

## LEGISLATIVE COUNCIL

Thursday 16 October 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.

### *Rulings*

#### FORMAL BUSINESS

**The PRESIDENT (10:00):** On Tuesday 14 October the Hon. Dr Sarah Kaine requested that private members' business item No. 2091, relating to the TAFE NSW Fashion Design School show 2025, be listed as formal business for the next sitting day. The matter was included in the formal business list circulated to members on Tuesday evening and appeared in the formal business list in the *Notice Paper* for Wednesday 15 October 2025. However, with 42 items of formal business on the list, unfortunately, an error occurred and it was overlooked that that item had expired from the *Notice Paper* on 14 October and should not have been listed as formal business. In the event, when I called on private members' business item No. 2091 yesterday during formal business, no objection was taken and the motion was agreed to. In those circumstances, I propose to let the matter stand.

### *Motions*

#### TRIBUTE TO DR JANE GOODALL

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:02):** I move:

- (1) That this House celebrates the life and immense contribution of Dr Jane Goodall, who, through her passion and expertise, changed the way we think about animals.
- (2) That this House notes that Dr Goodall was an incredible woman who challenged us, educated us and inspired people to care for our natural world and the animals in it.
- (3) That this House sends its deepest condolences to Dr Goodall's family, friends and loved ones as they mourn her passing and reflect on her life, which fundamentally changed the way the world relates to nature.

**Motion agreed to.**

#### TRIBUTE TO SUSAN ELFERT

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:03):** I move:

- (1) That this House celebrates the life and contribution of Susan Elfert as a stalwart of the Blue Mountains Labor Party and a fighter for social justice, the environment and working people.
- (2) That this House notes that during Susan's long contribution to environmental activism as a founding and ongoing member of the Labor Environment Action Network, she played a key role in educating branch members about environmental policy and building support for ambitious climate change action and protection for the environment.
- (3) That this House sends its deepest condolences to Susan's family, friends and comrades as they mourn Susan, a woman of action, principle, compassion and courage.

**Motion agreed to.**

#### CLIMATE CHANGE AND LOCAL GOVERNMENT

**Dr AMANDA COHN (10:03):** I move:

- (1) That this House notes the recent *Costs of climate-driven disasters and local government revenue* briefing note by the Australia Institute, which states that climate change is making natural disasters more frequent and intense, and subsequently increasing costs for local governments, who are responsible for the roads, footpaths, drainage, sewage, parks and community facilities impacted by climate-driven disasters.
- (2) That this House further notes the analysis that the insured costs of climate change are now 12 times higher than 20 years ago, while local government revenue is only three times higher.

- (3) That this House calls on the Government to urgently implement the recommendations of the inquiry into the ability of local governments to fund infrastructure and services.

**Motion agreed to.**

**WHITEGOODS WASTE**

**Dr AMANDA COHN (10:03):** I move:

- (1) That this House notes the recently published *Stewardship Solutions for Whitegoods: Product Stewardship Pathways for Large Household Appliances* report by the Southern Sydney Regional Organisation of Councils and the Product Stewardship Centre of Excellence.
- (2) That this House further notes that the Southern Sydney Regional Organisation of Councils has indicated that:
- (a) in 2019, an estimated 360,000 tonnes of large household appliances and temperature exchange equipment entered the Australian market, resulting in 200,000 tonnes of e-waste generated; and
- (b) opportunities exist for the Government to create a State-based producer responsibility regulation for large household appliances under the Product Lifecycle Responsibility Act 2025.
- (3) That this House acknowledges the significant financial burden on New South Wales councils to collect and sort whitegoods waste, especially in the context of current challenges impacting financial sustainability.
- (4) That this House supports product stewardship principles which place responsibility on producers for the environmental impacts of their products, rather than leaving the burden to councils and the community.

**Motion agreed to.**

**WORLD OCTOPUS DAY**

**The Hon. CAMERON MURPHY (10:04):** I move:

- (1) That this House notes that:
- (a) 8 October 2025 was World Octopus Day;
- (b) World Octopus Day has been celebrated annually since 2014 and its purpose is to raise awareness about octopus species and their intelligence, to highlight their vital role in maintaining marine biodiversity and to promote ocean conservation and inspire people to protect sea life and habitats;
- (c) there are more than 70 species of octopus found in New South Wales and the most common species include:
- (i) the gloomy octopus (*Octopus tetricus*), also known as the common Sydney octopus, an abundant species and important for fisheries in the region;
- (ii) the southern octopus (*Octopus australis*), a known species that can grow up to 40 centimetres;
- (iii) the pale octopus (*Octopus pallidus*), another common species found in the area that reaches up to 60 centimetres;
- (iv) the Māori octopus (*Macroctopus maorum*), a large species with a significant arm span that grows up to 300 centimetres; and
- (v) the blue-lined octopus (*Hapalochlaena fasciata*), a species of blue-ringed octopus found on intertidal rocky shores and in coastal waters up to 15 metres deep.
- (2) This House congratulates the people of New South Wales who took part in activities to promote ocean conservation and inspire people to protect sea life and habitats on World Octopus Day 2025.

**Motion agreed to.**

**UNITED NATIONS EIGHTIETH ANNIVERSARY**

**The Hon. CAMERON MURPHY (10:04):** I move:

- (1) That this House notes that:
- (a) 24 October 2025 marks the eightieth anniversary of the United Nations;
- (b) on 26 June 2025, a special meeting of the United Nations was held to commemorate the eightieth anniversary of the signing of the United Nations Charter, which occurred on 26 June 1945;
- (c) in September 2025, the United Nations held high-level meetings, including a commemoration of its founding, to discuss the achievements of the past eight decades and the challenges the world faces;
- (d) United Nations Day will be celebrated on 24 October 2025 and this annual event celebrates the United Nations Charter's entry into force and is a significant observance for the eightieth anniversary; and
- (e) Australia became a member of the United Nations on 1 November 1945 as a founding member State.
- (2) This House congratulates the United Nations on its eightieth anniversary and wishes it every success for the future.

**Motion agreed to.**

## RACE DISCRIMINATION COMMISSIONER FORUM

**The Hon. CAMERON MURPHY (10:05):** I move:

That this House notes that:

- (a) on 17 September 2025, Ms Charishma Kaliyanda, MP, hosted a forum in the McKell Room of New South Wales Parliament with Australia's Race Discrimination Commissioner, Giridharan Sivaraman;
- (b) Commissioner Sivaraman outlined the National Anti-Racism Framework, which sets out 63 recommendations for governments, businesses and community organisations to address all forms of racism and proposes reforms across legal, justice, health, education, media and arts sectors, as well as workplaces and data collection; and
- (c) the event was well attended, including by the Hon. Stephen Lawrence, the Hon. Anthony D'Adam, Nathan Hagarty, MP, the Hon. Cameron Murphy and Tim Crakanthorp, MP, amongst others, and provided an opportunity for members of Parliament to engage with officers from the commission on advancing strategies to combat racism.

**Motion agreed to.**

## SMALL BUSINESS MONTH

**The Hon. AILEEN MacDONALD (10:05):** I move:

(1) That this House notes that:

- (a) October 2025 is NSW Small Business Month, a statewide initiative to celebrate, support and strengthen small businesses across New South Wales, with free and low-cost events tailored to business needs in areas such as staffing, cybersecurity, marketing, cash flow, strategy and digital transformation;
- (b) across New South Wales there are approximately 870,000 small businesses, which represent about 97 per cent of all businesses in the State, and they employ around 1.7 million people (roughly 40 per cent of the workforce);
- (c) in 2025 NSW Small Business Month is also being used to shine a spotlight on regulatory burden ("red tape"), with the Government and NSW Small Business Commission inviting business owners to share their compliance experiences via a survey and interviews, thereby helping to target reforms that reduce costs and complexity; and
- (d) in many regional and rural local government areas, NSW Small Business Month events create vital opportunities for remote and rural business owners to access training, networks and advocacy support that might otherwise be unavailable.

(2) That this House:

- (a) congratulates the NSW Small Business Commission, collaborating bodies, local chambers of commerce, industry groups and all participants on organising NSW Small Business Month 2025;
- (b) recognises the indispensable role of small businesses in driving local economies, creating jobs and sustaining communities, especially in regional and rural areas;
- (c) calls on the Government to maintain momentum by acting on the feedback from the red tape initiatives, ensuring that regulatory reform delivers genuine relief to small business operators; and
- (d) encourages all members of this House to support, promote and attend NSW Small Business Month events in their electorates and to advocate for small businesses as essential engines of innovation and resilience across New South Wales.

**Motion agreed to.**

## POLISH NATIONAL READING EVENT

**The Hon. ROBERT BORSAK (10:05):** I move:

(1) That this House notes that:

- (a) on Tuesday 14 October 2025, the Parliamentary Friends of Poland and Hungary hosted a poetry reading event celebrating the Polish National Reading initiative for the first time in the New South Wales Parliament;
- (b) the National Reading initiative was established in 2012 to promote and celebrate Polish literature, organising an annual event where selected works are read together by people in Poland and abroad;
- (c) the initiative is held under the patronage of the President of Poland and serves to promote reading and celebrate the legacy and beauty of Polish literature in preserving cultural and linguistic identity; and
- (d) during the event on 14 October 2025, supported by the Polish Australian Chamber of Commerce, works by Jan Kochanowski, who is considered the father of the Polish language, were read in both Polish and English with participation of the New South Wales parliamentarians and Polish community representatives.

(2) That this House acknowledges:

- (a) the Polish Australian Chamber of Commerce and the University of Lodz for their groundbreaking collaboration, through the project *Research on Polish Literature as a Tool Supporting the Integration of the Australian Polish Community*, which is funded by the Polish Ministry of Science and Higher Education under the Social Responsibility of Science II program, led by Professor Tomasz Cieślak, who is currently visiting Australia to advance this important cultural and educational collaboration; and

- (b) the project has already delivered tangible benefits for the Polish Australian community in New South Wales and beyond, providing a series of workshops that includes poetry and prose, author meetings, book and literature clubs, Polish language consultations for educational and professional purposes, fostering cultural literacy and intergenerational connection, contributing to the broader goals of community wellbeing, intellectual engagement and lifelong learning.
- (3) That this House extends the appreciation to the Polish Australian Chamber of Commerce and University of Lodz for their continued dedication to preserving and celebrating Polish language and literary heritage in New South Wales and Australia.

**Motion agreed to.**

**SYDNEY SPIRITUAL FESTIVAL**

**The Hon. MARK BUTTIGIEG (10:06):** I move:

- (1) That this House notes that:
  - (a) on 29 August 2025, the Hon. Mark Buttigieg spoke at the Sydney Spiritual Festival in Burwood Park, Burwood; and
  - (b) the Hon. Mark Buttigieg opened the event alongside Jason Yat-Sen Li, MP, member for Strathfield, and Federal MP Sally Sitou, member for Reid.
- (2) That this House further notes that the festival:
  - (a) marked the beginning of three days of festivities with the procession of the Kalash Yatra; and
  - (b) was a beautiful celebration of the Nepalese community, with performances devoted to promoting a deep commitment to multicultural harmony in New South Wales, and a reminder that New South Wales is an extremely vibrant and diverse place to live.
- (3) That this House thanks Councillor Sameer Pandey and the Greater Sydney Nepalese Multicultural Centre president, Bishnu Hamal, for organising such an amazing event and for its leadership in promoting multiculturalism, supporting both Nepalese and Australian values.

**Motion agreed to.**

**ROBIN SHARPE**

**The Hon. MARK BUTTIGIEG (10:06):** I move:

- (1) That this House notes that:
  - (a) at the most recent United Services Union [USU] conference, the southern branch of the USU moved that Robin Sharpe be accepted as a life member of the USU; and
  - (b) Robin Sharpe has been a USU member for 22 years, having joined the USU in April 2003.
- (2) That this House further notes that:
  - (a) in Robin's 22 years of service, she has excelled as a workplace delegate and branch delegate, including holding the role of Southern Branch secretary for 9½ years;
  - (b) Robin looked after the southern branch effectively through booking accommodation, arranging dinners and organising any logistical details for each meeting, an enormous role that she executed successfully;
  - (c) Robin served as a delegate in the Shoalhaven City Council, taking action in April 2022 by opposing the contracting out of council jobs;
  - (d) the action led to a strike, with members picketing the council's administration building; and
  - (e) as a result of the action, Shoalhaven City Council agreed to create 22 new permanent council jobs and to prioritise secure council jobs over fixed-term labour hire.
- (3) That this House congratulates:
  - (a) Robin Sharpe on her nomination as life member of the USU; and
  - (b) USU general secretary Graeme Kelly, OAM, all their delegates and members on continuing to uplift and support their members in fighting for workers' rights.

**Motion agreed to.**

**COL STINSON PARK NETBALL FACILITIES**

**The Hon. STEPHEN LAWRENCE (10:07):** I move:

That this House notes that:

- (a) on Monday 29 September 2025, the Col Stinson Park netball facilities in Cowra were officially opened by the Hon. Stephen Lawrence;
- (b) also in attendance were State member for Cootamundra Steph Cooke, Federal member for Riverina the Hon. Michael McCormack and Cowra Council Mayor Paul Smith, along with local junior netball players;

- (c) the new facilities consist of 12 grass netball courts and six bitumen courts with lighting, allowing for games to be played day and night; and
- (d) the project, jointly funded between State, Commonwealth and local governments, supported local jobs during its delivery.

**Motion agreed to.**

**GILGANDRA SPEEDWAY**

**The Hon. STEPHEN LAWRENCE (10:07):** I move:

- (1) That this House notes that:
  - (a) the Gilgandra Speedway reopened on 5 October 2025 after two seasons of limited racing on the speedway after safety concerns were discovered in 2023;
  - (b) since then the Minns Labor Government has invested \$525,000 to deliver a new concrete barrier wall, a modern safety catch fence and a pit gate upgrade, which has brought the racetrack up to modern racing standards;
  - (c) the speedway is now one of the first five-star speedway tracks in regional New South Wales and can host regional, State and national events, attracting more tourists from around the State to the Central West;
  - (d) the newly upgraded track will be a better facility for the 80 drivers, 40 volunteers and 350 patrons on average who use the track; and
  - (e) the reopening event was attended by duty MLC for Barwon the Hon. Stephen Lawrence and Gilgandra Shire Council Mayor Doug Batten.
- (2) That this House congratulates the Gilgandra Speedway on a successful reopening event, ahead of years of further racing events to come.

**Motion agreed to.**

**RETURN AND EARN CONTAINER DEPOSIT SCHEME**

**The Hon. STEPHEN LAWRENCE (10:08):** I move:

- (1) That this House notes that:
  - (a) Return and Earn is the New South Wales container deposit scheme, which boosts recycling and reduces litter by delivering a 10¢ refund to users who return eligible drink containers to collection points;
  - (b) the scheme is funded by the beverage industry and features over 500 collection points across the State, including reverse vending machines and over-the-counter sites, and eligible containers must have the original label attached;
  - (c) on 29 September 2025 the Bathurst Return and Earn Depot celebrated its move to a new central location at 123 Durham Street, attended by Paul Toole, MP, member for Bathurst, and the Hon. Stephen Lawrence, duty MLC for Bathurst;
  - (d) the new depot can process up to 100 containers a minute, making it ideal for returning 500 or more containers at a time without the need to pre-sort containers, and the depot also offers the extra convenience of a "tag and drop" service, which lets recyclers receive a digital payout after dropping off their bagged containers to be counted by depot staff;
  - (e) the new site has easy access for trucks, trailers and utes returning large volumes of eligible containers for the 10¢ refund;
  - (f) from 2027 glass bottles for wine and spirits, cordial and juice concentrate containers, and larger containers up to three litres for beverages already in the scheme will be accepted at depots, so residents can continue receiving refunds for their recycling efforts;
  - (g) the depot, which is the third return point in the Bathurst Regional Council area, is locally owned and operated and supports fundraising for charity partner Boys to the Bush, and locals can donate to Boys to the Bush, who provide support for vulnerable male youth by leaving containers in the labelled bins on site;
  - (h) Return and Earn depots like those in Bathurst support the community, processing containers for organisations including Lions clubs and Rotary clubs, who champion causes that matter to locals, and Return and Earn has become a key fundraising channel for many charities and community groups in New South Wales, with over \$82 million raised from donations and fees from hosting return points since the scheme launched in 2017; and
  - (i) on 1 October 2025 the Dubbo St Vincent de Paul Return and Earn depot at 25 Douglas Mawson Drive in Dubbo celebrated the 100 millionth container recycled to its depot, with attendees including the member for Dubbo, Dugald Saunders, MP, and the Hon. Stephen Lawrence, duty MLC for Dubbo.
- (2) That this House congratulates all involved in Return and Earn on its tremendous litter reduction, environmental outcomes and charity fundraising since the scheme began in December 2017.

