Evaluation Plan, and an evaluation team consisting of four members, namely the general manager, commercial finance and chief procurement officer, group general manager, infrastructure development, head of event acquisition and the head curator. The team was supported by a procurement convenor to ensure process compliance. The project is governed by a steering committee with four members consisting of the Venues NSW chief executive officer, chief financial officer, legal counsel and the general manager, safety, security and facilities.

All project team members, including Johnny Naofal and Adam Lewis, have signed conflict of interest declarations following a review and signing of the Procurement Code of Conduct and Evaluation Plan. Both Mr Naofal and Mr Lewis have had direct dealings with both tenderers—Evergreen and HG Turf—as part of business-as-usual turf matters, given both Evergreen and HG Turf are suppliers of turf services at the SCG precinct. Neither Mr Naofal nor Mr Lewis provided "referee declarations"; they were identified by Evergreen in its generic capability statement. In the tender documentation, where three "referees" were required, Evergreen identified persons other than Mr Naofal and Mr Lewis as its referees.

The evaluation team assessed the tenders against pre-agreed evaluation criteria. All scoring was conducted by consensus. The outcome of the evaluation process will require endorsement from the steering committee and the Venues NSW board prior to contract execution.

Bills

CRIMES (SENTENCING PROCEDURE) AMENDMENT BILL 2025

DISTRICT COURT LEGISLATION AMENDMENT BILL 2025

CRIMES AMENDMENT (SEXUAL OFFENCES AND FEMALE GENITAL MUTILATION) BILL 2025

SUICIDE PREVENTION BILL 2025

Assent

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

ENVIRONMENTAL LEGISLATION AMENDMENT BILL 2025

LAND TAX (BUILD-TO-RENT CONCESSIONS) AMENDMENT BILL 2025

First Reading

Bills received from the Legislative Assembly.

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

The Hon. DANIEL MOOKHEY: On behalf of the Hon. Penny Sharpe: I move:

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

Motion agreed to.

The Hon. DANIEL MOOKHEY: According to standing order, I table the statements of public interest.

Statements of public interest tabled.

Senate

SENATE VACANCY

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I shall now leave the chair for the joint sitting. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

[*The Assistant President left the chair at 12:33.*]

Joint Sitting

ELECTION OF A SENATOR

The two Houses met in the Legislative Council Chamber at 14:00 to elect a senator in the place of Senator Warwick Stacey, resigned.

The CLERK: I call for nominations for President of the joint sitting.

The Hon. PENNY SHARPE: Mr Clerk, I move:

That the Hon. Ben Franklin, President of the Legislative Council, act as President of the Joint Sitting of the two Houses of the Legislature for the election of a senator in place of Senator Warwick Stacey, resigned, and that in the event of his absence the Hon. Greg Piper, Speaker of the Legislative Assembly, act in that capacity.

The Hon. DAMIEN TUDEHOPE: I second the motion.

The CLERK: The question is that the motion of the Leader of the Government as seconded by the Leader of the Opposition be agreed to.

Motion agreed to.

The Hon. Ben Franklin took the chair.

The Hon. PENNY SHARPE: I present proposed rules for the regulation of the proceedings of the joint sitting, which have been printed and circulated. I move:

That the proposed rules as printed and circulated be now adopted.

The Hon. DAMIEN TUDEHOPE: I second the motion.

The Hon. MARK LATHAM (14:02): I move:

That the motion be amended by inserting at the end:

with insertion of the following new rule after paragraph (1):

- (2) Prior to the President seeking nominations for this casual vacancy, any member of the joint sitting may move a motion without notice relating to:
 - (a) the eligibility requirements for filling a casual Senate vacancy under the Australian Constitution; and
 - (b) the suspension of the Joint Sitting.

The PRESIDENT: Does the Hon. Mark Latham wish to speak to his motion?

The Hon. MARK LATHAM: I think we need a seconder under the rules.

The PRESIDENT: I have been advised that the member may speak to it first if he wishes. Alternatively, we can seek a seconder straightaway. You can do it either way.

The Hon. MARK LATHAM: I am in your hands, as ever, Mr President.

The PRESIDENT: All right. Is there a seconder?

The Hon. TAYLOR MARTIN: I second the motion.

The Hon. MARK LATHAM: In the 124 years since the formation of the Federation, this is the first time there has been a proposal to replace a New South Wales senator with an elector of another State, being the State of Queensland. One need only look at the basic mathematics to know that New South Wales' previously existing 12 senators needed 55 per cent more votes than those from Queensland to serve in the Australian Senate and needed 55 per cent more people under their care as representatives than those from Queensland. It is the reason why, famously, Paul Keating called them unrepresentative swill. Unlike the fine upper House that sits in this Chamber, where there is one electorate under proportional representation and it is completely representative, they have been unrepresentative swill. The proposal that I understand is going to be moved by my friend and colleague the Hon. John Ruddick to reduce New South Wales' senators to 11 and to increase Queensland's senators to 13—with this Queenslander on the electoral roll in Queensland coming to serve in the Australian Senate—makes them even more unrepresentative swill than ever before.

That is a jibe that the member for Heffron had thrown at this Chamber during previous debates about the constitutional legality of the committee on the infamous caravan incident. Well, if our friends in the other place are worried about the unrepresentative nature of democracy, they will join in airing the concern that we are being asked to endorse a Queenslander into a representative role for New South Wales in the Australian Senate. The gerrymander and malapportionment is already 55 per cent to our disadvantage. I hope the Treasurer is in the Chamber; the finance Minister certainly is. They lecture us persuasively and influentially, day after day, that New South Wales is always ripped off in the allocation of State grants and that New South Wales is ripped off terribly in the allocation of GST revenue. Why would we make that worse by reducing our Senate representation to 11 and giving Queensland 13? This fellow, Sean Bell—known as Ding Dong—grew up in Queensland, studied in Queensland and works in Queensland. He is the personal assistant to Pauline Hanson, God help him.

The Hon. Rod Roberts: Never seen him. Where is he?

The Hon. MARK LATHAM: He has never been sighted in New South Wales. As the police report indicates, nothing further is known about this individual other than that he is a Queenslander.

The PRESIDENT: I remind the Hon. Mark Latham that there has been no nomination for an individual at this point and that the debate is on the rules governing the proceedings of the joint sitting.

The Hon. MARK LATHAM: As you know, Mr President, I am a man of great foresight. I am not too sure I will be proven wrong on this. The suggestion that abounds is that it is a fellow as Queenslander as Wally Lewis or Alfie Langer, as Queenslander as Joh Bjelke-Petersen and a gerrymander, as Queenslander as a Pauline Hanson fish and chip shop, as Queenslander as a hapless guy walking through Fortitude Valley wearing bermuda shorts and a Hawaiian shirt straight out of the 1970s, in the backward State of Queensland. So why would we be party to adding to the gerrymander in this fashion?

There are important constitutional principles at stake. That is why I have moved this motion to amend the rules—so motions could be moved accordingly by those who worry, as I do, about the constitutionality of what we are doing. These are important matters. This is not a frivolous issue. It actually goes to some of the founding principles of our Federation and the Australian Constitution. Section 7 of the Constitution calls for equal representation among senators for all the States. It was one of the bedrocks of the Federation, as set out by our founding fathers. Tasmania wanted as many senators as New South Wales, and so it went around the Commonwealth. Today it is 12 each. We should not break from that equal representation principle. "Equal representation" are two beautiful words—so beautiful in their intent to establish at least some type of democratic principle that it should not be rorted by the One Nation party in Queensland.

The second constitutional principle raises the issue: Is there an implied right in the amendment to the Constitution in 1977 to ensure that, in replacing a senator, they must come from the same political party? In this Chamber, this fine democratic forum, 50 years ago there was a raging debate as the great Neville Wran mounted a tremendous rearguard action, aided by Jack Ferguson, Syd Einfeld and others, to say that a longstanding constitutional principle and convention—endorsed by no less than Sir Robert Menzies in earlier debates—should not be broken. That is, the departing senator from the Australian Labor Party, Lionel Murphy—and it is an honour to have his son in the Chamber today—should have been replaced by the next person on the Labor ticket at the 1974 double dissolution, Peter Westerway. Again, it is an honour to have one of Westerway's successors in the Chamber, the Hon. Bob Nanva, as a former Australian Labor Party general secretary.

Peter Westerway had been the general secretary, and he was next on the ticket. Neville Wran fought to uphold the constitutional convention that disallowed the manipulation of party politics in the Senate. Today we are being called upon to disallow the manipulation of the geography of the Senate so that the number of New South Wales senators is not reduced to 11 and the number of Queensland senators is not increased to 13. It is in the spirit of that debate 50 years ago that we should be upholding constitutional conventions and also raising the question of implied rights.

In the 1977 referendum, after the great shemozzle of 1975, the Hon. Thomas Lewis, in this place, set the convention for not replacing a senator from the same political party. Emboldened—it probably gave that bird brain the idea—Joh Bjelke-Petersen thought he could do it in Queensland too. Over the dead body of Senator Milliner, he brought in Albert Field—which, of course, led to the sacking of the Whitlam Government. Two years later Gough Whitlam and Malcolm Fraser got together and moved a constitutional amendment with the referendum question that said that a replacement senator had to be from the same party. Why did they not add to the wording of that referendum, "and the same State"? Probably because, in 1977, there was the Labor Party, the Liberal Party and the National Party, and there was no-one else. There were no minor parties at that time. They would never have contemplated a rogue minor party from Queensland trying to replace a New South Welshman with a Queenslander. Perhaps there is an implied right to say that while replacing from the same party, we should also replace from the same State.

I further mention the 124th Constitutional Convention, where I understand there is a proposal, for the first time ever, to replace a person from New South Wales with an elector from Queensland. Many times in this Chamber we have heard our friend the Hon. John Ruddick talk about States' rights. He is a believer in States' rights. We just never knew they were Queensland's rights at our expense. But with this act of generosity, that turns out to be the case. I know the Hon. John Ruddick is ambitious for his party's future. I wish him every success in having a Libertarian Party member elected into the upper House of Queensland, which is obviously his intention today. He has not read the Australian Constitution. Perhaps he needs to read the Queensland Constitution and understand that his ambitions are actually quite limited. I urge the joint sitting to adopt the amended rules that I have moved.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:11): I have noted carefully the issues raised by the Hon. Mark

Latham, and I would think that it is a bit of a surprise to some people in this place that it is possible for a senator who resides in one State to be elected in another. But that is the point, and that is within the rules. That was the outcome of the referendum that the Hon. Mark Latham referenced. Section 15 of the Commonwealth Constitution provides for the filling of casual vacancies for the Senate. Under section 15, the Houses of the New South Wales Parliament, sitting and voting together—welcome, everyone—choose a person to hold the place until the expiration of the term. If a vacating senator was a member of a political party at the time he or she was elected, the person chosen must be a member of that party unless there is no member of that party available to be chosen or appointed.

As mentioned in *Odgers' Australian Senate Practice*, under section 15, the political party of the departing senator has an effective veto power over the choice of a replacement—for example, by deeming the choice of a State Parliament void if, before taking his or her seat, the chosen person ceases to be a member of the party. A person chosen must also be eligible under sections 44 and 45 of the Commonwealth Constitution relating to disqualification of members. For example, a person chosen may not be a foreign citizen, nor may they be a bankrupt.

While it may be a relevant matter for the Houses to consider in choosing a person, residing outside of New South Wales does not automatically disqualify that person from being chosen. Section 7 of the Commonwealth Constitution provides that the Senate shall be composed of senators for each State directly chosen by the people of the State. While section 7 provides for the Senate to be composed of a minimum of six members for a State, it is not an eligibility requirement that a senator reside in the State they represent. That is the issue that we face here, and it is why I speak against the change to the rules of this joint sitting.

The Labor Party and the Labor Government take a very conservative view of this. What are the first principles here? The first principles are that the people of New South Wales, at the last Federal election, elected a senator from the One Nation party. That person was duly elected, and we are now filling that vacancy. I believe there will be a nomination from someone endorsed by that party, which makes that person eligible to stand. It is a very big thing for this joint sitting and forum to make adjudications or give some sort of legal opinion on people's eligibility. This is not the forum for doing that.

For exactly the same reasons given by the Hon. Mark Latham, when it comes to history, the Labor Party has some scars from this. Labor knows about State legislatures deciding to play with Senate appointments. I urge members to take the prudent and careful path. I accept some of the issues raised by the Hon. Mark Latham, but this is not the forum for those to be adjudicated. We have one job here today, and that is to replace a senator who was elected by the people of New South Wales for One Nation—to provide that all eligibility rules are being followed, as is appropriate, and to elect that person so they can fulfil their role in the Senate.

The Hon. JOHN RUDDICK (14:15): This is a bit of a solemn moment, and I fully endorse what the Leader of the Government said. We need to apply the black-letter understanding of the Constitution. The Federal laws are very clear. There are three qualifications to become a senator: The person has to be over the age of 18, an Australian citizen and on the electoral roll anywhere in Australia. Someone from Tasmania can become a senator from Western Australia, if that is how it unfolds. The Hon. Mark Latham may well have a point, and maybe the Constitution should be changed so that people do need to be a resident in a State before they become its senator, but that is not the law now. If the Hon. Mark Latham wants to change the law, I encourage him to start a campaign to bring about a constitutional referendum. At the moment, we need to abide by the Constitution.

The PRESIDENT: The question is that the motion of the Hon. Mark Latham as seconded by the Hon. Taylor Martin be agreed to.

Division called for.

The PRESIDENT: Usually, during a joint sitting to fill a Senate vacancy, the first motion moved is to adopt rules for that joint sitting. Those rules include a statement that, in all cases not provided for in the proceedings, any debate arising is to be conducted according to the standing orders of the Legislative Council and parliamentary usage. As those rules have not yet been adopted and there are currently no rules to govern this debate, I intend to proceed following general parliamentary practice. Therefore, I call a division in the same way that we call divisions in the Legislative Council.

The joint sitting divided.

[In division]

The PRESIDENT: I remind the Hon. Sophie Cotsis that it is unparliamentary to take photographs in the Chamber.

AYES 3**LEGISLATIVE
COUNCIL**

Latham (teller)

Martin

Roberts (teller)

**LEGISLATIVE
ASSEMBLY**

Nil

NOES 101**LEGISLATIVE
COUNCIL**

Banasiak
Barrett
Borsak
Boyd
Buckingham
Buttigieg
Carter
Cohn
D'Adam
Donnelly
Faehrmann
Fang

Farlow
Graham
Higginson
Hurst
Jackson
Kaine
Lawrence
MacDonald
Maclaren-Jones
Merton
Mitchell
Mookhey

Moriarty
Murphy
Nanva
Overall
Primrose
Rath (teller)
Ruddick
Sharpe
Suvaal
Tudehope
Ward

**LEGISLATIVE
ASSEMBLY**

Aitchison
Anderson
Atalla
Ayyad
Bali
Barr
Butler, L
Butler, R
Catley
Chanthivong
Cooke
Cotsis
Crakanthorp
Cross
Crouch
Daley
Davis
Dib
Doyle
Dwyer
Finn
Greenwich

Hagarty (teller)
Hannan
Harris
Harrison
Haylen
Henskens
Hodges
Hoenig
Holland
Hornery
Kaliyanda
Kemp
Kirby
Layzell
Li
McDermott
McGirr
McKeown
Mehan
Minns
Moylan
O'Neill

Park
Petinos
Preston
Provest
Quinnell
Roberts
Saliba
Scully
Singh
Sloane
Stuart
Tesch
Thompson
Tuckerman
Tudehope
Vo
Warren
Washington
Watson
Whan
Wilkinson
Williamson

Motion of the Hon. Mark Latham as seconded by the Hon. Taylor Martin negatived.

The PRESIDENT: The question now is that the motion of the Hon. Penny Sharpe as seconded by the Hon. Damien Tudehope be agreed to.

Motion of the Hon. Penny Sharpe as seconded by the Hon. Damien Tudehope agreed to.

The PRESIDENT: I will now receive nominations with regard to a person to fill the vacant place in the Senate caused by the resignation of Senator Warwick Stacey.

The Hon. JOHN RUDDICK: I propose Mr Sean Frederick Bell to hold the place in the Senate rendered vacant by the resignation of Senator Warwick Stacey. I announce that the candidate is willing to hold the vacant place if chosen. Senator Warwick Stacey was, at the time he was chosen by the people of the State, publicly recognised to be an endorsed candidate of Pauline Hanson's One Nation and publicly presented himself to be an endorsed candidate of that party. Mr Sean Frederick Bell is a member of the same political party.

The Hon. MARK BANASIAK: I second the motion.

The Hon. Mark Latham: Point of order: I question the constitutionality and eligibility of Mr Sean Frederick Bell. I also note how many supporters of Queensland have emerged in the Chamber for this debate. They are all there. They are building a bigger luxury hospitality room at Suncorp Stadium for State of Origin so that these people can all fit in.

The Hon. Jeremy Buckingham: Point of order—

The PRESIDENT: A point of order is currently being taken by the Hon. Mark Latham.

The Hon. Mark Latham: He thinks I'm Ivan Milat.

The PRESIDENT: Order! Members will come to order. There is too much audible conversation in the Chamber.

The Hon. Mark Latham: I raise the question of Mr Bell's eligibility on four grounds. The first ground is that he is not here to accept the nomination. Where is he? I understand he has never even left the State of Queensland. When Pauline Hanson said, "Xenophobia—please explain", he thought that meant he could not leave Queensland, let alone the country. This guy has never set foot in New South Wales. He has never been seen in any political forum in our State. As a result, if he is not here to accept the nomination then he cannot be serious about representing our great State.

The second ground is under section 7 of the Australian Constitution, which requires equal representation of senators across the Commonwealth. What we are doing here today is giving Queensland 13 senators and reducing New South Wales to 11 senators. We will be making the unrepresentative nature of the Senate even worse at the expense of all of our hardworking senators. We have a lot of very good senators in New South Wales who work around the clock.

The Hon. Robert Borsak: Name them.

The Hon. Mark Latham: Tony Sheldon on Transport Workers' Union numbers. These guys are nonstop. We are making the task harder by taking the 55 per cent existing malapportionment and adding another 16 per cent by virtue of this nomination for Sean Bell. It is a founding principle of equal representation. I am sure if it was challenged in the High Court, it would be found that the decision of this joint sitting to endorse Sean Bell would be unconstitutional. I urge that point upon your learned self, Mr President, in your consideration of section 7 of the Constitution.

The second ground is an implied right. There were no minor parties. It was not contemplated that someone like Pauline Hanson could be doing this to us in 2025. There were no minor parties in 1977. I am sure that if Whitlam, Fraser, Murphy and Wran had known about this in 1975, then in 1977 they would have included the wording "replaced from the same party and the same State". Warwick Stacey was from New South Wales, so why is he not being replaced by a New South Welshman? That is the great shame of what is happening here. I also make the point that we are breaking a 124-year constitutional convention. The Hon. John Ruddick said he has done this on the black letter of the Constitution, but that is not how the Constitution stands and falls. There is much more to it. Conventions counted in 1975, and they should count now. Neville Wran led the charge in favour of constitutional conventions, and we should do that here. I ask the President to consider my point of order.

The PRESIDENT: It will shock members to know that I have already taken advice on this matter from the Clerk. As members are aware, section 15 of the Commonwealth Constitution requires that a person chosen or appointed to fill a casual vacancy in the representation of New South Wales in the Australian Senate shall be a member of the same party as the member whose resignation from the Senate caused the vacancy. The Hon. John Ruddick, in proposing Mr Sean Bell to hold the place in the Senate rendered vacant by the resignation of Senator Warwick Stacey, has indicated:

Senator Warwick Stacey was, at the time he was chosen by the people of the State, publicly recognised to be an endorsed candidate of Pauline Hanson's One Nation and publicly presented himself to be an endorsed candidate of that party. Mr Sean Frederick Bell is a member of the same political party.

The Hon. John Ruddick having indicated thus, it is not the role of this joint sitting or me as President of the joint sitting to fact-check Mr Bell's standing in Pauline Hanson's One Nation. More broadly, it is also not the role of this joint sitting to adjudicate other questions concerning the qualification of Mr Bell to take a seat in the Australian Senate. Those are matters for the Senate and the High Court sitting as the Court of Disputed Returns. Accordingly, I do not uphold the point of order. Does any member desire to propose any other person to fill the vacancy?

The Hon. TAYLOR MARTIN: I nominate Mr Mark Watson of Port Stephens. I supported the Hon. Mark Latham's motion earlier to give the Parliament an effective veto on parachuting a Queenslander to Canberra so that this Parliament would not be complicit in yet another One Nation rort. In the absence of the ability to support a suspension of this joint sitting and to ask Senator Hanson to hand-pick a resident of New South Wales, I nominate Mr Mark Watson of Port Stephens. He would ably represent New South Wales and has publicly represented himself as a One Nation candidate in previous elections.

The PRESIDENT: I ask the Hon. Taylor Martin: Has that person indicated that he is willing to hold the vacant place if chosen?

The Hon. TAYLOR MARTIN: I think we should ask him.

The PRESIDENT: Therefore, there is no formal nomination. Does any member desire to propose any other person to fill the vacancy? As no other person has been proposed, the question is that Mr Sean Frederick Bell be chosen to hold the place in the Senate rendered vacant by the resignation of Senator Warwick Stacey.

Motion agreed to.

The PRESIDENT: I declare that Mr Sean Frederick Bell has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Warwick Stacey.

The Hon. PENNY SHARPE: I move:

That the President inform Her Excellency the Governor as soon as practicable that Mr Sean Frederick Bell has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Warwick Stacey.

The Hon. JOHN GRAHAM: I second the motion.

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

Motion agreed to.

The PRESIDENT: I now declare the joint sitting closed.

The joint sitting closed at 14:42.

[The House resumed at 15:00.]

Senate

ELECTION OF A SENATOR

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): I announce that at a joint sitting of the two Houses held this day, Mr Sean Frederick Bell was elected to fill the vacant seat in the Senate of the Commonwealth of Australia caused by the resignation of Senator Warwick Stacey. While it is the usual practice that the minutes of the proceedings of the joint sitting are tabled at this point, I advise that there will be a short delay due to the complexity of today's proceedings. The minutes will be tabled as soon as practicable.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: CONDUCT OF BUSINESS

The Hon. DAMIEN TUDEHOPE (15:03): I move:

That standing and sessional orders be suspended to allow private members' business item No. 2181 relating to the Workers Compensation Amendment (Firefighters' Diseases) Bill 2025 to be called on forthwith.

The bill deals with access to workers compensation for firefighters who contract one of nine cancers that are not currently included in schedule 4 to the Workers Compensation Act 1987 by adding those cancers to that schedule. Every day that the bill is delayed is another day in which a firefighter who contracts one of those nine cancers will have to prove that it was caused by their employment as a firefighter. The Government has been stringing firefighters along for 2½ years promising this legislation. In the second reading debate on the bill, the four Labor members who contributed to the filibuster all referred to the Government bringing its own legislation at an appropriate time. The appropriate time is now.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (15:04): The Government opposes the motion. This is a very important issue, as members of the House know. The Workers Compensation Amendment (Firefighters' Diseases) Bill 2025 was debated extensively last week. The Hon. Damien Tudehope was not here at that time. I raise that point not to draw attention to his absence—we are grateful to have him back—but to make the point that the House devoted a significant amount of time to this matter then. It is a serious matter, and the Government does intend to legislate in this area.

Members are entitled to bring serious matters like this before the House, but it is another thing to crash a private member's bill into the middle of Government business on a Government business day. The conventions of the House, as they have evolved, have worked towards a smooth running of the House that works well for private members on private members' day—much better than when I first got here—and also works well for the Government on Government members' day. But it does not work well if those forms are amended. That would have consequences for all members and the issues that they want to bring before the House.

Ms ABIGAIL BOYD (15:05): The Greens support the motion. The Workers Compensation Amendment (Firefighters' Diseases) Bill 2025 was on the private members' day list twice, and on both days the amount of business the House got through slowed significantly. It was very clear to anyone watching that the Government was filibustering on a private members' day to stop us getting through business in order to avoid having to vote on this particular bill. The Government needs to remember that it does not have a majority in this House, and it is perfectly within the rights of the non-government members in this place to come together to pass an incredibly important bill that has broad support across the Chamber. There is no point waiting any longer when we know what the outcome will be. Let this be a lesson to the Government not to mess with private members' day. On future private members' days, the Government should allow the ordinary procedures to occur. It should not interfere to delay the number of items we get through.

The Hon. BOB NANVA (15:06): The Government opposes the motion. The Government has a full business list that includes important bills that we do need to get to today. The House should consider that the Opposition has had the same opportunity as every crossbench member and every other political party to press its case for its priorities for issues for debate on private members' day. When the Business Committee met on Tuesday, all members, including those from the Opposition, were given the opportunity to indicate which of their private members' items they wanted to take precedence for debate yesterday. The Opposition nominated the Hon. Damien Tudehope's private member's bill for debate, but it was far down their self-declared list of debate priorities.

If it was such a priority for debate today, then why was it not higher up that list? The Opposition self-declared its priorities for debate and the Government had no influence over them, so any consequences of those decisions are entirely self-inflicted. It is not fair—in fact, it is just lazy projection—to cast blame for the outcomes of those decisions on someone else. Those opposite need to take responsibility for their own strategic or tactical shortcomings, if that is what occurred last night. It is also not equitable to unpick the consequences of those shortcomings when an equal opportunity is presented to all members to push for items that they regard as priorities for the House's attention on a Wednesday. Arguably, the Opposition has had more than an equal opportunity to do that and to push for this bill to be given precedence for debate on private members' day.

Four items of Opposition business were debated yesterday out of 11 private members' business items that we had time to debate. Opposition members had eight items in the last fortnight—eight bites of the cherry—and they chose not to make the most of them to bring the bill for debate. Now, having used those opportunities for a range of other issues, the Opposition expects the House to concede Government business time so it can get yet another bite of the cherry. It is not the Government's problem to fix; it is not the House's issue to fix. It is the Opposition's cross to bear. In saying that, I assume that the failure to bring the bill on for debate by listing it higher up in the Opposition's priorities was an oversight. I sincerely hope it is not a deliberate attempt to eke out more private members' time by interrupting the Government's legislative agenda on a Thursday. I really hope that is not what is going on, because that would be a particularly mischievous parliamentary strategy to engage in. It might serve a short-term political purpose, but it would be a disservice to the equity and productiveness of this place.

A number of members have also made imputations that Government members wasted the House's time yesterday by filibustering in debates. Members on this side of the Chamber are private members of this place as much as members opposite are, and we are entitled to engage in debates. We are entitled to make legitimate contributions, including to the Opposition's blitzkrieg of Standing Order 52 motions that have so preoccupied its priorities. For the record, it was not just Government members who allegedly filibustered yesterday. If Opposition members wish to look at *Hansard* from yesterday's proceedings, they will find that there were an equal number of contributions from Government members and Opposition members. If the accusation is that Government members were filibustering in debate, so too was the Opposition. That is an unfair accusation. Members of the

Government—and the Opposition, for that matter—are private members of this place and are entitled to contribute to debate on private members' day. That is precisely what we did.

The Hon. CHRIS RATH (15:11): I sit on the Business Committee, as many members of this House do. Every week we are told we will get through a minimum of 12 private members' items. Some weeks we get through 15, 16 or 17 items, but the working assumption is that every week on private members' day, we will get through 12. This week we got through nine items. When the Hon. Jeremy Buckingham's motion was adjourned yesterday, it was number 10 on the list. The amount of private members' business has never been as low as it was yesterday, and last week was not much better. Every time the Hon. Damien Tudehope's Workers Compensation Amendment (Firefighters' Diseases) Bill 2025 comes on the business list, those opposite seek to filibuster the debate with useless speeches. We can see them being handed speeches that they are reading for the very first time at the lectern to deliberately waste the time of this House on a Wednesday so that we do not get to the Hon. Damien Tudehope's bill. That is why the Opposition is moving this suspension of standing orders today.

I know that the bill is an uncomfortable issue for members opposite. That is why they are filibustering it. They hate dealing with it because they have kicked it into the long grass for such a long time. It is an uncomfortable debate for them, but we want to have it today because of the lethargy that members opposite showed yesterday. When I was first elected to this place and the now Opposition was in government, I said to Sam Tedeschi, "Why don't we just talk out all of the items on a Wednesday to get through as few items as possible? Why don't we just filibuster?" He said, "If we make life miserable for them on Wednesday, they'll make life miserable for us on Thursday." Well, this is what it looks like. When the Government plays games on Wednesday, it gets punished on Thursday.