**Motion agreed to.**

**BIG OAKY CREEK BRIDGE**

**The Hon. STEPHEN LAWRENCE (10:08):** I move:

- (1) That this House notes that:
  - (a) the Big Oaky Creek Bridge at Upper Turon Road at Sofala was officially opened on 25 September 2025 by Bathurst mayor Councillor Robert Taylor, alongside the Hon. Stephen Lawrence and the member for Bathurst, Paul Toole; and
  - (b) the new dual-lane bridge features advanced hydraulic design and has been raised by 300 millimetres to help reduce flood risk and has been designed to withstand a one-in-50-year flood event.
- (2) That this House acknowledges that the new Big Oaky Creek Bridge will improve travel for locals and support tourism to the Central West.

**Motion agreed to.**

### CATHOLIC SCHOOLS

**The Hon. SUSAN CARTER (10:08):** I move:

- (1) That this House notes that Catholic Schools NSW is responsible for the education of over a quarter of a million students in almost 600 schools in New South Wales, and that while enrolments in State schools continue to decline, enrolments in Catholic schools continue to grow.
- (2) That this House further notes that in an address to Sydney Catholic Schools Pastors and Principals Day in July 2024, Archbishop Anthony Fisher challenged the Catholic school system to recognise that education is not "just about foundational skills like literacy, and numeracy, and a sound knowledge base, important as these things are, but also about memory and imagination, sensitivity and character, including sacred memory, transcendent imagination, moral sensibility and virtuous will", and he pointed to the liberal arts model as one way of achieving this and developing critical thinking skills.
- (3) That this House notes that with the expansion of AI, an education which develops imagination, character and critical thinking skills becomes increasingly important.
- (4) That this House congratulates Dallas McInerney, the CEO of Catholic Schools NSW, and his entire team on responding to the challenge of Archbishop Fisher and seeking to reimagine for the twenty-first century education in New South Wales Catholic schools to "ensure that a deep knowledge of and appreciation for the best of Western culture is not merely a benefit for the privileged few, but rather a foundation available and affordable for every Australian".

**Motion agreed to.**

### NATIONAL SURVIVORS' DAY

**The Hon. BOB NANVA (10:09):** I move:

- (1) That this House notes that 12 November 2025 is National Survivors' Day.
- (2) That this House acknowledges the profound harm caused to survivors and the community by sexual assault and institutional abuse.
- (3) That this House supports efforts towards destigmatisation and public acceptance of the work undertaken by survivors and advocates.
- (4) That this House recognises the need to continue improving responses to survivors and all those impacted by sexual assault and institutional abuse.
- (5) That this House further acknowledges the enormous courage of survivors who have told their stories and, in doing so, shed much-needed light on devastating crimes committed against vulnerable people and on systemic failures in systems that were supposed to support and protect children.
- (6) That this House congratulates the National Survivors Foundation on its outstanding work in supporting and advocating for victims of sexual assault and institutional abuse.

**Motion agreed to.**

### *Documents*

### TABLING OF PAPERS

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. Penny Sharpe: According to the State Insurance and Care Governance Act 2015, I table the report of Insurance and Care NSW entitled *2025-26 Statement of Business Intent*, together with a statement from the Hon. Sophie Cotsis MP, Minister for Industrial Relations and Minister for Work Health and Safety.

### *Committees*

### PORTFOLIO COMMITTEE NO. 8 - CUSTOMER SERVICE

#### Reports

**Dr AMANDA COHN:** I table report No. 4 of Portfolio Committee No. 8 - Customer Service entitled *Public toilets*, dated October 2025, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions.

**Dr AMANDA COHN (10:10):** I move:

That the House take note of the report.

I speak very briefly to the report entitled *Public toilets*. The inquiry was groundbreaking. We conducted a comprehensive review of public toilets in the State, including an examination of their provision, design, accessibility and inclusivity. It is very clear from the evidence that the current regulatory framework for public toilets is not fit for purpose. Public toilets are an essential component of urban infrastructure. In addition to their critical role in public health and hygiene, access to public toilets can make or break whether a significant number of people are able to fully participate in community life. The impacts of inadequate public toilet provision and a lack of access to public toilets are significant. The consistent provision of accessible and inclusive public toilets means that all sectors of the community would be able to fully participate in community life through inclusion and enjoyment of public and recreation spaces and key cultural and civic institutions. The 22 very detailed and comprehensive recommendations of the report are intended to achieve that.

**Debate adjourned.**

*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.

**The Hon. ROD ROBERTS:** On behalf of the Hon. Mark Banasiak: I postpone business of the House notice of motion No. 2 until the next sitting day.

*Matter of Public Importance*

### WORKERS COMPENSATION LEGISLATION

**The Hon. MARK LATHAM (10:34):** I move:

That the following matter of public importance be discussed forthwith:

The importance of integrity and principled leadership in the Treasury portfolio.

The discussion is urgent because we heard the news this morning that the workers compensation bill is coming back to the House with a reporting date of 3 November. One of the outstanding issues that the House needs to deal with is on what basis did the Treasurer break his solemn election promise to ensure that permanently injured workers were never without permanent income support? That was a solemn promise. It is a lasting Labor principle that those injured workers would always be looked after, and the Treasurer has abandoned that. We need to understand the reasons why. That is important and urgent work for the House.

There was a great edition of the Cox Plate. We were in the lead-up. The champion horse, Kingston Town, had been struggling with the Melbourne way of going. In the big race, though, he was cantering. The wonderful caller Bill Collins famously said, "We'll see the real Kingston Town today." After the evidence of Chris McCann, we have seen the real Treasurer—knowing what he is about, knowing he is devoid of character, knowing that he leaves people behind—

**The Hon. Penny Sharpe:** Point of order: The member will have the chance to canvass the issues he wishes to in the discussion on the matter of public importance, but he does not get to do that in the debate about why the discussion should be brought on now and why it is urgent.

**The PRESIDENT:** This part of the debate is about discussing why the matter is urgent and should be brought on now, rather than the substantive debate. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** It is urgent to see the real Treasurer and know what he has done to someone like Chris McCann. The evidence on Tuesday 7 October before the committee was, of course, devastating. I found out for the first time—as I am sure other members did—that Chris McCann had been the whistleblower of choice. He had been used and abused and then discarded once the information was no longer—

**The Hon. Penny Sharpe:** Point of order: This is substantive material that the member, if he gets the support of the House, will be able to provide during the discussion. But it is not about why this matter is more urgent than the matters we already have on the *Notice Paper* for today.

**The PRESIDENT:** The scope of what the Hon. Mark Latham should be discussing now is quite narrow. I understand that the topic of the matter of public importance is quite broad. If the discussion is agreed to, the Hon. Mark Latham will have an opportunity to discuss those issues. However, this contribution should only concern why the issue should be discussed.

**The Hon. MARK LATHAM:** I understand that. As per the motion I have moved, to the point of order: Last night the House took half an hour in quite an active debate to consider why it was so important to bring back the workers compensation bill. This morning we got the news that it is coming back. It is a matter of public importance and urgent to consider the background to why that solemn Labor election promise was broken. A lot of the answers were provided by Mr McCann. That is why it is urgent for the House to consider his evidence. He said of the Treasurer, "He was ringing me. He was calling me. He was messaging me throughout the period when the icare inquiry was going on."

**The Hon. Penny Sharpe:** Point of order: Either the member is deliberately flouting the ruling, or he does not understand the ruling. The issue is why the discussion of this matter is more urgent than the other matters that are on the *Notice Paper* today. It is not about the substance of the matter of public importance.

**The PRESIDENT:** I uphold the point of order. I instruct the Hon. Mark Latham to come to the urgency issue. I will call him to order if he continues to go down the same line. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** With due respect, because of the frivolous points of order and your ruling, all I can stand here and say is, "Urgent, urgent, urgent." Is that the nature of the ruling? All I can say under the standing order is, "Urgent, urgent, urgent."

**The PRESIDENT:** That is not the case. I understand that there needs to be some context around the motion. However, it is also an important and long-established precedent in this place that the discussion now is about why the matter should be debated rather than the substance of what is to be debated. That is what I am—

**The Hon. MARK LATHAM:** With due respect, that is what I have said.

**The PRESIDENT:** I have made my ruling, Mr Latham.

**The Hon. MARK LATHAM:** That is all I have said.

**The PRESIDENT:** I have made my ruling, and you will adhere to it. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** I might dissent from it because I think it is wrong. I think it is fundamentally wrong to give a member no more opportunity than one or two sentences to explain urgency and leave him in a position where he is so narrowed down to having to say, "Urgent, urgent, urgent," and nothing else. Surely there must be at least a paragraph.

**The Hon. John Graham:** Point of order—

**The Hon. MARK LATHAM:** I move dissent to the ruling of the President.

**The PRESIDENT:** What is the Hon. John Graham's point of order?

**The Hon. John Graham:** Firstly, the Hon. Mark Latham can move dissent, but he cannot canvass the ruling. I encourage the member not to go down that path.

**The Hon. MARK LATHAM:** Why?

**The Hon. John Graham:** If he wants to take the time of the House to do that, we will have that debate instead, but he cannot canvass the ruling.

**The Hon. MARK LATHAM:** I have moved dissent because you, Mr President, have made a mockery of this process. You have accepted the points of order of the Leader of the Government so that the mover of the motion is restricted to just babbling "urgent, urgent, urgent" and not giving any context, not even one sentence, as to why it is urgent.

**The PRESIDENT:** If the Hon. Mark Latham wants to continue with the dissent motion, of course, we will go down that line. But for the benefit of the House, I think it is important to say that there needs to be narrow scope in terms of why an issue is urgent. The Hon. Mark Latham is quite right to say that there needs to be some context placed around it. I understand that, but there is a difference between that and reading onto the record a range of things that would normally come up in the substantive debate. If the Hon. Mark Latham would like to proceed with the dissent motion, that is fine, but I ask that he considers that. I am happy to allow some free rein in the discussion of context so that we can move on without taking up the time of the House.

**The Hon. MARK LATHAM:** In deference to you, Mr President, and the ruling you have just given, I withdraw the dissent motion. But I point out that I have only read one thing onto the record. I said, "He was ringing me. He was calling me. He was messaging me throughout the period." That is all. It was one piece of material that goes to the urgency of this particular motion. There must be some capacity for a member to make points that are relevant to urgency. We urgently need to answer the question as to why the Treasurer and all of the Labor Party people who signed the pledge abandoned their solemn promise that they would look after permanently

injured workers with permanent income support. It is clear from the evidence of Mr McCann that, in his rise to near the top of the New South Wales Government, the Treasurer has left a trail of human carnage behind. People have been totally discarded once their usefulness to him has expired. In that respect, the evidence of Mr McCann was absolutely devastating. Mr McCann went on to talk about his call for assistance on his own mental health issues, his own worker's compensation claim and his own objection to the bill going to 31 per cent whole person impairment—

**The Hon. Penny Sharpe:** Point of order—

**The Hon. MARK LATHAM:** —and the Treasurer would not even pay him the decency of a phone call.

**The PRESIDENT:** The Leader of the Government has taken a point of order.

**The Hon. Penny Sharpe:** It is about dealing with the matter in relation to what is considered urgent. The ability to argue for why this matter of public importance motion is more urgent than the other items on the *Notice Paper* is not simply about saying something is "urgent, urgent, urgent". It means explaining why this particular matter is more important than the other items on the *Notice Paper*. The member is entitled to put on record the issues that he is raising, but he is not entitled to do that during this discussion. We are having a discussion about the urgency, and there will be a vote on that. But the other matters that he is talking about are not relevant to this discussion, which is about why the matter of public importance motion is more important than the five other bills that are on the *Notice Paper* today.

**The PRESIDENT:** The Clerk will stop the clock. There is a helpful ruling from President Ajaka that speaks to both of the points that have been raised by the Leader of the Government and the Hon. Mark Latham:

*Debate on whether matter should be discussed based on urgency or public interest:* [A matter of public importance] ... is not an urgency motion in which we look solely at why one matter is more urgent than any other. This debate is about a matter of public importance. The mover of the motion must establish within his or her ten minutes whether the matter of public importance should be discussed ... Both speakers—

the mover and the Minister in response—

need to delve into aspects of the motion in order to determine whether it should be discussed—

to the Hon. Mark Latham's point before—

However, the whole contribution should not be based on the subject matter of the motion—

to the Hon. Penny Sharpe's point—

There must be a nexus between what is being said and why the matter is or is not of public importance. Members should not simply state why a matter is urgent but also base the urgency on the public interest.

So the points that the Hon. Penny Sharpe makes are quite correct, and the points of the Hon. Mark Latham about context are also quite correct. But I encourage the Hon. Mark Latham to consider that framework, which I think is a useful one, as we continue to consider these issues.

**The Hon. MARK LATHAM:** The *Notice Paper* contains a miscellaneous justice bill which I understand is to make magistrates into judges. What next? We will make MLCs into senators! That is not an important matter for the Parliament to consider. We can make our horse a consul and do all the sorts of nonsense that have been listed by the Government. Those matters are so insignificant to the Government that they are listed to be handled by a Parliamentary Secretary. It is much more important to consider the matter of public importance motion because of the urgency of what has gone wrong with the workers compensation bill that is now coming back to the Parliament, as per the decision of the Public Accountability and Works Committee this morning. In this matter of public importance, the Treasurer has to explain why he has abandoned the injured workers, why he has abandoned people like Chris McCann, and why he has abandoned the Labor Party election promise. Going back further to the sexual assault in this building by Jamie Clements, the Treasurer has to explain why he has abandoned the victims in that case, knowing who is guilty and sitting with them in the Cabinet.

**The Hon. Penny Sharpe:** Point of order: Yet again, this is totally irrelevant to the matter of urgency. I think that the member was getting closer in relation to the nexus that you just provided from the good guidance of former President John Ajaka, but bringing in other matters is, yet again, abusing the forms of this House, and it is out of order.

**The PRESIDENT:** I understand that. The Hon. Mark Latham was adhering more closely to the spirit of the ruling. I ask that he now to concludes his remarks in the remaining 30 seconds.

**The Hon. MARK LATHAM:** Thank you, Mr President. You read out the ruling by former President Ajaka that said I have 10 minutes but, because of the frivolous points of order, my time has been run down to a couple of minutes. I still insist on the House discussing these matters. Chris McCann has blown the whistle on the

person for whom he was originally a whistleblower. He has been abused and neglected. It has been barbaric, actually, not to pick up the phone to tell him to call Lifeline. Earlier in the week the Treasurer tried to hide behind the fig leaf of Mr McCann's mental health problems. Mr McCann talks about those problems openly, and his evidence to the committee was devastating. It will give us an insight into the Treasurer's misbehaviour and opportunism when we finally get to consider the workers compensation bill. [*Time expired.*]

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:46):** The Government does not support urgency for this matter of public importance, and the reason is pretty simple: We now have three weeks of Parliament left, and there is significant legislation to deal with. It is all well and good for the member to cherry-pick one bill that is on the list for today. For the awareness of members, today the Government is introducing the Crimes Legislation Amendment (Domestic Violence and Sexual Offences) Bill 2025, which puts in non-parole periods for those who murder their intimate partners.

We also have the Justice Legislation Amendment (Miscellaneous) Bill (No 2) 2025 and the very significant Children (Education and Care Services National Law Application) Amendment Bill 2025, on which we have a large number of amendments to consider. People in this House and others have worked very hard on that bill. It has been the subject of extensive debate and is a very important piece of legislation. It is not frivolous in any way, shape or form. We also have the Local Court and Bail Legislation Amendment Bill 2025 and, importantly, the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 is due to come to this House to be debated today.

Those are not small pieces of legislation. It is also Government members' day, and we wish to pursue, in particular, those three very significant pieces of reform. We need time to do so. The clock is ticking for the end of year and the items of legislation that everyone in this House wants to pursue. This matter of public importance is not necessary today for the very reason that the member stated: The workers compensation bill is coming to the House for debate in the next sitting week. There will be an extensive bill, and I am sure there will be many amendments to deal with. This matter of public importance is not urgent today. I also place on record what the member is actually doing here. He wants to debate this matter of public importance so he can take up as much time as possible saying outrageous things about the Treasurer in the House, but we will deal with that when we come to it.

**The PRESIDENT:** The question is that the matter of public interest be discussed forthwith.

**The House divided.**

Ayes .....19  
 Noes .....14  
 Majority.....5

**AYES**

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

**NOES**

Buckingham	Kaine	Nanva (teller)
Buttigieg	Lawrence	Primrose
Graham	Mookhey	Sharpe
Houssos	Moriarty	Suvaal
Jackson	Murphy (teller)	

**PAIRS**

Overall	D'Adam
Ward	Donnelly

**Motion agreed to.**

**The Hon. MARK LATHAM (10:55):** That was a pleasant surprise. I thank the President and the Chamber. Perhaps it is not all that surprising, given almost half the Chamber was baying for a debate on workers compensation last night. Now we can have one under this matter of public importance. There are some very important issues to be raised, not just about Chris McCann, Labor's broken election promise or why the Treasurer is doing this. It goes to the whole fundamental framework of this workers compensation bill and the integrity and principles coming out of the Treasury portfolio. The truth is that the flood of psychological injuries and its impact on premiums is a product of a left-wing, woke ideology. The left created this problem, and the Hon. Daniel Mookhey's bill is incapable of solving it. The truth is that 30 years ago there was no such thing as a psychological injury for the basic reason that people in the workplace were not easily offended. They got on with their jobs.

Look at what Jim Betts did in the planning department in New South Wales where a person who was not a victim of something had something wrong with them. According to Jim Betts, if a person was not a victim of colonisation, transphobia, homophobia, misogyny or racism, then they had a problem and were mentally ill for not having a victimhood outlook at work. There has been an introduction of woke, be-offended-type programs in the workplace, particularly in the New South Wales public service. I used to joke about Jim Betts and all the political programs he was running in the planning department, including the book club, the misogyny workshop, the cutting of the cake on rainbow day and the colonisation seminar. It would get to about 4.30 p.m. and then they would do some real work. It was 7½ hours of politics, woke ideology and teaching people how to be offended. They would teach people how to be psychologically injured in the workplace and then finally do a half-hour of planning.

This tendency runs through the New South Wales public sector in particular, but it has also affected other workplaces. We never had psychological injuries 30 years ago. It was not a factor in workers compensation or the rising cost of premiums. It is a product of a work attitude that says everyone should be offended about something in this snowflake society and then crumble with no resilience and put in a workers compensation claim. That is the evidence we received at the committee inquiry. One lady from a club on the Mid North Coast did not work on a Monday. A training seminar was run on a Monday, and she said that was misogyny and exclusion of her as a woman because the training seminar was on the Monday when she did not work. No, love, it is just reality. That was the day they did the training, and she was not working. She should not be offended. She got a workers compensation claim up for that.

The problem for the Treasurer is that he cannot knock all that on the head because it is a product of his side of politics. Instead of closing the door with realistic definitions on the way into the scheme, he has only had one choice: to brazenly break his election promise at the other end of the scheme so basically no-one who has under 31 per cent whole person impairment will ever get permanent income support. The small business community and advocates like the Hon. John Ruddick need to understand this fundamental reality: The Treasurer's bill is a faulty bandaid, a broken promise. Only the other side of politics can solve the problem of dealing realistically with psychological injuries, the snowflake workplace and the snowflake society where every second person is grievously offended about nothing and puts in a workers compensation claim.

The Tudehope and Latham amendments have been designed to close the door a fair way so that only realistic claims get through. If all the fraud, the rubbish, the snowflake stuff does not get through in the first place, that is a massive cost saving in the scheme. The reversal of the so-called Greenwich amendments in the other place are a major cost saving. The work of the Public Accountability and Works Committee has shown the way forward for a realistic system with no fraud or false-offensive or snowflake claims from the beginning, but decency at the end, ensuring that permanently injured workers get permanent income support. That is a Labor principle that would have been in place for as long as the Labor Party has existed. But the Treasurer has brazenly made a promise only to be broken. He made that promise knowing that if he ever got into government, he would not be able to do anything about the snowflake problem at the beginning of the scheme—the claims based on offence and hurt feelings—and he could only break his promise. He went into the election knowing that was what he would do.

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

*Visitors*

#### VISITORS

**The PRESIDENT:** I welcome to the Parliament delegations from the Timber, Furnishing and Textiles Union and the Rail, Tram and Bus Union who are present for question time. You are all very welcome.

*Questions Without Notice***TOMAGO ALUMINIUM SMELTER**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Minister for Energy. What steps has the Minister taken to ensure that the Tomago Aluminium smelter will have access to the affordable energy it will need to keep operating beyond 2028?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:00):** I thank the Hon. Damien Tudehope for his question. There has been close engagement between Tomago and my department over a period because of the importance of its power purchasing agreement, which is due to run out in 2028. That work is ongoing. The Commonwealth is also involved in those discussions. There is an amount of material that I will not place on public record because the discussions are ongoing. Suffice to say that, as we know, Tomago is an important business in the Hunter. It employs around 1,200 staff, about 200 contractors and uses approximately 12 per cent of New South Wales's total energy supply. It has had a long-term contract with AGL for energy, which will come to an end in 2028. Work is being undertaken about where energy can be provided from, in what form and whether it is renewable or otherwise. That work is ongoing and will continue. The Government and the Federal Government have conversations in relation to that and will continue to do so.

**The Hon. DAMIEN TUDEHOPE (11:02):** I ask a supplementary question. I thank the Minister for her answer. In discussions with Tomago, is the Minister able to assure Tomago there will be sufficient power to continue its operation beyond 2028?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:02):** The situation is far more complex than indicated by the Hon. Damien Tudehope. I will not provide running commentary. I can assure the House that all of options in relation to energy have been and are being examined, and that will continue. There are a lot of moving parts associated with this matter, but I am not in a position to provide a running commentary on the detail, nor will I. I accept that people are concerned about it and want to know. I assure the House that discussions are ongoing. When I am able to report, I will.

**APARTMENT ROOFTOP SOLAR**

**The Hon. GREG DONNELLY (11:03):** My question without notice is addressed to the Minister for Climate Change, Minister for Energy, and Minister for the Environment. Will the Minister update the House on how the Government is supporting apartments to take up rooftop solar in the State?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:03):** I thank the Hon. Greg Donnelly for his really important question. We know that people love solar. In New South Wales, approximately one in three detached houses have rooftop solar and they are saving hundreds of dollars a year. If they have a battery, they are saving thousands of dollars a year in energy costs. They are also helping the Government to stabilise the grid as rooftop solar is rolled out. Only one in 25 apartments have solar installed and there is a range of reasons for that. Partly, it has been because we have not had the technology to allow apartments to equally share any solar power generated from their roofs. I am pleased to inform the House that there are some fantastic Australian manufactured products and technology that allow it to occur.

To ensure that people who live in apartments are able to reap the rewards of solar through cheaper energy bills, the Federal Government has funded the \$25 million Solar for Apartment Residents Grant Program, which will be delivered by the New South Wales Government. This is a really terrific partnership. For people living in strata units comprising a minimum of three and a maximum of 55 apartments, the program will fund 50 per cent or up to \$150,000 to install rooftop solar. I am extremely pleased. I have been to Newtown and Ashfield. I give a shout-out to Keith in Ashfield, who over many years dragged his strata committee kicking and screaming to install solar power. Before the program was in place, they were one of the first to instal rooftop solar. Keith is very happy to speak to other strata owners about it.

Recently I visited a 22-apartment complex in Newtown. It is a mixture of townhouses and apartments and, importantly, some residents are renters. The strata committee decided to instal solar through a program run by the Inner West Council. I give a shout-out to the council. A few years ago, the council helped to fund the feasibility of rooftop solar so that strata committees could learn how to install it and share the benefits equitably within the complex. A lot of work has been done since then. More than 1,000 apartments are now getting solar power throughout their blocks. The New South Wales Government has received 500 applications. Applications close at the end of March 2026, but the point is that we are learning all the way.

The advantage of the program is pretty straightforward. People who live in an apartment can do solar, can do it equitably and can have cheaper energy bills. They can also use Australian technology, which is terrific. For renters, the program means that they can get the benefit of solar power because the owners of their apartments are contributing to the cost, with support from the State and Federal governments. This is a terrific program. I encourage all strata owners to get behind it, if they have not done so already.

#### NARRABRI WATER SUPPLY

**The Hon. SARAH MITCHELL (11:06):** My question is directed to the Minister for Water. Noting that the detection of PFAS at levels exceeding the Australian Drinking Water Guidelines has left only one of Narrabri's three bores actively supplying the town's water network, what steps is the Minister taking to ensure the delivery of clean drinking water to the people of Narrabri, particularly as we head into a predicted hot and dry summer in north-west New South Wales?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:07):** I thank the Hon. Sarah Mitchell for the question about the steps the Government has taken to support the Narrabri community. We were informed that two of the three bores supplying the town with drinking water had PFAS detected, making them unusable for drinking water supply, and had been taken offline. The member rightly identifies that that left the town, which normally relies on three bores, with one bore, such that the shire council imposed water restrictions on the town.

The Department of Climate Change, Energy, the Environment and Water, the Environment Protection Authority and NSW Health have been meeting regularly with the council to support them. The Government has provided \$50,000 in emergency funding to upgrade the Elizabeth Street bore, which is the one still-functioning bore. Our view is that the upgrade will increase the capacity of that bore to 80 per cent, which is a significant improvement. Having said that, I also accept that Narrabri cannot rely on one bore alone, particularly, as the Hon. Sarah Mitchell said, as we head into warmer months. Pleasingly, the council has been able to reduce water restrictions from level 4 to level 3, but level 3 water restrictions are still a challenge for that community. We know that that will not be sustainable in the long term.

The medium-term solutions the Government is exploring with the council are the delivery of some kind of mobile water treatment capacity or water treatment unit. We have used a similar reverse osmosis plant and activated charcoal in other places, and we are exploring whether one of those might be able to be delivered to the town of Narrabri. The Government is exploring longer term water treatment plant options but the reality is that the commissioning, construction and bringing online of a permanent water treatment plant will take some time, so it is more of a long-term potential solution.

Another medium-term solution the Government is exploring with the council is additional bore sites. Several have been tested but unfortunately some were positive for PFAS so they are not usable. However, testing of some of the other sites has indicated that the water in those locations is usable, so another bore to complement the Elizabeth Street bore is probably a more realistic medium-term solution. The Government has been clear that backup options like water carting are on the table, if necessary. At the moment, thankfully, they are not. I have spoken directly to the member for Barwon, Roy Butler, who has rightfully been on my case about it. I have also spoken to the Mayor of Narrabri Shire Council, Darrell Tiemens, who has been a really good advocate for his community, making sure that the issue is on my agenda. It is a challenging situation but the Government is very engaged with the council in its role as the local water utility to find a solution.

**The Hon. SARAH MITCHELL (11:10):** I ask a supplementary question. I thank the Minister for her answer but I ask her to elaborate further about the long-term potential solutions. To give some certainty to the community, will the Minister clarify whether the Government is actively looking to pursue or expedite planning funding for a permanent water treatment plant?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:10):** The Government is working with Narrabri Shire Council, which is the local water utility, to support it to make decisions on behalf of its local communities as to what the future will look like. That is the balance the Government has to strike in regional New South Wales, because it does not manage wastewater or drinking water delivery. That is done by local water utilities. The Government tries to be incredibly respectful by granting local agency to the leadership of those utilities. Narrabri Shire Council is the local water utility in that community. The Government is working with the council to explore whether a new water treatment plant of some sort is what the council wants, but it has not indicated to the Government that that is its definite preference, and there are reasons for that.

The Government has indicated to the council that it is open to all possibilities but, even if the Government was to fund a treatment plant, the council would have to own it. It would have to put it on its books, employ staff

and run it. That is a big lift for a local community that has not previously had such an asset in their town. If they decide to go down that path, the Government will work with them to explore expedited planning and delivery options. I want to be clear about that, because there have been other instances in regional New South Wales where the delivery of water treatment plants has not panned out the way the local utility planned. Once that asset is on the books and starts to depreciate, it turns out to be really challenging. Staff with the expertise and qualifications have to be found and employed to run it. Narrabri Shire Council, rightfully, is aware of that and is exploring whether it is something that it wants to take on. The Government is working with the council on that.

### VENUES NSW TENDER POLICY

**The Hon. MARK LATHAM (11:12):** My question is directed to the Treasurer, representing the Minister for Sport. I refer the Treasurer to the written response that he supplied on behalf of Minister Kamper on 18 September to a supplementary question about the Evergreen turf tender issued by Venues NSW. Why has Minister Kamper provided misleading information to the Parliament in three respects: the curator, Adam Lewis, has not declared his direct dealings with Evergreen as claimed; the main tender documentation does not list three new referees but three case studies instead; and, most importantly, despite sitting on the tender evaluation panel, Mr Lewis and Mr Naofal are still acting as referees for Evergreen, which is at page 5 of the main tender document and through Evergreen's capability statement included in the tender? Why are the Treasurer and Minister Kamper failing to recognise that this tender process is corrupted and should be abandoned?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:13):** I thank the member for his question. The question presumes as a point of fact that the answer provided by the Minister was misleading and that that reflects a deliberate intent of the Minister to mislead, none of which I accept. As I understand it, the House has now resolved to establish a select committee to look into the matter. I am sure that the diligence that the select committee will provide will shed further light on it. As to the specific matter that the member has asked me about, I will take it on notice, provide it to the Minister in the other place who I represent in this place, and allow him to consider whether there is any additional information that the member has provided in the question and to test whether that additional information would cause him to reconsider his position. I will then provide the House with his response.

**The Hon. MARK LATHAM (11:14):** I ask a supplementary question. Will the Treasurer elaborate on the additional information that he will provide to Minister Kamper and the response that might come back? In particular, will the Treasurer ask the Minister to elaborate on the answer that came through yesterday that stated that Peter V'landys and Graeme Hinton at Racing NSW have said they never agreed to be referees for Evergreen, despite being listed that way? Will Minister Kamper explain what referee checking process was undertaken? How is it that, with two people saying that they never agreed to be referees, Evergreen is allowed to continue in the process, with Evergreen likely to win the tender for a contract worth hundreds of millions of dollars?

**The Hon. Courtney Houssos:** Point of order: Perhaps it was the phrasing of the question, but the point of order is that the wording posed a hypothetical question. I put to the member that the wording of the question he posed to the Treasurer as to a response that "might come back" resulted in a hypothetical question that is unable to be answered.

**The Hon. Mark Latham:** To the point of order: There was nothing hypothetical. I put straight facts: An answer in *Questions and Answers* states that V'landys and Hinton have said that they have never agreed to be referees for the Evergreen outfit, but they are listed as referees by Evergreen. It has gone forward in the tender process. There must have been some referee checking process in place that identified the problem. Why did that not happen? Why is the process being corrupted? I am asking, as an elaboration of the earlier answer, for Minister Kamper to inform the House accordingly.

**The PRESIDENT:** I do not uphold the point of order. The Treasurer is at liberty to answer in any directly relevant way he sees fit. The Treasurer has the call.

**The Hon. DANIEL MOOKHEY (Treasurer) (11:16):** I am happy to pass the member's supplementary question on to the Minister and allow the Minister to consider it when providing his response to the first question.

### GOVERNMENT PROCUREMENT

**The Hon. BOB NANVA (11:16):** My question without notice is addressed to the Treasurer. What action is the Government taking to ensure value for money for the public and ensure fair competition when companies bid for government contracts?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:16):** I thank the member for his question. I take this opportunity to welcome the members of the Timber, Furnishing and Textiles Union and the Rail, Tram and Bus Union who are in the gallery. I am pleased to tell the House that the Minns Labor Government has joined forces with the Australian Competition and Consumer Commission [ACCC] to crack down on illegal cartel behaviour

in government procurement. In September the Minister for Finance and I joined the ACCC chair, Gina Cass-Gottlieb, to put companies on notice that if they collude to inflate prices on public projects, they are at risk of detection. The reason for that is that the Government will be deploying world-leading artificial intelligence tools to help detect and deter such conduct.

The partnership will mean that the Government will share tender and contract data with the ACCC so it can be screened for suspicious patterns, the telltale signs that suggest companies are coordinating bids instead of competing for them. When announcing the partnership, I was astonished to learn that an area in which the practice occurred in New South Wales was when companies were bidding to fix slate roofing at the University of Sydney. Slate roofing is an area detected as having cartel conduct that led to prosecution by the ACCC. As the ACCC chair said at the time, the current enforcement approach requires that people with knowledge of cartel conduct contact the ACCC and, in essence, exchange the truth for immunity. That is the way most cartel behaviour has been detected.

The partnership will allow the deployment of tools pioneered in jurisdictions like Spain and South Korea. Those jurisdictions have strived to deter cartel behaviour by effectively deploying artificial intelligence tools to analyse vast amounts of data to pick up signs of such behaviour. I learnt about that when I had the opportunity to represent this State, and all States, at the Economic Reform Roundtable held earlier this year. The chair of the ACCC said that those tools are something that New South Wales should consider. The New South Wales Government is amongst the biggest spenders in the Australian economy.

Anyone who is rigging a bid is stealing from taxpayers. We should be ruthless and world leading in cracking down on that behaviour. For example, we recently learnt the difference between a unit that builds schools and an allegedly corrupt one that does not. We have also recently learnt about the difference that can be made when corruption is stamped out of areas like transport. To be clear, New South Wales procurement is worth \$42 billion a year. We want world-leading technology to make sure people compete fairly. We are proud of this partnership. [*Time expired.*]

#### HAMPDEN BRIDGE

**The Hon. MARK BANASIAK (11:19):** My question is directed to the Minister for Transport, representing the Minister for Roads. Given that the recent improvements to Hampden Bridge at Kangaroo Valley appear to rely on duct tape, Sikaflex and a few well-placed ratchet straps, can the Minister assure the House that the temporary bridge proposed to be built alongside it will offer a higher standard of structural integrity, or will it also be assembled using items sourced from the local Bunnings? I provide the Minister with some photos to assist him with his answer.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:20):** I thank the Hon. Mark Banasiak for the question and also for providing me the photos. Firstly, the question is asked of me representing the Minister for Roads, so I am happy to seek a detailed answer to the member's question. I know that the issue is on the Minister's mind because we spoke about it very recently. In fact, I think we touched on it this week, so I know that the overall state of the bridge has certainly come to her attention. I do not accept the member's characterisation of the bridge, although I see the photos that he has provided. I assure him that any construction that Transport for NSW undertakes as it rebuilds the new bridge will be to the highest engineering standards. The other priority for any of those issues is making sure that, if a community is using the bridge, it is safe. Transport for NSW takes that very seriously. I can see why the member wants to raise the issue, having quickly looked at the documents that he has now tabled. We will get an answer for him on notice, but those general principles stand on any project in the State.