This bill has been on the business list twice, and Government members filibuster time and again. I agree that the Government has a full business list today. Government business should take priority on a Thursday. We have respected that for the first 2½ years we have been in opposition, and this is the first time we have done this. It is a full agenda, so let us stop wasting time and just put this bill to a vote rather than having speaker after speaker make 20-minute contributions, trying to filibuster in debate on the bill. Let us put it to a vote now and stop wasting time.

The Hon. JEREMY BUCKINGHAM (15:14): I speak in opposition to the suspension motion, which is a cynical exercise by Opposition members. They had every opportunity to prioritise the Workers Compensation Amendment (Firefighters' Diseases) Bill 2025 at the Business Committee meeting, and they did not. For them to now say that this bill takes precedence over the Government's agenda is wrong. I will not be a party to it. The suggestion that yesterday was some sort of filibuster is ridiculous. Private members brought a range of matters to the House. Let us be clear: This is not about the substance of the bills, whether Government or Opposition. In fact, I will support the Hon. Damien Tudehope's bill when it is finally debated, but that should be on private members' day. This is another cynical exercise by the Opposition, some of the crossbench and The Greens to derail the Government's agenda through process because they have no policies.

The Hon. Chris Rath: We have one to debate today.

The Hon. JEREMY BUCKINGHAM: Why didn't you debate it yesterday? That is not the point. Opposition members are trying to antagonise the process, antagonise the Government and antagonise other members. This is not my first rodeo; I have seen it before. This is about the Opposition, again and again, throwing sand in the Government's gears to get a cheap win when it should be prioritising other matters. If Opposition members really cared, they would have introduced the bill yesterday or the week before, but they did not. I do not support the motion.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:17): Madam Deputy President—

The Hon. Damien Tudehope: Let's just get on with it.

The Hon. PENNY SHARPE: No, let's talk about what you're doing. Longstanding traditions and conventions in this place mean that the Opposition has traditionally respected Government business day. We have a whole day for private members' business. I know that the Opposition cares about the Workers Compensation Amendment (Firefighters' Diseases) Bill 2025, but let us be clear: There have been two Business Committee meetings, two weeks of private members' business and eight opportunities for it to prioritise the bill, but it chose not to. This is about the Opposition's failure to manage its own strategic priorities. That is a matter for the Opposition. It is one thing to do that; it is quite another to decide not to respect the Government working through the business of the day on our day, as we are entitled to do.

There are plenty of other opportunities for private members' business. There are matters of public importance and a whole range of other things that Government members do not complain about—well, we might

complain about them a bit. The point is that most of the time they are agreed to, and we respect members using the forms of the House. The speech of the Hon. Chris Rath was really disappointing. He threatened, "If you filibuster, this is what you get". He says he is a constitutional conservative who thinks about institutions, but then he opportunistically throws out the conventions of the House and ignores the fact that the Government has a lot of Government business to get through. He decides that because he can, he will.

That is disappointing. It is also hypocritical, when the Opposition had eight opportunities in the past two weeks to introduce the bill for debate. If it is urgent, Opposition members might have got a reasonable hearing, but instead they chose to take a political pot shot because they think they can. That is really disappointing. I do not know which crossbenchers will support the motion. I was in opposition for 12 years and we worked with crossbenchers all the time on a range of different matters. But, basically, we respected the former Government doing its work and did not seek to interfere.

We worked closely with the crossbench to pursue our own agendas by supporting each other's ideas, usually without a merit assessment. That is fine because that is what members of this House do. But what this motion is asking the House to do is not just opportunistic; it is about disturbing Government business that the Government has a right to pursue. The idea that the Legislative Council can overturn the Government's agenda, which it is our right to progress on Government business day, is a new low in terms of respecting the forms and conventions of the House. There is no urgency attached to the bill. The Opposition had eight opportunities to debate it but chose to prioritise matters differently.

The Hon. John Graham: Twelve years.

The Hon. PENNY SHARPE: Yes, 12 years, but also in the past two weeks. The workers compensation bill has been around for a while. The Opposition has had plenty of time to debate it. I ask crossbench members to think about rewarding an opposition in such disarray that it cannot prioritise its own strategic choices and then asks the House to suspend Government business so that it can put forward a bill. I ask crossbench members to not reward incompetence and opportunism and instead think about what we are doing. On private members' day, members are allowed to pursue whatever they want. This House has one of the most generous private members' days in almost all jurisdictions in the country—and some members will remember when we used to have two hours for private members' business—but no-one is quibbling with that. The Government accepts the right of members to have private members' days.

I address one other point the Hon. Chris Rath made. Every member of this House is equal. The way members choose to interact on private members' day on a number of different issues is entirely up to them. Government members, particularly Government backbenchers, are allowed to do that. That is part of their job and what they want to pursue, which also should be respected. Sometimes there are issues that Government backbenchers wish to pursue and discuss, but they are part of the Government and they accept the Government's priorities. I ask members not to support this motion.

The Hon. MARK LATHAM (15:22): That speech by the Leader of the Government should have been set to violin music. It was really tugging at my heartstrings to hear that the little Labor angels have been hard done by, yet again. The truth is that in the last term of Parliament, there were no filibusters by the former Government on private members' day—none. This year we have had three that I know of—possibly more. No-one stands up and says, "I'm running a filibuster. I'm guilty". They happen seemingly by osmosis. Filibusters happened twice in relation to referring the Brett Whitworth matter to the Privileges Committee. Even Brett Whitworth was frustrated—

The Hon. Emily Suvaal: I'll get my violin out for you.

The Hon. MARK LATHAM: The Hon. Emily Suvaal will be hearing about it tomorrow. The teacher's pet will be playing her little violin for Minister Hoenig. Whitworth wanted to get to the Privileges Committee so much that he wrote a citizen's right of reply, bypassing the filibuster on my motion that happened two Wednesday nights in a row. Last night there was a filibuster on a workers compensation issue that is pro-worker and reflects a Labor Party election promise. Why would the Labor Party, in standing up for firefighters on its own election promise, have a problem with having a vote?

It is true that the poor old Liberal Party is in disarray, but it has one shining light. It has a former Democratic Labor Party pro-worker leader in this House, who should be encouraged to take over and run the whole show. He would be more effective than poor old Mute Man in the other place. He should show some guts and have a crack. The Leader of the Opposition in this place should be rewarded for his efforts. We should acknowledge that there were no filibusters during the last term of Parliament. The smiling Cheshire Cat, the Treasurer, is writing his little notes. He might tell us how many times in opposition he suspended standing orders on Government business day. Initially, he had one mantra: TAHE, TAHE, TAHE—suspension, suspension, suspension.

There were Standing Order 52 motions that kicked poor old Don Harwin out onto the street after suspension on Government business day. Towards the end of the former Government, there was also Barilaro, Barilaro, Barilaro. But it is just like Ronald Biggs when he just lobbed into South America one day: "I've got no history. Nobody knows who I am." We watched what happened in the 2019-23 term of Parliament. All the things the Labor Party is complaining about now are not true.

The Hon. John Graham: They just gave up. That's what happened.

The Hon. MARK LATHAM: They gave up—you were too good. No-one is saying Labor was not good enough, but let's be honest about the history. Filibusters were not run. The former Government was not trying to squeeze out private members' day. In the last term of Parliament, if a member's item on private members' day was listed between one and 12, they had a reasonable expectation of it being debated. It did not necessarily have to be number one; it was not like the admin committee that old mate the Hon. Bob Nanva is used to running. The first 12 items on the list would always be debated. Now, a filibuster has been run to stop a debate on a Labor election promise. It is pretty desperate for the Government to run a filibuster to stop its own election promises from being legislated. On that basis alone, the suspension motion should be agreed to. Let us bring on the bill and look after the firefighters.

The Hon. DANIEL MOOKHEY (Treasurer) (15:25): I have been accused of being obsessively effective in opposition, which is true. Insofar as members wish to invoke the experiences of the 2019-23 Parliament, the Hon. Mark Latham is quite right to say that the Hon. John Graham, the Hon. Penny Sharpe and many others in that Parliament were very effective at making sure that, for example, we could apply the fire torch of scrutiny to workers compensation, icare, TAHE—the Transport Asset Holding Entity—and the Camellia land deal. If we want to go through our greatest hits in opposition, John Barilaro is up there too. The point is that we did it on private members' day.

To the extent to which my friends are now engaging in historical revisionism around filibusters on private members' day, the masters are now sitting on the Opposition side of the House. The idea that the former Government did not filibuster is nonsense. I watched them do it. I recall engaging with my good friends who were in charge at the time—I will leave their names out of it. They made the point that they were not only filibustering but also objecting to formal business. They would not allow ordinary matters to be debated on the basis that they had to be debated on private members' day. Those were the routine tactics of the former Government. Fair enough—I respected its right to do so.

But the idea that we, as the former Opposition, would move to suspend standing orders the next day is not right. We debated those issues as matters of public importance, or MPIs, and censure motions. In this term of Parliament, our Government has never blocked those types of debates. Every time members want to have an MPI on Government business days, the Government usually supports it. The Government is happy to have those debates and work through them, but that is not what this motion is. What I have found most astounding is that the Opposition Whip—Mr Anti-Cancel Culture, the ardent defender of free speech, who will die in a ditch for everyone's right to speak in any debate—has one exception: an elected member of Parliament on the Government side of the House. According to him, they have no right to contribute to debate on private members' day.

That is ironic given that, on private members' day, usually the Opposition Whip and other Opposition members say, "We should be debating these ideas". Lo and behold, Government members join in the debate, and the very next day the Opposition Whip and others say, "Oh, my God, they expressed their opinion and it took a bit of time. We should take that time back." That is their level of hypocrisy. My friend the Hon. Chris Rath has the audacity to say, "Government members were given speeches." For years I watched former Government members do exactly that. I recall the Opposition Whip complaining about the poor quality of the speeches he was given. That is the level of the Opposition's hypocrisy.

In this debate we are witnessing an opposition that has no idea what it is doing. If Opposition members had some idea of what they were doing, they would have moved to suspend standing orders yesterday. What I find most fascinating is that the Opposition and The Greens want to debate workers compensation, and so does the Government. We would like to debate the sustainability and the finances of the scheme, but the Opposition and The Greens are teaming up to block reform. The same members who are about to get up in debate and say, "We demand the right for firefighters to have presumptive cancers legislated," are the ones saying, "This House has no right to debate the actual issues of workers compensation. That is what happens—

Ms Abigail Boyd: Point of order—

The Hon. DANIEL MOOKHEY: —when members of the Opposition and The Greens come together in this type of alliance.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): A point of order has been taken. The Treasurer will resume his seat.

Ms Abigail Boyd: I know the Treasurer is quite excited about trying to smear other members, but it is unparliamentary to thump the table with one's fist during a debate.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The Treasurer will keep the remainder of his speech as parliamentary as possible.

The Hon. DANIEL MOOKHEY: I will. Apparently, The Greens' definition of smearing is simply pointing out their record of teaming up with the Liberals. Others would say that it is a fact. We are about to watch them do it now. They are going to vote together to suspend this convention and insist we debate one aspect of workers compensation but not the other.

The Hon. John Graham: Point of order: Ms Abigail Boyd is entitled to take a point of order, but she is not entitled to scream from her seat while the Treasurer is addressing the House. I ask that the member be called to order.

Ms Abigail Boyd: To the point of order: It is very upsetting when a member is talking about a bill that will cause people to suicide, but I do apologise for yelling across the Chamber.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): I remind all members of the need to engage in appropriate parliamentary behaviour, whether at the lectern or in their seats.

The Hon. DANIEL MOOKHEY: I seek leave for an additional one minute.

Leave not granted.

The Hon. SUSAN CARTER (15:30): Much has made in this debate of whether we were giving priority to this important bill. I tested that assumption by looking at the running record for a random Wednesday. I happened to pick 25 June. There was no science to it; it was a Wednesday that was there. This House got through 21 items of private members' business on Wednesday 25 June, but it got through only 11 items yesterday. Placing the Workers Compensation Amendment (Firefighters' Diseases) Bill 2025 as item 12 demonstrated that we wanted and expected it to be debated. That is between half and two-thirds of the way through what we would sensibly expect to be completed. There is no lack of priority for this very important subject matter on the Opposition's side of the House. I commend the motion to the House.

The Hon. WES FANG (15:31): I make a very brief contribution to debate on this motion to point out the hypocrisy of the Government. In 2020, when Labor was in opposition, a suspension of standing orders was moved by The Greens, which Labor supported. For the Treasurer to pontificate about the suspension of standing orders on a Government business day to allow a private member's bill to be debated is hypocritical. I suspect the Treasurer had a different view in October 2020 and I put that on record.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that the motion be agreed to.

The House divided.

Ayes21
Noes17
Majority.....4

AYES

Barrett	Higginson	Mitchell
Boyd	Hurst	Overall
Carter	Latham	Rath (teller)
Cohn	MacDonald	Roberts
Faehrmann	Maclaren-Jones	Ruddick
Fang (teller)	Martin	Tudehope
Farlow	Merton	Ward

NOES

Banasiak	Graham	Moriarty
Borsak	Houssos	Nanva (teller)
Buckingham	Jackson	Primrose
Buttigieg (teller)	Kaine	Sharpe
D'Adam	Lawrence	Suvaal

Donnelly NOES
Mookhey

Munro PAIRS

Murphy

Motion agreed to.

Bills

WORKERS COMPENSATION AMENDMENT (FIREFIGHTERS' DISEASES) BILL 2025

Second Reading Debate

Debate resumed from 10 September 2025.

The Hon. DAMIEN TUDEHOPE (15:40): In reply: As I pointed out during the debate on the motion to suspend standing orders, unfortunately, I was not in the Chamber last week for the second reading debate on the Workers Compensation Amendment (Firefighters' Diseases) Bill 2025. However, I have had the opportunity to peruse the contributions, and I thank all members who contributed to the debate on this short but important bill: the Deputy Leader of the Government, Ms Abigail Boyd, Dr Amanda Cohn, the Treasurer, the Government Whip and the Parliamentary Secretary for Trade and Small Business. In service of our community, firefighters are exposed to an increased and unavoidable risk of contracting cancer. Improvements in personal protective equipment and changes to how retardants and other substances are used in firefighting can reduce but not eliminate cancer risks.

The bill adds additional cancers to the list in schedule 4 to the Workers Compensation Act 1987 for which a firefighter with the relevant qualifying service who contracts that specific form of cancer is entitled to a presumption that it was contracted in relation to employment or volunteer service as a firefighter. The list, which includes three cancers of the female reproductive system, reflects the best available contemporary international evidence. That evidence was not available in 2018, so the suggestion made by the Deputy Leader of the Government that the list should have been expanded by the then Government is without foundation. In any case, those additional cancers were not in the then Opposition's private members' bill either.

At successive budget estimates since November 2023, the Minister for Industrial Relations has told members of this place that the Government is committed to expanding the list of presumptive cancers and that icare and the State Insurance Regulatory Authority were working hard on that. However, an order for papers and questions asked during the Public Accountability and Works Committee inquiry yielded a single document showing that icare estimates the likely cost of the change as \$211 million over five years—not four years, as the Deputy Leader of the Government claimed. The Government's contribution simply indicates that there would have been no movement on the matter had the bill not been brought to the House.

It is frankly absurd to suggest that, because the Nominal Insurer is under strain and the Opposition and crossbench have not supported the Government's savage attack on workers who sustain serious psychological injuries in the workplace, firefighters who contract cancers that are not currently on the list will not be properly supported. They are covered by the Treasury Managed Fund. The attempt by the Deputy Leader of the Government to verbal my colleague the shadow Minister for Emergency Services is not worthy of the Deputy Leader of the Government. The shadow Minister was clearly referring to the difference between being entitled to a rebuttable presumption, subject to qualifying service periods, and the stressful and costly challenge of having to prove that a cancer was caused by employment as a firefighter.

The fact that icare has costed the change as \$211 million over five years clearly indicates that some firefighters with cancer who are currently denied access to support and medical treatment would gain access to that necessary support without the challenge and stress of proving the connection to employment as a firefighter in what can be an extremely adversarial setting. I appreciate the detailed contribution of Ms Abigail Boyd on that aspect. The Treasurer has rightly pointed out that malignant mesothelioma, which is one of the nine cancers the bill would add to schedule 4 to the Workers Compensation Act 1987, is also included in the list of dust diseases in schedule 1 to the Workers' Compensation (Dust Diseases) Act 1942. As the Treasurer stated, "It is important that we get the interaction between the two schemes right on something as important as a dust disease."

I observe that, from the start of their campaign, the Fire Brigade Employees Union has had malignant mesothelioma on the list of additional cancers that its members are asking to be added to schedule 4. The Minister for Industrial Relations has had more than enough time to prepare a suitable solution that ensures that firefighters

who contract mesothelioma are able to access the most beneficial of the two schemes. If the Government is not ready with a suitable amendment today, it can be ready by the time the bill is finalised in the other place. The Opposition is not prepared to make our firefighters wait any longer. We welcome the support of members of the crossbench for that position. I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Dr Sarah Kaine): 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.

CRIMES AMENDMENT (INTIMATE IMAGE AND AUDIO MATERIAL) BILL 2025

Second Reading Speech

The Hon. EMILY SUVAAL (15:48): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Intimate Image and Audio Material) Bill 2025. Deepfake material in the context of intimate images commonly refers to realistic, sexually explicit material which is wholly created or generated by digital means—including through generative AI technology—without the consent of the person whom the image is intended to represent. Deepfakes are ordinarily understood to include images, video and audio. The defining character of deepfake material is that it is intended to be an extremely realistic depiction that can be treated as a genuine depiction of the subject. Because deepfakes are intended to deceive by design, their distribution and creation can be harmful in the same way as it is harmful when real intimate images are recorded and shared without consent.

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

Leave granted.

In 2024, the eSafety Commissioner said that there had been a significant rise in explicit deepfakes, with potentially a 550 per cent increase year on year since 2019. Of those deepfakes, 98 per cent were pornographic, and 99 per cent of those images were of women and girls.

We know how harmful these images are. Research shows that the non-consensual development and sharing of deepfakes causes embarrassment, ridicule and distress. In some cases, the harm can extend to psychological, physiological, professional and socio-economic impacts. Threats to make such material public can also cause fear as a form of harassment, intimidation or coercion and control.

Currently, part 3, division 15C of the Crimes Act 1900 contains offences for the non-consensual recording or distribution of intimate images, or threatening to record or distribute intimate images. These provisions were introduced in 2017—a time in which the digital landscape was vastly different.

ChatGPT and other forms of generative AI were not as widespread as they are now, and so these offences focussed on real intimate images, or images which were digitally altered to appear to be intimate images.

That is not the digital landscape we are faced with today, and the offences in this division require updating to ensure they remain fit for purpose. This bill is focused on modernising the criminal law to ensure it keeps pace with evolving technology. It will strengthen and expand existing offences relating to the non-consensual recording or distribution of intimate images to ensure we have a robust response to deepfake sexual material, including material generated by AI.

The bill will criminalise three key behaviours in relation to sexually explicit deepfakes:

- a. First, it will criminalise the creation of intimate image or audio material that is digitally generated, and criminalise the alteration of material to be intimate image or audio material where such creation or alteration is done without the consent of the subject of the image. Currently, it is only unlawful to distribute altered images.
- b. Second, it will criminalise the distribution of wholly digitally generated intimate image or audio material without the consent of the subject.
- c. Third, it will criminalise threatening to engage in the behaviours I have just mentioned.

The bill will also expand all offences to cover sexually explicit audio material in the same way as intimate images. This includes not just deepfake audio but also real sexually explicit audio or audio that has been altered to be sexually explicit.

Amendments have also been made so that key supporting provisions, most notably the power of the court to order rectification action—commonly known as "take-down powers"—also apply to these expanded offences.

The reforms in this bill relate to intimate images and audio of adults.

- a. This is because in the case of sexual deepfakes involving children, the child abuse material offences under part 3, division 15A of the Crimes Act 1900 apply.
- b. These offences cover all depictions and descriptions of children in sexual contexts, regardless of how they are made or produced. They currently apply to depictions of those under 16, and I note that the Crimes Amendment (Sexual Offences and Female Genital Mutilation) Bill 2025, which I introduced earlier this year, will raise this age to 18 if passed.

I now turn to the detail of the bill.

Currently, the relevant offences in part 3, division 15C of the Crimes Act rely on the definition of "intimate image" set out under section 91N, which provides that an intimate image is an image of a person's private parts or an image of a person engaged in a private act, in circumstances where a reasonable person would reasonably expect to be afforded privacy; or an image that has been altered to show such things.

In short, this definition only covers a real image or a real image which has been altered—for example, through software like Photoshop. Current use of technology, and particularly generative AI, to create deepfake material could be considered distinct from taking a base image and altering it. This is because generative AI draws on a large dataset to create new material. Even though the end product draws from existing data and images, it could be argued that such images are not "altered", but rather "generated" or "produced". This would place AI-generated images outside of the scope of the existing intimate image offences.

This is one of the fundamental limitations of the existing offences that the bill will address. It does this by amending these foundational definitions under schedule 1 [2].

First, the definition of "intimate image" will now refer to "intimate image material". This will include an image of the private parts of a simulated person or of a simulated person engaged in a private act, in circumstances in which a reasonable person would reasonably expect to be afforded privacy.

Second, the bill defines "simulated person" as a person depicted in digitally generated material that either:

- a. expressly purports to be a genuine depiction of an identifiable real person; or
- b. so closely resembles a real person that a reasonable person who knew the real person would consider it likely to be a genuine depiction of that person.

The first limb of this definition covers images that are expressly billed as a depiction of the subject. This is often the case with deepfake sexual material. The second limb is intended to provide fulsome coverage where the subject is not expressly identified but the fact that the image is designed to be a depiction of them is undeniable. This will avoid a potential loophole whereby a person claims the resemblance is coincidental.

The purpose of the definition of "simulated person" is to ensure that the kinds of material we are capturing are those which are, by design, able to be misinterpreted as a real image. When such deepfakes are shared, the harms for the subject of the images can be as serious as the sharing of a real intimate image. It can also be very hard for victims to prove that the images are not real.

I want to highlight the importance of the term "genuine", which aligns with this policy purpose. It is not defined, so it takes on its ordinary meaning. The *Macquarie Dictionary* defines "genuine" as being truly such, real or authentic.

This means depictions of simulated persons are not things such as AI-generated art, where, either through the image itself or the context in which it is depicted, it is clearly not intended to be taken as a real image of the person.

The definition of "simulated person" also acts as a safeguard against inappropriate capture of material that does not have the same character because it is clearly a fictitious depiction. Where such fictitious images are, for example, still offensive, there are avenues to report them and have them removed under the Online Safety Act 2021 through eSafety Australia, which remain available.

Taken together, these definitions will expand the scope of the existing offences under section 91Q, for distribution of intimate images without consent, and section 91R (2), for threats to distribute intimate images without consent, to also apply to deepfake material that has been digitally generated, including that which is generated through AI.

Changing the definition of "intimate image" will only expand the scope of offences relating to distribution. This bill also seeks to ensure that our laws cover the production of digitally generated images.

Currently, it is an offence under section 91P to record an intimate image without consent. Section 91N defines "record" as to "record, take or capture an image by any means."

AI-generated images are not recorded as such, but rather created or altered. The provisions relating to recording may be limited to actions involving a real image, rather than an AI-generated deepfake or a non-sexual image that is then altered to be sexually explicit. This limitation could also apply to the offence of threatening to record an intimate image under section 91R (1).

This brings me to the second major change made by this bill. Schedule 1 [15] creates a new offence under new section 91PA which specifically criminalises both the alteration of material to make it intimate image or audio material without consent and the creation of intimate image or audio material involving a simulated person, without the need to distribute the material. This new offence fills the existing gap which arises from the confined definition of the term "record".

As with the existing offence for recording an intimate image without consent under section 91P, this new offence will carry a maximum penalty of three years imprisonment, a fine of 100 penalty units, which is \$11,000, or both. The consent of the Director of Public Prosecutions will be required for the prosecution of a person under the age of 16.

Threatening to engage in this behaviour will also be a criminal offence under section 91R, through the amendments contained in schedule 1 [21].

Schedule 2 makes consequential amendments to other legislation so that this offence is treated the same as the existing section 91P offence, including defining it as a personal violence offence and as a prescribed sexual offence.

These offences will be subject to safeguards, including the exceptions in section 91T.

Taking an image of a real person and altering it to be sexually explicit, or creating a new sexually explicit image of a real person in a manner that is meant to be akin to a genuine image, without their consent, is deeply concerning and clearly unacceptable behaviour.

The creation of deepfakes without consent represents a harmful imposition on a person's privacy and autonomy, even if the material is not ultimately shared.

Criminalisation of this behaviour clearly denounces it, and we hope that it will deter people from engaging in this harmful conduct. Criminalising production of deepfakes will also help to support a broader cultural shift in how this behaviour is viewed.

These measures are consistent with comparable offences in Victoria and South Australia which cover the production of sexually explicit material, including that made by AI.

Deepfakes do not solely take the form of intimate images. Deepfakes can also include audio-only material. This brings me to the third major change in the bill, which is the expansion of offences in part 3, division 15C to cover sexually explicit audio material.

Audio deepfakes of a sexual nature can be harmful in the same way that deepfake images can be harmful. They can be humiliating or can be used as a form of intimidation. This is particularly true if the generated audio includes a statement which purports to identify the real person.

Currently, New South Wales offences only apply to intimate images. Schedule 1 [2] will insert a definition of "intimate audio material" into section 91N, which will apply to any audio that is sexual in nature or relates to engagement in a private act, in circumstances where a reasonable person would reasonably expect to be afforded privacy. This definition will include real audio, altered audio and audio of a simulated person—in effect, the same scope as intimate images that are captured, as amended by the bill.

The bill makes consequential amendments throughout schedule 1, with the effect that all offences in the division will cover intimate audio material in the same way that they apply to intimate images.

These amendments signal to the community that regardless of the medium, non-consensual creation and distribution of sexual deepfakes without consent is invasive and harmful in similar ways to intimate images which are made or shared without consent.

I have spoken of the main substantive changes in the bill, but I also want to note that the supporting provisions for the intimate image offences have also been expanded accordingly.

Most critically, these are the powers for rectification under section 91S. This enables a court, following a guilty finding, to order the offender to take reasonable actions to remove, retract, recover, delete or destroy relevant material connected to that conviction, in a period specified by the court. Failing to comply with such an order is a criminal offence which carries a maximum penalty of two years imprisonment, a fine of 50 penalty units, which is \$5,500, or both.

Schedule 1 [24] to [26] make amendments that ensure these powers apply to all new offences and material types that will be covered by the bill's substantive reforms.

Additionally, section 91T sets out a number of exceptions to the offences for recording or distribution of intimate images, which include:

- a. that the conduct was done for genuine medical or scientific purposes;
- b. that the conduct was done by a law enforcement officer for genuine law enforcement purposes;
- c. that the conduct was required by a court or reasonably necessary for the purpose of legal proceedings; or
- d. that a reasonable person would consider the conduct acceptable, with reference to, among other things, the age, intellectual capacity, vulnerability or other relevant circumstances of the depicted person, and the degree to which the accused person's actions affect the privacy of the person depicted in the image.

Schedule 1 [27] to [30] make consequential amendments to ensure these exceptions, which are important and necessary safeguards, also apply to the new material and offences introduced by this bill.

I note that these exceptions do not currently apply to the offence under section 91R of threatening to engage in the relevant conduct. This is because such threats cannot have a legitimate purpose, as they are only to intimidate, coerce or control another. The bill does not change this position.

Finally, noting the rapid pace of technological development, schedule 1 [31] will require a statutory review to be undertaken 12 months after commencement, with a report to be tabled within a further six months. This is a shorter period than normal for a statutory review, but it indicates the need to closely monitor these offences, with an opportunity to further refine once we are able to consider operational data.

Clause 2 of the bill notes that it will commence on a date to be fixed by proclamation. This is to enable necessary systems updates to be made, and for education and training for justice agencies.

This bill is an important step forward in modernising the criminal law to keep pace with changing technology. The rapid rise of generative AI has provided many benefits and efficiencies but, like all new tools, it has also opened the door to abuse and misuse.

The ease with which sexually explicit deepfake material can now be created and then shared to embarrass or humiliate, or be used as a threat to coerce or control another person, is unacceptable. Such conduct should be criminal. That is what this bill does and why these reforms are so important.

I am proud to introduce these reforms, to send the message that sexually explicit and non-consensual deepfakes are absolutely unacceptable. They are a form of abuse, objectification and dehumanisation of, in particular, women and girls in our society, and there is no place for this type of behaviour in our State.

I commend the bill to the House.

Second Reading Debate

The Hon. SUSAN CARTER (15:49): The Opposition is happy to support the Crimes Amendment (Intimate Image and Audio Material) Bill 2025. We welcome its introduction to the House and recognise that it is a good start to deal with this important issue. But it is only a start, and more work needs to be done. We also recognise that the bill builds on a foundation laid by the Coalition and follows the introduction of our previous legislation. We do not understand why the Government finds it so hard to work collegially on important and, frankly, bipartisan issues. But, as we did with the bill to better protect our war memorials, we will strive for collegiality on this bill. Its subject matter is simply too important for pettiness, so we are happy to support it.

The bill aims to tackle the rapidly growing and deeply concerning issue of sexually explicit deepfakes, which cause severe harm to many individuals, particularly women, adolescents, and even children. Advances in artificial intelligence have made it alarmingly easy to create realistic fake images, video, audio and text that depict people without their consent in sexually explicit situations. It is far more than just a digital nuisance; it is a profound violation of privacy, dignity and safety. It is electronic exploitation and an unwelcome commodification and reduction of the human person.

The Government's bill broadly mirrors the Opposition's legislation introduced in the other place and largely repeats its definitions, its penalties and the way in which it seeks to amend the law. However, what it does not do to the same extent is include the use of deepfake text. That remains to be addressed. Sexually explicit deepfakes are used as tools of harassment, intimidation and exploitation. The victims—overwhelmingly women—suffer not only emotional trauma and reputational damage but also ongoing psychological and social harm. The spread of such material in schools, workplaces and communities contributes to a culture that normalises gendered abuse and leaves victims feeling powerless.

The bill amends the Crimes Act to expand existing offences related to the non-consensual recording and distribution of intimate images to include digitally created or altered material, particularly deepfake images and audio. I acknowledge that the legislation on which we are now building—the intimate image legislation—was first introduced in Parliament under the leadership of the now Opposition leader and then Attorney General, the Hon. Mark Speakman. That legislation addressed what was a contemporary issue then, broadly termed "revenge porn"—the misuse of existing and real images that may have been taken with or without consent at the time.

In 2025 the contemporary challenges we face are not so much the real images but the altered or created images, audio, video and text. Schedule 1 [2] to the bill extends the existing definition to cover images generated by AI or other digital means. The definition ensures protection against realistic fake images that are designed to resemble a real person—a "simulated person". Additionally, schedule 1 [15] introduces a new offence under section 91PA of the Crimes Act, criminalising the creation or alteration of an intimate image or audio material involving a simulated person without consent. That addresses a significant gap in the existing law, which only criminalises distribution or recording of real images.

Schedule 1 [2] extends offences to cover sexually explicit audio material through the insertion of the terminology "intimate audio material" into section 91N of the Crimes Act, reflecting the same protections that apply to images. Schedule 1 [24] to [26] further strengthen enforcement powers under section 91S by expanding rectification orders that allow courts to require offenders to remove, delete or retract harmful material. This is one of the more important provisions in the bill because, while it is one thing for it to be an offence to produce such material, it is another thing and is important for victims that there are take-down powers. Take-down and rectification powers are essential tools for victim protection in this expanding digital age. Moreover, schedule 1 [27] to [30] amend section 91T to clarify exceptions to the offences, ensuring legitimate uses such as medical, legal or law enforcement purposes are protected. Schedule 2 to the bill contains consequential amendments to other laws.

This is a good bill but, as I flagged earlier, it notably fails to include provisions addressing sexually explicit deepfake text such as fabricated messages or communications generated by AI. It is a significant gap, given that AI-generated text can cause harm and can be used to coerce and intimidate. Without explicitly addressing that medium, the law does not fully capture the scope of digital abuse emerging with generative AI. That is why the Opposition moved amendments in the other place to broaden the scope of the bill. Those amendments included a prohibition on deepfake text material to ensure that victims have comprehensive protection against all forms of digitally fabricated sexual abuse.

We are all aware that the technology of generative text fakes is very common. It uses AI applications to allow computers to generate text content on almost any subject, and it is incredibly close to actual human writing. Excluding text ignores not only the existing use of the application of this technology but also the associated risks of the application of this technology. The CSIRO broadly defines deepfakes as "synthetic media generated using artificial intelligence, including images, videos, audio and even text". That is exactly why we believe the bill

should be extended to text and why we moved amendments in the other place to give effect to the inclusion of text as a form of deepfake material prohibited alongside audio and images.

We remain disappointed that the Government did not support those important amendments. As good as the bill is, that remains a continuing gap in protection for women—a gap that will only broaden with time and technological change. Automated generative technology, created by machine learning models, is used to create text for fake news and to copy the writing styles and speech of authors, songwriters and celebrities to either mimic them, misrepresent them or even monetise the imitation of their works. We need to look at the way existing AI technology utilises text in combination with the range of changes in behaviour around sexual interactions being seen across society, particularly in the digital space. Sexting chat rooms as a space for individuals to engage in sexually explicit text, image or video exchanges are on the rise. OpenAI products and other leading AI tools have moved to explore how to responsibly—as they say; I think that is a question for us to explore—allow users to make AI-generated porn and other explicit content, including text.

There is also an increase in the use of AI chatbot companions, an increase in catfishing on online dating and other apps, and the prolific use of deepfakes in bullying and intimidation, including in circumstances of intimate partner violence and revenge porn. Technological capability utilising machine learning models to create text, when applied to changes in sexual interaction and discourse and to people's attitudes to the way technology in the digital realm is used to engage in sexualised conversation, is not a challenge of the future; it is a challenge of today. It is clear that the application of deepfake text technology to sexually explicit behaviours cannot be ignored. The law must prohibit the creation or use of sexually explicit deepfake text to ensure that we also send the message that it is criminal behaviour and will incur the same penalties as those for image or audio. It is deeply disappointing that the Government has not taken the opportunity to do exactly that.

Members know that we exist in a world where people can apply technology to our names, faces and voices in a way that can create significant risk to all of us. I hesitate to suggest that members of Parliament are real celebrities, but we do have public profiles. Our reputations and our credibility within our communities are important when we are showcasing our work on behalf of the community. If sexually explicit images or videos of us were created using deepfake technology, we would expect to be protected, as would other members of the community. If an audio recording were created using a deepfake version of a member's voice, we would expect that to be treated as a breach of the law. If an image of a member is used with sexually explicit text underneath, in the member's usual tone and language, by inference suggesting to the community that those are their words because they were attached to their image, they would also expect that to be treated as a breach of the law.

The Opposition asks for that to be considered by the Government, because that is an important lacuna in the bill as presented. However, the Opposition recognises all that is good within the bill. The Opposition supports the bill but remains committed to strengthening the law to fully reflect the evolving technological landscape. We owe it to the victims, particularly women and girls, to provide clear and strong protections and hold perpetrators to account for the digital violations they commit. I commend the bill to the House.

Ms ABIGAIL BOYD (16:00): The Greens support the Crimes Amendment (Intimate Image and Audio Material) Bill 2025, which brings New South Wales into line with other jurisdictions in Australia by making it a crime to create and distribute sexually explicit material made or altered using artificial intelligence without consent, also commonly known as sexual deepfake materials. The bill amends the Crimes Act 1900 to expand existing offences related to the production and distribution of intimate images without consent to include the creation and distribution of sexually explicit image and audio materials that have been digitally generated by artificial intelligence.

Technology-facilitated abuse is an insidious and violent form of abuse and is commonly a serious marker of increasing and escalating domestic, family and sexual violence. That form of abuse is often used as a tool to control, coerce, punish, humiliate or otherwise inflict harm on a victim. In recent years the non-consensual creation, alteration and sharing of sexually explicit material using artificial intelligence has been spotlighted as the latest form of technology-facilitated violence being utilised by perpetrators of abuse. To be clear, deepfakes and "nudify" apps are a form of gender-based violence designed for the purpose of sexually harassing and abusing women and girls and inflicting coercive control to extort victim-survivors. A 2023 study found that women make up 99 per cent of the individuals targeted in sexual deepfakes, with people with disability, First Nations peoples, the LGBTIQ+ community and younger people also heavily targeted. Even more concerning, children are increasingly being targeted as victims of that abuse.

Earlier this month Australia's eSafety Commissioner launched enforcement action against a technology company based in the United Kingdom for enabling the creation of such material. That company operates two of the world's most visited AI-generated nudify websites. According to the eSafety Commissioner, those two services have been visited by 100,000 users every month in Australia alone. With new forms of technological advances presenting new opportunities for perpetrators of abuse every day, it is crucial that we act to not only criminalise

that behaviour but also guard against highly dangerous new forms of technology-facilitated abuse before they take hold.

Importantly, the existing offences in the Crimes Act and the expanded offences in this bill target individuals only after offences have occurred or been threatened. While that is important, it fails to adequately prevent abuse and violence before it occurs. That requires targeted frontline prevention work within communities, as well as legislative action to prevent the creation of that material by banning the technology being used to do so. Tech companies can and must do much more to mitigate the harm caused through the existence of those tools by safeguarding against deepfake generators, acting as soon as content is flagged to remove it, and using indicators to ensure that the origins of materials can be identified. Companies can also act by working with other platforms to proactively share information and flag suspicious activity.

But, of course, we cannot possibly rely on businesses, most of which are multinational corporations that have little regard for ethics, to do the right thing. That is why The Greens have long called for government action to hold tech companies to account for enabling the creation and distribution of illegal deepfakes and nudify apps and impose a positive duty of care to prevent the creation of harmful material. I understand that, in the past month, the Federal Government has announced plans to put the onus on tech platforms for failing to prevent users from creating illegal deepfakes. It is important that that is done urgently and comprehensively and is not kicked further down the road. I urge the New South Wales Government to commit to doing more than what is in the bill before us, including proactively advocating for the Federal Government to take sweeping action to hold tech companies to account and prevent that form of technology-facilitated abuse from occurring in the first place.

I now turn to the contents of the bill. Schedule 1 [2] to the bill inserts new definitions into section 91N of the Crimes Act for "digitally generated", "simulated person", "intimate audio material" and "intimate image material". The definition of intimate audio material applies to any audio that is sexual in nature or relates to engagement in a private act in circumstances where a reasonable person would reasonably expect to be afforded privacy, including real audio, altered audio and audio of a simulated person.

The definition of intimate image material replaces the existing definition of intimate image in the Crimes Act to include images that have been altered to appear to show a person's private parts or a person engaged in a private act and images of a simulated person's private parts or of a simulated person engaged in a private act. Currently, it is only unlawful to distribute images of that nature that have been altered. Under the existing provisions that were introduced in 2017, it could be argued that images altered or created using generative AI are not technically altered but are generated or produced, thus falling outside the scope of existing intimate image offences. Simulated images would also not be captured under the existing offence. The new and expanded definitions in the bill ensure that all forms of non-consensual sexual deepfakes are considered.

New section 91PA introduces a maximum penalty of 100 penalty units or imprisonment for three years, or both, for intentionally altering an image or audio of another person in a way that makes it intimate, or for creating an intimate image or audio material of a simulated person without the consent of the real person it represents. For those offences, prosecution of a person under the age of 16 years for an offence must not be commenced without the approval of the Director of Public Prosecutions. I note that The Greens have some concerns about those new offences resulting in the disproportionate criminalisation of young people. The prosecution of a person under 16 should occur only in exceptional circumstances, given that much of that offending is perpetrated by young people in schools who are not equipped to understand the extent of the harm that their actions cause.

New section 91R (1A) introduces a maximum penalty of 100 penalty units or imprisonment for three years, or both, for threatening to alter or create an image or audio in a way that makes it intimate, or for creating an intimate image or audio material of a simulated person without the consent of the real person it represents. The new offences proposed in the bill relate only to images and audio of adults, and not children, because such material involving children is already captured under division 15A of part 3 of the Crimes Act 1900. Those existing offences already cover all depictions and descriptions of children in sexual contexts, regardless of how they are made or produced.

The bill makes consequential changes to the language in the Crimes Act to refer to the new offences where necessary and also makes consequential changes to other legislation—including the Child Protection (Working with Children) Act 2012, the Crimes (Domestic and Personal Violence) Act 2007, the Criminal Procedure Act 1986 and the National Disability Insurance Scheme (Worker Checks) Regulation 2020—to insert the new offences where relevant. New section 91U in the Crimes Act inserts a requirement for the Minister to review the amendments made in the bill 12 months after commencement, with a report to be tabled in Parliament within six months of that review. The Greens welcome the introduction of a timely statutory review of the provisions to ensure we are monitoring the implementation and enforcement so that any unintended consequences are addressed and rectified, which is important in the context of the rapidly evolving technological world we live in.

I understand that the domestic and family violence sector is broadly supportive of the reform. However, the sector has raised serious concerns about the impact on the ground without adequate resourcing of the investigative mechanisms to police crimes involving sexual deepfake materials. Resourcing on the ground is not keeping pace with the rapid development of AI technology. Police are already not adequately trained on even the base-level offence, with substantial ongoing concerns raised about police failing to properly respond to technology-facilitated abuse offences. The new offences in the bill must be accompanied by training and resources or they will be ineffective at best and actively harmful to victim-survivors and young offenders at worst. We must also ensure that communities are educated about the new offences and that avenues for reporting are accessible, safe and trauma informed. The Greens are concerned that failing to do so will result in an increase in misidentification of victim-survivors, not to mention the disproportionate criminalisation of marginalised young people.

I also note that the existing offences are almost never prosecuted, similar to the Federal offence of using a carriage service to transmit material of that nature. We already know that sexual violence is the least likely violent crime to be reported, investigated, prosecuted and convicted. In the rare instances that it is reported and investigated, victim-survivors of sexual violence are continually faced with significant obstacles across nearly every stage of the justice system. There is an enormous amount of work to be done to address the underlying systemic failings that allow those forms of violence and abuse to occur and ensure that victim-survivors can safely access the support, justice, healing and recovery that they need.

Preventing gendered violence and ending cycles of abuse requires targeted prevention work within communities through education and engagement, as well as fundamental changes in educational policies, structures and environments. Experts have been calling on governments to take far bolder and more ambitious action to prevent gender-based violence for decades. With new forms of technology being advanced every day, it has never been more important to invest in prevention. Specialist frontline domestic, family and sexual violence services are without a doubt the most equipped to understand and navigate emerging forms of technology-facilitated abuse, with workers on the front line dealing with those nuances every single day.

As I have said countless times in this place, the expert workers on the front line who are best placed to respond to this are already struggling to keep up with demand because the Government is starving them of the funding needed to do so. While legislative reform is an important step in addressing gender-based violence, there is simply no substitute for funding the front line. I once again call on the Government to urgently provide existing specialist domestic, family and sexual violence services with the core funding they need to deal with the ramifications of the passage of this bill and to continue carrying out some of the vitally important work that will turn the gender-based violence crisis around. Finally, I thank the Attorney General and his office for engaging with The Greens on the bill and for the work that is being done in this space beyond that. The Greens support the bill.

The Hon. NATASHA MACLAREN-JONES (16:10): I contribute to debate on the Crimes Amendment (Intimate Image and Audio Material) Bill 2025. In 2016 I chaired the Standing Committee on Law and Justice inquiry into remedies for the serious invasions of privacy in New South Wales. At the time there was community concern about the significant rise in the distribution, or threatened distribution, of intimate images without a person's consent, known as "revenge pornography", and the lack of privacy protections with emerging technologies. The committee made several recommendations, including the introduction of a statutory tort of serious invasions of privacy. At the time, the New South Wales Government did not support the recommendation, mainly because the Commonwealth was not willing to pursue it.

Having said that, the New South Wales Government indicated that it would examine introducing a new criminal offence for the non-consensual sharing of intimate images. One year later the then Attorney General, Mark Speakman, introduced the Crimes Amendment (Intimate Images) Bill 2017, which marked a significant milestone in Australian law. For the first time it was a criminal offence to record, distribute or threaten to share intimate images without the other person's consent. Importantly, the legislation also empowered victims to apply for rectification orders, enabling courts to require that such images be removed or destroyed. Nine years on, in June this year, the Commonwealth enacted a statutory tort for serious invasions of privacy, now contained in schedule 2 to the Privacy Act 1988.

The technologies we examined during the inquiry were those that were prevalent at the time. They included social media platforms like Facebook and Twitter, along with clunkier mobile phone cameras, surveillance cameras, tracking devices and data breaches. Nine years on, technology has advanced further, increasing the complexity and scope of privacy risks. While the core privacy risks identified in the inquiry remain, such as non-consensual image sharing and technology-enabled stalking, the scale, capability and subtlety of invasions have grown. We now have AI-powered surveillance. Facial recognition, behavioural analytics and real-time

biometric tracking are being used in both public and private spheres. Advanced geolocation technology is more precise because of GPS tracking through smart devices, wearables, cars and home assistants.

Social media has also evolved. Platforms now feature transitory content with vanishing messages, encrypted communications and integrated biometric information. Smart home devices with internet-connected cameras, sensors and voice assistants can potentially record audio, video and personal activity continuously. Drones are used more often, both commercially and privately, raising new legal issues regarding the aerial filming of private property and public spaces. Big data has expanded, with corporations and governments collecting, storing and analysing more data more regularly. Added to that, those data hubs are now powered by machines that have the ability to learn, increasing the risk of data breaches and misuse, including profiling, discrimination and exposure of intimate data. Deepfakes and synthetic media have led to the generation and distribution of realistic fake images, audio and video.

The bill builds on the work of the former Liberal-Nationals Government, but it also largely replicates the Crimes Amendment (Deepfake Sexual Material) Bill 2025, which was introduced by the shadow Minister for Women in August this year. The Opposition believes there is more work to be done. It is disappointing that the Government did not support the amendments moved by the Opposition in the other place. I do not intend to revisit each of those in detail. However, I mention that the bill fails to address sexually explicit deepfake text, such as AI-generated, fabricated messages or communications. AI can produce highly realistic content on nearly any subject, closely mimicking human writing.

That omission is significant because AI-generated text can cause similar harm, coercion and intimidation to other forms of digital abuse. By not explicitly covering that medium, the law fails to reflect the full scope of abuse emerging with generative AI technology. Technology has evolved rapidly over the past decade, and it is critical that our laws keep pace to protect individuals from increasingly sophisticated forms of abuse. The Opposition will continue to advocate for laws that broaden protections to keep pace with emerging technologies, such as deepfake text, ensuring legal safeguards that adequately address all forms of digital sexual abuse.

The Hon. EMILY SUVAAL (16:15): On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Susan Carter, Ms Abigail Boyd and the Hon. Natasha Maclaren-Jones for their contributions to debate. I acknowledge the goodwill of all members and our shared purpose in advancing this important reform, which is critical to ensuring that the criminal law responds appropriately to evolving technology. It is just as harmful to create and share deepfake sexual images and audio material as it is to record and share real intimate images where the subject of that material does not consent. It is vile conduct designed to embarrass, humiliate and shame a person. We also know that it can be used as a threat to coerce or control.

I note that there was extensive debate in the other place about the coverage of sexually explicit deepfake material that is solely text, which the Opposition's bill also criminalises. I do not propose to restate all the points made by the Attorney General in the other place. The Government remains of the view that the expansion suggested by the Opposition carries risks of unintended capture. The weight of evidence shows that the overwhelming majority of sexually explicit deepfake material takes the form of images, video or audio. That risk is particularly acute where such material is not distributed. It is important that we undertake reform with precision and care to ensure that the criminal law imposes no further than necessary on civil liberties such as the freedom of thought and expression.

A cautious approach is even more critical for conduct that may be engaged in by children and young people. Jumping to a criminal justice response might not be the best way to address those issues. While the Government does not support the expansion at this time, it is watching the issue closely. As the Attorney General advised in the other place, the Department of Communities and Justice has been asked to look into the issue of sexually explicit deepfake text material to better understand the scope and nature of the issue and how best to address it. Additionally, under schedule 1 [28], the reforms introduced by the bill will be subject to a statutory review 12 months after commencement, with a report to be tabled within a further six months.

I acknowledge the contributions that have highlighted the need for enforceability, and the very astute observation that one of the most challenging aspects of any image-based abuse is the difficulty in taking down material from the internet. The bill adopts the existing take-down powers, which the Government considers to be sufficient at this time considering the complementary coverage provided through national schemes under Commonwealth legislation. Currently, under section 91S, when a person is convicted of one of the intimate image offences, the court can order the offender to take reasonable actions to remove, retract, recover, delete or destroy any relevant intimate image. Failure to comply with such a court order without a reasonable excuse is a criminal offence that carries a maximum penalty of two years imprisonment.

The bill expands on that provision to ensure that it applies to both the expanded class of conduct captured—that is, creation of deepfakes and alteration of material to be intimate material—and the expanded classes of

material, which include wholly digitally generated material and intimate audio material. In addition to the powers under State legislation, eSafety Australia has a nationally significant role in supporting the taking down of harmful material, including sexually explicit deepfakes. That includes having such material removed from platforms and limiting further harassment.

The Commonwealth Online Safety Act 2021 is the key regulatory framework for keeping Australians safe online. Relevantly, that includes the Image-Based Abuse Scheme, which allows eSafety to seek the removal of intimate images or videos, including altered images, that are shared online without the consent of the person shown. eSafety can work with the platform or service that was used to post or share the relevant material and arrange for it to be removed, or prevent threats. I also note that the Commonwealth Government has recently announced that it will move to ban apps that specifically serve to create deepfake sexual material, such as nudify apps. Such reform efforts will complement the enhanced offences that the bill introduces.

I note contributions from members around not only sexually explicit deepfakes but also the rise of deepfakes relating to misinformation, fraud and other forms of unsavoury and antisocial conduct. In the case of frauds and scams, the main fraud offence in section 192E of the Crimes Act 1900 already covers conduct of that nature. The offence has broad elements that apply where a person dishonestly and by deception obtains property belonging to another, obtains any financial advantage, or causes any financial disadvantage. The offence does not specify how the fraud is committed. It is already capable of extending to a range of technology-assisted fraudulent conduct, including the use of deepfakes or AI-generated images or audio.

Of course, not all harmful deepfakes relate to financial benefits. Responding to deepfakes generally is a challenging area of reform. It requires careful consideration of how to balance rights of expression and speech with the critical need to ensure civil public discourse and social cohesion. It is also a legislative area with overlapping responsibility. I note that the Commonwealth Government has principal responsibility for the regulation of the online environment. Other areas of law, such as defamation and privacy law, may also be relevant. The Government continues to consider the most suitable ways to respond to those issues. As the Attorney General noted in the other place, that includes working with the other Australian jurisdictions through the Standing Council of Attorneys-General.

Ms Abigail Boyd expressed concerns about police preparedness. The reforms in the bill are important and are a significant expansion of the existing framework for the non-consensual recording and distribution of intimate images. As noted in the second reading speech, it is important that such reforms are able to be operationalised properly, which is why they commence on a date to be fixed by proclamation. That enables the necessary systems upgrades to be made, policies and procedures to be updated, and training to be delivered. The Government appreciates that ongoing monitoring and review is critical to any law reform, and that need is particularly acute when dealing with new and emerging technology, which continues to evolve at a rapid pace. Schedule 1 [28] to the bill ensures that the reforms introduced by the bill will be subject to a statutory review 12 months after commencement, with a report to be tabled within a further six months. That is a shorter period than normal for a statutory review, which indicates the need to closely monitor the offences, with an opportunity to further refine the offences once we are able to consider operational data.

The bill is an important step forward to ensure that the criminal law remains responsive to our changing social and technological landscape. I acknowledge that members of both Houses have noted that changing the law is but one part of the picture. We are committed to exploring further opportunities to tackle this insidious behaviour from multiple angles, including in collaboration and consultation with the Commonwealth Government and other States and Territories where appropriate. Sexually explicit and non-consensual deepfakes are a form of abuse, objectification and dehumanisation of women and girls in particular. There is no place for such conduct in New South Wales. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. EMILY SUVAAL: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

Motion agreed to.

ENVIRONMENTAL LEGISLATION AMENDMENT BILL 2025**Second Reading Speech**

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:25): I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Legislation Amendment Bill 2025. I know that the Hon. Natalie Ward, who is representing the shadow Minister for Energy, Climate Change and Environment, is across this bill, so I will not go into a detailed second reading speech. I note that we agreed to an amendment moved in the other place to sort out the issues around reporting for the State of the Environment report. That is the only change to the original bill.

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

Leave granted.

The New South Wales Government went into the election promising an Environment Protection Authority [EPA] "with teeth", and we continue to sharpen these teeth.

This bill contains amendments to reduce duplication, increase consistency, remove unintended loopholes, clarify areas of ambiguity and allow for appropriate environmental risk management practices.

The bill has been informed by recent cases, compliance and enforcement information, NSW EPA policies and a comparison of similar legislation in New South Wales and across other jurisdictions.

The bill ensures the EPA and councils can effectively regulate activities that may cause environmental harm and enforce or remedy noncompliances.

Effective and modern environmental legislation needs to be continuously improved to reflect best practice regulation.

The objectives of the bill are:

Firstly, to recognise the importance of Aboriginal values and knowledges in caring for country and environment protection.

Secondly, to move further towards environmental stewardship, with several amendments aimed at caring for, preserving and protecting our unique ecosystem for future generations.

Thirdly, to ensure the EPA remains a best practice environmental regulator with effective tools and powers.

And, finally, to update other reporting requirements and minor amendments to remove duplication, modernise legislation and close potential loopholes.

While these changes are mostly minor and administrative in nature, they ensure that the EPA has the right tools and powers to protect the environment and our communities.

I now turn to the provisions of the bill.

Respect for Country

The bill formalises, through legislation, the EPA's inclusion of Aboriginal peoples' perspectives and knowledges into how it carries out its functions.

The bill includes amendments to:

- update the objectives of the EPA in the Protection of the Environment Operations Act, or POEO Act, to include Aboriginal connection to country, similar to what already exists in New South Wales fisheries, water and Crown land regulatory frameworks;
- formalise the inclusion of Aboriginal perspectives and knowledges into State of the Environment reporting; and
- include consideration of environmental impacts on Aboriginal lands, places, waters, communities and cultures in court sentencing decisions.

The EPA and the EPA's Aboriginal Peoples Knowledge Group conducted targeted consultation with Aboriginal communities and peak organisations on these proposals.

Consultation took place on country across New South Wales, with saltwater, freshwater, desert and rainforest communities represented.

This engagement showed strong community support for the three "respect for country" amendments in this bill.

Environmental Stewardship

This bill includes several provisions that reflect the EPA's stewardship role and approach to environmental protection, including caring for, preserving and protecting our unique ecosystem for future generations.

Protection of the Environment Policies

The bill improves the effectiveness of Protection of the Environment Policies by applying the tool beyond public authorities to a broader set of stakeholders, including businesses.

Environmental Justice

The bill introduces provisions to ensure environmental justice principles are considered during sentencing under the POEO Act to strengthen deterrence and signal that impacts on vulnerable groups will be taken seriously under the law.

IChEMS Penalties

The bill increases penalties for industrial chemical management offences to bring them in line with those for serious offences, such as those involving waste under the POEO Act.

This supports implementation of the broader national framework aimed at managing the environmental risks posed by certain industrial chemicals.

Executive liability for serious offences and environmental obligations

This bill ensures that executive liability provisions apply across all environment protection legislation to hold senior corporate decision-makers accountable for serious offences, including failing to comply with new regulatory tools such as preliminary investigation and recall notices.

EMPs, public registers and disclosure of information

The bill improves transparency around environmental management plans, or EMPs, which set out long-term clean-up and monitoring measures for contaminated sites.

These plans are often hard to access, meaning new landowners can miss important contamination obligations.

To address this, the bill requires site auditors to give the EPA a copy of any EMP that needs to be implemented as a condition of a statutory site audit and gives the EPA power to make that information public.

Changes in the bill update information disclosure provisions to align with other New South Wales legislation, allowing the EPA to share information with agencies like SafeWork NSW and NSW Fair Trading for law enforcement purposes.

It also gives the EPA explicit power to register clean-up and prevention notices on land titles.

These changes improve consistency, support enforcement across agencies and enhance public transparency.

Storage of waste

The bill clarifies rules about storing waste.

Under current law, storing waste above certain limits, such as 500 or more waste tyres, requires an environment protection licence to manage risks such as fire hazards.

A recent Land and Environment Court decision exposed a potential loophole when waste is spread across different areas of a site.

The bill resolves this by confirming that storage thresholds apply to the whole site, not just individual areas or buildings on a site.

[Regulation-making powers]

The bill includes a range of changes to clarify, align and modernise regulation-making powers.

This ensures the primary Acts can be effectively implemented and enforced and the EPA has appropriate oversight of matters it regulates.

Appropriate consultation would occur on any regulation changes made as a result of new powers.

[Streamlining and updating EPA reporting requirements]

The bill introduces amendments to streamline and update reporting requirements.

These changes include removing duplicated waste and litter reporting requirements, updating the EPA board reporting requirements to reflect its change from an operational role to a governance and oversight role, and amending the container deposit scheme coordinator annual report process.