**The Hon. MARK BANASIAK (11:21):** I ask a supplementary question. I thank the Minister for his answer. The Minister speaks about the new bridge being built to a high standard. Given that it is a temporary bridge and the Minister has not committed to a timeline, can he commit to a timeline for the people of Kangaroo Valley and the surrounds as to when they will get a temporary bridge or whether it will be the permanent solution?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:22):** The member asks a good supplementary question and is entitled to press that case. I will deal with it in the same way as the original question, which is to seek a detailed answer from the Minister and the agency. Additionally, I think it is reasonable to ask about timing on behalf of the community, given the state of the bridge.

#### RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

**The Hon. CHRIS RATH (11:22):** My question is directed to the Minister for Transport. It is coincidental that members of the Rail, Tram and Bus Union [RTBU] are present in the public gallery. With the Association of Professional Engineers, Scientists and Managers Australia now authorised to take protected industrial action

against Metro Trains Sydney [MTS], including "an unlimited number of periodic or indefinite bans on testing, commissioning and trials of new systems, trains and infrastructure", "an unlimited number of bans on releasing trains from stations", and the RTBU "authorised to engage in an unlimited number of stoppages of up to 72 hours", what disruptions to daily travel can metro travellers expect leading up to Christmas, and what is the potential impact on the commencement of metro services in Sydney Metro Southwest?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:23):** I thank the Hon. Chris Rath for his question. Firstly, I point to the broader history of the rail dispute, which preoccupied members earlier in the year and which the Government has been able to settle despite members opposite desperately hoping it would run off the rails and go badly. They are now hoping the next one will. I put a couple of facts on the table. In the first instance, the matter is a negotiation between the private operator and the unions concerned. The Government is obviously watching that discussion closely, and it is appropriate that that is the nature of this industrial relations discussion. The Government is not seeking to direct that discussion. We hope it goes well and I can assure the member that the Government is following it closely.

There have been notifications of some potential industrial actions. I encourage both parties to get around the table and sort through the deal. The Government would be concerned if that led to impacts on the public or testing. I would not anticipate that it will cause huge disruption in the near future, but that is up to the parties. The Government would encourage them to get around the table and sort through the issues. We hope the discussion goes well. We are with the public. We want good paying conditions for rail workers and metro rail workers. That is a fair thing to ask and bargain for. The Government hopes the discussion goes well and lands something that works for the operators and the workers. That is what the public and the Government hopes, but Opposition members are hoping the exact opposite. I discourage them from going down that path. They hoped and argued for the former dispute to run off the rails and were disappointed when it got resolved.

**The Hon. Chris Rath:** Point of order: The question had absolutely nothing to do with the Opposition's policy or disappointments in various regards, and everything to do with commuters being disrupted because of protected industrial action. The question is about how the Minister is responding to that. I ask that you draw him back to the question.

**The PRESIDENT:** The Minister was doing very well in being directly relevant until the last 15 seconds of his answer. He will make his answer directly relevant to the question. The Minister has the call.

**The Hon. JOHN GRAHAM:** I can say that the advice to the Government is that the current actions are unlikely to cause disruptions to services. Of course, Sydney Metro and MTS would inform the public if that will be the case. Sydney Metro and MTS are working to assess the impact of the latest notifications. The member touched on testing in the south-west corridor. That is progressing. There have been discussions with the national rail regulator as recently as an hour ago to ensure that we are continuing to monitor the progress that we are making on testing in this area. *[Time expired.]*

**The Hon. CHRIS RATH (11:27):** I ask a supplementary question. Could the Minister please elucidate whether, in light of the recent protected industrial action, he could guarantee to this House that Sydney Metro Southwest will still be completed by the 2026 deadline?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:27):** The Government has made clear that it expects the south-west line to open in 2026 and will provide further updates as we get closer to that time, particularly as the testing continues. I have provided the House with information on the advice to the Government about potential actions, but it is a bargaining situation. We will continue to watch it as it evolves. Based on that advice, we are confident about the timing of the testing. That will be a continuing discussion and we will continue to update the House on it.

## PUBLIC EDUCATION

**The Hon. PETER PRIMROSE (11:28):** My question without notice is addressed to the acting Minister for Education. With HSC students across New South Wales beginning their exams today, will the Minister update the House on how the Minns Labor Government is working to ensure that every child, no matter where they live, has access to a world-class public education from kindergarten through to their HSC?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:28):** I thank the honourable member for the question, and I too take the opportunity to welcome our labour movement colleagues to the gallery. It is a momentous and very significant day for 75,000 HSC students, the cohort of 2025, who have begun their exams this morning with English paper number one. I was with Jo Haylen this morning at Dulwich Hill high school—

incidentally, one of the 24 schools that were recognised for high growth in their 2024 HSC results—meeting with student leaders and teachers and taking the opportunity on behalf of the Government and the Deputy Premier to wish our high school students the very best for their exams.

Here are a few quick stats. Over the next 17 days, over 75,000 HSC students will get their exams underway. It has caused all of us to reflect, and I cannot believe how many years it is since my HSC. I am not sure that the feeling before going into the hall for that first exam ever leaves us. But I reassure students that some of those little skills that I picked up along the way—my little highlighting and note-taking systems, exposing how much of a nerd I am—were things that I learnt during the HSC or were taught by my teachers. It is a significant life step for all of our students, but it is not the last step.

All members are excited about what comes next on their journey. The Deputy Premier and the rest of the Government are absolutely committed to setting up all of our students for success. There is some analysis out this morning about the different numbers of students who are studying different courses. One thing that we look forward to as part of the new curriculum that is being rolled out is that writing will be part of all of the key learning areas. We hope that will encourage and help develop our students over their 13 years of schooling, which will set them up for success.

There has been hard work from teachers and students. I thank our teachers, who have done so much to get our students set up for success in their exams today. Lots of them are coming back from school holidays, but many teachers have been at school running study camps or special sessions for their HSC students. I also give a shout-out to parents. Parents shared some beautiful stories with me this morning and I have seen the support that they provide for their students. We wish them the very best. It is a big, momentous day, but it is that next significant step. On behalf of the Government and the Deputy Premier, I wish them all the very best.

**The Hon. Sarah Mitchell:** And the whole Parliament.

**The Hon. COURTNEY HOUSSOS:** And the whole Parliament—I acknowledge the interjection. But this is just the next step, and there is a bright future ahead.

#### NEW ENGLAND RENEWABLE ENERGY ZONE

**The Hon. JOHN RUDDICK (11:32):** My question is directed to the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage. My question relates to the global warming delusion. Residents of Walcha and surrounding areas have been shocked to discover a sudden revision to the proposed transmission corridor for the New England Renewable Energy Zone [REZ]. The corridor has been widened from one kilometre to three kilometres and shifted to run from east of Nundle into Walcha shire. The revision may devalue properties, with some valuers estimating up to a 50 per cent decline in value. Local council and community representatives say that they were not engaged. Will the Minister commit to, firstly, immediately halting further design work on that grand central planning until full, transparent consultation is undertaken with locals on the revised route; secondly, ensuring that land valuations are conducted and compensation guaranteed to any landholders disadvantaged; and, thirdly, visiting Walcha to hear directly from local stakeholders?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:32):** I thank the member for his question. It sounded like three questions to me, but that is okay—I am happy to answer them. I appreciate that the building of renewable energy zones impacts on local communities and that we need to work through all of the issues in careful consultation with them. I will go through the various issues raised in the question. The New England Renewable Energy Zone was part of the legislation that was passed in Parliament with overwhelming support in 2020. The REZ was formally declared in 2021. EnergyCo released the first proposed corridor for the transmission lines in June 2023. Since then, there has been consultation on design and ongoing discussions with councils and others about that route and its impact. The first route impacted around 200 landholders. As a result of that work, two weeks ago EnergyCo released a revised study corridor—it is not the route; it is the revised study corridor—for part of the transmission route.

The revision reflects community feedback, will allow for safer and more efficient construction, and will minimise impacts to local roads and the environment. The overall number of impacted landholders remains about the same. Ninety-eight landholders were impacted by the first iteration and are no longer impacted, but it is around 200 along both routes. Telling the landholders was not the end of the process; it was the beginning of the consultation on the new corridor. It is important that members understand that it is a three-kilometre-wide study corridor, but it will narrow to around 140 metres. The point of the three-kilometre corridor is to allow for consultation and ongoing discussion around the changes. EnergyCo is now working with the landholders, but it was important that people were told before they read it in the media. Sometimes one cannot win on these things.

It would have been unacceptable if things were going out in the media and people had not been told, so that work is now being undertaken.

Landowners will be compensated for any easements in accordance with the just terms Act. EnergyCo also pays the costs of the valuers and legal advisers chosen by the landholders during that process. There is also the Strategic Benefit Payments Scheme, where impacted landowners receive an additional \$200,000 per kilometre of transmission lines on their land. In terms of visits, I have already been up there to discuss the previous routes. I have met with community groups and various mayors across the region and will continue to do so. I am very happy to continue to do that work. We have to have those conversations. The New England Renewable Energy Zone is critical to ensuring that the eight million residents of New South Wales, as well as businesses and industry, have a reliable and affordable supply of electricity. [*Time expired.*]

### HOUSING SUPPLY

**The PRESIDENT:** I welcome to the Parliament students from Blacktown Girls High School who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team. They are all very welcome.

**The Hon. SCOTT FARLOW (11:36):** Mr President, I join with you in welcoming the students from Blacktown Girls High School. My question is directed to the Treasurer. Data released yesterday by the Australian Bureau of Statistics [ABS] shows that in the April to June quarter, New South Wales completed only 9,465 new dwellings, just scraping over 50 per cent of the 18,850 new dwellings required each quarter under the National Housing Accord and bringing the deficit of the accord for the year to 32,819 dwellings. That is even worse than Treasury predictions in the 2025-26 budget papers. As a result, will the Treasurer suspend the \$12,000 per dwelling Housing and Productivity Contribution for the duration of the housing accord and at least try to bridge some of the shortfall in much-needed new housing?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:37):** I thank the member for his question. I also take this opportunity to welcome the students from Blacktown Girls High School and wish them the best in their deliberations and their examination of the Parliament as part of the program today. The member asked me about yesterday's ABS building approval figures, and he is quite right to point out that the ABS released those figures yesterday. They confirm what the Government has been saying for a long time, which is that if we allow the level of approvals to fall year after year, it takes time for those approvals to turn around. It is important to provide some context to the figures that the member alluded to, because building approval figures peaked—

**The Hon. Scott Farlow:** Point of order: As a point of clarification for the Treasurer, they are not the building approval figures; they are the national building activity figures, which look at completions and commencements.

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

**The Hon. DANIEL MOOKHEY:** I appreciate the clarification. You say building activity; I say building approvals. Let's call the whole thing off.

**The Hon. Scott Farlow:** They are different things.

**The Hon. DANIEL MOOKHEY:** I know what they are. If the Hon. Scott Farlow wants to talk about completions and approvals, we will happily get into that, because that is exactly the point I was about to make. The member wants to talk about the lag between approvals and completions, but let us talk about when they peaked. They peaked in 2015-16, and around that period it was 75,000 a year. Each year it has declined, to the point that when Labor came into power it was around 23,000. But as we watched it come down under those opposite, we saw their inertia at play. We saw them do nothing about it, which is part of the reason that the moment we got elected we said, "Yes, we are prepared that we will need to build more homes." That means we will have to look at how the completion system, approvals and assessments work. That is an important part of the commitments we made as part of the National Housing Accord.

For example, to meet our commitments under the National Housing Accord, since we have been in government we have provided the biggest injection of funding for social housing since the Second World War. In my first three budgets we also gave the biggest injection to Landcom so it can also intervene for essential housing. The most important thing is what we are doing this week and next. With the support of the Opposition, we will hopefully enact the biggest shake-up to planning laws in more than 50 years. The Hon. Scott Farlow asked me about the Housing and Productivity Contribution framework, which the Opposition budgeted for but never legislated. The Government will consider all suggestions in good faith.

### ART OF TAX REFORM SUMMIT

**The Hon. ANTHONY D'ADAM (11:40):** My question without notice is addressed to the Minister for the Arts. Will the Minister tell the Chamber how the New South Wales Government is supporting artists following its recently successful Art of Tax Reform Summit?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:40):** I thank the Hon. Anthony D'Adam for his question. Three weeks ago, on 25 September, we convened the Art of Tax Reform Summit. That was a discussion about finding new ways to support the nation's cultural sector. Gathered at the Sydney Opera House were leading artists like Ben Quilty and Tim Minchin, arts leaders like Anne Dunn, Louise Herron and Maud Page, and leading tax experts like Rod Sims, David Gonski and our Treasurer Daniel Mookhey. Federal Minister for the Arts Tony Burke was there, along with Special Envoy to the Federal Minister for the Arts Susan Templeman, as well as the arts Ministers from Victoria, South Australia and Western Australia, senior officials—including from Queensland—and Lord Mayor of Sydney Clover Moore.

The summit put tax boffins head to head with the nation's creatives in recognition of the challenges facing the sector. Over the past 20 years, artists' wages have gone backwards by 6 per cent in real terms. Since COVID, costs are up and demand is down because of cost-of-living pressures. Underlying this is a technological shift towards streaming, where local creators are swamped by algorithmically enhanced American content. These factors are all having an impact. On a cultural level, we risk having the Australian voice endangered.

Imagine there's no local stories  
It's easy if you try  
No Aussie movies, just *American Pie*

Even with increasing funding from the State and Federal governments, it is hard to keep up with the scale of the challenge. Tax settings in the United Kingdom are boosting the sector there but hurting the sector here. That is why attention has turned to tax reform. Annual budgets come and go, but structural changes to the tax system could benefit arts and culture for generations to come. With over 300 submissions, here were some of the ideas: exempting arts prizes from taxable income, tax offsets for performance, greater incentives for philanthropic donations and extending incentives that apply to other sectors to the arts and cultural sector. Alongside our interstate counterparts, those proposals will form part of formal submissions to the Federal Government as it begins to develop the national cultural policy next year. We know federal tax reform is difficult. In fact:

You may say I'm a dreamer—

**The Hon. Mark Latham:** Is this an Australian song?

**The Hon. JOHN GRAHAM:** That is a fair critique. But, as the summit proved:

I'm not the only one

### THE HON. GLADYS BEREJIKLIAN

**The Hon. ROBERT BORSAK (11:43):** My question is directed to the Treasurer. The former Premier, the Hon. Gladys Berejiklian, turned 55 last month, making her eligible for a taxpayer-funded pension estimated up to \$200,000 a year, indexed for life, despite the Independent Commission Against Corruption's findings of serious corruption being upheld by the State's highest appeal court last year. Because the Hon. Gladys Berejiklian was not charged with or convicted of any offence, she will still receive the pension despite the laws she introduced in 2017 that were designed to strip corrupt politicians of their entitlements. Why should the people of New South Wales be forced to fund the retirement of a Premier found to be corrupt?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:44):** I thank the Hon. Robert Borsak for his question. Obviously I am aware that ICAC made more than one corruption finding against the former Premier and former Treasurer. That raises the issue the member asked about. My understanding is that the Parliament considered this matter in 2017 or 2018 and established laws which said that for those politicians that are entitled to the previous defined benefits scheme, such a pension would be withdrawn upon conviction of a crime. The member is saying that there now seems to be a discrepancy between the standards that were set by the Parliament of the time and the outcome in respect to the Hon. Gladys Berejiklian. I was in the Parliament at that time but I do not recall whether this specific matter was teased out. But it is fair to say that there was a presumption that a politician found to have been corrupt would then find themselves facing a criminal court proceeding. The decision as to whether to withdraw a pension would then turn on the outcome of the court proceeding.

When it comes to whether or not a politician who has had corruption findings made against them but does not face criminal charges, that triggers a response that the Parliament needs to deal with. The pension scheme that provides support to former politicians, including those facing corruption findings being made against them, closed

to politicians more than 20 years ago. It is not open to new members. As a matter of good faith I will take the member's question on notice and see whether I can provide him any further information whether the Government can take any action. I will say that the Government respects the ICAC. While in opposition, Government members pledged to strengthen the ICAC. The Government has done that because we want the ICAC to be as tough on the Labor Party as it is on all members because we respect the role it plays in anti-corruption resilience in the State.

**The Hon. ROBERT BORSACK (11:47):** I ask a supplementary question. Does the Treasurer recommend the Government moves to close the Berejiklian loophole in the 2017 legislation?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:47):** I appreciate the member's supplementary question. I am the Minister responsible for the Superannuation Administration Act, otherwise known as the State Authorities Superannuation Scheme or the main public sector scheme. I imagine that is why the member asked me this question. I am not in a position to provide advice about recommendations I may or may not make on this matter. It is important to say that we do not have any truck with corruption. Whether it is the Premier or a public servant, there is no role for corruption in public life.