[Miscellaneous amendments to ensure environment protection legislation remains fit for purpose]

The bill proposes several minor amendments to ensure our environment protection legislation remains best practice.

These amendments will help clarify existing EPA functions and powers, reduce administrative burden and address gaps in the EPA's powers, as well as fix loopholes and ensure the EPA remains a strong and effective regulator.

Amendments have been introduced to strengthen financial assurance provisions, introduce powers to direct individuals to vacate areas during clean-up operations, modernise duty-to-notify requirements, and enhance protections for EPA and other officers administering and enforcing environmental protection laws.

[Climate Change Act annual report]

This bill also makes administrative changes to the Climate Change (Net Zero Future) Act.

These changes reflect learnings from the experience of the first annual report cycle.

They will support a more efficient reporting cycle for future years and ensure there is enough time to incorporate the findings from the parliamentary joint standing committee's inquiry into the Government response.

These amendments include:

- changing the submission date for the Net Zero Commission's future annual reports from 1 November to 1 July of each year;

- changing the reporting period for the Net Zero Commission's annual reports under section 21 of the Climate Change (Net Zero Future) Act from the previous financial year to the previous calendar year;
- extending the time within which the Minister must publish a response to the Net Zero Commission's annual reports from four months to six months; and
- in part 3 of the Climate Change (Net Zero Future) Act, providing an exception that the Net Zero Commission's next annual report, to be submitted by 1 July 2026, will cover a period of 18 months from July 2024 to December 2025, before the reports return to an annual frequency.

The amendments are supported by the Net Zero Commission and will provide a stronger foundation and improve the efficacy for future annual reports.

[Government amendments in Legislative Assembly]

Following consultation with Local Government NSW, the Government made amendments to the Environmental Legislation Amendment Bill 2025 in the other place to ensure local councils are appropriately included in key provisions.

A further amendment removed the provision that would have reduced the frequency of the State of the Environment. It will continue to be prepared every three years, as is currently the case.

[Conclusion]

The bill shows this Government's commitment to strengthening environmental legislation and protecting the environment and the people of New South Wales, while also recognising and enshrining our commitment to Aboriginal peoples.

The bill takes a measured approach, reflecting changes that continue to update, clarify and address minor provisions across environmental legislation, and provides greater ability for the EPA to prevent, manage and remediate pollution, as well as enforce laws.

I commend the bill to the House.

Second Reading Debate

The Hon. NATALIE WARD (16:26): I will endeavour to be brief in my contribution to debate on the Environmental Legislation Amendment Bill 2025. I thank the Leader of the Government for incorporating her speech. I have just a couple of very quick comments. I thank the shadow Minister, James Griffin, for his work on the bill. The Opposition has considered the bill. It contains a number of amendments to reduce duplication, increase consistency, remove loopholes, clarify areas of ambiguity and allow for appropriate environmental risk management practices. Most of the amendments are inconsequential and administrative.

We raised some concerns in the Legislative Assembly, as I note that the Leader of the Government has acknowledged. Buried among a raft of regulatory changes was an amendment that proposed to change the reporting cycle of the State of the Environment report from every three years to every four years. Reducing the frequency of our State's environmental reporting is completely counterintuitive. It defeats the very purpose of the report, which is to regularly and transparently inform the public about how the Government is responding to the state of our environment. The NSW Environment Protection Authority, which does great work, prepares the report every three years.

The State of the Environment report performs a vital function in compiling data from across government agencies to provide a comprehensive snapshot of environmental indicators and pressures and of the Government's progress in protecting and restoring our natural environment. The findings of each State of the Environment report consistently highlight the urgent need for systemic improvements in our environmental management. Dragging out the reporting cycle does nothing to meet those challenges. We welcome the fact that the Government agreed to remove that provision in the other place. The Opposition supports the bill.

Ms SUE HIGGINSON (16:28): On behalf of The Greens, I make a contribution to debate on the Environmental Legislation Amendment Bill 2025. The bill is presented as a modernisation of our environmental laws. The Greens support changes that strengthen protections, transparency and accountability, but we will always oppose any attempt to impose provisions that weaken pollution notification, public health safeguards, environmental reporting and public access to information. Last week we were told the bill would not be coming to this House until October. My office found out yesterday that the bill would be debated today only because we proactively reached out to the Minister's office to ask a question about a proposed amendment. That said, we have done our best to race through and do what we can to make a substantive and valuable contribution today. We have some amendments, which are now available to members. The amendments that we will seek to move are grouped under the themes of transparency, public health, pollution response, enforcement integrity and climate-biodiversity alignment. They also look at the new offence sought to be created under the legislation.

Schedule 1 seeks to amend the Climate Change (Net Zero Future) Act 2023, shifts the Net Zero Commission reporting to calendar year and extends the Government response window from four to six months to accommodate committee inquiries. I am on the joint standing committee and understand the need to align those time frames. When the Minister first brought the Climate Change (Net Zero Future) Bill 2023, it was very

ambitious, and we all raced to get it over the line. I acknowledge that the first report of the Net Zero Commission was an incredibly noble pursuit of what the commission managed to achieve in such a short time frame. We support the calendar year alignment. The ideal is no loss of timeliness or accountability. We note the risk that a longer response window can delay action. We just cannot afford that. Everybody on the right side of history, and members on the right side of history in this Chamber, know that we cannot afford any delays on action.

We are seeking assurance that the six-month window does not defer implementation of urgent recommendations and that interim responses remain possible. The *2024 Annual Report of the Net Zero Commission* noted clearly that New South Wales is not on track to meet its targets for 2030 and 2035. Current Government policy risks missing those legislative targets. Today the Commonwealth has just set a 2035 target of 62 per cent to 70 per cent of 2005 levels. This lands under the Climate Change Authority's 65 per cent to 75 per cent advice and well short of what climate groups say is needed for a Paris-aligned pathway. In New South Wales we must accelerate action to meet our targets, which underscores the risk of extending any response windows without interim commitments.

Schedule 2 goes to the Contaminated Land Management Act. It requires auditors and environmental management plans to be provided to the Environment Protection Authority [EPA] and allows publications. We obviously support stronger oversight and transparency, but we must always ensure that published materials are free, accessible and readily available to the public. It is and always has been such a relevant and important matter that materials and information are accessible when it comes to regulating the environment. My colleague Ms Cate Faehrmann will seek to move amendments about the EPA registers. The registers—which have been in our scheme since 1997—have been a pivotal and important public interest requirement in relation to environmental regulation because the environment is the commons. It is for all of us and, when it is harmed, all of us are harmed. People need to have free access to registers and information about licences and harm to the environment. People need to be informed, and they can only be informed when information is readily and easily accessible.

Schedule 3 goes to the Land and Environment Court Act and updates civil enforcement coverage around the Plastic Reduction and Circular Economy Act, the Product Lifecycle Responsibility Act and the Waste Avoidance and Resource Recovery Act. We absolutely back the Government's noble efforts to get in control of the waste reality of New South Wales because it is very out of control. Trying to move to the circular or no-waste economy is such a difficult thing. There is only one way to do it, and that is through serious and strict regulation. Schedule 4 expands the public register in relation to the Pesticides Act and enables stronger sharing with SafeWork and Fair Trading.

The public's right to know must be practical. This is the theme that goes through all of this environmental legislation. The register must be free, searchable and current. It should show the licence holder, location, product class, decision made and date when it was made. Where the EPA takes enforcement action, that should be shown within 10 business days with personal privacy protected. One example is the presence of dimethoate and thiometon pesticides in blueberries. My colleague Ms Cate Faehrmann has been doing a lot of work to highlight the issues we are seeing, both in the product of blueberries and receiving landscapes. These pesticides cause significant harm to the health of our waterways, soils and, of course, people.

These are products sold in New South Wales supermarkets. The lack of communication and transparency between farmers and the EPA must be rectified and remedied because people have a right to health and a healthy environment. ABC's *Background Briefing* tracked pesticide traces in products from oysters to blueberries in New South Wales, again pointing to the need for clear public registers and rapid inter-agency data sharing. Cross-agency sharing should be fast, and it must be rules based. The EPA should publish its protocols with SafeWork and Fair Trading, including time frames and privacy rules. We 100 per cent support transparency and cross-agency enforcement and reiterate the importance of ensuring free public access to registers.

Schedule 5 adds executive liability and public register enhancements to the Plastic Reduction and Circular Economy Act. Again, we support this. Executive liability is an important inclusion that recognises directors and managers as responsible for offences, in line with all other environmental protection legislation. In December 2024 billionaire developer Arnold Vitocco faced executive liability offences in relation to his company's alleged licence breach with the asbestos in mulch crisis, along with prosecutions of three companies. We will never change bad behaviour when it comes to environmental offending if there is no consequence for those who seek to benefit from the crimes that they commit against the environment.

Schedule 6 relates to the Product Lifecycle Responsibility Act, legislation established this year. This adds or refines executive liability, civil enforcement and, again, goes to public registers. We support this. Product stewardship is a critical scheme legislated by the Government to combat waste and environmental damage, and these provisions will recognise and strengthen that. Schedule 7 goes to the Protection from Harmful Radiation Act. We support aspects of this that lift safety and oversight, but we have concerns about the exemptions from

requiring licences. Harmful radiation requires strict oversight and must be dealt with by appropriate offences and licensing schemes. Radiation safety is not the place for carve outs, and exemptions should not be available to mining or petroleum activities. Where exemptions are considered in other contexts, there should always be independent advice and published reasons. These matters go to the public interest. Again, we are talking about the commons and the right to a healthy environment and agency over our own health decisions.

Schedule 8 goes to the Protection of the Environment Administration Act and updates the EPA objectives to include Aboriginal connection to country. It also consolidates reporting, empowers EPA directions to leave an area for health risk and refines governance reporting. We very much support cultural recognition and public safety tools. We do not support decreases in reporting occurrences and industry reporting. Performance reporting should not be removed. Longitudinal sector-level transparency drives improvement. The public and the Parliament need it to be able to judge progress.

Schedule 9 seeks to include environmental justice principles in sentencing. That is something that I have followed in environmental law over the past two decades. I deeply support recognising that pollution harms are not evenly spread; low-income communities and First Nations communities often bear more risks and have less capacity to respond to the harms that will impact them the most. Courts should be able to address cumulative impacts and community harm in sentencing remarks so that penalties reflect real world damage. Environmental justice in sentencing refers to the use of sentencing for environmental offences to repair harm to both the environment and communities, focusing on restorative actions like environmental restoration orders and community benefit projects, alongside traditional penalties. That approach moves beyond mere punishment, incorporating principles of restorative justice to heal victims, empower communities and hold offenders accountable for the broader impacts of their crimes.

New South Wales is very lucky to have the Land and Environment Court, a specialist court of superior record. It leads the way in developing reparations and restorative remedies. In the past 25 years there has been an increasing recognition of the rights and needs of the victims of environmental crimes, and that has manifested itself in a number of ways. One is the increased attention paid to victims' rights across the entire criminal justice system, including granting a victim the right to make a victim impact statement to the sentencing court about the offence. A victim impact statement enables a victim to state to the court the personal harm suffered by the victim as a direct result of the crime for which the sentence is being passed. The statement can be taken into account as evidence of the harm caused by the offence and, in that way, as evidence relevant to the determination of a punishment by sentence. However, the statement cannot include comments on the evidence given in trials and the findings of fact that should be made.

Being able to include environmental justice principles in sentencing will assist us in getting closer to what genuine restorative justice looks like. In environmental cases, the victims of crime can include individuals whose health, safety, comfort or repose may have been impacted by the commission of an offence. That is particularly applicable where the offence involves pollution, especially of air or water. Those impacts on the victim may legitimately be taken into account. Victims can also include the owners of private property adversely affected by the commission of the offence. But more commonly—and I think this is where the environmental justice in sentencing principle will assist to achieve environmental justice—the victim of an environmental offence is the community at large, not necessarily specific members. Natural resources such as air, waterways and forests can be seen to be held in trust by the State for the benefit and use of the general public.

It is important that we move to the notion of environmental justice in sentencing because often the more vulnerable members of our community are least able to access justice for themselves when they are impacted. Concepts of intergenerational equity would also extend to classes of beneficiaries when we are talking about the principle of environmental justice in sentencing. I look forward to what that provision will end up entailing when it comes to sentencing in the future for environmental offences. Arguably, the State has a real opportunity now to go a lot further and really understand what environmental justice looks like when environmental crimes have been committed. I note that in a recent court matter, community members made an application during a sentencing hearing in relation to a significant logging breach in Wild Cattle Creek State Forest—one of the forests now fortunately protected in the Great Koala National Park. In that case, Forestry Corporation was found guilty of logging illegally, taking out giant trees and committing a fair bit of environmental crime within the forest ecosystem.

Interestingly, members of the community made an *amicus curiae* or "friend of the court" application to join those proceedings in order to be able to make submissions about the harm caused to the Gumbaynggirr people—the First Nations traditional custodians of the lands the Wild Cattle Creek State Forest are on—their forest totems and their connection to that incredible ecosystem. That was a really important matter to watch go through the courts and a good example. With the principle of environmental justice that is now enshrined in the legislation for automatic consideration, the court could have adjudicated the case without having to provide that special hearing

and special application, with the community going through the burden of making an amicus curiae application. It is a just and timely addition to the legislation, which will assist the body of law that goes to what restorative justice is in this State.

The bill seeks to amend the use of protection of the environment policies, referred to as PEPs. There has been a significant under-reliance on PEPs in New South Wales. The bill will apply PEPs to businesses, to set standards and protocols. Those policies go to things like an environment protection goal, an environment protection standard, a protection guideline or a protection protocol. Of course, those relate to the National Environment Protection Measures. We may see more use of those in the future. The PEPs were intended by design, in 1997, to be an incredibly effective way of managing environmental protection and regulation in New South Wales. I look forward to seeing what their inclusion in the law and the additional weight given to them will look like, and where that will be driven.

The bill provides for notices, non-delegability and local powers. Of course, I support stronger notices and practical powers for councils to deal with underground petroleum leaks, as is proposed. With power, though, must come guidance and resourcing. The EPA should publish a model procedure, provide training and enable cost recovery where councils have to act to prevent harm. We rely heavily on local councils as responsible regulatory authorities. It is important that they have the tools they need. They are often the closest to and engaged early in the detection of and response to environmental harm, particularly pollution.

It is really important that transparency and disclosure are maintained. The legislation proposes to expand registers and include land title notations to help people make informed decisions. They must be accurate, timely and fair. Reasons for placing or declining a notation should be published. There should be a clear path to remove a notation once any remediation effort is undertaken and verified, and a right of review for affected parties. The duty to notify of material harm will continue. The bill proposes to increase the property-damage trigger in the definition of "material harm" from \$10,000 to \$50,000. I do not understand the cause for that change.

I accept that there is the consumer price index [CPI] and an idea that everything has gone up in value and, unfortunately, we have not had the opportunity to ask more questions about that. But I do not think it is a sensible thing to do, and The Greens will move an amendment to maintain the current threshold trigger of \$10,000. Whilst many things have gone up in price with CPI, at the end of the day, \$10,000 worth of material environmental harm is still material harm. We would like to see it maintained at \$10,000. We also oppose the removal of the mandatory notification to health authorities. The EPA's current guidance requires immediate notification of pollution incidents causing or threatening material harm. Weakening the trigger and narrowing who must be notified is, we believe, a retrograde step. It undermines the duty, and therefore we seek to maintain the threshold as it is.

I turn to waste, pollution and licensing integrity. Whole-of-site waste thresholds will close loopholes that allow stockpiles to be spread across multiple pads. Repeat offender settings should focus on real deterrence. Licensing for livestock-derived products should clearly capture on-farm processing with pollution risk. The EPA should publish guidance on how it will measure whole-of-site volumes and identify repeat offending. The bill creates a new offence to protect EPA officers. It is important that EPA officers are protected and able to do their work. Everybody deserves a safe workplace, particularly EPA officers. Unfortunately, in this State we know too well that an unsafe workplace can be catastrophic for all.

The law, however, should target behaviour and be more specific in defining what is unlawful. The law should target stalking and intimidation. The fear is that there could be a chilling impact on community scrutiny. It is important that the community is able to scrutinise not just the protection of the environment but also those whose job it is to enforce regulation and protect the environment. The current wording of the bill risks capturing legitimate community scrutiny, such as legitimate filming, questioning or complaints. Again, I will move an amendment to define "harass" in the context of stalking or intimidating in a way that requires repeated, targeted conduct that would cause a reasonable person to fear for their safety.

In the short time we have had, I have done my best to find the most legitimate way of doing that, looking across all of the laws of New South Wales. I will talk more about that in the Committee of the Whole. The fines for the individuals in this provision are incredibly severe, as they should be for people who attempt to intimidate EPA officers, because that cannot be tolerated. But we must make every effort to ensure that correct behaviour is the subject of the offence. Good-faith public interest communications must be protected.

I turn to regulation-making around incorporated documents and transparency where regulations incorporate external documents or prescribe non-notifiable incidents. Again, The Greens will move an amendment to make sure that all incorporated documents are published on the EPA website. There is a provision about exemptions to waste categories, and it is important that the documents defining those are incorporated documents and published on the EPA website. I cannot emphasise this enough: When it comes to environmental regulation,

knowledge is the key for us all to work as stewards of the environment, to ensure that regulation is done well and that our precious resources and commons are protected and remain unpolluted and unharmed.

Schedule 10 to the bill amends the Protection of the Environment Operations (General) Regulation to clarify that the bill would allow onsite re-use of asbestos. As a State, in the past couple of years we have had to face asbestos waste like never before. The regulation clarifies that the bill allows onsite re-use of asbestos waste under tightly controlled contaminated land regimes, rather than creating a broad defence for re-use or recycling. Strict competence and auditing requirements are needed to prevent repeats of the mulch crisis. Any move to enable onsite containment or re-use of asbestos under the contaminated land frameworks must be subject to strict guidelines. As a minimum, there should be an independent auditor sign-off, a public site notice, neighbourhood notification before works, and post-closure verification published on the EPA website. The Greens support this provision, noting that we will move some amendments to it and other relevant provisions in schedule 9.

I understand that schedule 11 to the bill, which amends the Stock Medicines Act, is a technical simplification, and we support that. Schedule 12 introduces executive liability and changes to the container deposit scheme reporting and publication. We support the introduction of executive liability, but we want to know that the changes to reporting and publication under the container deposit scheme will still result in a transparent and meaningful report. On the whole, it is clear that the bill is necessary. It seeks to modernise and update our environmental laws and bring them into regularity with other changes. The Greens are mostly supportive of the changes that the bill introduces. We will seek to move a few amendments in the Committee of the Whole.

The Hon. JOHN RUDDICK (16:56): The Libertarian Party opposes the Environmental Legislation Amendment Bill 2025. We find it disturbing. The bill punishes the very people who are the true custodians of land: property owners. I outline a few key details of the bill that we have concerns with. New paragraph (a) in schedule 8 [1] states:

- (a) to protect, restore and enhance the quality of the environment in New South Wales, having regard to—
 - (i) the need to maintain ecologically sustainable development, and
 - (ii) Aboriginal cultural values and practices, and

Schedule 8 [8] states:

- (4) The perspectives and knowledge of Aboriginal peoples must be included in either or both of the following—
 - (a) each state of the environment report,
 - (b) a report that accompanies each state of the environment report.

The Libertarian Party is uninterested in ancestry. We do not believe it gives special rights. If we care about the environment, planning, roads, education or any of the other portfolios the Government insists on being involved in, then we need people with the best qualifications and experience. Mere personal characteristics are entirely unrelated to their ability. We do not recognise that some people have insight into nature because of who their ancestors were. It is absurd. I foolishly took an ancestry DNA test 15 years ago. I say foolishly because, as a paranoid libertarian, I do not like giving my DNA to a big corporation. But I have done it now.

The Hon. Stephen Lawrence: What were the results?

The Hon. JOHN RUDDICK: Good question. They refine it over time. I check on it once a year, and it says that I am 60 per cent Scottish and the rest is English and Irish. It is as boring as you can get.

The Hon. Stephen Lawrence: That's not boring

The Hon. JOHN RUDDICK: Thank you. Why do I bring that up? I have never been to Scotland in my life, but under the rationale of this bill, because my ancestors have apparently been wandering around Scotland for thousands of years, I can fly to Scotland tomorrow and I have particular insight into how to save the ecology of Scotland. It sounds absurd, but that is the rationale in this bill.

Ms Sue Higginson: That's nonsense.

The Hon. JOHN RUDDICK: Yes, it is nonsense, but it is nonsense that you endorse. It is the same rationale.

The Hon. John Graham: You would have an opinion. You would have a couple of views.

The Hon. JOHN RUDDICK: I would turn up to Scotland and have a few views, yes. Let us move on to environmental justice, the other great part of the bill. Schedule 9 [54] inserts the dangerous concept of environmental justice, which is defined as:

environmental justice principles means principles intended to prevent or minimise, or have the effect of preventing or minimising, the disproportionate impact of environmental harm on vulnerable or disadvantaged communities or persons.

Where did the Minister draw that definition from? What is a disproportionate impact? What is environmental harm? What is a disadvantaged community or persons? The definition is loose. This is the worst type of red tape. It is vague, and the vagueness is a detriment to investors. The great Ronald Reagan once said, "The most timid thing in the world is a million dollars." Why would someone invest in something when they may be tripped up by something to do with environmental justice, which is not defined? The bill also doubles penalties from \$60,000 to \$120,000, from \$2 million to \$4 million and \$120,000 to \$240,000, but that will not do anything to protect the environment. Ms Sue Higginson said those fines were "incredibly severe", and she thought that was great. She approves of the heavy hand of the State to get her way.

Environmental protection is best served not by expanding the powers of the State but by trusting individuals and businesses to innovate, invest and care for the land they cherish and invest in. In conclusion, I say that the more capitalism a country has, the cleaner are its rivers and air, and the more preservation of valuable ecology there is, the greater the number of national parks. The nations that tried big government socialism in the twentieth century have universally degraded environments. That is not a coincidence. We need more capitalism to save the environment.

Ms CATE FAEHRMANN (17:00): I contribute to debate on the Environmental Legislation Amendment Bill 2025 on behalf of The Greens and indicate at the outset that, of course, I support the excellent contribution of my colleague Ms Sue Higginson. I also put on record my disappointment with the rushed nature of the introduction of the bill into this place. The Greens examined elements of the bill that relate to my portfolio areas of mining and water. In last week's crossbench briefing, The Greens were told by the Minister, "Don't worry. There's a lot in it, but it's not coming on until October." The Greens arranged priorities accordingly and put preparation for this debate on the backburner. It was not until after question time today that The Greens found out that the bill would be debated today.

The Greens support many aspects of the bill and the opportunity it provides to strengthen penalties for certain environmental offences and ensure that key contributors to environmental pollution incidents can be held accountable. As my colleague pointed out, in particular The Greens welcome the new objects that require the Environment Protection Authority [EPA] to work in respectful partnership with Aboriginal peoples and embed consistent, meaningful and trustworthy engagement with First Nation communities. We welcome the new provisions that allow the authority to give directions that restrict access to premises following the issuance of a clean-up notice, when such directions are necessary to protect human health or allow for clean-up to proceed.

The Greens also support the inclusion of environmental justice principles in the list of matters to be considered when imposing a penalty for an environmental offence. My colleague Ms Sue Higginson explained why that is so important, given the history of certain environmental matters. We support the provisions that allow for an owner of premises where a pollution incident occurs, and a person who contributes to the incident, to be held accountable. We support increased maximum penalties in relation to the prohibited use of listed industrial chemicals. We support establishment of a register of rejected waste loads and expanded provisions that enable protection of the environment policies to apply to persons carrying out specific activities.

However, a number of provisions raise concerns for The Greens. I mention a couple that relate to the portfolio areas for which I represent The Greens. In his second reading speech in the other place, Minister Dib framed the bill as containing minor amendments to reduce duplication, increase consistency, remove loopholes, clarify areas of ambiguity and allow for appropriate environmental risk management practices. Of course, some parts of the bill will do that, but the bill also has the potential to weaken transparency and erode third-party scrutiny of environmental decision-making by making it optional, rather than mandatory, for the EPA to provide access to public registers.

The Greens are concerned that the bill removes the requirement for the EPA to assess the performance-regulated industries, and the impact of those industries on the environment, by narrowing the reporting requirements of the EPA board to the Minister on this issue. I indicate that I will move amendments at the Committee stage to ensure that responsibility is not taken away, particularly at this time when there is heightened public interest in environmental pollution as a result of pollution scandals revealed in recent years by the media and the community.

Those scandals include, but are far from limited to, the recent revelations of PFAS contamination in some of our drinking water and waterways, and breaches by various coal companies across the State of their environmental protection licences, polluting rivers from the Royal National Park to Coss River and to Maules Creek in the Central West. They also include, as my colleague Ms Sue Higginson touched on, the high levels of toxic pesticides found in blueberries tested straight from the supermarket shelf—one of which was

supposedly banned in Australia in 2001—and extremely high levels of another pesticide, dimethoate, which has led the Australian Pesticides and Veterinary Medicines Authority to look at whether the blueberry dimethoate levels that are currently allowed are too high. There are other scandals that could be discussed in the context of this bill.

The bill also allows for the regulation to prescribe circumstances in which asbestos waste could be lawfully reused or recycled. While I acknowledge that the circumstances outlined in the regulation amendment presented with the bill seem reasonable—for example, re-use in association with an ongoing management order under the Contaminated Land Management Act 1997 or as part of remediation work carried out in accordance with a State environmental planning policy—are we expected to trust that this is where that will end? The regulations could also effectively exempt the requirement for the notification of particular pollution incidents or classes of pollution incidents that cause or threaten material harm to the environment. The bill also introduces regulation-making powers that would allow for the exclusion of certain substances from the definition of waste, and it sets no guardrails to limit the scope of potential definition changes.

As part of the work I have been doing on PFAS, I have seen a lot of emails and internal documents that relate to dealing with PFAS in biosolids, which is incredibly serious. I would have preferred more time to assess whether there is any risk of this Government or a future government dealing with PFAS in biosolids by way of regulation. It will be very difficult for wastewater treatment plants and water utilities to treat wastewater to the extent of removing PFAS to a level deemed to be not hazardous and safe to apply to agricultural land. I do worry about exemptions coming through by way of regulation.

While The Greens welcome the positive elements of the bill, we are concerned about provisions that weaken transparency, diminish accountability and erode community trust in environmental regulation. When industries pollute, the public has a right to know how the impacts are managed and whether the regulator is doing its job. At a time when environmental harm is increasing and communities are demanding stronger protections, we should be strengthening oversight and scrutiny, not stripping back and allowing more loopholes. The Greens will move amendments at the Committee stage to restore safeguards because protecting our environment and communities who rely on it must always come first. As my colleague Ms Sue Higgins has indicated, ultimately The Greens support the bill, but we reject the rushed nature in which this debate was brought on, particularly given the number of changes contained in the bill.

The Hon. RACHEL MERTON (17:09): I make a brief contribution to debate on the Environmental Legislation Amendment Bill 2025. I bring to the House concerns brought to me by the community relating to cultural heritage, cultural values, and Aboriginal values and knowledge. I put on record the importance of balance, fairness and consultation with the community about issues concerning cultural heritage and values and how critical mining, agriculture and resources projects are to the economy, jobs, businesses and the regions. Communities want legislative requirements that are fair and balanced and do not impede investment in industry, jobs and economic activity. There are concerns that giving weight to cultural heritage is, at times, used as part of an anti-development agenda. We need to be balanced and fair in how issues such as cultural heritage are considered in the light of environmental approval and operation. I acknowledge the contribution of the Hon. Natalie Ward, representing the shadow environment Minister. I register my support for the bill.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:12): In reply: I thank members for their contributions and welcome the broad support for the Environmental Legislation Amendment Bill 2025, although I understand that there are some amendments. The bill is an important part of the commitment from the Government to strengthen our environmental protections and is the second tranche of work towards that commitment. I am genuinely grateful—and somewhat relieved, actually—that there is such broad support across the Parliament to strengthen environmental protection. That is a good sign for all of us.

I thank the Hon. John Ruddick for his contribution. I know he is not a fan of regulation—his speech was, as usual, consistent—so I understand why he will not support the bill. I note that the Hon. Rachel Merton raised some issues regarding cultural heritage and values, which is appropriate, but I acknowledge that she will support the bill. The Government has done particular consultative work with the Aboriginal Peoples Knowledge Group to develop our Respect for Country proposals. I thank the members of that important group for the work that they have done with the Environment Protection Authority [EPA]. By name, they are Aunty Rhonda Radley, Marcus Ferguson, Greg Griffith, Sue Bulger, Lawrence Clarke, Steve Ahoy and Daniella Chedzy.