#### FERAL ANIMAL AERIAL SHOOTING

**The Hon. SCOTT BARRETT (11:48):** My question is directed to the Minister for the Environment. Yesterday in her initial answer regarding the five domestic horses shot at Thurloo Downs, she stated that there were issues relating to separating them out. In further information provided, she indicated that the National Parks and Wildlife Service did not know they were there at the time. Will the Minister clarify whether the domestic horses were intermingled with wild brumbies at the time they were shot and, if so, how many wild brumbies were also shot in this incident?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:49):** I thank the member for his follow-up question. I was very clear yesterday that there will be a review, and all of the detail in relation to these matters will come forward. I should never try to speculate about what I think I might know. What I can tell the member is that, as we said, a neighbour had five domestic horses on the property which were shot as a result of the aerial control program that was being undertaken. I can inform the House that around 250 horses in total were part of that program. It is not the case that there were just these five horses sitting there.

There were 250 horses removed through that program, as well as pigs, goats, wild dogs and feral cats. I think I speculated yesterday about camels; I can confirm there were no camels. There is going to be a review. There is no secret here: We have to be accountable. The National Parks and Wildlife Service has to be accountable for what occurred here. It is a very unfortunate incident, and we are doing a thorough review of the detail about who knew what, when, and how people were informed. I will not speculate in relation to that matter, except to say we are very sorry to the owners of those horses. The review will be thorough to make sure it does not happen again.

**The Hon. SCOTT BARRETT (11:51):** I ask a supplementary question. In the part of the Minister's answer when she referred to the 240 horses removed throughout the program, did she mean on the day the five domestic horses were shot, or over an extended period of time? I am asking specifically how many horses were shot on the day that the five domestic horses were shot.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:51):** I do not know the answer to that. The advice I have is that around 250 horses have been removed from Thurloo. I will take that on notice.

**The Hon. MARK BANASIAK (11:51):** I ask a second supplementary question. Given this incident, and given the fact that National Parks and Wildlife Service and Local Land Service helicopters do not have cameras attached to video their activities, does this prove that they need to have cameras and that those cameras would assist in this review going forward?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:52):** The second supplementary question is a pretty new question, but I am happy to take it on notice in relation to any consideration of change of operating procedure.

#### ABORIGINAL WATER STRATEGY

**The Hon. STEPHEN LAWRENCE (11:52):** My question is addressed to the Minister for Water. Will the Minister update the House on how the New South Wales Government is delivering immediate and practical actions that will give Aboriginal communities greater access to and control over water?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:52):** I thank the member for the question. I am pleased and proud that the New South Wales Government this week announced the historic Aboriginal Water Strategy. This is the first time the New South Wales Government has had a dedicated and standalone strategy to try to improve the relationship that Aboriginal people have with our precious water assets. We have had statewide strategies, local strategies and regional strategies about water management for some time, but never a specific piece of work that established the important relationship that Aboriginal people have with water. It is critical to their culture, to their Dreaming stories, to their economic development and to their local enjoyment of their communities and environment. Now we have a strategy that speaks to that.

One of the things that is particularly problematic is just how little licensed water is owned by Aboriginal people. Aboriginal people are 3 per cent to 4 per cent of the general population but own only 0.2 per cent of water entitlements. As I said, water is incredibly important to Aboriginal people and their communities, so that is a real problem. The strategy provides a practical road map for us to do something about it. It is not as though we just decided that is important, although we have; that is also part of our nationally recognised Closing the Gap commitments. We have signed up to Closing the Gap. Improving Aboriginal ownership of water is one of the areas in which we have work to do. We are going to take the surrendered licences that are owned by the New South Wales Government—around 26,000 water shares that have been surrendered to us—and run a process where we invite expressions of interest from Aboriginal-controlled organisations and entities to take ownership of those water shares.

Water is a contested resource. It is essentially fully allocated in New South Wales. Increasing Aboriginal ownership is not straightforward. These surrendered licences, which are currently unused and underutilised, are a good practical way for us to make that connection. Expressions of interest are now open, and I encourage Aboriginal communities, entities and organisations who have a special connection to water in their local communities to contact the Water Group at the Department of Climate Change, Energy, the Environment and Water to see whether some of those 26,000 water shares might be applicable in their local communities for cultural watering or economic development—for some form of practical use that will improve Aboriginal ownership and Aboriginal outcomes. It is all there in the Aboriginal Water Strategy. It is a really important step we have taken to formalise this important piece of work.

#### HUNTER VALLEY COAL PROJECT

**The Hon. JEREMY BUCKINGHAM (11:55):** My question is directed to the Minister for Climate Change, Minister for Energy, and Minister for the Environment, representing the Minister for Planning and Public Spaces. The revised economic assessment currently on exhibition for the Hunter Valley Operations Continuation Project, the biggest coal project ever proposed in New South Wales, contains a statement indicating that it has excluded any consideration of the scope 3 emissions of the project. Given the recent decision in *Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc v MACH Energy Australia Pty Ltd* [2025] NSWCA 163, will the proponent be required to redo the assessment and re-exhibit it to the public in accordance with the judgement?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:56):** I thank the member. There is quite a lot of detail in relation to the issue. Any of the issues I do not cover in this answer I will take on notice for the planning Minister to clarify. The advice I have in relation to this is that under the current planning system, proponents are required to consider greenhouse gas emissions generated on any prospective development. I do not want to comment on the specifics of the live application that is currently there, but I can advise the House that for applications currently under assessment, the Department of Planning, Housing and Infrastructure requires proponents to address the judgement—which the member mentioned in his question—and consider the localised impacts of their scope 3 emissions. In addition to this being required during the assessment process, additional information can be requested and taken into consideration through a request for information post-exhibition.

This ensures that the localised impacts of scope 3 emissions are taken into account before a determination is made. I also remind the House that there are a number of different ways in which greenhouse gases are examined through the planning process. Members are aware that we have legislated targets in relation to reducing emissions. The information in relation to the Climate Change Act has been provided to the Independent Planning Commission and is now part of the considerations in the discussions and decisions it has to make. We also have the process that the Environment Protection Authority [EPA], as the environmental regulator, is going through.

This is very important. This requires climate pollution, which is greenhouse gases, to be included and worked through with all of the licence holders in New South Wales. I will clarify if I do not get this precisely correct, but I think it is around 2,000 licences across New South Wales. These are environmental licences, and they make up a significant amount of the emissions that come from New South Wales. I will not do the percentage

on it, but I believe it is a very significant amount. The work that the EPA is doing under its climate plan is to work with licence holders across the board.

They do some of that work up-front in terms of development applications, but they also do that work through the renewal of licences. They will continue to do so. Each licence holder is required to have a plan to get to net zero by 2050. It is a very important lever in the system, and it is part of environmental regulation, as it should be. That work continues. If I have missed anything, I am sure that someone from the planning Minister's office will tell me, and I will provide the member with additional information as required.

### **RISING TIDE PEOPLE'S BLOCKADE**

**The Hon. WES FANG (11:59):** My question is directed to the Minister for Transport. In a series of online training sessions for its supporters ahead of the planned blockade of the Port of Newcastle on Saturday 29 November and Sunday 30 November, Rising Tide continues to recruit protesters for its acts of civil disobedience—that is, a breach of the law directed at stopping scheduled shipping from entering or leaving the port. What steps is the Minister taking to ensure that there is no disruption to shipping, including to coal ships, that weekend?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (12:00):** I thank the member for the question. I am glad that the Hon. Wes Fang is monitoring the action of the activists closely—I hope he is not having too much fun as he does so. I have updated the House on those matters previously and I reiterate the answers I have given. The number one priority from a transport and maritime point of view is the on-water safety issue. Activity such as this causes real issues with on-water safety. That has been the case in recent years. In fact, it has been the case in recent years when those activities proceeded under the former Government. We are dealing with them in exactly the same way. The member is entitled to ask about the steps, but I refer him to my previous answer.

**The Hon. WES FANG (12:01):** I ask a supplementary question. Will the Minister elucidate the part of his response where he indicated that there are safety concerns around some of the proposed protest actions? Has the Minister engaged with the police Minister about ensuring that the blockade and any protest action is conducted in a safe and appropriate manner?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (12:01):** I certainly did not refer to safety concerns. I referred to safety issues, and there is a distinction between the two. I refer the member to my previous answer.

**The Hon. PENNY SHARPE:** The time for questions has expired. We have three more sitting weeks to go. If members have further questions, I suggest they place them on notice.

### **HAMPDEN BRIDGE**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (12:02):** Earlier in question time the Hon. Mark Banasiak asked me a question about Hampden Bridge. I have an update from the agency. The Government is committed to providing a long-term solution for the Kangaroo Valley community. After extensive investigations, detailed design and additional assessments are now underway. Timelines are yet to be refined, and funding is yet to be secured. However, the preferred option, as the member indicated, is a temporary bridge because that would provide an alignment that is quickest to deliver for the community. The next two steps in the process are property acquisition followed by a period of construction.

#### *Supplementary Questions for Written Answers*

### **FERAL ANIMAL AERIAL SHOOTING**

**The Hon. SCOTT BARRETT (12:03):** My supplementary question for written answer is directed to the Minister for the Environment. Of the 243 wild horses shot during aerial culling programs since Thurloo Downs was purchased by the State Government, how many, if any, wild horses were shot at the same time as the five domestic horses were shot?

#### *Questions Without Notice: Take Note*

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

**The Hon. SCOTT FARLOW:** I move:

That the House take note of answers to questions.

## HOUSING SUPPLY

**The Hon. SCOTT FARLOW (12:03):** I take note of the Treasurer's answer in respect of the building activity data that came out from the Australian Bureau of Statistics [ABS] yesterday. For the clarification of the Treasurer, one cannot live in an approval. Building activity data looks at commencements and completions. That is the marker by which the housing accord was assessed. For the information of the House, the performance of New South Wales was terrible. Sadly, we are 43.5 per cent behind our National Housing Accord target. In the past year this State completed 42,581 homes. That is 43.5 per cent off our marker. In comparison, Victoria completed 13,000 more homes than New South Wales.

I took note of the Treasurer's response about there being some form of falling data since the Government came to office, and 23,000 completions since is complete fantasy. In 2022-23, the completion figure in New South Wales was 48,615. That was after successive years of COVID. The Treasurer was correct that New South Wales had reached around 75,000 completions under the former Coalition Government. COVID came along and those numbers started to plummet—unsurprisingly—due to what New South Wales, Australia and the world experienced during that time. Sadly, those figures have not picked up in New South Wales. Completion figures have gone down by 9.14 per cent since this Government came to office. The Treasurer wants to talk about approvals. The ABS figures show that in the past month approvals have also fallen, so those figures are not much better for new housing in the State.

The substance of the question to the Treasurer was about his role as Treasurer in a government that has put a \$12,000 tax on every new home: the Housing and Productivity Contribution. Considering that New South Wales is nowhere near meeting its housing accord target, will the Treasurer take the position of pausing that tax during the housing accord period to allow more homes to be built? The Treasurer was ducking and weaving when it came to that. There is no doubt that feasibility is one of the big issues for the market, and the Housing and Productivity Contribution—the Government's \$12,000 tax on every new home—is making that even worse. The Government thinks that it is going to fall short by 140,000 homes, but the figures are even worse with those ABS statistics.

## HAMPDEN BRIDGE

**The Hon. MARK BANASIAK (12:06):** I take note of the answers given to my question about Hampden Bridge. I give some context to members who are not familiar with the project. This issue has not arisen over the past six or 12 months; it has been quite a festering sore for the community. Nine studies have been carried out on the bridge in just over a decade. Transport for NSW bridge experts who presented at the 2022 Austroads Bridge Conference in South Australia said there is no other solution to the bridge other than building a new bridge. Yet nothing has happened in that time frame. It is the epitome of kicking a can down the road. It has been kicked so many times that even the Hon. Stephen Lawrence could not get 10 cents at his local Return and Earn for it. It is ridiculous.

Anyone who looks at the bridge will see what I saw. It is being held together with a bit of sticky tape and some Sikaflex and Bunnings ratchet straps. It is just absurd. It is Third World garbage that has been allowed to stand. Is this the great work of Transport for NSW? All the senior executives have pooled their Father's Day Bunnings vouchers together and said, "We've got this. We will run down to Bunnos and get some ratchet straps and Dum Dum glue and duct tape, and we will get onto this." Even the bush mechanics from SBS would be proud of that job. It is just absurd that that is what has been used to hold the bridge together.

The Minister said, "We don't really have a timeline, but our approach and the best path forward is a temporary bridge." Who in the community said, "Please, Mr Government can we have a temporary bridge?" The solution is to build a brand-new, permanent bridge. That is what the community needs. It is not just for Kangaroo Valley; it is for all the surrounding suburbs as well. It is a problem for Nowra and the Southern Highlands. They do not want a temporary bridge; they want a permanent solution. They are after a permanent solution that does not include running down to the local Bunnings and getting some ratchet straps, Dum Dum glue and duct tape. It is a shame that the first job of the new local member, even before she was sworn in, was to front the media and present this proverbial turd in a swimming pool option of a temporary bridge for Kangaroo Valley. That is what it is. It is a shocker. They need to go back to the drawing board.

## APARTMENT ROOFTOP SOLAR

**The Hon. CAMERON MURPHY (12:09):** I take note of the answer given by the Minister for Climate Change, Minister for Energy, and Minister for the Environment in relation to rooftop solar on apartment buildings. I was pleased to hear about the progress being made in that area. It is such an important issue. As the Minister said, we are a world leader in rooftop solar, and one in three houses in New South Wales has solar on the roof. A Federal Government program is currently subsidising batteries to go with rooftop solar, which is excellent because it will take enormous pressure off the grid. But the missing link is apartment buildings.

More and more people are choosing to live in apartments, and there are really two parts to this. Some apartment buildings have put in small solar panels to power common property areas, like providing lighting on each level, outside, in entry areas and in the foyer. But we need a system that goes beyond that to provide power for people living in the apartments, for both owners and renters. That is what the Minister is talking about. It sounds like an excellent scheme because, at the moment, as the Minister said, only one in 25 apartment buildings has solar. That is just not enough. If we are going to transition to net zero, we need to increase apartment rooftop solar to take pressure off the grid. That is what this scheme will do. As the Minister said, the program will fund up to 50 per cent of the cost of installing solar up to \$150,000 in value. That will make an enormous difference to the ability of strata schemes to determine whether they can afford to put in rooftop solar.

In apartment buildings, both renters and lot owners do not have the ability to do that on their own. We do not have a system where people can just hang solar panels off a balcony or a window, so the entire body corporate needs to make the decision to do it. That is the most sensible and ordered way for this to happen. This is an excellent government program that will start an orderly rollout of solar by subsidising it for unit owners. I commend that program to the people of New South Wales.

**NARRABRI WATER SUPPLY**  
**FERAL ANIMAL AERIAL SHOOTING**  
**APARTMENT ROOFTOP SOLAR**

**The Hon. SCOTT BARRETT (12:12):** We heard responses to questions on the PFAS situation in Narrabri, and while there has been some easing of water restrictions from level 4 back to level 3, this reprieve is from a pretty crappy situation in the first place. Some 13,000 people are still living with a risk of running out of safe drinking water in a significant town. A big reason for the easing of restrictions has been the water-saving efforts of the local community, and it needs to be commended for that, but it has also come from the blending of contaminated water with clean water. That "shandy-ing" of water is a long way from an ideal situation. They are mixing safe water with contaminated water to get something that scrapes in below the Australian standards, in this case, for PFOS. That cannot be allowed to be the norm, and the Government needs to step in quickly.

So far we have seen a \$50,000 emergency grant, regular meetings, and discussions about what might happen next, while the council has already probably spent in excess of a quarter of a million dollars. I am informed that the Minister has been quite responsive and sympathetic, as far as she can be. But, on the whole, there has been minimal substantial action or assistance from the Labor Government, and the support that has been provided has come at a glacial pace. We need more assistance for Narrabri in the short term and some longer term plans as well. We need that now.

The Minister for the Environment spoke of the aerial shooting programs at Thurloo Downs, which was good to hear. I am not against aerial shooting. That is not what this is about. We need and want government agencies to be clearing invasive species out of not just our national parks but our entire landscape. They are doing untold damage. This is about finding out why those domestic horses were shot and making sure that it does not happen again. I acknowledge that the Minister and her office have been cooperating with this request, and I thank them for that. In response to another question, the Minister talked about New South Wales loving solar. That might be the case with rooftop solar—and I am a fan—but New South Wales, particularly regional New South Wales, is not loving communities being forced to bear the impacts of large-scale solar factories that are currently tearing those communities apart. More work needs to be done on how solar can be delivered on fair and just terms.

**NEW ENGLAND RENEWABLE ENERGY ZONE**

**The Hon. JOHN RUDDICK (12:15):** I take note of what the Minister for Climate Change said today in answer to the question on the renewable energy rollout in the Walcha shire. I apologise to the people of Walcha for what we in this building are inflicting upon them with the renewable energy zone. I apologise to the thousands of farmers and others across New South Wales who are being impacted by the disgusting renewable energy zones. This is grand central planning by the masterminds of our political class—the same geniuses who inflicted COVID garbage and endless waste and debt are inflicting the global warming dogma on the people. The renewable rollout just gets worse and worse. The cost keeps multiplying, and the damage to our agriculture only gets worse.