For too long we have not taken into account Aboriginal perspectives in the way we manage and protect our environment. This bill recognised that there is a deep well of wisdom. There are literally tens of thousands of years of knowledge about caring for country. People, governments and agencies take Aboriginal perspectives into account in different ways, but the point of the consultation was not about special treatment. It is not some sort of woke agenda, as the Hon. Rachel Merton might call it—and the Hon. John Ruddick would definitely call it. I make

a serious point that has broad support across Parliament: The environmental challenges that we face require as much wisdom as we can bring to the table. In recent decades, given the recognition of the well of wisdom and understanding that exists within Aboriginal communities through an oral tradition of tens of thousands of years, we would be mad if we did not work with Aboriginal people to try to solve the problems we have. I acknowledge the issues that were raised, but drawing upon Aboriginal perspectives is a very deliberate approach. We are not trying to hide it.

I thank the Aboriginal Peoples Knowledge Group members, who have been instrumental in consulting about the changes and developing the Respect for Country proposals. I also thank the EPA staff who worked on the bill. They are sitting over there, very diligently. They do incredible work. I also acknowledge the EPA staff who, on a daily basis, are out in the field carrying out their important and often challenging work. Members would be surprised to know that people who are polluting our environment and doing the wrong thing do not really like it when the EPA turns up at their door, but those staff do that important work very diligently. The Government and, more broadly, the Parliament value the work they do. They are our environmental cops on the beat. They pick up people who are doing the wrong thing, and they also try to work with a lot of industries on continuous improvement. All those things are important. There are a bunch of amendments, which we will deal with in Committee. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There is one sheet of amendments: The Greens amendments Nos 1 to 22 on sheet c2025-205F.

Ms CATE FAEHRMANN (17:18): By leave: I move The Greens amendments Nos 1, 2, 4, 5, 13 and 14 on sheet c2025-205F in globo.

No. 1 Records to be publicly available free of charge—Contaminated Land Management Act 1997

Page 5, Schedule 2[12], proposed section 58(3), lines 15 and 16. Omit all words on the lines. Insert instead—

- (3) A copy of the record must be made available for public inspection, free of charge—
 - (a) on the EPA's website, and
 - (b) at the principal office of the EPA.

No. 2 Records to be publicly available free of charge

Page 5, Schedule 2[12], proposed section 58(5), line 20. Omit ", including the payment of fees for inspecting copies of the records".

No. 4 Register to be publicly available free of charge—Protection from Harmful Radiation Act 1990

Page 15, Schedule 7[2], proposed section 13C(4), lines 26 and 27. Omit all words on the lines. Insert instead—

- (4) The register must be made available for public inspection, free of charge—
 - (a) on the Authority's website, and
 - (b) at the principal office of the Authority.

No. 5 Register to be publicly available free of charge

Page 15, Schedule 7[2], proposed section 13C(5), lines 28 and 29. Omit ", including the payment of fees for inspecting the register".

No. 13 Register to be publicly available free of charge—Protection of the Environment Operations Act 1997

Page 26, Schedule 9[73], proposed section 309(2), lines 35 and 36. Omit all words on the lines. Insert instead—

- (2) A regulatory authority's public register must be made available for public inspection, free of charge—
 - (a) on the regulatory authority's website, and
 - (b) at the principal office of the regulatory authority.

No. 14 Register to be publicly available free of charge

Page 27, Schedule 9[73], proposed section 309(3), lines 1 and 2. Omit ", including the payment of fees for inspecting a register".

These amendments uphold key principles of transparency in governance and decision-making by maintaining public access to registers and records that must be held by the Environment Protection Authority [EPA]. Currently,

the Contaminated Land Management Act, the Protection from Harmful Radiation Act and the Protection of the Environment Operations Act all require the EPA and other relevant regulatory authorities to maintain particular records and make them available to the public. For example, section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain records including but not limited to notices that relate to significantly contaminated land, preliminary investigation orders and site audit statements furnished to the EPA that relate to significantly contaminated land. Section 58 of that Act also requires:

- (2) A copy of the record (whether in electronic or other form) is to be available for public inspection—
 - (a) at the principal office of the EPA, and
 - (b) on the EPA's website, and
 - (c) at such other places as the EPA thinks fit.
- (3) The EPA must, on application by any person, provide a copy of parts of the record.

In contrast, the new provisions proposed by the Government require that the record must be kept in the way determined by the EPA, and that a copy of the record only "may" be made available for public inspection on the EPA's website. The Government's proposal would enable the EPA to potentially withhold environmental records from the public at its discretion. The amendments ensure that records required to be kept by the EPA and other regulatory authorities must be made available to the public online and, importantly, free of charge. There could potentially be a situation, for example, in which the EPA charges a fee for not only accessing records in person, but also downloading or accessing records online. The amendment changes the Act to specify that, for records under each of those Acts, a copy of the record must be made available for public inspection free of charge on the EPA's website and be at the principal office of the EPA.

Transparency and public scrutiny are the foundation of good governance. When decisions are open to oversight, it builds trust, prevents corruption and ensures governments are more accountable to the people they serve. The Greens hope that members support the amendments. I again put on record my frustration at the lack of time to consult other members about the amendments, which are not at all radical, and to reach some compromise with the Minister, as we generally try to for bills. We negotiate whether we can support a bill, or whether we might be satisfied with a particular amendment and reach a compromise together. The Greens only found out about the bill yesterday. Ms Sue Higginson had it worse than I did because, when we shared the load, she had to go through the whole bill and I went through a smaller part of it. The Greens have not been able to seek support for the amendments. I may be wrong. We may have support for some of them.

The Hon. Penny Sharpe: Only one.

Ms CATE FAEHRMANN: Thank you, Minister. We have not been able to have that consultation, but we commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:23): I appreciate the issues and challenges that all members have in getting through legislation. So that members understand why the Government has had to bring the bill forward this week, it has to get it in line for the Climate Change (Net Zero Future) Act. I briefed the crossbench about that last week. There is no big conspiracy; it is just a practical reality. We do try to do our best. The Government does not support this set of The Greens amendments about the register. The Government's proposed amendments to the bill will make provisions around public registers consistent across all of our environment legislation. It is important for members to note that public registers are currently available on the EPA website free of charge. That will continue to occur. There is no attempt to change that.

The Government amendments provide the opportunity for regulations to charge fees for a copy of the register. The regulations do not currently prescribe a fee for that purpose. Any fees would be cost recovery fees for, for example, copying or printing when large numbers of registers are requested by a single person. I understand the need for transparency. There is no decrease in transparency. The existing registers will still be available. There is no suggestion or intent to make downloading difficult, for example. I think it is a fair question, but that is not the plan. The change really is for those increasingly rare circumstances where people want a printed copy. There are sometimes a lot of documents, not just one or two. That is the expectation. I appreciate The Greens amendments, but the Government does not support them because there is no intention to stop making anything free of charge.

The Hon. NATALIE WARD (17:25): I say at the outset that I accept and have sympathy for the comments made by Ms Cate Faehrmann and Ms Sue Higginson about the lack of time for consultation, particularly part way through a sitting week. I understand that the Government has a climate change agenda and that the Minister has outlined that there is no conspiracy in the lack of time, but the practical reality of very heavy sitting weeks makes particular challenges more difficult. I appreciate that The Greens very often try to work through

amendments in a practical and reasonable way so that members can limit the amendments rushed through the Chamber, and so that members can instead work through considered positions on each amendment in detail.

Members obviously have not had the luxury of time to do that. I support the comments made by Ms Cate Faehrmann in trying to ensure planning ahead. Being mindful that things sometimes need to happen quickly, I would have thought that there would have been the opportunity to at least flag that something was coming up. Then again, members were all quite busy last weekend, so perhaps Government members did not have time. For the reasons outlined by the Government, the Opposition is unable to support the amendments at this time.

Ms CATE FAEHRMANN (17:26): I do not intend to provide concluding comments about everything, but I make two points. The first is that the Minister said that, under the various Acts, there is a range of different records on the EPA's website. That is good, but I believe that is only the case because the existing Act requires them to be on the website. The Act says that records must be made available. That is the point The Greens are making. Weakening requirements might be fine now and for the next year or two, but what about the next four or five years? The point is to ensure that our laws are strong and that our regulatory authorities must abide by them and provide the public with what the Parliament requires them to.

Secondly—and I do not want to make a she-said, she-said of it—I put something on record. Things change in this place, and that is fine. I can understand that things change even more quickly for the Government. But it was Tuesday last week that crossbench members were briefed on the bill and emphatically told it would come up in October. We were told, "It's fine. Don't worry too much about it. We've got time." I remember that very clearly. The Minister just said something about the Net Zero Commission in this place. That is fine but, during that crossbench briefing, October was the time that crossbench members were given. Maybe it was just a mistake to not let crossbench members know that plans changed.

The Hon. Penny Sharpe: That's what I just said.

Ms CATE FAEHRMANN: No, I do not believe that was what the contribution was. That is why I make clear that the contribution of the Minister during the crossbench briefing was that the bill would come to this place in October, full stop. That was it. If a mistake was made and we were not informed, that is fine, but that is not what the Minister just put on record.

The CHAIR (The Hon. Rod Roberts): Ms Cate Faehrmann has moved The Greens amendments Nos 1, 2, 4, 5, 13 and 14 on sheet c2025-205F. The question is that the amendments be agreed to.

The Committee divided.

Ayes5
Noes29
Majority.....24

AYES

Boyd
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst

NOES

Barrett
Buckingham
Buttigieg
D'Adam
Donnelly
Fang
Farlow
Franklin
Graham
Houssos

Jackson
Latham
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mitchell
Mookhey
Moriarty

Nanva (teller)
Overall
Primrose
Rath (teller)
Ruddick
Sharpe
Suvaal
Tudehope
Ward

Amendments negatived.

Ms CATE FAEHRMANN (17:37): I move The Greens amendment No. 3 on sheet c2025-205F:

No. 3 **Prohibition on certain exemptions under Protection from Harmful Radiation Act 1990**

[1A] Section 6A

Insert after section 6—

6A Certain exemptions must not be granted

The Authority must not grant an exemption to a person under section 6(3) in relation to an activity regulated under any of the following Acts—

- (a) the *Mining Act 1992*,
- (b) the *Offshore Minerals Act 1999*,
- (c) the *Petroleum (Offshore) Act 1982*,
- (d) the *Petroleum (Onshore) Act 1991*.

This amendment would prevent the regulatory authority from granting exemptions to mining and petroleum companies from the requirement to hold a radiation management licence. The bill as drafted gives the authority a broad and unrestricted power to grant exemptions. That means there is a possibility that, for example, companies mining radioactive ores under the Mining Act, the Offshore Minerals Act or the petroleum Act could be exempted altogether. It includes industries that deal with mineral sands and other materials that contain naturally occurring radioactive elements like uranium and thorium.

We know the risks. Exposure to radioactive dust and particles can cause delayed cancers, especially lung cancer, and other serious health effects. The risks are not theoretical. They are well documented and long-lasting. They affect not only workers but also surrounding communities and environments. Granting exemptions to such industries strips away a critical safeguard that ensures radiation risks are properly managed and monitored. At a time when the public expects stronger regulation of radiation, the bill would take us backwards. That is why The Greens are moving this amendment. Radiation management licences must remain mandatory for mining and petroleum activities. Anything less compromises the health of workers as well as the environment and the people of New South Wales. The Greens commend the amendment to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:39): I thank the member for the amendment and indicate that the Government does not support it. We believe the amendment is not necessary. The Protection from Harmful Radiation Regulation 2025 provides exemptions for requiring a radiation management licence for radioactive ores on sites regulated under the Mining Act 1992, the Offshore Minerals Act 1999, the Petroleum (Offshore) Act 1982 and the Petroleum (Onshore) Act 1991. That is because the provisions of the Protection from Harmful Radiation Act 1990 provide the power for the Resources Regulator to directly apply the provisions of the Act to activities undertaken under the Mining Act, the Offshore Minerals Act, the Petroleum (Offshore) Act and the Petroleum (Onshore) Act. The Act requires a person responsible for any other radiation equipment on mining sites to have a radiation management licence. Any exemptions from holding radiation management licences or following the radiation framework are for very low risk equipment like luminous dials on watches.

The Hon. NATALIE WARD (17:40): The Opposition is unable to support amendment No. 3 for the reasons outlined by the Government.

The CHAIR (The Hon. Rod Roberts): Ms Cate Faehrmann has moved The Greens amendment No. 3 on sheet c2025-205F. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
 Noes29
 Majority.....24

AYES

Boyd
 Cohn

Faehrmann (teller)
 Higginson (teller)

Hurst

NOES

Barrett
 Buckingham
 Buttigieg

Jackson
 Kaime
 Lawrence

Nanva (teller)
 Overall
 Primrose

NOES

D'Adam	MacDonald	Rath (teller)
Donnelly	Maclaren-Jones	Ruddick
Fang	Martin	Sharpe
Farlow	Merton	Suvaal
Franklin	Mitchell	Tudehope
Graham	Mookhey	Ward
Houssos	Moriarty	

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): It has been foreshadowed that there will be a division on the next amendment. I request that members remain in the Chamber to help facilitate proceedings.

Ms SUE HIGGINSON (17:43): I move The Greens amendment No. 6 sheet c2025-205F:

No. 6 **State of the environment report**

Page 17, Schedule 8. Insert after line 16—

[3A] Section 10(1)

Insert at the end of the subsection—

Note— The first state of the environment report was required to be made not later than 31 October 1993. Subsequent reports were and are required to be made not later than 31 October triennially.

This is an incredibly sensible amendment that simply inserts a note at the end of section 10 (1) of the Protection of the Environment Administration Act to clarify when the State of the Environment report is due. That requirement has been placed on the Environment Protection Authority since 1993. It adds a small but significant insertion at the end of the section. The first State of the Environment report was required to be made not later than 31 October 1993. Subsequent reports were and are required to be made not later than 31 October triennially.

As members have noted, the State of the Environment report is a significant reporting requirement in the public interest for the Environment Protection Authority and for everybody. The report provides us with the latest and most expert, technical and comprehensive information about what is happening in the New South Wales environment, in every sense of the term. It is such an important component of environmental regulation and reporting that the Government sought to make it four yearly, but the Opposition in the lower House chose it in its wisdom to maintain the triennial reporting. That is now maintained in the law.

Since 1993 and the triennial reporting of the State of the Environment there has been slippage, so much so that the reports have sometimes been one year to 18 months late. That is because we lost track of the original intent with the starting date, which was for the first report to be tabled no later than 31 October 1993. I know that, because I remember the legislation being introduced. I was 20 or 21 years old, and I heralded it. I championed it, and I loved the fact that we were going to get State of the Environment reporting on a three-yearly basis and that we could expect the report no later than 31 October 1993. It is important we maintain that. We do not want to lose it. All I am seeking today is just to insert a note in the provision that says "no later than 31 October".

The Hon. Wes Fang: Any time that you say you are "just" doing something, we know that you're not.

Ms SUE HIGGINSON: It's all prejudgement, closed minds and apprehension of bias in this place. On that basis, I commend this incredibly sensible, serious, small but significant amendment to the Committee. I know it is the right thing to do. One day, if the report comes later than 31 October, I will say that it is the fault of members here that the public does not have its report on the day and time that the legislation intended.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:47): I thank the member for her contribution. I know she has raised this issue before. It is one that I grappled with when we were producing the legislation and working out whether it was better to have a key date by which the report needs to be published. We came down on the side of not doing that, and I will explain why. While I have a lot of faith in Annette O'Callaghan, there is a question generally in terms of the drafting of the amendment and whether inserting a note to change the impact of legislative provisions is legally enforceable. But that is not the reason the Government does not support the amendment.

The Government is of the view that there is no need to put additional requirements around tabling dates. The obligations are clear. The report is provided to the Minister by the Environment Protection Authority every three years, and it is then tabled in each House of Parliament. There is no statutory time frame for when the report

must be tabled, only a requirement that it be prepared every three years. When the first report was done in 1993, which is a long time ago, it had to be done by the end of October. Subsequent reports have typically been finalised by the end of the calendar year and tabled in Parliament the following year.

The last report was tabled in February 2023, and the one before that was tabled in May 2019. The latest draft report, covering the years 2022 to 2024, was completed in late 2024 and underwent a final peer review of key chapters. I had not previously appreciated the importance of peer review for the accuracy of such an important report. As we were weighing up whether we needed to force the dates, this is the choice we made. There are no specific dates for tabling reports in other jurisdictions, but we need to receive the report within a relevant period. For those reasons, the Government does not support the amendment. However, I do not think this is a major disagreement. On balance, this is just where we have landed.

The Hon. NATALIE WARD (17:49): I love Ms Sue Higginson's passion. I can picture her running up to get a copy of the report, and I appreciate that she feels strongly about it. I do not think it is terribly difficult, and I understand and appreciate the reasons the member wants the report to be due on a set date. In the other place—or, as Ms Sue Higginson says, the lower place—the shadow environment Minister, James Griffin, was able to reduce the proposed four-year period to a three-year period. I recognise that the Government agreed to that change. I put on record that ensuring that the report is completed every three years is a good thing.

However, the Opposition recognises that the State of the Environment report is a comprehensive body of work. Mandating a specific day or month for it to be tabled in Parliament or released publicly might well be—and the Opposition is persuaded at this time that it is—unfairly burdensome to the Environment Protection Authority and the teams who create the report. We will keep an eye out for the release of the report. I agree with Ms Sue Higginson that the date tends to slip, as is the case with so many of the Government's reports. I include the train review in that list. However, as long as reporting is maintained on the three-year cycle, the Opposition is satisfied. For that reason, we are unable to support The Greens amendment.

Ms SUE HIGGINSON (17:51): I note that the refusal of the Government and the Opposition to support the amendment is basically an admission that we have been in breach of the law since 1993 because of the slippage in reporting. We are now removing a clause because we have been in breach of the law. That is not good practice. The Greens amendment No. 6 seeks to maintain the integrity of the laws of New South Wales. That reporting requirement has been in law since 1993. Just because we allowed ourselves to stop complying with the law, we are negating the law. That is not good practice. We should not be doing that.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 6 on sheet c2025-205F. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave not granted.

The Committee divided.

Ayes5
Noes29
Majority.....24

AYES

Boyd
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst

NOES

Barrett
Buckingham
Buttigieg
D'Adam
Donnelly
Fang
Farlow
Franklin
Graham
Houssos

Jackson
Kaine
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mitchell
Mookhey
Moriarty

Nanva (teller)
Overall
Primrose
Rath (teller)
Ruddick
Sharpe
Suvaal
Tudehope
Ward

Amendment negatived.

Ms CATE FAEHRMANN (17:59): By leave: I move The Greens amendments Nos 7 to 9 on sheet c2025-205F in globo:

No. 7 Functions of Board—Protection of the Environment Administration Act 1991

Page 18, Schedule 8[10], lines 5-7. Omit all words on the lines.

No. 8 Functions of Board—Protection of the Environment Administration Act 1991

Page 18, Schedule 8[11], line 8. Omit "**and (b)**". Insert instead "**-(c1)**".

No. 9 Functions of Board—Protection of the Environment Administration Act 1991

Page 18, Schedule 8[11]. Insert after line 11—

- (c) an assessment of—
 - (i) the performance by industries regulated by the Authority in—
 - (A) reducing risks to human health, and
 - (B) preventing the degradation of the environment, and
 - (ii) the impact the industries have on the environment,
- (c1) recommendations for improving the performance of industries regulated by the Authority in relation to the matters mentioned in paragraph (c),

These amendments also go to the issue of transparency and integrity, but this time the transparency of the industries that the Government regulates. Section 16 of the Protection of the Environment Administration Act specifies particular functions of the board of the Environment Protection Agency [EPA]. This includes providing the Minister with an annual statement that contains or addresses not just an assessment of the success of the authority in reducing risk to human health and preventing degradation of the environment, but also whether the level of environmental protection achieved by the authority is satisfactory in comparison with other Australian jurisdictions. The bill proposes to remove that requirement.

The bill also removes the requirement for the board to report on the performance of industries regulated by the authority in reducing risks to human health and preventing degradation of the environment and the impact that those industries have on the environment. It also removes the requirements for recommendations to improve the authority's performance and the performance of the industries regulated by the authority. These reports are publicly available on the EPA's website, allowing for third-party scrutiny of this important information. I looked at that section of the website when I was looking at the bill in terms of what it potentially meant. The section includes annual statements about industry performance. It details the rates of various industries and the requirements they have been able to meet. For example, it has pollution incident response management plans, the percentage of the industry and companies that have met, for example, forestry environmental liabilities protections and contaminated sites. It also looks at incident reports for water, air, illegal waste dumping, whether the incidents have increased or decreased and the number of cases.

I assume some of this will still be reported because some of it is the EPA's activities. But some of it is also about the industry and how it has performed. It is not clear exactly what will be carried over in terms of the reporting. That is something that we would have approached the Minister about in October to discuss and get clarity on to assure us. The Greens are moving these amendments because assessment of the performance of regulated industries and their environmental impacts is critical to ensure legal compliance, protect ecosystems and hold polluters accountable. It is important for the public to know this, which is why those annual reports were so important. I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:03): The Government does not support the proposed amendments. The Environment Protection Agency [EPA] Board plays an important role in overseeing the effective, efficient and economic management of the authority. It does not fulfil the operational functions of the EPA. That used to be the case under previous arrangements where the CEO and the chair were the same person. The Greens and Labor campaigned quite hard to change that, and it was changed. The existing requirements in environment protection legislation set out highly prescriptive functions of the EPA Board, especially when compared to equivalent boards in other jurisdictions. In other States and Territories, EPA boards are given broader and more flexible functions. No other jurisdictions require their EPAs boards to submit a statement of recommendations for industry or to advise the Minister on operational matters.

The bill put forward by the Government aligns the EPA Board's reporting requirements with changes made to separate the role of the chair and the CEO of the EPA, with the chair's role shifting from an operational role to a governance and oversight role. The operational functions of the EPA are already managed through regular licence reviews in the existing provisions within the Protection of the Environment Operations Act. Requiring the

board to do a regulatory assurance statement every year is not needed. It is overly prescriptive and burdensome. Moving this to a biennial basis will not detract from the EPA's governance role. Fundamentally this is about the changing nature of the EPA and the way in which it operates. We have looked at other jurisdictions. This is something that we have given thought to. It is a deliberate choice to make sure we get the most out of the board so that it can do the job it needs to do and the EPA can get on with its work.

The Hon. NATALIE WARD (18:04): I understand the intent of the amendments but, noting that the Government has looked at other jurisdictions, the Opposition does not support the amendments. That said, we will keep a close eye on the Environment Protection Agency Board. For these reasons, we join with the Government in not supporting the amendments.

The CHAIR (The Hon. Rod Roberts): Ms Cate Faehrmann has moved The Greens amendments Nos 7 to 9 on sheet c2025-205F. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
Noes27
Majority.....22

AYES		
Boyd	Faehrmann (teller)	Hurst
Cohn	Higginson (teller)	
NOES		
Barrett	Jackson	Moriarty
Buckingham	Kaine	Nanva (teller)
Buttigieg	Lawrence	Overall
D'Adam	MacDonald	Primrose
Donnelly	Maclaren-Jones	Rath (teller)
Fang	Martin	Ruddick
Farlow	Merton	Sharpe
Franklin	Mitchell	Tudehope
Houssos	Mookhey	Ward

Amendments negatived.

Ms SUE HIGGINSON (18:08): By leave: I move The Greens amendments Nos 10 to 12 on sheet c2025-205F in globo:

No. 10 **Meaning of material harm to the environment**

Page 24, Schedule 9 [45], lines 5 and 6. Omit all words on the lines.

No. 11 **Pollution incidents causing or threatening material harm to be notified**

Page 24, Schedule 9 [46], lines 7–10. Omit all words on the lines.

No. 12 **Pollution incidents causing or threatening material harm to be notified**

Page 24, Schedule 9 [47], lines 11 and 12. Omit all words on the lines.

The amendments simply maintain the trigger in the definition of "material harm" at \$10,000, rather than increasing it to \$50,000 as the Government has proposed. The amendments also seek to retain the mandatory notification to health authorities about material harm to the environment and explicitly include NSW Health as a relevant authority. These incredibly sensible, helpful amendments would improve the integrity of the legislation and make it much more effective and in tune with reality and real environmental regulation. I am sure that if the Government had had more time to consider the amendments, it may have supported them. I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:10): The Government does not support the amendments. The definition of "material harm" to the environment currently includes a threshold of \$10,000 or more to trigger notification requirements for pollution incidents. The threshold was set almost 30 years ago, in 1997. The amount

is a low threshold that has not been updated since then. It is triggering the notification of very minor incidents. The change reduces the regulatory burden for minor incidents, allowing the NSW Environment Protection Authority [EPA] to focus on serious harm. A higher threshold allows for more certainty about when reporting is required. The Government does not believe that this threshold weakens protection; it makes it more targeted and practical. The current threshold triggers a range of actions for very minor events. That is not the best use of the EPA's time. The EPA has had to deal with some very serious matters, including asbestos in mulch, PFAS and a range of other issues. The Government understands why The Greens are moving the amendments, but it does not support them.

The Hon. NATALIE WARD (18:11): I had my own detailed reasons but, for the persuasive reasons outlined by the Government, the Opposition is unable to support the amendments.

Ms SUE HIGGINSON (18:11): It is sad and shameful that just because a monetary value was set some years ago, it should be increased. It is a trigger for what constitutes "material harm". To suggest that now the State will only focus on higher, more significant environmental harm is frightening. If we recognise that we only have the capacity to deal with the more significantly harmful environmental events, then that is not a good line that we are drawing today in environmental regulation. We should be setting thresholds; significant harm is harm. This is an arbitrary trigger for material harm—material harm is harm. The current threshold of \$10,000 should be maintained, and it is not good that we are lifting it. It would be good if the Government would support the amendments.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:12): I have to respond. This is about the trigger for "material harm". Any reporting of pollution incidents can and should go through the Environment Line. We are not creating some sort of cut-off where things will not be dealt with. Those matters are assessed by people within the NSW Environment Protection Authority. We are changing the level at which particular responses are triggered. It does not mean, as suggested by the member, that this is a no-response bar. That is not what this is about.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendments Nos 10 to 12 on sheet c2025-205F. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
Noes27
Majority.....22

AYES

Boyd
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst

NOES

Barrett
Buckingham
Buttigieg
D'Adam
Donnelly
Fang
Farlow
Franklin
Houssos

Jackson
Kaine
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mitchell
Mookhey

Moriarty
Nanva (teller)
Overall
Primrose
Rath (teller)
Ruddick
Sharpe
Tudehope
Ward

Amendments negatived.

Ms SUE HIGGINSON (18:16): By leave: I move The Greens amendments Nos 15 to 19 on sheet c2025-205F in globo:

No. 15 **Offence to harass EPA officers by intimidation or stalking**

Page 27, Schedule 9 [75], proposed section 320B, line 33. Insert "**by intimidation or stalking**" after "**officers**".

No. 16 **Offence to harass EPA officers by intimidation or stalking**

Page 27, Schedule 9 [75], proposed section 320B (1), line 34. Insert "by intimidation or stalking" after "harass".

No. 17 Offence to harass EPA officers by intimidation or stalking

Page 27, Schedule 9 [75], proposed section 320B (1), example, line 36. Insert "by intimidation or stalking" after "harassment".

No. 18 Offence to harass EPA officers by intimidation or stalking

Page 27, Schedule 9 [75], proposed section 320B (1), example, line 37. Insert "by intimidation or stalking" after "harassment".

No. 19 Offence to harass EPA officers by intimidation or stalking

Page 28, Schedule 9 [75], proposed section 320B (2). Insert after line 10—

intimidation, of a person, includes—

- (a) an approach made to the person by any means, including by means of telecommunication, that causes the person to fear for the person's safety, and
- (b) conduct that causes a reasonable apprehension of—
 - (i) injury to the person or to another person with whom the person has a relationship, or
 - (ii) violence to any person, or
 - (iii) damage to property, or
 - (iv) harm to an animal that belongs to, or is in the possession of, the person, or
 - (v) bullying, including cyberbullying, of the person.

stalking, a person, includes—

- (a) following the person about, and
- (b) the watching or frequenting the vicinity of, or an approach to, the person's place of residence, business or work or a place the person frequents for social or leisure activities, and
- (c) the monitoring or tracking of the person's activities, communications or movements—
 - (i) whether by using technology or in another way, and
 - (ii) whether or not the monitoring or tracking involves contacting or otherwise approaching the person, and
- (d) contacting or otherwise approaching the person using the internet or another technologically assisted means.

These amendments help to clarify the new offence of harassment of a NSW Environment Protection Authority [EPA] officer. As I said in my contribution to the second reading debate, it is so important that EPA officers are able to go about their work free of harassment and in a safe workplace. In New South Wales, more than in any other State in this country, we know how important it is for EPA officers and environmental regulators to be able to do their jobs safely, free of harm, and with pride and dignity. The bill seeks to introduce an offence of harassment without providing any assistance about what that means.

It is important to recognise that the public plays a role in scrutinising the work of EPA officers, particularly because more often than not it is the community that reports environmental offences. The community is not only part of the environmental regulatory system; it often also plays a role in holding the EPA to account. The amendments simply seek to help qualify what "harass" means. We believe that including "intimidation or stalking", aspects of behaviour that are more readily defined in our laws already, will provide more certainty and assistance in understanding what behaviour is acceptable and what is not. We have relied on the definition of "intimidation", which is a known definition and appears in other New South Wales laws. It is an inclusive definition, encompassing an approach made to a person by any means, including by means of telecommunication, that causes the person to fear for their safety. It also includes conduct that causes a reasonable apprehension of injury, violence, damage to property, harm to an animal or bullying, including cyberbullying.

The amendment also defines "stalking", again using the definition that is common in the law. That includes following the person, watching them or frequenting their vicinity. We are concerned that if we leave the word "harassment" then the wrong behaviour may be caught. Is it harassment if a member of the public is simply filming an interaction of an EPA officer in a regulatory inspection or a meeting in public, in the community or on land where a pollution event or other environmental offence is taking place? It is important that we maintain the rights of people in the community to do their jobs, and it is very important that we clearly define what is absolutely unacceptable. Of course harassment, stalking and intimidation are completely unacceptable. The amendments are

a genuine attempt to make the law much better, clearer and more helpful, and to get rid of any forms of behaviour that amount to intimidation or stalking. I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:21): The Government absolutely opposes the amendments. Environment Protection Authority [EPA] and council officers must be able to carry out their important work of protecting the environment and administering our protection laws without being subject to harassment. Limiting the offence to only intimidation and stalking significantly weakens the protections for those officers and fails to cover other forms of unacceptable conduct. "Harassment" is a well-understood term and can apply to a pattern of behaviour or course of conduct with the intention of bullying, intimidating or distressing a person. It will provide broader coverage than an offence limited to instances of intimidation or stalking.

The current offence of obstructing officers is too narrow. It does not include broader concepts such as harassment, and applies only in situations where an authorised officer is exercising their powers. The new offence will better protect EPA officers as it will apply to the harassment of an EPA officer who is exercising, or has previously exercised, functions under environment protection legislation or other relevant legislation, or when an officer is generally administering their legislation. I wish we did not need that change to the law. I wish that EPA staff could go about their business and do their jobs free of harassment. Unfortunately, I am aware of too many instances where that has become a real issue. We are now seeing more behaviour across the community that people previously considered unthinkable—something they would not do.

Stalking and intimidating represent a much higher bar than harassment. This is broader than EPA staff; it is also about council staff. I know of council staff who have been harassed in their duties when telling people to clean up their sites and doing all of that enforcement work. They are not stalked; they are not necessarily even intimidated. But they are harassed, on the street or in their homes. There is a range of different ways in which it occurs. I strongly disagree with the amendments. We need to protect the people who are protecting the environment, and that is what the Government will do.

The Hon. NATALIE WARD (18:23): On this occasion the Opposition agrees with the Government that the important work of the officers should be protected, including the council staff that the Hon. Penny Sharpe mentioned. They do a difficult and important job, and we all support them in that and want them to know that. For those reasons, we do not support The Greens amendments.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendments Nos 15 to 19 on sheet c2025-205F. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
Noes27
Majority.....22

AYES

Boyd
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst

NOES

Barrett
Buckingham
Buttigieg
D'Adam
Donnelly
Fang
Farlow
Franklin
Graham

Houssos
Jackson
Kaine
Lawrence
MacDonald
Martin
Merton
Mitchell
Mookhey

Moriarty
Nanva (teller)
Overall
Primrose
Rath (teller)
Ruddick
Sharpe
Tudehope
Ward

Amendments negatived.

Ms SUE HIGGINSON (18:27): By leave: I move The Greens amendments Nos 20 and 21 on sheet c2025-205F in globo:

No. 20 Incorporation of documents

Page 29, Schedule 9[82], proposed Schedule 2, clause 5(8), line 3. Omit "refer to or".

No. 21 Incorporation of documents

Page 29, Schedule 9[82]. Insert after line 9—

- (9) A document incorporated by a regulation under subsection (8) must be published on the EPA's website.

The amendments are very simple, requiring the publication of documents related to waste and the exemptions from the definition of "waste". The amendments require that such documents are incorporated by regulation and placed on the EPA website. There is nothing more to it. It is another transparency measure, and I am not sure why it was not in the legislation. With no further to-do, I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:29): The Government does not support the amendments because we believe they are overly prescriptive. It is already current EPA standard practice that relevant documents with which people should comply are made publicly available. The Government just does not believe that we need to make public every single document that is created.

The Hon. NATALIE WARD (18:29): The Opposition agrees that the availability of documents according to EPA standard practice is sensible. There is always the great Matt Cross Government Information (Public Access) Act option available and Standing Order 52 in this Chamber, but the Opposition does not feel we can support the amendment at this time.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendments Nos 20 and 21 on sheet c2025-205F. The question is that the amendments be agreed to.

Amendments negatived.

Ms SUE HIGGINSON (18:30): I move The Greens amendment No. 22 on sheet c2025-205F:

No. 22 Prohibition on burning of native vegetation in electricity generating works

Page 32, Schedule 10. Insert after line 28—

[4] Chapter 9, Part 3

Omit the part. Insert instead—

Part 3 Burning of native vegetation in electricity generating works—the Act, Sch 2, cl 5, 6 and 6A

138 Prohibition on using native vegetation to generate electricity

- (1) The occupier of premises must not cause or allow native vegetation to be burned in electricity generating work in or on the premises.

Maximum penalty—

- (a) for a corporation—400 penalty units, or
(b) for an individual—200 penalty units.

- (2) In this section—

electricity generating work means a work, including associated facilities, that supplies, or is capable of supplying, more than 200 kilowatts of electricity.

native vegetation has the same meaning as in the *Local Land Services Act 2013*, Part 5A.

The amendment seeks to amend the Protection of the Environment Operations (General) Regulation by prohibiting the burning of native vegetation in electricity generation works. The amendment creates an offence if the occupier of a premises causes or allows native vegetation to be burned in electricity generating works or in premises. The amendment represents something this State needs to do and grapple with. Recently an application was made in New South Wales for restarting the Redbank Power Station, which is an old existing power station located in the Hunter Valley near Singleton. The proponent of a recent development application sought to restart the Redbank Power Station by using as a fuel source invasive native species cleared under codes that currently are being reviewed. They sought to burn up to 700,000 tonnes per annum of dried invasive native species or native vegetation as fuel for the power station.

The proposed project was terrible. It was first proposed many years ago but was refused by the Singleton Council on environmental and public health grounds. The proponent challenged the decision in the Land and Environment Court and lost. Recently, the proposal resurfaced so the community and the State had to go through the whole process again. The Independent Planning Commission [IPC] once again refused the application. The only reason the application could be made was because of a loophole in the law. It is not intended that the State will allow any more power plants to be fuelled to generate electricity by using native vegetation as a fuel source. It is a preposterous notion and an absurd idea when the likely greenhouse gas emissions of such projects are considered. That is especially the case since the National Climate Risk Assessment report, which was released this week, states how catastrophic the impacts of climate change will be in the foreseeable future, even for Sydney.

The Commonwealth Government has announced its emissions reduction targets that some say will lock in problems and are described as ambitious, although many would say they are not. No matter what our views are, the fact remains that we will have to reduce emissions. Burning native vegetation as an electricity source is not renewable energy, so it seems absurd to allow it when we know we are making that transition. I remind members opposite that the Labor Party has a policy platform that will not allow the burning of timber and clearing of vegetation for electricity generation. It is not carbon neutral; nor is it clean or renewable energy. We know it is a policy of Labor and The Greens, and we now know that the Independent Planning Commission has refused the project. We also know that Singleton Council and the Land and Environment Court refused the project. It seems absurd that since it is on the New South Wales law books a proponent could keep coming back to do something so harmful, rejectable and abhorrent when our ambition is to reduce greenhouse gas emissions.

The burning of biomass, which is marketed as carbon neutral, is in fact a massive carbon-emitting procedure. We should not do it. Importantly, when the IPC refused to allow the project just last week it said that these types of projects would create a dreadful incentive for land clearing. Over the past couple of years land has been cleared at an unprecedentedly high level that nobody in New South Wales can accept. The Government is currently reviewing codes to close loopholes that exist under the Barilaro codes. Now is the Government's opportunity to close the loophole on absurd proposals that allow the burning of native vegetation in New South Wales in 2025 to prevent it from occurring.

The amendment is the way to do that. The Government intends to modernise environment legislation in New South Wales, but this amendment is the one little bit the Government forgot to put in the bill. That is why I have moved the amendment. Prevention, through the amendment, can be included right now. We can get on with the job, close the absurd loophole and not be laggards. We cannot entertain the idea of burning native vegetation for generating electricity because we do not need it, we should not allow it, and it is incredibly dangerous for carbon emissions and the climate. I commend the amendment to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:36): I thank Ms Sue Higginson for moving the amendment, but the Government does not support it. I would probably say that consideration by the IPC of a project that has been around for quite a long time means that the planning system has worked. When people like an outcome, then it works; when they do not like the outcome, people criticise it. This decision is important. This issue has a long history. It is very clear that, as a result of the IPC's decision, there needs to be an examination of the issues; but doing that through this bill at this time is not right. There is a ban on burning native vegetation for electricity generation. However, exemptions allow for the burning of some native vegetation for electricity. That needs to be examined.

There is also a genuine concern about the banning of all biomass—and The Greens position was unclear in the member's contribution. Several facilities across the State deal with corn and sugarcane crops. They are important, licensed facilities. We should remember that the alternative is to burn the crops in the field. It is not as though they are not being burnt; they are being burnt for a purpose. The Government's view on this is very clear. The Government does not support excess land clearing and does not want to incentivise that in any way. In fact, the Government is trying to turn that around. For those reasons, the Government does not support the amendment.

The Hon. NATALIE WARD (18:38): In relation to burning biomass, there is good reason to be concerned about the slowness of the Government when it comes to alternative fuels, energy from waste and, generally speaking, waste infrastructure. Until an updated strategy is finalised, the Opposition thinks the amendment is premature and does not support it. However, we call on the Government to expedite the work on a long-term waste strategy and deal with the issues of biomass and energy from waste. We understand the reason for bringing the amendment and we are aware of the necessity to look at that. But at this time, perhaps the Government might look at doing it more quickly than it is in its longer strategy. We do not support the amendment.

Ms SUE HIGGINSON (18:39): It is important to put on record that the three cogeneration plants that exist in New South Wales were conceptualised and designed to burn sugar cane and other crops because it was being burnt in the paddocks and it was too expensive to harvest in other ways. But that is not happening—it is

still being burnt in the paddocks. I live there. In Condong, Broadwater and Harwood, those plants are not operating as originally intended. They are burning native vegetation. We need to look at phasing that out; it is an absurd proposal. Those plants are not operating as originally intended. I agree with the Deputy Leader of the Opposition that we need to get on with it and we need a proper strategy. However, we must outlaw the burning of all native vegetation for electricity in New South Wales. We must commit to that. The three plants that are burning it right now need a plan to phase it out. It is not renewable energy. It is killing our future; it is killing our grandchildren's future. It is carbon intensive. We need to take responsibility. I commend the amendment to the Committee.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 22 on sheet c2025-205F. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
Noes26
Majority.....21

AYES

Boyd	Faehrmann (teller)	Hurst
Cohn	Higginson (teller)	

NOES

Barrett	Jackson	Moriarty
Buckingham	Kaine	Nanva (teller)
Buttigieg	Lawrence	Overall
D'Adam	MacDonald	Primrose
Donnelly	Maclaren-Jones	Rath (teller)
Fang	Martin	Sharpe
Farlow	Merton	Tudehope
Graham	Mitchell	Ward
Houssos	Mookhey	

The CHAIR (The Hon. Rod Roberts): The question now is that the bill as read be agreed to.

Motion agreed to.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

Adoption of Report

The Hon. PENNY SHARPE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PENNY SHARPE: I move:

That this bill be now read a third time.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. PENNY SHARPE: According to the Electricity Supply Act 1995, I table the report of the Independent Pricing and Regulatory Tribunal entitled *2023-24 Energy Security Safeguard*, dated July 2025.

*Senate***ELECTION OF A SENATOR**

The DEPUTY PRESIDENT (Ms Abigail Boyd): I table the minutes of proceedings of the joint sitting.

*Documents***EARLY CHILDHOOD EDUCATION AND CARE SECTOR****Further Return to Order**

The CLERK: According to resolutions of the House of Tuesday 18 March 2025, as varied on Tuesday 6 May 2025 and amended on Thursday 5 June 2025, and Thursday 27 March 2025, I table:

- (a) A return received on Thursday 18 September 2025 from The Cabinet Office, together with an indexed list of documents with certain privileged and personal information redacted as ordered; and
- (b) A return received on Thursday 18 September 2025 from The Cabinet Office of documents subject to a claim of personal information.

UNIVERSITY OF SYDNEY**Return to Order**

The CLERK: According to the resolution of the House of Thursday 11 September 2025, I table:

- (a) A return received on Thursday 18 September 2025, from The Cabinet Office of documents considered not to be privileged in the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—SafeWork NSW investigation of the University of Sydney*, dated Tuesday 2 September 2025, but with certain personal information redacted as ordered; and
- (b) A return received on Thursday 18 September 2025 from The Cabinet Office providing a revised indexed list of documents and documents subject to a claim of personal information previously returned.

*Bills***CHILD PROTECTION (WORKING WITH CHILDREN) AND OTHER LEGISLATION
AMENDMENT BILL 2025****Messages**

The DEPUTY PRESIDENT (Ms Abigail Boyd): I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the Child Protection (Working with Children) and Other Legislation Amendment Bill 2025.

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

POLICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2025**Second Reading Speech**

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:00): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Police Legislation Amendment (Miscellaneous) Bill 2025. The bill makes several miscellaneous amendments to update and improve legislation relating to witness protection and to the regulation of the scrap metal, security and tattoo industries. Those amendments include clarifying provisions to remove ambiguity, repealing redundant provisions, and minor changes to address practical issues encountered in applying the legislation. The measures included in the bill reflect the Government's commitment to ensuring that laws concerning these matters are clear, accurate and fit for purpose.

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

Leave granted.

The bill has been developed to ensure that the legislation is appropriate, contemporaneous and tailored to evolving practices and demands.

I now turn to the specific amendments in the bill.

Schedule 1 to the bill amends the Scrap Metal Industry Act 2016 to clarify provisions following the commencement of the Scrap Metal Industry Amendment (Review) Act 2022 and Scrap Metal Industry Regulation 2024.

The Scrap Metal Industry Act 2016 provides for regulation of the scrap metal trade in New South Wales. Prior to the introduction of the Act, the trade of scrap metal was largely undocumented and afforded an attractive opportunity for criminals to make quick cash. This legislative regime has been an important step in disrupting property crime and supporting legitimate scrap metal dealers.

Section 7 of the Scrap Metal Industry Act outlines the registration fees payable for a scrap metal business. The current provision sets out that a person carrying on the business of a scrap metal dealer is required to pay the prescribed fee before the end of each period of years following the date on which the fee was first paid.

This bill changes that to specify the fee is payable three years from when the certificate of registration was first issued. This improves fairness and reflects there may be a processing time delay that would reduce the timeframe before the subsequent fee payment was due.

The bill also clarifies that registration for a scrap metal business cannot be transferred to another dealer. While there are no specific provisions currently in the Scrap Metal Industry Act that expressly prohibit doing so, the NSW Police Force considers such a transfer is prohibited and does not align with the other probity mechanisms within the legislation. Proposed section 8 subsections 2 and 3 will improve clarity by providing that registered businesses cannot be transferred to another dealer by changing the registration information for the business, or by another means. This reflects the intent that, if a registered scrap metal business is sold to an individual, partnership or corporation that holds a different ABN, the scrap metal dealer carrying on the new business must apply for registration of that business.

Under section 11A of the Act, the Commissioner of Police may, in circumstances prescribed by the regulations, refuse, suspend or revoke a registration. The regulations provide that prescribed circumstances include if the Commissioner believes on reasonable grounds that the scrap metal dealer is likely to commit an offence against the Act or regulation. The bill makes an amendment that prevents the disclosure of reasons relating to a scrap metal business registration determination, where doing so would disclose the existence or content of any criminal information to resolve this issue. This is important in ensuring that any criminal intelligence relied on in making these determinations are not inappropriately released.

Schedule 2 to the bill amends the Security Industry Act 1997 and builds on recent amendments introduced by the Security Industry Amendment Act 2022. These amendments strengthened the licensing regime for the security industry and ensured that regulation of the security industry is fit for purpose and tailored to the evolving practices and demands on the industry.

The bill incorporates amendments to fix practical issues with applying the legislation, including with regard to exempting persons from the operation of the Act. Proposed section 6 (2A) (3) and (4) sets out that the regulations may exempt a person or class of persons from the operation of the Act in the circumstances prescribed by the regulation and subject to the conditions, if any, prescribed by the regulations. Schedule 2.2 to the bill amends the regulations to clarify that the persons or class of persons listed in the existing Schedule 1 of the regulations are exempt from the operation of the Act to the extent specified in schedule 1. These amendments reflect the current practice where persons or classes of persons listed on schedule 1 to the regulations are exempt from the operation of the Act to the extent specified in the schedule, and returns to the approach in place prior to the 2022 reforms.

The bill also amends section 6AA to clarify that the Commissioner's power under section 6AA to exempt a person or class of persons from the requirement to hold a licence under section 7(1) or (2) of the Act is limited to situations where the Commissioner believes it urgent or necessary to do so.

The bill amends section 10 of the Security Industry Act 1997, which currently provides that a Master licence class ME authorises the holder to provide 50 or more persons on any one day to carry on security activities. The bill sensibly amends this provision to reflect that a licence class ME authorises the holder to provide any number of persons to carry on security activities and is not restricted to providing more than 49 persons.

The bill amends the general suitability criteria under section 15 to require that a licence applicant's character, honesty and integrity is considered as part of the "fit and proper person" assessment for competency to hold a security licence. Currently, the Commissioner of Police must refuse to grant a security licence application if the Commissioner is not satisfied that the applicant is a fit and proper person to hold the class of licence being sought. However, the elements that constitute "fit and proper" are not defined under the Act. Requiring the Commissioner to have regard to the applicant's character, honesty and integrity enhances the fit and proper person test to better inform the assessment process.

The bill amends section 24 and section 27 of the Act to set out that a variation of a security licence comes into force when the application for the variation is granted, rather than when the applicant's licence photo is taken. This is a sensible adjustment to reflect that a new licence photo may not be required.

The bill also amends sections 35 and 36 of the Act to exempt new licence holders from wearing and producing their licence on demand, while their physical photographic licence card is being printed, for two weeks from the time their licence comes into force or until they receive their card - whichever is sooner. This will allow new licensees to commence work within that time, and not have their employment hampered by licence processing constraints.

The final amendment to the Security Industry Act corrects legislative cross references within section 39R, relating to the requirements to furnish records of information.

I now move to schedule 3 to the bill, which makes amendments to the Tattoo Industry Act 2012. This Act provides a legislative framework for the probity assessment and licensing of body art tattooists and operators of tattoo businesses. This aligns with the Act's key aims of curbing infiltration of the industry by organised criminal groups. Since the Act commenced in 2012, organised criminal activity in the tattoo industry has reduced, thereby demonstrating the success of the regime. More recent amendments have concentrated on enhancing opportunities for body art tattooing businesses to flourish.

When first enacted in 2012, section 11 of the Act provided that an application for a licence could not be made by an individual who is not an Australian citizen or Australian resident. The 2022 amendments to the Act clarified that this provision referred to permanent Australian residents.

This bill further amends the Tattoo Industry Act 2012 to exempt temporary Australian residents who held a licence under the Act immediately before 1 September 2023 from the permanent residency requirement.

This reform addresses feedback from industry on the impact of the new eligibility requirements on temporary residents who were previously licensed under the Act.

Schedule 4 to the bill amends the Witness Protection Amendment Act 2024. Most provisions in that Amendment Act commenced upon assent on 2 December 2024, and the remaining provisions will commence on 2 December 2025.

The Witness Protection Act 1995 forms the legislative basis for operating the NSW Witness Protection Program and makes provisions to protect the safety and welfare of witnesses in the Program.

The Witness Protection Amendment Act 2024 makes important amendments to modernise the Witness Protection Act 1995 which will strengthen the integrity of the NSW Witness Protection Program and the NSW Police Force's ability to protect the safety and welfare of witnesses who agree to give evidence on behalf of the Crown.

The Amendment Act enables the regulations to prescribe a person or body as an "agency" that can be subject to certain requirements under the Act. In particular, the Amendment Act inserts new section 15 (1) into the Witness Protection Act 1995 to enable the Commissioner of Police to apply to the Supreme Court for an order authorising a specified person or class of persons to remove an identity record held by an agency, or to create a new identity record in the participant's new identity.

This is important because both government and private agencies are increasingly collecting and using biometric information that could link a person's previous and new identities.

This bill amends the Witness Protection Amendment Act 2024 to clarify that the regulations can prescribe a person or body or class of person or body, whether public or private, to be an "agency" for the Witness Protection Act.

These amendments will ensure the legislation reflects the original policy intent which was consulted on throughout the development of the Amendment Act.

Appropriate consultation will be conducted before any agencies are prescribed in the regulations.

Finally, schedule 5 repeals provisions from Acts that have not yet commenced over 90 days from assent of the Act to which they relate. These are schedule 2.7 of the Tattoo Parlours Amendment (Statutory Review) Act 2022 and schedule 5 of the Security Industry Amendment (Private Investigators) Act 2016.

In both instances, the schedule is the only remaining provision not commenced for the respective Acts, and are unable to commence due to superseded legislation or instruments. Furthermore, the amendments contained in the schedules have now been given effect under the regulations. These amendment acts can therefore be repealed in their entirety.

I commend the bill to the House.

Second Reading Debate

The Hon. AILEEN MacDONALD (20:01): I speak on behalf of the Opposition on the Police Legislation Amendment (Miscellaneous) Bill 2025. I indicate at the outset that the Opposition supports the bill.

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

Leave granted.

This bill responds to issues which have emerged in the application of existing laws, and represents a sensible and proportionate approach to improving regulatory clarity and consistency.

Schedule 1 to the bill amends the Scrap Metal Industry Act 2016. Effective regulation remains important in the industry to deter unwanted criminal activity. I note three main amendments to that Act contained in the bill. The first amendment adjusts the timing of business registration fees payable to align with the issuance of registration. This is a practical change and would ensure businesses are not disadvantaged by administrative delays and that the fee period reflects actual registration time. The second amendment clarifies that a scrap metal business registration is not transferable, bringing the Act into line with existing police practice, removing any uncertainty. The third amendment prevents the disclosure of any criminal information relating to a business registration determination. It allows the Commissioner to withhold reasons for a registration decision where those reasons would disclose criminal intelligence. That is a necessary safeguard, ensuring that the identity of informants and other sources of intelligence information are protected against disclosure.

Schedule 2 amends the Security Industry Act 1997 to improve regulatory accuracy and refine its processes and help ensure the integrity of the security workforce. The "fit and proper person" test for a security licence will be strengthened. This bill will require consideration of an applicant's character as part of the licence determination process. The bill also aims to cut down processing delays. It would allow new licence holders to begin work while waiting for their new physical licence card and remove the need for a new photo for licence variations. These hold ups can sometimes cause delays of several weeks.

Schedule 3 amends the Tattoo Industry Act 2012. The bill addresses an issue arising from recent changes to the eligibility for tattoo licences. It provides an exemption for temporary residents who held a licence before 1 September 2023 from the permanent residency requirement. Those individuals were already operating legally at that time and should not be penalised by a retrospective application of new criteria.

Schedule 4 amends the Witness Protection Amendment Act 2024. This amendment will ensure key reforms for the better protection of identity records for participants in the witness protection program. It will require secure storage of confidential information by all relevant agencies.

The changes introduced by this bill are practical and necessary. By improving consistency, legal clarity and aligning legislation with practical realities, it will make it easier for our hardworking police officers to carry out their duties effectively and efficiently.

I commend the bill to the House.

Ms SUE HIGGINSON (20:02): On behalf of The Greens, I indicate that we do not oppose the Police Legislation Amendment (Miscellaneous) Bill 2025. The bill makes miscellaneous amendments to several Acts to clarify provisions and remove ambiguity in the law. The bill directly relates to scrap metal, security and tattoo industries and witness protection operations. The amendments to the Scrap Metal Industry Act 2016 will make clarifications with regard to registration fee timing for scrap metal businesses and the non-transferability of

registered scrap metal businesses. It will prevent the disclosure of reasons relating to scrap metal businesses' registration determination to protect sensitive criminal intelligence.

Amendments to the Security Industry Act 1987 and 2016 regulation will strengthen the security industry licensing regime by providing exemptions from the Act for certain persons and classes, including updating class ME master licences to provide that licences may provide an unlimited number of persons on any day; clarifying the fit and proper test for security licence applicants to consider character, honesty and integrity; clarifying license variation commencement; providing a 14-day grace period for newly licensed security to begin employment as they await a physical card to be issued; and correcting legislative cross-references relating to the requirements to furnish records or information. Regulations will be amended accordingly to reflect those clarifications.

Amendments to the Tattoo Industry Act 2012 and 2023 regulation will provide that temporary Australian residents may apply if they held a licence immediately before 1 September 2023, acknowledging feedback from the industry on the most recently updated eligibility requirements. The Witness Protection Amendment Act 2024 will be amended to enable both public and private bodies to be prescribed by regulations as an agency for the Witness Protection Act 1995. That ultimately reflects the original intent of the amendment Act, and I note that the Government's indication that further consultation will be undertaken prior to any agencies being prescribed by the regulations. As part of legislating these miscellaneous amendments, the bill will repeal the Security Industry Amendment (Private Investigators) Act 2016 and the Tattoo Parlours Amendment (Statutory Review) Act 2022.

I note that the Legislation Review Committee raised a few concerns. Specifically, section 11A (1) and (2) of the Scrap Metal Industry Act allow the commissioner to refuse, suspend or revoke the registration of a scrap metal business. The bill opens the possibility that the right to procedural fairness could be infringed due to there being no obligation to provide reasons for actions taken against dealers without their knowledge. However, in that case the committee has not provided a clear appeal or review pathway. This is—largely—a non-contentious bill to improve administrative clarity and compliance. It seeks to achieve policy intentions by removing ambiguities in the law among the scrap metal, tattoo and security industries, and witness protection operations. On that basis, The Greens do not really oppose this bill.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:05): In reply: I thank all members who contributed to the debate.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. TARA MORIARTY: I move:

That this bill be now read a third time.

Motion agreed to.

LAND TAX (BUILD-TO-RENT CONCESSIONS) AMENDMENT BILL 2025

Second Reading Speech

The Hon. DANIEL MOOKHEY (Treasurer) (20:07): On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

The bill is designed to incentivise the construction of more rental housing for the people of New South Wales and to facilitate greater housing choice for people at different life stages. As part of the COVID-19 response, the previous Government provided a temporary land tax concession of a 50 per cent reduction in the assessable value of land for eligible build-to-rent developments constructed after 1 July 2020. Temporary build-to-rent tax exemptions for surcharge land tax and surcharge purchaser duty for foreign persons were also provided.

The existing temporary land tax concession and surcharge exemptions will expire in 2040. That means any new build-to-rent developments that become operational would only be able to access this tax concession for a maximum of 15 years. As each year passes, the tax concession becomes a smaller incentive to encourage more rental housing supply. We are making this concession permanent for eligible new build-to-rent developments from the 2026 land tax year should we enact the bill.

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

Leave granted.

Policy Rationale

There is an urgent need to increase all types of housing in New South Wales. In our 2025-26 budget, we announced several initiatives to incentivise the private sector to build more homes. These include:

- The Pre-Sale Finance Guarantee to accelerate the delivery of up to \$1 billion of approved housing projects on a rolling basis;
- \$83.4 million to accelerate planning approvals; and
- A permanent land tax concession for new build-to-rent developments.

The measures in the 2025-26 budget build on the Government's implementation of the Transport Oriented Development Program and Low and Mid-Rise Housing Policy, among other measures, announced in the 2024-25 budget.