In many cases, we are destroying the environment to save the environment, and our power prices keep being hiked up. Despite endless promises otherwise, our power bills will increase for years to come until we accept that we have been lied to about global warming. I went to school with a lot of boys from the Walcha area. My strong hunch is that no group in our society is more dismissive of the global warming garbage than farmers. Farmers are more in tune with nature than any other group, certainly more than inner-city types, and because they are in tune they know that global warming is witch doctor science. Not only are endless misery and uncertainty

being imposed upon good people, but it is all for nothing. The renewable rollout is designed to change the weather. That is an absurdity.

I am glad to see that the people of Walcha are mobilising against this monstrosity, but I make the point that the renewable energy rollout is a joint venture between the major parties. The Liberals and The Nationals first invented this garbage. The Labor Government is simply rolling out what the Liberals and The Nationals dreamed up. It is laughable to hear the Liberals and The Nationals now campaigning against it. I encourage them to campaign against it, but talk is cheap. The Liberals and The Nationals first need to apologise to their voters for inventing this rollout in the first place.

Barnaby Joyce lives in the Walcha area. He is obviously one of the better Nationals. He campaigns against global warming nonsense, and that is great. But, as Deputy Prime Minister, Barnaby Joyce gave a green light to Scott Morrison's capitulation on this subject. Defectors are welcome but, if we really want to end this madness, we need some contrition first. President Trump is correct: Global warming is a hoax. The global warming industrial complex has been wound back across the world. Insanity cannot go on forever. Australia seems to be the last stand for global warming nuttiness, but it will fall here too.

### GOVERNMENT PROCUREMENT

**The Hon. Dr SARAH KAINÉ (12:18):** I take note of the Treasurer's answer to the question on the partnership between the New South Wales Government and the Australian Competition and Consumer Commission. It is looking at improving contract fairness, in particular, identifying and trying to rid us of illegal cartels in procurement, making sure that collusion is not used to inflate prices, and using AI to detect cartel behaviour. The Treasurer cited South Korea and Spain as already advanced in this space. I note that South Korea came up during the work of the procurement inquiry because we may want to consider aspects of its well-developed procurement processes.

I turn now to the importance of this partnership for ensuring fair competition in procurement processes. It is important that good companies are rewarded and supported through the procurement process. In the spirit of fair competition, we must also ensure that we support companies that protect and enforce appropriate labour standards. One of the biggest barriers to fair competition in the procurement process is unscrupulous employers who undercut good employers by tendering artificially low prices that are based on not paying workers correctly, on wage theft and on other inappropriate attempts to circumvent labour laws.

The recommendations of the procurement inquiry suggest that we need to consider how we enforce labour standards both pre-tender, to check that organisations are worthy of taxpayers' money, and post-contract, to make sure that organisations that say they will do the right thing actually do so. The previous Government was not very hot on that idea. I have previously cited the case of Merivale, which had a well-known case of wage theft but was still awarded huge, multimillion-dollar government contracts. We have to be aware of cartel behaviour in all areas of procurement. We must be clear in our support of companies that do the right thing, abide by the law and, most importantly, treat their workers fairly.

### GOVERNMENT EMPLOYEE DATA SECURITY

**The Hon. JACQUI MUNRO (12:21):** I take note of answers given to question on notice No. 4321, directed to the Minister for Customer Service and Digital Government, and question on notice No. 4317, directed to the Minister for Health. The questions related to a data breach by a company that the health department used. LeasePLUS, which is based in Melbourne, was tasked by NSW Health with managing novated leases for its staff. A data breach occurred. LeasePLUS has been notified that NSW Health workers' personal information has been released on the dark web. Media reports suggest that around 2,300 details relating to personal information were released.

In light of the concerning media report, I felt it was incumbent on me to ask questions about how NSW Health and the Department of Customer Service are managing incidents like this. The answers I received indicated that NSW Health had abided by the NSW Cyber Security Policy, but the Department of Customer Service also noted that each agency is fully responsible for its own contracts. Given the increase in data breaches that governments and organisations around the world—which hold sensitive data—are experiencing, it is concerning that NSW Health did not answer specific questions about how many times it had been formally notified of any cybersecurity incident or breach affecting its system in 2025. It also did not respond to specific questions about when the LeasePLUS data breach occurred and when it had been notified.

No specific detail was given about what information had been exposed or how many staff members at NSW Health were affected. The answer was, "Some may have been exposed." We must continue asking questions about how serious this Government is about protecting the personal information it holds on behalf of its staff and many other people across the State. The Government holds data for the vast majority of residents in New South

Wales. It is very concerning that the Department of Customer Service does not wish to engage more fully with contracts that are made or with the data systems that are being developed, not only for the staff who work for the Government but also for the privacy of the people of New South Wales.

### **RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

**The Hon. MARK BUTTIGIEG (12:24):** I take note of the Hon. Chris Rath's question, which was directed to the Minister for Transport. This bloke is as predictable as night following day. His desire is to see an industrial dispute involving disruption to the public so that the public gets upset and bashes the Labor Government. It is so transparent. I would have thought that when the Opposition is going through its question time tactics and picks up the Tele, which is the source of its tactics—

**The Hon. Scott Barrett:** Point of order: My understanding is that members should be taking note of answers, not questions. The member should be referring to the answers given by the Ministers and not the questions that have been asked or the motivation behind them.

**The Hon. MARK BUTTIGIEG:** To the point of order: I directly referenced the question that was asked. The Hon. Scott Barrett is taking up my time on purpose.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** There is no point of order. I ask the Hon. Mark Buttigieg to adhere to the standing orders.

**The Hon. MARK BUTTIGIEG:** The Hon. Chris Rath should have actually read the article in the Tele that motivated his question, because it said that no disruption is expected for any services. This is protected industrial action that has been registered in the Fair Work Commission. Applying for authorisation for protected action happens to be industrial law in Australia. The Tele article states:

It will include staff dressing in union uniforms, distributing union material, and attaching union material to trains, according to a notice seen by the NewsWire.

They will also distribute information to the public. The Rail, Tram and Bus Union and Professionals Australia are essentially educating the public about why this industrial action is taking place while its members wear union badges and uniforms. There will be no disruption because it is an automated and privately run network. The question was about the Opposition's desire for this dispute to turn into something that disrupts the public. I urge Opposition members to actually read the articles in the Tele if they are going to use them as motivation for their question time tactics. They might even get their answer before they have to ask the Minister. This was a transparent attempt by the member to wedge the Government. He has a penchant for doing that, but he is not very good at it. He should have read the article.

### **TOMAGO ALUMINIUM SMELTER**

**The Hon. RACHEL MERTON (12:27):** I take note of two answers given today by the Minister for Energy. The Hon. Damien Tudehope asked about affordable energy and keeping the Tomago Aluminium smelter operating beyond 2028. This is not an abstract debate. It is about safeguarding 1,500 direct jobs and 5,000 more jobs in supply chains across the Hunter Valley. It is a cornerstone of the New South Wales economy. The Tomago Aluminium smelter is the State's largest electricity consumer, at 950 megawatts, which is about 10 per cent of the New South Wales grid. It is staring down closure without intervention. Its AGL contract expires in 2028, and quotes for renewable-based power have been rejected as unviable. Its energy costs, which are reported to be over 40 per cent of its operations, could double post-2028, which would render the plant uneconomical.

Rio Tinto echoes a similar cost arrangement which "will not be viable beyond 2028". Why? The issue is access to affordable energy. I am informed that Tomago has secured contracts for wind, solar and batteries covering 80 per cent of its needs, but it struggles to get round-the-clock supply. It needs reliable energy at an affordable cost. Every day we hear about high energy costs and the consequences for businesses and families. What we have heard today is another reminder of that. There are reports that over 1,400 manufacturers have collapsed nationally since 2022-23, many citing soaring energy costs as the reason. Contrast this with what is known about coal as a reliable energy source. I have spoken about it many times in this House. Earlier this week I referred to a recent report by the parliamentary library about the economic return that coalmining makes to our State, generating \$2.9 billion in royalties and \$33.1 billion from global trade and economic growth. Affordable, reliable energy is a must for New South Wales.

### **NARRABRI WATER SUPPLY**

**The Hon. STEPHEN LAWRENCE (12:30):** I take note of answers given by the Minister for Water about the PFAS situation in Narrabri. I know well how concerning it is in communities when this issue of PFAS arises. Obviously, water restrictions always cause some stress, anxiety and a high degree of inconvenience in a community as well. Narrabri was on level 4 water restrictions. It has now gone down to level 3, which is still

pretty exacting and a burden on the residents. I say that I know this issue well because when I was on Dubbo Regional Council I was briefed about it one day when it was detected that some of our bores had an unacceptably high level of PFAS. I remember being extremely concerned about it at the time. The councillors were extremely concerned about it. We did not know much about PFAS then. Generally, I do not think that people in the community know a lot about PFAS—although knowledge is growing. It causes real fear in the community when people hear that this chemical is in their water.

I want to send a message of reassurance to the community of Narrabri. The State Government is taking this issue extremely seriously. The bore that seems to be the source of the contamination is not being used. State Government money has gone to expanding the existing bore to double its capacity. I also note that the guidelines for PFAS are really conservative. Some deviation from the standard will not necessarily mean that the water is not fit for consumption, but the guidelines are designed to be conservative so that when there is an inconsistency there is a regulatory response, an investigation, that tries to address it and bring the PFAS levels back down to within the guidelines over time. The State Government is doing exactly that.

This issue is causing concern in communities across the State. In 2024 the State Government provided funding to ensure that all local water utilities across the State could test for PFAS. The Government is working closely with the communities that have had unacceptably high PFAS results and working on short-term, medium-term and long-term solutions. The short-term solution for Narrabri has been arrived at. One of the existing bores has been doubled. The one that is the source of the contamination has been shut down. As the Minister said in her answer, the Government is committed to the medium- and long-term solutions. I just wanted to send that message to the people of Narrabri. We know that they are going through a tough time, but the State Government is committed to dealing with the problem.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (12:33):** I thank all honourable members who contributed to the take-note debate.

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

**Motion agreed to.**

#### *Written Answers to Supplementary Questions*

#### HOME BUILDING COMPENSATION FUND

In reply to **the Hon. DAMIEN TUDEHOPE** (15 October 2025).

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy)**—The Minister provided the following response:

I am advised:

On 13 August 2024, commencement of the review was jointly announced by the Hon. Jihad Dib and the Hon. Anouack Chanthivong, with Ms Bronwyn Weir appointed as the independent reviewer.

The report has been provided to the Government and its findings and recommendations are being considered.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** I shall now leave the chair. The House will resume at 2.00 p.m.

#### *Matter of Public Importance*

#### WORKERS COMPENSATION LEGISLATION

**Debate resumed from an earlier hour.**

**The Hon. MARK LATHAM (14:01):** This is a very important debate because it tells us a lot about what has gone on behind the scenes with regard to workers compensation. It is timely because of the news that the bill is coming back to the Parliament. The evidence of Chris McCann at the Public Accountability and Works Committee's inquiry told us so much. Mr McCann blew the whistle on the person for whom he had been the whistleblower. We have heard a lot from the Leader of the Government about everyone has to play by the rules, to treat confidential information respectfully.

**The Hon. Penny Sharpe:** And who knew?

**The Hon. MARK LATHAM:** Chris McCann knew that he was constantly under the pump from the Hon. Daniel Mookhey, the shadow Treasurer, to provide document after document on the conveyor belt, leaked

straight to the ABC. Confidential icare board minutes and confidential icare documents went straight to the ABC and *The Sydney Morning Herald*. The shadow Treasurer could not get enough of it. We will never again be lectured about the Labor Party's high moral standards in the use of confidential information. Their whistleblower was blowing the whistle on the person who was requesting this material day in, day out. This is the quote, "He was ringing me. He was calling me. He was messaging me throughout the period when the icare inquiry was going on."

We know the background to the role of the whistleblower, Chris McCann. But then, unbelievably, given the duty of care we all have to whistleblowers, knowing their fragility, the risks they take and how they put their reputation on the line and the lack of protection they get from the system in New South Wales, the Hon. Daniel Mookhey has not spoken to this man since. He used him up, threw him away and then could not give two hoots about him, even in the circumstance of a mental health problem Mr McCann has described to us. In the end, the Treasurer said, "You can call Lifeline." The callousness of it is breathtaking. It took the breath away of members on the parliamentary inquiry, so the double betrayal of McCann on the personal and policy front is stunning.

Beyond that, earlier I was explaining the fatal flaw in the Mookhey bill and how it cuts off the permanently injured workers from permanent income support, contrary to a solemn Labor election promise. I suppose if you would treat Mr McCann that way, you would do anything to break your promise and get out from under the rock. The great example given by the Leader of the Government and the Treasurer is in the definitions of sexual harassment. The Treasurer issued a press release in which he said, "Back the victims of sexual harassment. Don't back Mark Latham." We know where the echo came from. It was the echo of Chris Minns saying, "We told you about this bloke. We want the truth to come out about him in court." "Back the victims of sexual harassment. Don't back Mark Latham." Where was the Hon. Daniel Mookhey backing a victim of sexual assault in this building? He knew the people who covered it up. He knew the role of Kamper.

**The Hon. Penny Sharpe:** Point of order: We know that the Hon. Mark Latham likes to use the parliamentary forum to pursue a number of personal vendettas against a number of different people. But the point is we are dealing with a matter of public importance, which states, "The importance of integrity and principled leadership in the Treasury portfolio." It does not provide for a wideranging attempt by the Hon. Mark Latham to bring in a range of different issues that he wishes to place on record to attack an individual member of the House. There is a difference between a matter of public importance and a substantive motion that goes directly to some of the matters that the Hon. Mark Latham is raising.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The Clerk will stop the clock. Order! Members will come to order. I am advised that, according to a previous ruling, a matter of public importance is a discussion of the House which does not conclude with a distinct vote of the House. Therefore, allegations of improper conduct against another member must be made by way of substantive motion, which requires the House to come to a decision after the debate. I remind members of that ruling because some of what has been said is straying into allegations of improper conduct against another member. A substantive motion will need to be moved to deal with that. In relation to the point of order, the Hon. Penny Sharpe is correct. Debate must be confined to the matter of public importance. Some latitude is given, but I remind the Hon. Mark Latham to confine his remarks to the topic of the debate.

**The Hon. MARK LATHAM:** These are big issues of integrity and principle. They go to this debate about sexual harassment. The Mookhey bill defines sexual harassment through the eyes of the victim with just one unwelcome advance. Essentially, that leaves the door wide open for anyone to say, "I was asked out once. Someone said my hair looked nice. My dress looked nice. A joke was told." That will open up an avalanche of claims that can be made for workers compensation. Would it not be more sensible to have a real-life practical definition through the eyes of the perpetrator if the advance is knowingly unwelcome; that is, someone has been asked out a few times, the woman has said no, so back off. But to go a third or fourth time would be sexual harassment in the real world. A practical definition is needed to provide relief to small business that partly closes the door at the beginning of the scheme so the system is not flooded with bogus workers compensation claims. That is what non-Government members in this Chamber have been arguing for in this particular space.

The Treasurer's response was to say, "Back the victims of sexual harassment. Don't back Mark Latham." I do not think there is anything in my definition that is unworldly, unrealistic or against the public interest and will do anything other than lower the cost of premiums for workers compensation. He was referring to something else. That raises the question of what he has done in the past in relation to a more serious matter, because he has been sitting in the Cabinet with members he knows have done the wrong thing. Just like Chris McCann was discarded, the victims were discarded too.

**The Hon. Penny Sharpe:** Point of order: The Hon. Mark Latham is now making imputations against another member, which is not in order in relation to this debate. Imputations are improper at all times.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order on the basis of the ruling I previously made. If matters of impropriety are to be raised, they must be raised by way of substantive motion.

**The Hon. MARK LATHAM:** How thin-skinned and oversensitive is the Leader of the Government? It is all right for Labor members to call me a pig and for the Premier to say, "We'll get the truth out about him in court." For the Treasurer to say, "Trust the victims of sexual harassment. Don't trust Mark Latham."—all those slurs against me apparently are fair game, but as soon as the Leader of the Government hears me defending myself or putting the truth out there, she wastes the time of the Parliament.

**The Hon. Penny Sharpe:** Following the rules would be good.

**The Hon. MARK LATHAM:** You defend scum all the time. That is what you do. That is your job. That is how you have been commissioned by the Premier.

**The Hon. Penny Sharpe:** Point of order: That is a significant imputation against me. I ask the member to withdraw it.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order.

**The Hon. MARK LATHAM:** I withdraw that comment, but it just points to how lopsided and how oversensitive and precious they are. They dish it out. They are no longer a party of working people that, if they dish it out, they have to cop it in response. They take points of order to try to close down my legitimate response to things that are fundamentally untrue.