Build-to-rent housing are high-density developments built with the intention of creating high-quality rental housing that are professionally owned and managed. Build-to-rent housing is focused on providing a good experience for tenants through the provision of onsite services and facilities, professional management and long-term leases.

This form of housing is common overseas, particularly in the United Kingdom and the United States of America. But the build-to-rent sector is still in its early stages in New South Wales.

To incentivise increased institutional investment in housing and construction in the build-to-rent sector, the new ongoing build-to-rent concession scheme provides more favourable tax treatment for build-to-rent developments, compared to build-to-sell developments.

Increased institutional investment in housing and the construction of more build-to-rent developments:

- will increase rental housing supply and offer more housing choice for people at different stages of life;
- may provide tenants with greater rental security and greater quality rental services than that typically offered by small investor landlords; and
- may improve building quality and promote faster resolution of coordination issues associated with both new and old buildings.

Legislative Amendments

I now turn to the detail of the bill.

First, the existing time limited build-to-rent concession scheme will continue to operate until its scheduled 2040 land tax year end date. Build-to-rent developments that have received the existing concession will be grandfathered in the existing scheme and will continue to receive the concessions if they remain eligible until the 2040 land tax year.

Second, the bill provides a new section under the Land Tax Management Act 1956 for the new ongoing build-to-rent concession scheme. The new scheme provides owners of eligible new build-to-rent developments an ongoing 50 per cent reduction in land value for land tax purposes, with no cap on the number of years owners of eligible build-to-rent developments can apply for the concession.

This will be the only permanent land tax concession among all Australian jurisdictions, making it one of the most generous.

I note here that the existing time limited build-to-rent concession scheme includes an eligibility requirement for build-to-rent construction to have at least 10 per cent of the labour force hours over the life of the construction to be from certain classes of workers. These classes of workers include apprentices, long-term unemployed workers, workers requiring upskilling, workers with barriers to employment, Aboriginal workers and graduates.

For the avoidance of doubt, let me say now that the Government intends to maintain this requirement for the new ongoing build-to-rent concession scheme.

To this end, the bill, as amended, includes an eligibility requirement that construction must include a proportion of labour force hours from certain classes of workers, consistent with the existing scheme.

Next, the bill extends the existing refunds, or exemptions, of surcharge land tax and surcharge purchaser duty for foreign persons that construct build-to-rent properties. This is consistent with the Government's position that while the surcharges should generally apply to foreign owners of residential land, they should not inhibit new housing supply construction.

The new ongoing concession scheme is only for new build-to-rent developments that have not been used for any other purpose. By limiting the benefit to new developments, this measure will help support new construction.

By making the benefits permanent, the new ongoing scheme will increase the potential tax concession available to build-to-rent developments, supporting increased rental supply and providing long term certainty for investors. Build-to-rent developments typically make their returns to investors by providing long term stable rental income.

The bill provides flexibility for both the existing and new concession schemes to apply on the same parcel of land, as long as they are applied on different parts of the land or building.

The bill implements integrity measures to prevent the concession from being used for tax avoidance. A developer that subdivides land, or otherwise divides ownership, within 15 years of first gaining access to the concession will be required to repay the tax benefit and will be subject to the same interest and penalties that can apply with a tax default.

Finally, the bill provides for further details of the build-to-rent land tax concession to be set out in Treasurer's guidelines, administered by the Chief Commissioner of State Revenue. The Treasurer's guidelines are expected to maintain the necessary conditions for a building to be considered as a build-to-rent development that currently apply to the existing temporary land tax concession and surcharge exemptions. For example, the building must have at least 50 self-contained dwellings, ownership and management structure requirements and minimum lease conditions. The Treasurer's guidelines will also describe the requirements for proportionate reductions in assessed land value, if only part of the land or building is eligible for the new ongoing concession.

Timing

The proposed Act commences on the day of assent.

Subject to receiving assent and publication of associated Treasurer's guidelines, eligible new build-to-rent developments can receive the new ongoing land tax concession from the 2026 land tax year.

The associated Treasurer's guidelines are in the process of being updated and will be published prior to the commencement of the new ongoing land tax concession scheme.

Conclusion

This bill provides the necessary legislative amendments to:

- make permanent the land tax concession for eligible new build-to-rent developments; and
- assist New South Wales' residents having access to high-quality rental housing.

Sending a strong signal that build-to-rent is here to stay, and the Government will continue to take steps to help address the State's housing crisis and build a better New South Wales.

I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (20:08): I lead for the Opposition in debate on the Land Tax (Build-to-Rent Concessions) Amendment Bill 2025, which would extend the build-to-rent [BTR] concessions for land tax, surcharge land tax and surcharge purchase duty that were introduced by the former Coalition Government in 2020 as part of the COVID-19 housing stimulus response. Because the 2020 build-to-rent concessions were part of the COVID-19 housing stimulus, it was appropriate at the time they were introduced that the concession have an end date. One of the conditions for obtaining the concession was that no building on any land that was the subject of the concession could be removed from the rental market and offered for sale. If this was done within 15 years of first being eligible for the concession, then full land tax, surcharge tax and surcharge purchase duty would have to be paid or recovered.

Accordingly, the concession was put in place through to the 2040 land tax year. Now it is 2025 and that 15-year period would end in 2040, so it is appropriate to extend the end date for the concession, which the bill does by making the concession permanent. *Budget Paper No. 01* summarises the new policy as a new revenue-related measure on page 5-4 as follows:

Owners of new build-to-rent (BTR) developments will be able to apply for a 50 per cent reduction in land value for land tax purposes. This concession applies indefinitely (previously the concession was set to end 31 December 2039) from the 2026 land tax year, subject to eligibility requirements. The requirement that a proportion of labour force hours for construction be performed by specified classes of workers will also be removed. BTR developers will also be able to apply for exemptions from foreign purchaser duty and land tax surcharges (or a refund of surcharges paid). Developments that are already receiving, or applied for, the BTR land tax concession for the 2025 land tax year or prior years are ineligible to receive the extended concession. This measure is estimated to generally provide more favourable tax treatment for BTR projects compared to build-to-sell projects and have no revenue impact over the forward estimates as the existing concession is already in place.

There are a few points to explore from that brief summary. Firstly, clearly and without qualification, it states:

The requirement that a proportion of labour force hours for construction be performed by specified classes of workers will also be removed.

That requirement was included in the provisions of the concession as a result of an amendment put forward by the then Labor Opposition in respect of the previous Government's BTR proposal. In June 2018 the then Coalition Government had established a 10-point plan for government procurement in the construction sector that included mandatory measures to support a skilled and diversified construction workforce, including specific measures for trainees, apprentices, Aboriginals, women, young people and local regional workers.

However, we took the view that, while such measures are appropriate in New South Wales Government construction procurement, they were not appropriate where the aim was to incentivise more construction in the private sector. Nonetheless the amendment was successful, despite concerns that it would impose onerous conditions that would retard take-up of the concession and dampen its usefulness in incentivising more build-to-rent developments. Section 9E (2) (c) in the Land Tax Management Act provides that the build-to-rent concessions are only available if:

... the Chief Commissioner is satisfied that a significant proportion of the labour force hours spent on the construction of the building involves or involved work performed by persons whom the Chief Commissioner considers belong to any one or more of the following classes of worker—

this was the amendment—

- (i) apprentices or trainees,
- (ii) long-term unemployed workers,

- (iii) workers requiring upskilling,
- (iv) workers with barriers to employment (such as persons with disability),
- (v) Aboriginal jobseekers,
- (vi) graduates ...

The chief commissioner's ruling has specified that "a significant proportion" means 10 per cent or more of the total labour force hours over the life of the construction. It goes on to specify definitions and detail discrete evidentiary requirements regarding each of the six categories. That can be found on the build-to-rent page of the Revenue NSW website. The bill as introduced on 9 September by the Minister for Planning and Public Spaces is in accordance with the statement in *Budget Paper No. 01*, which notes:

The requirement that a proportion of labour force hours for construction be performed by specified classes of workers will also be removed.

It is therefore a challenge to decode what on earth the Minister meant in his second reading speech when he said:

I note here that the existing, time-limited build-to-rent concession scheme includes an eligibility requirement for build-to-rent construction to have at least 10 per cent of the labour force hours over the life of the construction to be from certain classes of workers. Those classes of workers include apprentices, long-term unemployed workers, workers requiring upskilling, workers with barriers to employment, Aboriginal workers, and graduates. For the avoidance of doubt, let me say now that the Government intends to maintain this requirement for the new, ongoing build-to-rent concession scheme, and plans to move a Government amendment to this bill ...

That was in the second reading speech. The Minister was introducing the bill and already foreshadowing an amendment. That is astonishing. He said:

... the Government intends to maintain this requirement for the new, ongoing build-to-rent concession scheme, and plans to move a Government amendment to this bill to make it explicit that a construction labour force requirement is to be maintained.

I ask myself this: For the avoidance of doubt? The description of the measure in the budget papers is quite clear that the requirement relating to construction hours will be removed. The bill as introduced in the other place was also clear on that point. New section 9F to be inserted into the Land Tax Management Act 1956 deals with the new build-to-rent concession applicable to build-to-rent developments that have not taken up the existing concession dealt with under section 9E. If the Government, at the time that the final draft of the bill was approved, had intended to maintain the construction hours requirement for the new build-to-rent concession, all it needed to do was mirror the provisions in section 9E (2) (c) with an identical provision in new section 9F.

There is no doubt about what was intended up until the final draft of the bill was approved for introduction on 9 September. However, there is now real doubt about why the Minns Labor Government has backflipped on a policy position it announced with great fanfare pre-budget and set out clearly, with no shadow of a doubt, in *Budget Paper No. 01*. We must ask ourselves this: Who secretly and successfully lobbied the Premier this time? Someone did. Someone lobbied the Premier. Then he knocked on the Treasurer's door and said, "You know that provision we announced in the budget? Sorry, it's out." To avoid doubt, perhaps the Treasurer will tell us in his reply speech. Was it the CFMEU?

The Hon. Daniel Mookhey: I will tell you it was not.

The Hon. DAMIEN TUDEHOPE: Then someone else did. I invite the Treasurer to tell us. If it was not the CFMEU that rolled the Treasurer regarding that provision, someone else lobbied to have it changed and rolled the Treasurer on what he put in the budget papers. Maybe it was one or more members of the lower House crossbench, whom the Government depends on for support and is known to curry favour with through such things as consulting with them on the allocation of Local Small Commitments Allocation funding in their electorates, in breach of Labor's election promise. Maybe one of those crossbenchers knocked on the Premier's door and said, "I think your Treasurer is off the leash and is doing things that we do not approve of. We need these things fixed." Guess what? The Treasurer is now forced to amend or move away from the commitments that he made in his own budget papers. One has to ask if the Treasurer will admit that there was never any doubt about this provision relating to construction hours. There was never any doubt except for the avoidance of doubt. We are left with only one conclusion—

The Hon. Daniel Mookhey: Come on, you've had your fun. Hurry up.

The Hon. DAMIEN TUDEHOPE: He wants me to stop. There are those with more pull than the Treasurer over this legislation, and he did not get his way on the stimulus package that he wanted for the rental industry. The Government and the crossbench combined in the other place to insert a provision imposing construction hours requirements to access the concessions. That provision would empower the Treasurer to issue guidelines about the proportion of labour force hours spent on the construction that must involve or must have involved work performed by a particular class of workers, with examples listed in the note including apprentices,

trainees, long-term unemployed workers, workers requiring upskilling, workers with barriers to employment, Aboriginal and Torres Strait Islander workers, and graduate workers.

Surprisingly, they are the same classes of workers currently covered by the Chief Commissioner of State Revenue's ruling. But we can anticipate the Treasurer's response because he was already asked a question about this. In fact, he will take control of administering the scheme through Treasury guidelines rather than the chief commissioner's guidelines, which is a clear articulation of no confidence in the chief commissioner to administer the scheme. So the Treasurer said that he will do it. He will hand it to the Treasury bureaucrats so they can administer the scheme. In answer to a question on the Government's last-minute backflip on this issue, he said:

... it is fair to say—as my representative in the other place made clear when introducing the bill—that we have changed our view on that question in response to feedback.

With respect, the Minister for Planning and Public Spaces did no such thing. The Minister made no mention of feedback. Rather than indicating that the Government had changed its view, he confusingly referred to introducing the amendment as being done "for the avoidance of doubt". There is no doubt. The pre-budget announcement, the statement in the budget paper and the bill as introduced were all clear that no construction hours requirement would apply to the new build-to-rent concessions. The Treasurer then confirmed that the feedback from the build-to-rent sector was that the construction hours requirement was creating concerns about it being able to construct. There is no indication from either the Treasurer or the Minister that the feedback has changed since June.

The Treasurer then went on to criticise the work of the Chief Commissioner of State Revenue in providing a ruling on how the construction hours requirements would be assessed. The Treasurer claimed that taking the responsibility from the commissioner, who is responsible to the Minister for Finance, and giving it to himself would be a better way to set the rules for labour hire and all of the other requirements, including Indigenous procurement. The new provision authorises that change of responsibility while continuing to impose a construction hours requirement on developers that they have described as "creating concerns".

The other aspect of the description of the build-to-rent concessions on page 5-4 of *Budget Paper No. 01* that deserves comment is the admission that the land tax concession will "have no revenue impact over the forward estimates, as the existing concession is already in place". This Government loves tax, tax and more tax. Treasury documents provided in response to an order for papers in the other place show that the greedy Minns Government expects to pocket \$18 billion in extra land tax over the 10 years from 2024-25 to 2033-34 by removing the indexation of the land tax threshold introduced under the former Liberal-Nationals Government to prevent bracket creep, imposing land tax on more property owners, and making all property owners liable for additional tax as property values increase.

In 2025-26 the Minns Government expects to pocket an extra \$372 million in land tax, accounting for 4.45 per cent of all land tax. By 2033-34, some \$4.7 billion—or 30 per cent—of the \$15.7 billion land tax take will be attributable to the threshold freeze. I say to the Treasurer that that is a new tax. The extension of the build-to-rent concession is revenue neutral for the Government, which continues to rake in ever-increasing land tax and transfer duty while also imposing housing and productivity contributions, adding an average of \$12,000 to the cost of each new building.

The Opposition repeats its call for the \$12,000 Housing and Productivity Contribution tax on every new dwelling in New South Wales to be suspended for the duration of the National Housing Accord and, afterwards, for collection of the Housing and Productivity Contribution to be deferred from the construction certificate stage to the occupation certificate stage to improve cash flow. We do not expect to see this tax-hungry Government forego or defer any of those revenue sources, regardless of their depressing effect on efforts to meet the National Housing Accord targets. Its tax addiction is too strong. However, at the end of the day, the Opposition does not oppose the bill.

Ms ABIGAIL BOYD (20:25): On behalf of the Greens, I contribute to debate on the Land Tax (Build-to-Rent Concessions) Amendment Bill 2025 to voice our strong opposition to another mega tax break for property developers and mega-capital investors, which will do nothing to address housing affordability in this State. Build-to-rent projects entrench the fundamentally broken ideological preoccupation that has driven Australia generally, and Sydney in particular, to become one of the most expensive housing jurisdictions in the world. Housing is an investment asset rather than a human right and prerequisite for wellbeing and human flourishing and social reproduction. More housing supply is an important part of the puzzle when it comes to addressing housing affordability, but what matters equally is the kind of housing that is supplied.

Just as all food gives us calories and energy to get through the day, a diet made up entirely of lollies will not give us a good quality of life. But that is exactly what the bill seeks to do. It lets the mega-capital asset managers and institutional investors loose in the candy shop, and we are all going to bear the brunt when the sugar

crash comes. This bill comes directly from the wish list of the international investment world, which should come as no surprise, unfortunately, if we look at the diary disclosures of key leaders in the Government. In just a single week, the Treasurer met with the likes of Blackstone, BlackRock, KKR, J.P. Morgan, Goldman Sachs, UBS, Schroders Investment Management, Capital Group and Bank of America. If he is economically credulous, he is going to end up internalising some of their priorities and spin.

Housing—or as the world of asset management likes to call it, "social infrastructure"—has become increasingly attractive to institutional investors and the asset managers who have invested their money since the early to mid-1990s. The first reason for that is insurance and pension funds hold significant long-term liabilities. Their financial obligations extend substantially beyond the near or even medium term. Real estate is attractive because they can match their liability and asset maturities. The second reason is the stability and predictability of the cash flows generated by infrastructure investments, including real estate. David Adams, who was responsible for Macquarie's inaugural infrastructure fund in 1996, said "Their returns are likely to be more stable, and less reliant on economic fortunes than the share prices of major companies. Infrastructure assets are somewhat insulated, they behave like defensive stocks."

The reason that cash flows and investment returns are so stable and predictable for these investments, and thus so desirable for asset managers, is that they are essential to society and social reproduction. Investors like nothing more than monopoly or captive markets, and that is exactly what they get when they invest in housing in a country like Australia. As David Adams said about Macquarie's infrastructure investments, "People still pay to go on the roads even in recessions." The golden goose for asset managers is grabbing hold of social assets on which we are all fundamentally reliant, and housing is even more relevant than Adams' roads example.

Government members campaigned against the toll road mania inflicted on this city when in opposition, but they seem to have given up the fight on that one. Perhaps the explanation is that they have had a change of heart. They have internalised the philosophy of our lives being entirely held in the private balance sheets of asset managers and institutional investors looking for a steady, constantly paying and constantly inflating investment return. Just like the toll road contracts that we are all still paying for, investment arrangements like build to rent will have price escalation above inflation built into their contractual terms, pouring fuel on the cost-of-living fire and extracting more and more from the public while cashing in on bargain-basement tax settings.

Not satisfied with the sweetheart deal they extracted from the Federal Government, including halving a withholding tax imposed on foreign owners, the greedy, profit-hungry property investors are demanding more from New South Wales—and it is being delivered in this bill. This is a terrible deal that will do nothing to help the people of New South Wales. Members need not take my word about the plan; they can take the word of Blackstone. Blackstone is one of the world's largest asset managers and one of the world's biggest property investors. It has about \$1.8 trillion under management, and a quarter of its real estate portfolio is allocated to rental housing. Blackstone has its eyes set squarely on Australia as its next target.

After the boardroom blitz earlier in the year, the Premier and the Treasurer met with Blackstone again on 27 March. Around the same time, Blackstone was in the media whinging about land and property taxes as an impediment to build-to-rent projects, which it sees as "an opportunity to generate rental income growth that outstrips rising inflation". In its own words, it is designing an investment asset that will drive up the cost of living and drive up inflation while printing regular streams of money for itself. Just as the Government's Investment Delivery Authority is a gift to the Blackstone-owned AirTrunk—which features in the Government's own media releases on the subject—this is a blatant example of corporate welfare for the most extraordinarily wealthy billionaires from around the world.

The Greens hate the bill. We hated it in 2020, and we hate it now. I put on record my thanks for the work of my colleague Jenny Leong, the member for Newtown. She continually pushes for real reform to improve housing affordability in this State, and advocates for quality of life for tenants in particular. I endorse the comments she made in her contribution to debate on this bill in the lower House. This Government has gone to extraordinary lengths to avoid raising revenue from big corporate players which it could use to alleviate cost-of-living pressures for millions of New South Wales residents. That revenue could be used to avoid cuts to all sorts of programs, including workers compensation, which we have spoken about a lot in this place.

I am incredibly proud to represent The Greens, alongside my colleagues. We are a party that does not—and never will—kowtow to big business and global capital. This is a terrible bill. Once again, the barbarians are at the gates, and this Labor Government, just like the Coalition Government before it, is rolling out the red carpet to welcome them in. The Greens oppose the bill.

The Hon. SCOTT FARLOW (20:32): The Opposition is coming in for a double character assassination tonight. My contribution to debate on the Land Tax (Build-to-Rent Concessions) Amendment Bill 2025 will be brief because the remarks of the Leader of the Opposition were extensive. He really showed up the Treasurer.

Government members crowed about the changes that this bill and the Government amendments would make. The planning Minister claimed that the changes stemmed from industry or stakeholder feedback. The question remains: What stakeholders? Which stakeholders came in and said, "We need to have these requirements in place"?

I certainly consulted with stakeholders. One of the things they said about the bill was that it was good that the requirements would be removed because they made the system unworkable. Of course, Opposition members could have told them that—actually, we did tell them that. The then Leader of the Government, now Leader of the Opposition, told them that when Walt Secord amended the former Government's bill to insert those requirements. Walt was doing somebody's bidding then. That "somebody" has come back and knocked on the Treasurer's door, or knocked on the planning Minister's door—or, as we know happens in this place, knocked on the Premier's door—and convinced the Government to put those requirements back into the legislation.

That is going to hold up more housing. It is not going to deliver more homes because it is already unworkable. The Treasurer's budget papers show that, which is why the Government was making these changes. But it seems ridiculous for a government to then say, "By the way, here's our bill. This is the bill we've shown to industry stakeholders and they've been pretty okay with it—but by the way, on the quiet, we've got an amendment to make because we're going to put back in what you hated before." But that is what the Minister for Planning and Public Spaces in the other place did, and what the Treasurer has brought to this House today.

Going back to look at the *Hansard* from the time, part of the reason why this measure was time limited was because we wanted to get more housing moving more quickly. Speaking of which, I am glad the planning Minister now knows this is build to rent rather than rent to buy, because back then he thought this was a rent-to-buy program, which it obviously is not. The then Treasurer, Dominic Perrottet, stated that, effectively, we were trying to encourage people to move quicker on that program because they got a greater benefit.

Part of what was driving this legislation during COVID was trying to bring forward development and investment in this asset class, which I will say would not happen otherwise. I know from talking to build-to-rent proponents that when they make an assessment, they do not look at which suburb a project is in; they look at which city or which country, in terms of that asset class, so it is adding to housing supply. Of course members on this side of the House would like to see more build-to-sell properties. We want to see the dream of home ownership become a reality. But there is a place for build to rent. As the Leader of the Opposition has said tonight, we will not oppose this legislation.

The Hon. DANIEL MOOKHEY (Treasurer) (20:36): One behalf of the Hon. Penny Sharpe: In reply: I thank the Hon. Damien Tudehope, Ms Abigail Boyd and the Hon. Scott Farlow for their contributions to debate. At least the Hon. Scott Farlow was succinct in his character assessment. I found it a curious debate. I was accused by those opposite of being in a conspiracy with the left and the CFMEU, and simultaneously accused by the left as being in a conspiracy with the right. It is telling how eagerly both sides have reached for conspiracy theories when it comes to a relatively innocuous bill. I enjoyed the character analysis and the job performance evaluation; it was a nice way to end the week. Turning to the substantive issues raised in the debate, I was accused by the shadow Treasurer of taxing too much and by The Greens of taxing too little. That is fair enough, but I think that is a fair rendering of the debate as well. The shadow Treasurer advanced a challenge to me to rule out contact with the CFMEU on the bill, and I can rule that out. To the extent to which those opposite reach for conspiracy theories to determine why it is so, I tell them it is as simple as this: If you listen and you understand what people are saying, you can adjust your position.

The Hon. Damien Tudehope: Who?

The Hon. DANIEL MOOKHEY: I will happily tell the Hon. Damien Tudehope the people who are coming at me and saying this. They include, yes, those who are actually providing the services but also—and this is a shock—the Labor caucus! The caucus has views and we listen to them. But there are other members with views as well. Ms Abigail Boyd pointed out that crossbench members had a view. Meanwhile, we are sitting there thinking, "Gee, all we wanted to do was clean up the regime a little, and through this bill we can meet people in the middle. We can do this. We can clean up the process. We can address the problems you raised about feasibility by simply moving this through to the Treasurer's guidelines." By the way, that means the decision will be made by people who are accountable to Parliament rather than the chief commissioner—who, to be fair, has statutory independence for very good reasons. Conspiracy theory—you got me! You caught us out. That brings me to the contribution of Ms Abigail Boyd. I do not know how to respond to the general allegation that there is a global conspiracy by asset managers to change build-to-rent land tax exemptions in New South Wales.

Ms Abigail Boyd: Read the book.

The Hon. DANIEL MOOKHEY: I did. Exhibit A is my ministerial disclosure meetings. Yes, it is true: I meet with finance managers. I meet with asset managers. I meet with unions. I meet with lots of people.

The Hon. Rose Jackson: Anyone would think you were the Treasurer.

The Hon. DANIEL MOOKHEY: Who would have thought that the Treasurer would engage with people? You have got me on that point. I am guilty as charged. I also make the point that Ms Abigail Boyd's policies, on balance, would lead to bigger deficits. Deficits need to be financed by this thing called the bond market, which means that I often have to talk to people who are involved in the bond market. What a shock! You absolutely got me on that one too. Nevertheless, I understand that members have participated in this debate in good faith and used it as an opportunity to ventilate their wider views. I am glad that the Government facilitated that opportunity with this relatively simple bill. It remains a good bill. I recommend that we get to the next stage of it.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There is one sheet of amendments, being The Greens amendments Nos 1 to 6 on sheet c2025-207B. I invite Ms Abigail Boyd to move the amendments.

Ms ABIGAIL BOYD (20:41): By leave: I move The Greens amendments Nos 1 to 6 on sheet c2025-207B in globo:

No. 1 Scheme eligibility requirements

Page 5, Schedule 3 [2], proposed section 9F (2) (c), lines 21 and 22. Omit all words on the lines. Insert instead—

- (iii) at least 80% of the occupied dwellings in the building will, in the following 12 months, be occupied by long-term tenants and the weekly rent paid by each of the long-term tenants will be no more than 30% of the tenant's weekly gross household income, and
- (iv) arrangements are in place to ensure proper consultation with, and representation of the views of, tenants of the building on matters relating to the management of the building, and
- (v) any other requirements relating to the owner of the land, the land or the building prescribed by the regulations have been complied with, and

No. 2 Notice of intention to subdivide land or otherwise divide ownership of land

Page 5, Schedule 3 [2], proposed section 9F. Insert after line 44—

- (6A) If, within the period of 15 years after subsection (2) first applied to reduce the land value of a parcel of land, a person whose liability to pay land tax in relation to the parcel of land has been assessed in accordance with this section forms the intention to subdivide or otherwise divide the ownership of the parcel of land, the person must, as soon as practicable after forming the intention, give the Chief Commissioner written notice of the proposed subdivision or division of ownership.

No. 3 State to be offered first right to purchase land

Page 6, Schedule 3[2], proposed section 9F (7). Insert after line 3—

- (a1) if any of the land the subject of the subdivision or division of ownership is offered for sale following the subdivision or division—the State must be offered first right of purchase of the land, and

No. 4 Treasurer's guidelines

Pages 6 and 7, Schedule 3 [2], proposed section 9F (11) (b), line 33 on page 6 to line 15 on page 7. Omit all words on the lines.

No. 5 Regulations about eligibility requirements

Page 7, Schedule 3 [2], proposed section 9F. Insert after line 21—

- (11A) The regulations may include provisions in relation to the following—
 - (a) the circumstances in which a building is taken to be a build-to-rent property, including in relation to the following—
 - (i) the planning or development standards that must be complied with,
 - (ii) the minimum lease conditions that must be offered to tenants of the build-to-rent property,

- (iii) the minimum scale of a building to qualify as a build-to-rent property,
- (iv) the nature of the ownership and management of the building and the land on which the building is situated,
- (b) the circumstances in which the owner of the land is required to give an undertaking to not subdivide the land or otherwise divide the ownership of the land,
- (c) requirements relating to the construction of the building, including requirements about—
 - (i) particular classes of workers who must be or must have been involved in the construction of the building, and

Examples of classes of workers— apprentices or trainees, long-term unemployed workers, workers requiring upskilling, workers with barriers to employment, Aboriginal and Torres Strait Islander jobseekers and graduate workers
 - (ii) the proportion of labour force hours spent on the construction that must involve or must have involved work performed by particular classes of workers,
- (d) other matters relating to build-to-rent properties and the land on which build-to-rent properties are situated the Treasurer considers appropriate.

No. 6 Gazette notice of subdivisions and other divisions of ownership

Page 7, Schedule 3 [2], proposed section 9F. Insert after line 24—

- (12A) The Chief Commissioner must publish notice in the Gazette of a proposed subdivision or division of ownership of a parcel of land that is subject to the reduction in land value under this section of which the Chief Commissioner is given notice under subsection (6A).

Some of these amendments will be familiar to a keen observer, because they were moved by The Greens in relation to this bill in 2020, and nothing much has changed. Amendment No. 1 ensures that these build-to-rent properties will actually be of the magical kind that these asset managers are telling us they will be. It is ensuring that they will be genuinely affordable and a place that tenants want to live in, it and defines "affordability" for these purposes.