**The Hon. Penny Sharpe:** I cannot help it if you do not want to play by the rules. Do you play by the rules or not?

**The Hon. MARK LATHAM:** Play by the rules. That is the refrain from the Leader of the Government. The party of Ronald Biggs arrived in South America with no history. Nobody knew who they were. You can never, ever leak a confidential document. Let me quote Chris McCann again about the use of confidential documents at icare. He was speaking of the then shadow Treasurer when he said:

He was ringing me. He was calling me. He was messaging me throughout that period ...

"He could not get enough documents," is what Chris McCann said. They were all confidential at ICAC and all leaked to get the Treasurer into office, who then forgot this guy, just as in the past when he forgot other victims of things much more serious than what he has accused me of. I think it is a test of the Treasurer's character that he leaves behind a trail of human carnage. Lyndon Johnson once said of John Kennedy that he would take the skin off his mother's backside to make a drum so he could beat his own praise. That describes our Treasurer and the things that he has done consistently to Chris McCann and the other victims I have mentioned. In this debate, most of all—shamefully—he has duded the injured workers of New South Wales.

Before the last election Labor members swore on the Bible and signed the pledge that it will always defend the rights of permanently injured workers to get permanent income support. It is the most brazen, disgusting, broken promise that we ever did see. Quite realistically, I think when we look at the things the Treasurer has done in terms of his character and betrayal of people, it is a promise he made knowing he would break it. Knowing he could not get realistic definitions through on the workers compensation scheme, he knew he would have to break that promise to provide cost relief on the premiums. He is someone who makes promises solely to break them and who has left behind a whistleblower with a bad mental illness condition, telling him just to ring Lifeline. Earlier in the week he hid behind the fig leaf of "The guy's got a mental illness problem." Chris McCann spoke openly about it. He wanted us to help him. He wanted people to reach out and talk to him. The Treasurer should have shown human compassion and decency. He should have tried to look after him, rather than throwing him away along his path to power and then abusing that power once he was in office.

That is the shame of this Treasurer. We are finding out, piece by piece, about the real person who is the Hon. Daniel Mookhey. It is certainly not a very pretty tale that is being exposed to the Parliament. I hope in the future, looking forward after this debate, that the Parliament collectively moves the amendments that are needed on the Workers Compensation Legislation Amendment Bill to hold Labor to its election promise. It is not a big deal to say that a party of the workers—supposedly—that promised those injured workers they would always be looked after should honour that promise in the legislation.

That is the first thing the Parliament should do. Secondly, in recognising the needs of the business community, we need more realistic definitions so the door is half closed and there is not a flood of claims under the new legislation that requires us to be back in this place in two or three years trying to fix it up. The Treasurer has failed in many respects. His integrity and principles are at stake as much as the content of the workers compensation bill. The Treasurer should be condemned. He is using, abusing and throwing people away as he

sees fit. We need to hold him to account and amend heavily the workers compensation bill when it comes before the Parliament.

**The Hon. DAMIEN TUDEHOPE (14:12):** I start by reflecting on the motion, which is about the importance of integrity and principled leadership in the Treasury portfolio. Two of the very basic but essential aspects of integrity and principled leadership in the Treasury portfolio are an honest, arithmetic approach to the job and transparency generally. The Treasurer and the Minister for Finance, both of whom are in the Treasury portfolio, get an "F" for "fail" on those essential aspects. I refer to the so-called \$7 billion black hole. In the very early days of the Minns Government, the Minister for Finance turned her laser-focused eyes to each single line of expenditure and identified a \$7 billion black hole. The exact definition of the black hole changed from week to week. It was initially reported by the Minister as difficult-to-avoid budget pressures but later became unfunded programs. What was missing was any comprehensive list of items and amounts that added up to anywhere near \$7 billion, despite numerous questions on notice, questions from members in the House and at budget estimates.

Then there was the 2024 GST steal. We endured endless repetition of Mookhey's new magic number—\$11.9 billion. "We was robbed!" he cried. True to form, ahead of his second budget the Treasurer refused to reveal the arcane calculations behind the mystical figure. When he did finally show us his homework, he got a big fail. The *Australian Financial Review* said it was nonsense. *The Australian* announced that the \$11.9 billion myth had been debunked. *Crikey* called it bullshit. Quite simply, the Treasurer made it up in yet another attempt to blame anyone but himself for another dud budget. The Treasurer's *Budget Paper No. 01* stated clearly that since the Commonwealth Grants Commission determination in March 2024:

GST revenue has been revised down by—

How much?

—\$6.2 billion.

That is just over half of Mookhey's magic number. Looking at the Total State Sector Accounts [TSSA], in 2024 the Treasurer breached part 7 of the Government Sector Finance Act, or GSF Act, by failing to table the 2023-24 Total State Sector Accounts. The GSF Act also requires the Treasurer to inform the Legislative Assembly before 30 November if the TSSA will not be tabled on time and to state the reasons if the Treasurer cannot comply. The Treasurer did not comply with that requirement of the Act. The Auditor-General explained the seriousness of the breach by saying:

Delays in reporting the State's financial information can reduce the ability of users to meaningfully assess the State's financial results and makes the information less relevant to users in making decisions. It also reduces transparency and accountability.

Treasurer Mookhey lacks a commitment to transparency and accountability, feeling empowered to breach important obligations such as those under the GSF Act. His sidekick, the Minister for Finance, was a co-offender in further breaches of the Act in their joint failure, as shareholder Ministers, to table several annual reports of State-owned corporations by the due date, missing it by several weeks. Again, the Auditor-General commented:

Delays in tabling Annual Reports means Parliamentarians have less time and opportunity to enquire about the performance and accountability of the use of resources entrusted to the agency.

If not, why not? The Minister for Domestic Manufacturing and Government Procurement received the first quarterly report from the Procurement Board on local market testing under direction PBD 2024-02 on 20 May 2025. It was finally made public on 14 August 2025. Why did it take three questions in question time, two supplementary questions for written answer, one question on notice, an order for papers, an arbiter's determination on the Minister's absurd privileges claim and a resolution of the House before that occurred? Was the Minister trying to hide something or does the Minister just enjoy being obstructive to requests for transparency? Is there any chance the Minister will table the second quarterly report covering April 2025 to June 2025 without that unnecessary delay?

According to the Workers Compensation Legislation Amendment Bill 2025, people with a whole person impairment [WPI] of 21 per cent to 31 per cent are all able to work. That is at the heart of the serious allegation that is before the House today. The Treasurer has claimed that every worker with a psychological injury assessed as having a WPI of between 21 per cent and 30 per cent, by definition—in his view—has work capacity and therefore does not need ongoing weekly payments under the Workers Compensation Scheme. Expert evidence before the inquiry has exposed that as a complete falsehood. What should lead all members to be concerned is that the Cabinet and the Labor caucus approved the two workers compensation bills only on the basis of the Treasurer's false assurance that injured workers kicked off the scheme would get a job and get on with their lives and have no more need for ongoing treatment or support. If the Treasurer had an ounce of integrity, he would withdraw those bills, work on a new one and go back to his Labor Party caucus and Cabinet with the truth about the impact of the bill on seriously injured workers.

I come to the substance of the excellent motion that you moved this morning, Madam Deputy President. I note that the Treasurer has continued to perpetuate the myth that the Nominal Insurer is losing \$6 million per day. Members were told that the Nominal Insurer deficit was \$4.9 billion as at 31 December 2024 and it has now hit \$5.4 billion as at 30 June 2025. Anyone with a calculator could subtract \$4.9 billion from \$5.4 billion and find it equals \$0.5 billion, divide that by 181 days between 31 December 2024 and 30 June 2025, and find it equals \$2.7 million per day. That is not acceptable, but it is less than half of the \$6 million claimed by the mathematically illiterate Treasurer.

Worse than that, the Treasurer gets members of his backbench, including a Parliamentary Secretary, to knowingly repeat in this place a falsehood that the fund is continuing to lose \$6 million per day, based on his own figures and announcement, which are plainly wrong. The Hon. Mark Latham has made much of the evidence of Chris McCann, which I do not need to repeat. But that material goes to the very heart of the manner in which the Treasury portfolio is run. If Treasury is in fact run just for politics, it is the agency on which we can now least rely to be transparent and tell us the truth about the state of the books in this State. The motion is important because the people of this State have a right to expect that when they deal with Treasury and its announcements, those announcements are accurate.

Whether it is GST, the workers compensation scheme or dealing with seriously injured workers, a pattern is emerging in which Treasury does things for political gain rather than ensuring that Treasury and the Treasurer are above reproach, which should be the Treasurer's first and foremost responsibility. Today we impugn that integrity on the basis that the Treasurer is responsible for an agency that cannot be relied upon to provide, through him and his Minister for Finance, correct information to the people of this State. For him it is only about politics, not integrity and transparency.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:23):** We are dealing with a pretty interesting matter of public interest. I place a few things on record. The first is the quite extraordinary contribution of the Leader of the Opposition, which basically alleges that Treasury is not providing accurate information in the public interest. That is a significant allegation that should be utterly rejected by every member of this House. The Hon. Damien Tudehope is a former Minister for Finance who relied on the work of the same public servants providing advice to Treasury. He should also know that the estimates, modelling and work done by Treasury are complex and change over time.

All members should utterly reject any suggestion that our Treasurer or our leaders and public servants within Treasury are somehow trying to work in a political manner that is against the interests of the people of this State. That suggestion is disappointing but not surprising from members opposite in relation to the way that they treat these matters. I will not get into the ins and outs of the workers compensation part of it because that bill is finally coming to the House, which is good. Members will have the opportunity to canvass those issues, which have also been appropriately and closely canvassed through the inquiry. This House absolutely needs to have a reckoning with itself when it comes to the use, publication and leaking of confidential material.

**The Hon. Mark Latham:** Ha!

**The Hon. PENNY SHARPE:** The member laughing is the chief problem. I do not really care what that member says about these things because he clearly does not care about the rules. Recently, confidential material was leaked from in-camera hearings and a range of well-established procedures and processes of our inquiries. This House has many powers, which members exercise.

**The Hon. Wes Fang:** Point of order: I submit that the matter of public importance is not about matters that have occurred in the House. If the Minister wishes to make a contribution about another member, she should do so by way of substantive motion. You ruled similarly earlier in this debate, and I ask you to do so again in relation to the Minister's contribution.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order. I remind the Minister of my previous ruling.

**The Hon. PENNY SHARPE:** All members should be very careful about the use of confidential material and the way in which they deal with constituents, who sometimes have mental and physical health issues. Probably all members in this House have at some point dealt with constituents who they were very concerned about, and sought advice about how they should exercise their duty of care. I am disappointed to see that politicised in a way that detracts from dealing with those matters, which all members of Parliament take very seriously.

I touch on an issue raised about the design of the workers compensation scheme, specifically the idea that sexual harassment or racism should not be seen through the eyes of the victim, but rather the eyes of the perpetrator. Government members suspect amendments foreshadowed by the Hon. Mark Latham and the

Hon. Damien Tudehope would essentially make it so that it is no longer people who experience sexual harassment or racism who decide what has happened and seek redress for harm—instead, workplaces should deal with those matters by asking the perpetrator if they really meant it. If they did not, it was only a joke and victims are therefore not eligible for workers compensation. That is absolutely what those amendments will mean, and members need to call them out for what they are.

Decades of work have gotten us to the point where we have a way to resolve those matters. What some members are suggesting would fundamentally undermine decades of work. I put on record the very serious concerns that I and the Government have about those matters. Finally, I say some nice things about the Treasurer, which I do not always say! It is easy to make allegations and imputations about an individual and the way they conduct their work when we do not agree with them. I have worked with the Treasurer for many years. We disagree on many things, but we agree on the need for the roles that we play to be in the public interest, and that we can have genuine disagreements during the debates that we have to have. That is exactly what have in relation to the future sustainability of workers compensation and our ability to care for injured workers into the future, within the ultimate context of the choices we make about how to spend taxpayers' money for the best interests of the people of New South Wales.

We can all disagree on the ins and outs of that, but it is pretty cheap for members of this House to take it as an opportunity to personally go after the Treasurer. It is unfair and unnecessary. We can disagree on the substance of the policy without dealing with it in the way some members of this House continue to do, pursuing their personal vendettas and hatreds and using the forms of this House to expose unauthorised privileged material. Finally, this will be a tough debate and we need to have it. I am pleased that the committee has decided to bring it forward. Disagreements will be had over this policy, but we need to have those serious conversations. The House needs to get through a lot of things today. There is a very important education bill, and I report to the House that the planning bill will move forward as well. I will not speak for any longer, except to say that I look forward to that debate. I hope that these types of matters of public importance are not supported in the future.

**The Hon. DANIEL MOOKHEY (Treasurer) (14:30):** I do not intend to take much of the time of the House because, as we made clear in the urgency debate, the House has to progress some really important matters. We need to quickly debate improvements to safety standards in child care and also take a big step forward to ensure that those who kill their intimate partners are subject to tougher laws. I only say this: I respect the fact that there is a lot of disagreement about workers comp. I respect the fact that we will have a policy debate, as the Leader of the Government said. I will save most of my comments on the substance of the policy dispute for that debate.

When it comes to the other aspects that have been referred to, particularly to do with Mr McCann, I repeat what I said in question time: I will not canvass matters to do with the mental health of any individual constituent. The only point to which I feel compelled to respond directly is the allegation of the shadow Treasurer that Treasury has been politicised. That is an extraordinary allegation for a shadow Treasurer to make. It is fine for the shadow Treasurer to point out that the Treasurer is political. That is fair; I did that for a long time and that is legit. But the shadow Treasurer said that the 600-plus people who work in Treasury as public servants have been politicised.

As Treasurer, I am accountable to that department and can speak on their behalf, and I categorically reject that. The NSW Treasury comprises a great many men and women from a variety of backgrounds, who are dedicated to public service and are apolitical. That is my expectation of them as their Minister. Not only is that my expectation of them; I disagree often—more than most—with the advice that I get from NSW Treasury. I recall the advice that Treasurer Michael Egan once gave me: You can agree with them or you can disagree with them, but you always have to hear them. I apply that approach as well. I also make this point: That institution is led by Michael Coutts-Trotter, whom I sought for the job. Michael Coutts-Trotter ran Dominic Perrottet's Government. He served many Ministers of the previous Government.

**The Hon. Courtney Houssos:** Rescued.

**The Hon. DANIEL MOOKHEY:** He rescued many Ministers of the previous Government and, I should say, provided service to the Labor Government that came before that one too. NSW Treasury is blessed to be led by one of the finest public servants in the nation. If anyone thinks that Mr Coutts-Trotter or the rest of his leadership team would allow that institution to be politicised, they are utterly wrong. The shadow Treasurer is entitled to ask questions about when they get things like GST forecasts wrong and what they are doing to fix it. He is absolutely right to ask questions about the budget papers, all of which is legit. That institution welcomes the accountability of the forum that this place provides. But to say, as he did, that it is a political institution whose advice is politically distorted is utterly unfair. I am sure the shadow Treasurer did not intend that. I think that most of his comments were directed at me, not at them, but it is another apt reminder that perhaps the shadow Treasurer should be a bit more careful in his use of language.

**The Hon. DAMIEN TUDEHOPE:** I seek to make a personal explanation.

**The Hon. Daniel Mookhey:** You cannot speak twice.

**The Hon. Courtney Houssos:** You cannot give a personal explanation when there is a question before the Chair.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I am advised that Standing Order 92 provides:

A member who has spoken on a question may only speak a second time to explain a matter on which the member has been misquoted or misunderstood. The member may not introduce any new matter.

**The Hon. DAMIEN TUDEHOPE (14:35):** I accept the admonition from the Treasurer and also accept his observation that there was no intention to suggest that the individual members of the Department of Treasury had been politicised. I share his view of the confidence of the Treasury officials who advise him and who previously advised me and others before me. The intent of my comments about his responsibility as the Treasurer is to not diminish his department by the manner in which he uses the material that is provided to him and seeks to politicise it. I absolutely agree with him about the integrity of every Treasury official that I have ever dealt with and would never suggest that those people act in a political manner. But, in my view, the manner in which the Treasurer misrepresents the material that has been provided to him does no service to the people of the State.

**The Hon. MARK LATHAM (14:37):** In reply: It is a chuckle moment; it is quite hilarious that the debate now hinges on the political independence of Michael Coutts-Trotter. He is a guy from central casting of the woke left wing of the Labor Party, with impeccable Labor Party left-wing woke credentials. He proudly says at estimates, "I want people to bring their whole self to work." Bring your gender, your sexuality, your race and your complaints about colonisation to work. Fit in and run our political programs in the workplace. Take offence, lose resilience, become a snowflake, say you've got all these problems of being offended and hurt feelings, and then take out a workers compensation scheme. Coutts-Trotter is from the stable—

**The Hon. Penny Sharpe:** Those pesky women! How dare they be annoyed by sexism in the workplace!

**The Hon. MARK LATHAM:** Listen, I grew up in an area where people had a bit of resilience and toughness. We did not go crying around like you do the whole time about every single thing, from your privileged background.

**The Hon. Daniel Mookhey:** Point of order—

**The Hon. MARK LATHAM:** This is just a way of trying to say that you have issues and problems, from a privileged background. How pathetic!