As someone who spent two decades working alongside asset managers, banks and insurance companies in over 46 different countries, I have a much less rosy view of what these institutions can offer to the general public than the Treasurer does. I take his point. It is hard for me not to bristle at his suggestion that I do not understand the bond market and the Treasurer's need to go out to the bond market in order to get capital for the Government. I have been encouraging the issue of more social bonds and other things that are issued on the terms of the Government, rather than kowtowing to asset managers and allowing them to purchase things that the Government itself could actually be buying and owning by using the bond market. We need to put in place this sort of provision to ensure that asset managers do the right thing. I understand that the Government will not accept this amendment. I think that tells members all they need to know.

Amendments Nos 2 and 3 are slightly different from the amendments that The Greens put in 2020. These amendments are saying that, under the current framework, within 15 years if there was to be a subdivision of the build-to-rents—basically if they are selling off each of the apartments rather than keeping them as one building owned by the particular corporation—then they need to pay back the land tax concession. Understanding the way that the financing for the buildings works, after that point if there is to be a subdivision, rather than there being no consequence for the corporation, they would need to offer a first right of refusal to the Government to buy that property so it would stay in the manner it was intended as one property rather than being sliced off and sold to multiple investors. That is eminently sensible. We do it in other areas. Again, I understand that the Government is opposing the amendments. It apparently has no desire to own more homes and more affordable homes, which is a shame.

Amendments Nos 4 and 5 were also put forward last time by The Greens. At the time, they were based on a report by the Legislation Review Committee, which stated very clearly that good legislation does not have this level of detail and importance being within the Treasurer's hands only, but instead should be within regulations because that is the way good legislation is made. We would then have the possibility of looking at those regulations and being able to have a say in whether they should be permitted. I understand that the government of the day would rather keep it as guidelines, but unfortunately that avoids the scrutiny and accountability that good legislators should require, and so The Greens are putting those amendments again.

Finally, amendment No. 6 is consequential on amendment No. 3. If we had that right for the Government to purchase the property back from the asset manager, then there would be an obligation on the chief commissioner to notify tenants that this land was subject to that arrangement to ensure there is adequate scrutiny on the government of the day to ensure it assesses that offer to take up the purchase. I commend the amendments to the Committee.

The Hon. DANIEL MOOKHEY (Treasurer) (20:47): I thank Ms Abigail Boyd for moving the amendments in globo. I will set out the Government's position in the manner in which the member invited me to, which is by reference to the series of amendments that the member has moved. In respect of the scheme eligibility requirements, the bill already provides for the fact that the Treasurer's guidelines are capable of determining that. We think that is a much better mechanism because, incidentally, by simply prescribing it in law right now, we are effectively taking a judgement point as to, firstly, not allowing for it to adjust for feasibility conditions, which I think the Hon. Scott Farlow referred to in his contribution to the second reading debate. That is why we think it is a much more dynamic mechanism than what is being proposed.

Secondly, we do not support the scheme eligibility requirements because it will stop build-to-rent being constructed, which I understand is probably why The Greens are moving the amendments. I listened to Ms Abigail Boyd make a speech about the asset managers that want to own build-to-rent buildings. To be clear, the people who are looking to invest in build-to-rent are super funds. The biggest funds, such as Aware, Hostplus, AustralianSuper, UniSuper—

The Hon. Rose Jackson: Cbus.

The Hon. DANIEL MOOKHEY: —Cbus, Australian Retirement Trust—workers' capital—are the ones that are looking to invest. They are the ones who are providing them. It is fine to characterise them invoking other names, but they are the actual people who are pushing it.

Ms Abigail Boyd: What do you think a super fund is?

The Hon. DANIEL MOOKHEY: I am invited to say what a super fund is, which is great because I spend a lot of my time getting people to contribute to them and run them. Those super funds are workers' capital. That is what they are looking to invest.

Ms Abigail Boyd: Workers' capital.

The Hon. DANIEL MOOKHEY: Yes, workers' capital. In her contribution, Ms Abigail Boyd implied that I had somehow denigrated her knowledge of the bond market. To be clear, that was not my intent. Moving on to the other two amendments, I understand the intent of the policy but, to be frank, at this point we are being asked to buy properties that do not exist. Again, I do not think that is particularly sensible. In respect to the arguments being made about the Treasurer's guidelines versus the regulations, right now we have a combination of chief commissioner rulings and guidelines. We think it is better to consolidate it in a framework that is a bit more dynamic. We are basically picking up the way in which the previous Government had designed it, which is through the guidelines. The *Government Gazette* notice arises as a result. In respect to the amendments, I made an offer to The Greens to talk about initial changes, particularly through their lower House representatives. They did not take that up. The first time we saw the amendments was when they were moved in this place. We always remain open to engaging with members.

The Hon. DAMIEN TUDEHOPE (20:50): The Opposition will not support the amendments, although I have some sympathy for some of the concepts contained in them. It is an interesting concept to ask someone to register when they form an intent. We potentially need thought police to maintain a register. Whilst I disagree with the return of the property to the State as a policy, I could be persuaded that allowing a renter to own the property, or giving the renter an option to own the property at the conclusion of the lease, would have significant appeal. That could be included as a provision for someone who is renting one of these properties. The scheme requires minimum rent periods of three years.

If I am right, I would have additional sympathy for extending that minimum rent period being offered. The properties who get the benefit of this scheme should offer secure housing for tenants. One of the greatest burdens placed on tenants in the rental industry is the prospect of needing to find a new home at the conclusion of their tenancy when, potentially, children are at school and they have formed friendships in the neighbourhoods and school communities and the like. A longer period in which people are in possession of a rental property has some significant appeal as a concept. However, on balance, Opposition members rejected similar amendments when we were in government, and on this occasion we will also reject the amendments.

Ms ABIGAIL BOYD (20:53): I am sure that the Treasurer did not intend to misspeak, so I will just point out that my office contacted the excellent staffer, Jimmy, in the Treasurer's office at 9.27 a.m. yesterday with the amendments. We have had very fruitful discussions about what the Treasurer's position would be on them, hence why I knew that he would not support them. There has probably been a communication issue there. I would recommend a book by Brett Christophers to the Treasurer. It is called *Our Lives in Their Portfolios: Why Asset Managers Own the World*. It might be illuminating and useful for the Treasurer. We have in the past shared good book recommendations. I recommend that one to him. I understand we are losing the vote on our amendments. We will not push for a division. I thank members for their contributions.

The Hon. DANIEL MOOKHEY (Treasurer) (20:54): I withdraw the claim and thank Ms Abigail Boyd for her appreciation. I look forward to my Christmas gift, which seems to be that book, coming my way.

Ms Abigail Boyd: In your dreams.

The Hon. DANIEL MOOKHEY: I am aware of the book. I am fairly positive it was an FT Business Book of the Year nominee a few years ago.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendments Nos 1 to 6 on sheet c2025-207B. The question is that the amendments be agreed to.

Amendments negatived.

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

Motion agreed to.

The Hon. DANIEL MOOKHEY: 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. DANIEL MOOKHEY: On behalf of the Hon. Penny Sharpe: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. DANIEL MOOKHEY: On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DANIEL MOOKHEY: I move:

That this House do now adjourn.

WATER SHARING PLANS

Ms CATE FAEHRMANN (20:56): The unregulated water sharing plans for the Gwydir, Namoi-Peel, Macquarie-Castlereagh and Barwon-Darling were due to be remade on 1 July this year. They have lapsed because the Minister for the Environment did not give them concurrence. Both the water Minister and the environment Minister must give effect to principles under the Water Management Act when exercising functions under that Act. The draft plans due to be remade on 1 July did not give effect to those principles. They were therefore unlawful and, if signed, the Ministers would not be acting consistently with the Act. I commend the environment Minister for refusing to give concurrence. I also agree with the Minister for Water that those plans are in place for 10 years—a long time—and it is vital they are right.

The Government is seeking public feedback on proposed changes for three northern basin unregulated plans: Gwydir, Namoi-Peel and Macquarie-Castlereagh. I understand those changes are the result of negotiations between the Minister for the Environment and the Minister for Water. What is baffling is what the environment Minister has actually achieved with those changes. The Natural Resource Commission [NRC] conducts statutory reviews of water sharing plans before they are remade. It reviewed the Barwon-Darling Water Sharing Plan in 2019 and the others in 2023, identifying serious deficiencies in all. The NRC recommended extending the plans until June 2025 to allow time to remedy those deficiencies in the remade plans. Yet none of those recommendations are reflected in the draft plans, neither when they were submitted for concurrence in June, nor in the latest proposed changes.

It is proposed to increase commence-to-pump triggers in nine water sources in three northern basin plans. On the surface, that seems positive and aligned with recommendations by the NRC and the Connectivity Expert Panel. However, only one of the nine water sources, the Lower Bogan, was identified by the Connectivity Expert Panel as a water source that will improve connectivity to the Barwon-Darling. Water from the other eight water

sources will not reach the Barwon-Darling. While increasing commence-to-pump triggers might improve local outcomes for fish and frogs, it will not help the Barwon-Darling.

In five of the nine water sources, the commence-to-pump triggers rise from no visible flows to between one to five megalitres a day. For comparison, these changes propose the trigger for the Lower Bogan be raised to five megalitres per day. The connectivity panel recommended at least 100 megalitres per day. In four of the nine valleys, the proposed triggers are raised from no visible to flows between 35 megalitres per day and 80 megalitres per day. This is sounding better, but three of those four water sources have no recorded irrigation take since licences were issued in 2012. In the remaining valley, more than half of the licences have a higher trigger than what is proposed in these changes. In summary, the proposed changes to commence-to-pump triggers are so small that they are meaningless, or they are in areas where there is no irrigation, or they are changes on paper only and do not affect the actual triggers.

This process is not genuine; it is performative. Moreover, the draft water-sharing plans are not publicly available. The public is being asked to comment on a fact sheet produced by Water Group, which has a history here. Changes to the Barwon-Darling water-sharing plan in 2023 allowed a select group of licence holders to extract water from some natural water bodies, including parts of the river, without any commence-to-pump trigger. The reason for that has never been explained by Water Group, not even in a fact sheet. The most concerning issue is that the Barwon-Darling water-sharing plan is not even on the table for any proposed changes and none of the changes in the three northern basin water-sharing plans will have any effect on the Barwon-Darling.

This Government says its priority is improving connectivity into the Barwon-Darling, but these plans do absolutely nothing to make that happen. I urge the environment Minister not to give concurrence to those plans. I ask the water Minister to remake the Barwon-Darling water-sharing plan so that the water management principles in the Act are met. The first of those is that water sources, flood plains and dependent ecosystems, including groundwater and wetlands, should be protected and restored, and, where possible, land should not be degraded. Our rivers, wetlands and downstream communities are counting on the water Minister and the environment Minister to understand the water management principles in the Act and commit to meeting them.

UNIVERSITY OF TECHNOLOGY SYDNEY

The Hon. Dr SARAH KAINE (21:01): Yesterday University of Technology Sydney released its academic change proposal as part of its operational sustainability initiative. The proposal includes the closure of the School of International Studies and Education, and the discontinuation of 20 courses across the education degree offerings. The stated reason is strategic alignment and low direct margins. Today I share the concerns of UTS's teacher education academics, in their own words:

We, the teacher education academics at the University of Technology Sydney, would like to begin by thanking everyone who has been so vocal in their support for initial teacher education at UTS.

At a Faculty of Design and Society Town Hall held on Wednesday, the academic change proposal was explained and then released to staff. Amongst the proposals was the plan to disestablish the school of International Studies and Education, and stop all initial teacher education courses, such as the Master of Teaching (Primary) and Master of Teaching (Secondary).

As part of the Dean's presentation, initial teacher education programs were highlighted to show the "necessity" of the change—in a move that humiliated the staff responsible for the programs in front of new colleagues. The problem for UTS, however, is that the data—cited as being developed by "experts" at KPMG—was incorrect, out of date or misleading.

In one instance, UTS teacher education courses were shown to have very low numbers compared to other universities' education programs. What wasn't explained was that this table compared only the Master of Teaching (Secondary) at UTS with the complete suite of programs from other universities, including Primary programs and early childhood education programs. It also ignored the fact that some universities have national programs, like ACU. This is because, for a never-explained reason, the Bachelor of Primary Education at UTS was paused five years ago—despite having been re-accredited by the university shortly before and having strong enrolments. It was only this year that a new primary education degree, the Master of Teaching (Primary) actually commenced so this wasn't taken into account in KPMG's analysis.

If the primary program grows to be as big as the secondary program (and it is anticipated to exceed the secondary program), UTS would come much higher in the table—as high or higher than UNSW, for example.

Another example cited that there were low enrolments into teacher education programs at UTS. However, KPMG appeared to use data from 2021-2023. Again, this is out of date and misleading. Part of this data doesn't include the primary program, and it ignores the fact that universities were emerging from COVID during this time. More importantly, there has been no effort to make use of up-to-date data—data which shows a 40% increase in 2024 and a further 40% increase in 2025 in student load in the Master of Teaching (Secondary) course. It also ignores the fact that, before the "suspension" of courses announced last month, there had already been more than 100 applications for the Master of Teaching (Secondary) for 2026 indicating the growing interest in UTS's unique offerings.

Ultimately, the rationale for the change proposal is about saving UTS money—although the necessity of that is disputed. Even in this context, the change proposal appears to have got it wrong. What data that we've been able to access does not consider the fact that many subjects in these programs are co-located. For example, this means that, where relevant, the primary and secondary students are together in one subject—even though it has two separate subject codes. The same is true for many of the teaching method subjects. And of course, for students who are doing undergraduate studies as well as the Master of Teaching course, their undergraduate studies should be costed as part of a normal business, or science or mathematics degree—not as a separate stand-alone subject. It appears that the analysis by KPMG did not recognise this. Taking this into account, the argument that the teaching courses are expensive simply doesn't make sense. This could easily have been explained, yet we were not consulted at all. Our efforts to communicate this have also been rebuffed.

All of this highlights the shoddy methodology adopted by UTS and KPMG in their rushed and poorly thought-out development of the change proposal. These errors, the incomplete data, and the context could have been explained to the university leadership—without the additional expense of employing external consultants who clearly don't understand universities or initial teacher education.

We call on the Dean of the Faculty of Design and Society, Professor Jim McNamara, to reject the change proposal as it stands and instead meet with affected staff for honest discussions. More than that, we call on the Vice Chancellor, Professor Andrew Parfitt, to take stock of the tremendous damage that this has done to UTS's reputation, and halt the change plan immediately. Good leaders acknowledge when they are in error, and now is the time to do so for teacher education at UTS.

SCHEYVILLE MILITARY PRECINCT

The Hon. NICHOLE OVERALL (21:07): I pay tribute to Scheyville, a site of forested areas, open grasslands and weathered buildings that carries a story of extraordinary Australian service. Now a national park in the Hawkesbury region, it has fulfilled many roles over the course of more than 220 years since first set aside as a public common for the people of the district in 1804. Many, but perhaps not as many as should be the case, know of it as a military base. While this is one of its most significant incarnations, its purpose from the early 1890s was in a different guise. Then a farming cooperative, it provided for the unemployed to make a living during the depression of that time. Later a farm training centre for boys, it then supported a youth migration program, which was created to help meet Australia's chronic shortage of farm labour.

After the First World War was declared, a small prisoner of war camp was established to hold captured German seamen. During World War II, Scheyville served as the base for the 73rd Searchlight Battalion prior to its deployment to New Guinea. It also became home to the 1st Australian Parachute Battalion. Command of this elite unit was given to Lieutenant Colonel John Overall, MC and Bar, veteran of Tobruk and El-Alamein—and my father-in-law. The battalion prepared for Operation Kingfisher, the planned rescue of some 2,500 Australian prisoner of war soldiers at Sandakan, Borneo, and later for the relief of Singapore.

The parachute drop into Borneo did not eventuate. Sadly, the Sandakan Death Marches followed, with only six Australians surviving. After the war Scheyville became a migrant reception and training centre. Almost two decades later, as the Vietnam War escalated, Scheyville entered yet another chapter of service. From 1965 it became the site for the national service Officer Training Unit, the OTU. The army had created a highly rigorous 22-week program that took young men conscripted for national service to train as second lieutenants. My husband, Tim Overall, was one of them. More than 1,800 officers had graduated by the end of the war in 1973. Of those, 328 served in Vietnam and eight lost their lives there.

On 18 August 2026 Australia will mark the sixtieth anniversary of the Battle of Long Tan, one of our military's defining moments. Among the fallen was Second Lieutenant Gordon Sharp, born in Tamworth and a former Channel 7 cameraman in Bathurst and Orange. A Scheyville graduate, just 70 days after arriving in Vietnam Gordon was killed at Long Tan, the only officer to die there and the first national serviceman to die in that conflict. The anniversary of Long Tan will be marked with what is intended to be one of the largest regimental luncheons at Scheyville, with hundreds of OTU members and guests gathering to acknowledge the unique sacrifice of all national servicemen.

Today the precinct that served as the Officer Training Unit of Scheyville sits within the national park. Its story and its heritage must not be lost. Many original buildings have already disappeared, and funding has been an ongoing challenge. The former commandant's house, a circa 1900 heritage item, is in urgent need of attention. The Hunter Anzac Memorial Limited taskforce, a registered charity led by veteran and passionate advocate Mr Brett Wild, has already invested over \$3 million of its own resources to protect what remains. But voluntary efforts alone cannot secure Scheyville's future or ensure its ultimate protection and preservation.

My call is for the New South Wales Government to continue to work with the Hunter Anzac Memorial taskforce to formally recognise the Scheyville military precinct as a national military memorial, provide for and support the necessary works that will see it maintained into perpetuity and explore adaptive uses such as veterans' crisis accommodation that will serve today's community and tomorrow's. Scheyville has been a training ground for farmers, a refuge for migrants and a crucible of military service from Gallipoli's generation to Long Tan's. More than just saving old buildings, its preservation is about safeguarding Australia's living history,

acknowledging veterans past, present and future and honouring our solemn pledge that we will remember them. Lest we forget.

GREAT KOALA NATIONAL PARK

Ms SUE HIGGINSON (21:12): The moratorium on logging in the Great Koala National Park is something we should all celebrate. After decades of community campaigning, we finally have a decision that has stopped the bulldozers in 176,000 hectares of some of the most important, beautiful public native forests in New South Wales. It is a victory for people, koalas, greater gliders, every species that relies on those forests and future generations. But we must also acknowledge what has been lost. For 2½ years under the Minns Labor Government, intensive logging continued. In that time, critical habitat was destroyed, threatened species were pushed closer to extinction, sites of cultural significance were desecrated, and irreplaceable forests were destroyed.

The Great Koala National Park [GKNP] still does not exist in law. At this stage it is only an announcement and a temporary direction to the Forestry Corporation. Until this Parliament legislates for the park, the forests remain State forest tenure, vulnerable to the political winds of the day. A ministerial direction can be reversed as quickly as it was made, and we know that the political pressure from vested interests continues. The Government should act now to legislate the park. The decision to delay the Great Koala National Park until the Government tests the carbon credit market is a profound mistake. The Government has made it clear that it wants to register carbon projects across the GKNP before it commits to introducing the necessary laws. That is a dangerous game. It should not be sold as real conservation, and it certainly is not good climate policy.

It is complete market manipulation, verging on corrupt conduct. Selling carbon credits for forests that were already destined for protection fails the most basic integrity requirement: additionality. These are not new or extra emissions reductions. They are, in fact, the absence of forest destruction that should not have been permitted in the first place. Scientists from the Australian National University and UNSW Sydney have shown that at least 75 per cent of Australian carbon credits lack integrity.

Even the legal mechanics of this crooked carbon credit plan do not add up. Under section 11 of the State Owned Corporations Act, when Forestry Corporation is directed to stop logging, it must be reimbursed for lost revenue. That is government money flowing to a State owned corporation to cover the cost of ending logging. While the Australian Carbon Credit Unit Scheme currently prohibits projects that receive funding from certain listed programs, this is about integrity. The Clean Energy Regulator should find this reimbursement arrangement in conflict with the additionality rules. At the very least, it raises serious doubts about the credibility of the project. We are left with a situation where forests remain unprotected, all for the sake of testing a carbon market riddled with integrity concerns.

The reality is that, if the plan goes ahead, the forests of the Great Koala National Park will now grow into carbon-rich, dense old-growth forests. The carbon in these forests belongs to the people of New South Wales. It belongs to our children's children. It should be measured and recorded. If the neoliberalists need to account for it, they can and they should, but it belongs to the people. It is an equity built within our State budget's bottom line for the people now and generations to come. It is not for the Minns Labor Government to trade away to the highest bidding carbon polluters, which demand the right to continue to burn the planet rather than reduce their emissions.

We cannot offset our way out of the climate crisis. We cannot delay the protection of forests while we speculate on BS, made-up carbon markets and continue to approve new coal and gas projects. We must end all native forest logging and legislate the Great Koala National Park. The carbon it draws down and stores must remain in those forests as a genuine equity belonging to the people of New South Wales, not be traded to the biggest, richest, dirtiest carbon polluters on the planet. The message to the Minns Labor Government is to do so is seriously cooked.

POLITICAL VIOLENCE AND EXTREMISM

The Hon. ANTHONY D'ADAM (21:17): Over the course of the past two evenings, a number of contributors to the adjournment debate have dealt with a range of intertwining issues, from the murder of Charlie Kirk to the March for Australia and the rise of violent extremism and neo-Nazism. A common theme linking the contributions is the concern over the rise of political violence and violent extremism, a phenomenon that has emerged as a serious threat here in Australia. There is an anxiety afflicting our society, a sense that society is adrift and that we cannot control where it is going. Things are happening that are unsettling. The adjustment to change, the absence of agency, and the perceived or actual threats to our identities have created political voids. How ordinary people interpret and respond to these disruptions and discontinuities has seen parts of our community reach for extreme and violent solutions that are posing significant threats to democracies across the globe.

In her private member's statement on Wednesday, the Hon. Susan Carter sought to draw a very odd connection between the assassination of Charlie Kirk and the pro-Palestine encampments at the University of Sydney. To make this comparison is ludicrous in the extreme. One act involved murder; the other involved students chanting slogans. There is no equivalence between these two events or phenomena; to suggest that is utterly ridiculous. Political participants need to distinguish between real, actual violence and other forms of political action. In recent weeks we have witnessed real violence. There was the murder of two police officers in Victoria, where the principal suspect is a right-wing extremist, a sovereign citizen. Two Palestinian brothers were physically assaulted on a Sydney train by people returning from the March for Australia for wearing a keffiyeh. These are concerning events. Charlie Kirk was a victim of America's insane gun laws, laws that he defended. Utah, where he was killed, is an "open carry" State. He was also a casualty of America's polarised political culture, a culture that he contributed to creating and sustaining.

Increasingly in contemporary society, extremist views have currency. Social media is driven by rage; it feeds clicks, likes and comments. Members in this place should reflect on their own contribution to that phenomenon. Some members want to bring to Australia the polarisation and division that has come to characterise politics in the United States. Culture war tropes that feed divisive politics and that direct hostility and hatred towards vulnerable and marginal groups have consequences. Words lead to actions. Political leaders must exercise caution in their coddling of the extreme right. Knowingly or not, Jacinta Nampijinpa Price has given license for racist views to be expressed more openly in society. Our Indian community now has to suffer the consequences. In her contribution, the Hon. Rachel Merton laments the loss of civil discourse. She might want to reflect on her own contributions to this assault on civility. What is said in the gentle confines of our Parliament takes a different course when interpreted by other actors in broader society.

The campaign against the Voice referendum has licensed an upsurge in discriminatory attitudes toward First Nations people. It has given new vigour to a confluence of racist forces that has manifested in Nazi-led and organised anti-immigration rallies across the country. We should be concerned by the rise in political violence, but the extreme right poses the real risks—sovereign citizens killing police, and homegrown terrorists killing Muslims in Christchurch in defence of white supremacy and the great replacement theory. Those ideas are openly supported by people behind the so-called March for Australia. In his contribution yesterday, the Hon. Cameron Murphy rightly called that fascism. I also share the concern that Dr Amanda Cohn aired in her contribution about the visible rise of overt expressions of Nazi sympathies.

Nazis parading in country towns and on the streets of Melbourne and Sydney should be ringing alarm bells for our political leadership. How to respond is a vexed question. Free speech and assembly are core rights that I have defended and continue to defend. Some on the left are gripped by nostalgia for the myth of the Battle of Cable Street. They argue that fascism must be confronted directly and physically driven from the public domain. I reject the view that violence is the appropriate response to the threat. Fascism thrives on violence. Fascism must be fought politically, and that requires those in the mainstream of our political institutions to actively challenge those ideas, especially when they are hidden in dog whistles and coded political messages.

Multiculturalism must be actively defended by political leaders, and our multicultural communities need to be empowered to go on the offensive in their efforts to tackle racist attitudes. We need to re-establish bipartisanship on reconciliation with First Nations peoples. We need to end the culture war against the trans community. Attacking minorities is what fascists do. We need to stand up for universal values and human rights here and around the world. Fascism is the violent attack on pluralism and diversity. There can be no taking both sides in this debate. There are fascists and there are anti-fascists. There is no space in the middle. We must all choose. Pluralism and diversity are concepts at the heart of Australian society. We must defend them, and we must do so with every fibre of our being.

YOUTH CRIME

The Hon. AILEEN MacDONALD (21:22): The Government is trying to spin the latest Bureau of Crime Statistics and Research statistics as a success story. Yes, some property offences are down in regional New South Wales. But let us be clear, statistics do not tell the full story. The Minns Labor Government's bail amendments were meant to be a circuit breaker for youth crime in the regions. The truth is they have failed and, in failing, they have also set up regional communities to fail. People living in a regional town do not feel safer just because a graph is pointing in the right direction. Communities are still dealing with assaults, break-ins and antisocial behaviour. While the Government is talking tough, people on the ground know that very little has changed.

The uncomfortable truth is that children are churning in and out of Youth Justice centres. In the last financial year alone, 3,456 receptions of children into custody were recorded. That is not 3,456 individual children—many were the same young people cycling in and out. But here is the shocking reality: 3,437 of those receptions were unsentenced children held on remand. Only 19 of them were sentenced. Many of those children spent just a handful of days in custody before being released. At a cost of \$2,814 per child per day, this system

drains hundreds of millions of dollars annually yet fails to deliver safer communities. That constant churn does not reduce crime; it entrenches it. It exposes vulnerable young people to hardened offenders and does nothing to divert them from a lifetime in and out of the justice system. The Government promised a bail accommodation and support service in Moree, a place where young people could be supervised, supported and given a chance to break the cycle. However, 18 months later in budget estimates we heard that it still does not exist. The Attorney General passed the buck to the Premier. The Premier pointed to another Minister. Meanwhile, regional families are left to live with the consequences and that service has still not been delivered.

In the meantime, tragedy has struck. Who knows whether the outcome would have been different if the bail accommodation service had been in place as promised? What we do know is the Government has failed to deliver on its word and communities are paying the price. The punitive system costs hundreds of millions each year, yet it fails on every measure—young lives are being wasted, reoffending is rising and regional communities are no safer. Instead of investing in proven diversion programs like BackTrack, the Government cuts them. All the while, thousands of children churn in and out of remand. Instead of building trust, it hides behind rhetoric and delays. This Government is more interested in political spin than delivering community safety. It is time to start investing in programs that actually work, programs that support families, keep kids in school and make regional towns safer. I care deeply about the safety of these communities. Parents in towns like Moree, Bourke and Kempsey deserve to feel safe in their homes and on their streets. Victims deserve justice.

I also care about the children who are caught in this broken system. Locking them up for nine days at a time does not change behaviour; it entrenches it. At nearly \$3,000 a day, it is one of the most expensive policy failures this Government has delivered. The Government is also reviewing *doli incapax*, which is the presumption that children under 14 cannot be held criminally responsible unless proven otherwise. But a review is not a solution. Regional communities need action now. They need alternatives to detention that hold young people accountable in ways that change behaviour. Regional communities do not need more press releases and talking points. They need real investment in early intervention, diversion and family support. They need bail accommodation, mentoring, education pathways and mental health services. That is how you break the cycle of crime and keep people safe.

Crime is not solved by spin. It is solved by policies that address the causes of offending and give communities confidence that government is on their side. Until this Government stops congratulating itself and starts delivering on its promises, regional families will continue to feel unsafe, police will remain overstretched and too many children will be condemned to a life of crime instead of given the chance of a better future.

AMANDA MCCORMACK

The Hon. MARK BUTTIGIEG (21:27): With the indulgence of the House, it may surprise the Assistant President to learn that Amanda McCormack has worked with the Hon. Peter Primrose, MLC, for 10 years now. She would like it recorded in *Hansard* that it has been, and continues to be, an absolute honour and a privilege to do so.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I appreciate the sentiment. The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 21:28 until Tuesday 14 October 2025 at 12:30.