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! The Hon. Daniel Mookhey seeks to take a point of order.

**The Hon. Daniel Mookhey:** Firstly, reply speeches are about matters to do with the debate. They are not opportunities to advance character analysis of any member. Secondly, all comments should be directed through the Chair. Madam Deputy President, I would invite you to encourage the member to do so.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold both points of order. Members will keep some decorum.

**The Hon. MARK LATHAM:** Members might note that I did not interrupt the Leader of the Government, but she is a perpetual interrupter, from a position of weakness. But Michael Coutts-Trotter is from the Jim Betts stable of workplace practice: Bring all these personal attributes to the workplace, and if you feel offended—someone looked at you the wrong way, said something about white settlement in Australia or said something about gender or sexuality—take out a workers compensation claim. If we did not have Coutts-Trotter and Betts and their ilk running the New South Wales public sector, psychological injury claims would be reduced by 90 per cent. That is the reality. The Treasurer could not get realistic definitions through because he could not get them past the woke sisterhood in the Labor Cabinet and caucus. The Leader of the Government made it plain. "The absurdity that we go to ask the perpetrators." All we are trying to do is set a decent, realistic definition of these offences in the workplace.

This is not the Racial Discrimination Act or the Sexual Discrimination Act. It is about workers compensation in the workplace, and realistic definitions should be passed. The Treasurer could not get through the woke sisterhood in the Cabinet and caucus. He probably did not even try. Instead he broke his election promise and is planning to savagely cut off injured workers. One would think if the Labor Party had an article of faith it would be looking after injured workers. Instead it is looking after a snowflake workplace where everyone has a grievance and hurt feelings and takes out a workers compensation claim at the drop of a hat. "Someone looked at

me the wrong way" or "Someone said something". This is what the Labor Party has cultivated among working people.

Of course, the chickens are coming home to roost in the need to reduce the number of claims, premiums and the cost to the taxpayer and the general public for a workers compensation scheme that has got out of control with psychological injuries that just did not exist before the woke left got hold of these workplace practices. That is the reality of what has happened. Michael Coutts-Trotter—how hard is it to find an independent qualified economist instead of a washed-up acolyte of Michael Egan to run the Treasury? It is laughable. I will not go into other aspects of his background, but to say he is an independent, non-partisan person is an absurdity.

**The Hon. Penny Sharpe:** Point of order: The member has made a wholesale attack on the secretary of a department who is required to operate in an impartial way. The imputations are wholly out of order within this matter of public importance.

**The Hon. MARK LATHAM:** To the point of order: I am reflecting on the answers Coutts tries to give me at estimates where he defends all this woke stuff in the workplace. This is on the public record, so he cannot get away without being accountable for it. That is why we have this problem.

**The Hon. Daniel Mookhey:** To the point of order: As the member just said, he is responding to evidence given in estimates. He is only entitled to respond to matters raised during the debate. This is a reply speech. Members in reply have to relate their comments to matters raised during the debate because no-one else can speak after them. A reply speech is not a speech in substance.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order.

**The Hon. MARK LATHAM:** The Leader of the Government made a point about the leaking of confidential information. We know what Chris McCann has said about that. Whatever the Leader of the Government thinks about me—and obviously she does not have a high opinion—I will come at her from the front, which is what I did on the Law Enforcement Conduct Commission [LECC] material about Karen Webb. I did not go sneaking around the press gallery, handing it out to the ABC, calling people and leaking it out like a snake. I stood here and put my name and face to it. I said what I thought was in the public interest. When I grew up I was taught, if you are going to go at people, come at them from the front, not from behind like some snake in the grass. There is no secret there, and the LECC material was very much in the public interest. I am not the one afraid of giving evidence to the Privileges Committee. I am not the one who is taking the Parliament to court, like the Premier's chief of staff, who does not want to tell the truth about the Rosehill leak.

**The Hon. Penny Sharpe:** Point of order: This has absolutely nothing to do with the discussion on the matter of public importance.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I remind the member that he should be speaking in reply to matters raised during the matter of public importance.

**The Hon. MARK LATHAM:** It was a very important matter that was raised—a slur against me of leaking confidential information. I will come at other members from the front. I do not need to race to a courthouse to take action against the Parliament because I am afraid of telling the truth at a parliamentary committee, unlike the chief of staff of the Premier of New South Wales. As for the Treasurer, during my earlier address and for most of the debate, he sat there with his head hung low—a fitting posture. I hope that as he had his head low he was thinking of five names: Chris McCann, David Latham, Steph Jones, Chris Minns and Steve Kamper.

**The Hon. Penny Sharpe:** Point of order: This is just flouting your ruling, and it is a disgrace. The member does not seem to understand that the powers of this House come with responsibilities for the way in which members use information and the rules that we adhere to. He does not seem to care about that—which is fine—but it is actually outside the standing orders, and it is not allowed in the House. I ask you to draw the member back to the matters that are within the standing orders.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order. I refer to a ruling that was made by President Franklin on 5 August 2025:

The House is responsible for regulating members' use of their privilege of freedom of speech. To date the House has not adopted rules on the manner in which members are expected to exercise that privilege, as recommended by the Privileges Committee, for example, that members should be mindful of the privileges conferred when speaking in the House and should seek to avoid causing undeserved harm to any individual who does not enjoy the same privileges. In the absence of the House having acted, the Chair can remind members to be mindful in the use of their freedom of speech, but is unable to take further action, such as ruling the text of notices out of order where they reflect on members of the public.

**The Hon. MARK LATHAM:** My sin is I know what people in the Labor Party thought would just disappear into history and fade away 10 years ago. I know it because of the things the Premier said about me. So if members have a problem, take it up with Chris Minns as to how certain information has come to me. Things do

not disappear. I am talking about horrendous things, things that have happened in this building and things that rubbed the nose of victims into the ground and just left them behind without even a phone call or offer of assistance. Once someone gets into high office, those things are not forgotten. Members cannot wipe the history of things that were disgraceful back in the time and have been resurrected because of the foolhardy decision of Chris Minns to jump into my matter when he had no right for doing so and certainly no justification by truth. I know things that these dogs of the Labor Party want to forget, and I am not here to let them forget it. They are responsible, and they will be held to account in the future.

**Discussion concluded.**

*Bills*

**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (PLANNING SYSTEM REFORMS) BILL 2025**

**First Reading**

**Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.**

**The Hon. PENNY SHARPE:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**The Hon. PENNY SHARPE:** I move:

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

**Motion agreed to.**

**The Hon. PENNY SHARPE:** I move:

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

**Motion agreed to.**

**CRIMES LEGISLATION AMENDMENT (DOMESTIC VIOLENCE AND SEXUAL OFFENCES) BILL 2025**

**First Reading**

**Bill introduced, read a first time and ordered to be published on motion by the Hon. Rose Jackson.**

**The Hon. ROSE JACKSON:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**Second Reading Speech**

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (14:49):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Legislation Amendment (Domestic Violence and Sexual Offences) Bill 2025. This bill is another step our Government is taking to support victim-survivors and their families, and to combat domestic and family violence. In May 2024 our Government announced an extensive package to address domestic and family violence. Since that time, our Government has introduced new offences and penalties for certain breaches of apprehended domestic violence orders; new serious domestic abuse prevention orders targeting high-risk offenders; expanded definitions of stalking to include technology-based abuse; reforms to bail laws to better protect victim-survivors; and legislative changes to support sole parents in changing a child's name for safety reasons, as well as a suite of other reforms in various areas.

Our reforms have been backed by significant investments of over \$272.7 million over four years in the 2025-26 budget, in addition to a \$245.6 million package announced in the 2024-25 budget. These funds have been directed to improve the response to domestic and family violence through primary prevention, early intervention and crisis response measures. When this Government announced its reform package, we said that it was a starting point, and we made clear that we will keep listening to the domestic and family violence sector, victim-survivors and our community to make sure that we continue to face domestic and family violence head-on. Over the past few months, there has been a very strong community response to the sentencing of offenders convicted of murdering their current or former intimate partners in a number of high-profile matters.

The Government has listened to families who have been affected by intimate partner homicide and has determined to take steps to strengthen our sentencing framework to reflect how seriously this Government and the people of New South Wales take intimate partner homicide. I want to pause here to acknowledge and thank Tabitha Acret, who met with the Premier, the Attorney General and the Minister for the Prevention of Domestic Violence and Sexual Assault. The loss that she has suffered is unimaginable, and it is incredible that she has found the strength and bravery to be such a strong advocate for change. We have listened to her calls. This bill is a response to that advocacy. This bill amends the Crimes (Sentencing Procedure) Act 1999 to introduce a standard non-parole period of 25 years for the offence of murder committed against a current or former intimate partner.

This reform is a critical step in recognising the distinct social harm of intimate partner homicide. It will ensure that sentencing outcomes reflect community expectations and the extremely serious nature of these offences. Currently, the standard non-parole period for murder is 20 years. There are also two distinct categories of murder where the standard non-parole period is 25 years: where the victim was a child under 18 years of age; or a public official killed in the course of their duties. This bill will establish a third category of murder with a standard non-parole period of 25 years where the victim was the current or former intimate partner of the offender. This reform recognises the distinct nature of intimate partner violence, which often involves aggravating circumstances such as repeated or escalating abuse, breaches of apprehended domestic violence orders intended to keep victims safe, offending in the victim's home and the presence of children during the offence.

These factors compound the trauma experienced by victims, families and communities, and they must be reflected in sentencing. In the five years to June 2025, some 59 people were murdered by a current or former intimate partner in New South Wales. These figures reflect the gravity and extent of intimate partner violence in our communities. The reform proposed in this bill is specifically targeted at homicide within intimate partner relationships, recognising the distinct nature of those offences. It does not extend to homicides where the offender had another form of domestic relationship with their victim. Recent sentencing outcomes in intimate partner homicide matters have prompted public discussion about whether our current framework adequately reflects the seriousness of these offences. The amendments in this bill will ensure that sentencing outcomes are consistent and are aligned with community expectations.

By supporting a victim-centred approach to justice, the reform will affirm the principle that sentencing should reflect the seriousness of the offence and the profound impact on victims, families and communities of offending behaviours. The standard non-parole period reform reinforces the justice system's role in responding to lethal violence in domestic settings. It supports the Government's broader strategy to prevent intimate partner homicide, protect victim-survivors and promote accountability for serious offending. This reform also says, loud and clear, to victim-survivors and their families that our Government hears you, we are listening, we believe you, we support you and we are going to keep doing whatever we can to combat every aspect of domestic and family violence—all the way from prevention and early intervention to stop violence before it starts, through to condign punishment for abhorrent offending. The bill also makes minor amendments to provide greater protections to victims of domestic, sexual and personal violence, and to improve related procedural matters.

These may appear to be small, procedural amendments, but as we are often reminded by our stakeholders, particularly in the sexual violence space, continuing to do the work to resolve inconsistencies and omissions across the statute book that leave out some categories of victim-survivors from protections or improved procedures is important. Our Government will keep doing this work to make sure that nobody is left without protections that they should be entitled to. I now turn to the detail of the bill. Schedule 3, item [1], will amend part 4, division 1A, of the Crimes (Sentencing Procedure) Act 1999 to establish a new standard non-parole period of 25 years for the murder of an intimate partner. The bill will align the standard non-parole period for intimate partner homicide with other categories of murder that attract the highest standard non-parole period available in New South Wales, including the murder of children and the murder of public officials in the course of their duties.

The amendment will support public confidence in the justice system by ensuring that sentencing outcomes reflect the gravity of the offence. A higher standard non-parole period will contribute to both specific and general deterrence and reinforce accountability for offenders who commit lethal violence within intimate partner relationships. Schedule 3, item [2], provides that the higher standard non-parole period of 25 years for murder in an intimate partner relationship will apply to offences that occur only after the passage of this bill into law. This is consistent with the general principle against retrospectivity in amendments made to criminal laws. Schedule 1, item [1], will amend section 66F subsection (8) of the Crimes Act 1900 so that prosecutions for sexual offences under that section involving victims with a cognitive impairment may be commenced with the approval of either the Attorney General or the Director of Public Prosecutions.

Currently, prosecutions for these offences may be commenced with only the Attorney General's approval, although this power has been delegated to the director per New South Wales Government Gazette No. 86 of 31 August 2012 and section 11, subsection (2), of the Director of Public Prosecutions Act 1986. This amendment

will streamline the prosecution approval process by embedding the current arrangements into the legislation itself. It will also overcome a practical concern arising from the delegation of this power by government gazettal, namely that the Director of Public Prosecutions must make a personal assessment of the decision to prosecute and cannot delegate this function further. This amendment will provide a necessary degree of flexibility so that the director may delegate the function to appropriate officers in the Office of the Director of Public Prosecutions, such as deputy directors.

Finally, this amendment is consistent with the responsibility of the director to approve prosecutions for certain other sexual offences, such as section 66EA of the Crimes Act 1900, which is the offence of persistent sexual abuse of a child. Schedule 1, item [2], amends section 78F of the Crimes Act 1900 to make the same change in respect of approvals of prosecutions for incest and attempted incest offences under sections 78A and 78B of the Crimes Act 1900 respectively, for the same reasons. Schedule 2 will amend the definition of "personal violence offence" in section 4 (a) of the Crimes (Domestic and Personal Violence) Act 2007 to include additional offences from the Crimes Act 1900. These amendments will ensure that certain offences are treated as personal violence offences, which means that these offences may be taken into account when considering an application for an apprehended personal violence order or, if the parties are in a domestic relationship, an apprehended domestic violence order.

The bill corrects small omissions which have developed over time as new offences are added to the statute book. The offence of assault causing death will be added under section 25A, noting that other homicide offences are already included in the definition of personal violence offence. This includes murder, under section 19A, and manslaughter, under section 24. The offence of inflicting injuries to a child at the time of birth will be added under section 42, and the offence of causing the loss of a foetus through an act or omission that constitutes either grievous bodily harm or homicide will be added under section 54A and section 54B, noting other criminal offences involving the infliction of grievous bodily harm are already included in the definition. That includes offences under section 33, section 33A, section 35 and section 35A.

Sexual offences involving victims with a cognitive impairment will be added under section 66F, noting other sexual offences against vulnerable persons are already included in the definition. This includes offences against minors under sections 66A to 66EA. The offence of attempted incest will be added under section 78B, noting other principal and attempt offences are already included together in the definition. This includes murder and attempted murder under section 19A, section 29 and section 30. These insertions are all appropriate to ensure the definition of "personal violence offence" is robust and consistent in its treatment of like offences.

The bill continues the important work that is being done by this Government to improve its responses to domestic, family and sexual violence. All of the measures in the bill will commence immediately on the date of assent. We look forward to working with all members constructively as we continue to take steps to address the issue of domestic abuse in our State. I take this opportunity to again thank victim survivors and advocates with lived experience, and also to acknowledge our domestic, family and sexual violence sector stakeholders, who provide us with such valuable advice, feedback and direction. In particular, I thank Domestic Violence NSW, Full Stop Australia, No to Violence and Wurringa Baiya for their invaluable insights and feedback on the Government's efforts in this space. We are so grateful for the crucial work that they do. I commend the bill to the House.

**Debate adjourned.**

## **JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL (NO 2) 2025**

### **Second Reading Debate**

**Debate resumed from 14 October 2025.**

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** 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.

**The Hon. JOHN RUDDICK (15:05):** I move Libertarian Party amendment No. 1 on sheet c2025-224B:

No. 1 **Repeal**

Page 2, clause 4, lines 14–16. Omit all words on the lines.

Once again the Government has violated the trust and the protocols of this House by falsely claiming that prospective legislation is miscellaneous. The bill is anything but miscellaneous. When this Parliament passed the Crimes Amendment (Prosecution of Certain Offences) Bill 2023, it was at the height of the antisemitism crisis. It was a legislative response to the now infamous Sydney Opera House demonstration. The Libertarian Party—with the support of the Coalition, The Greens, the Animal Justice Party and the Hon. Taylor Martin—passed a sunset clause amendment to limit the extra powers given to the police to two years rather than indefinitely. We are approaching the two-year mark now. That is why the Government is seeking this non-miscellaneous change.

With the cooling of hostilities in Gaza, the antisemitism crisis is winding up. Thanks are due to President Trump and to the Libertarian Party for predicting that. That is why we set a two-year sunset clause. The Government, like all governments, has become greedily addicted to the new emergency powers it has granted itself. What a surprise! The amendment will bring us back to the status quo prior to the demonstration at the Sydney Opera House. The Director of Public Prosecutions—or the police, being so empowered by the Director of Public Prosecutions—can lay charges under section 93Z. But we do not want every cop in the State having the power to lay section 93Z charges. It is a dangerous burden to lay upon the shoulders of the police, and we should remove it.

I flag that I will support the foreshadowed Opposition amendment No. 2 on sheet c2025-218B. It is another non-miscellaneous change. I respect the right of all Australians to marry under the Marriage Act 1961. The Libertarian Party was the first Australian political party to advocate for gay marriage—even ahead of The Greens. It is equally vital that religious celebrants are not forced to act against their beliefs. The amendment strikes a fair balance, protecting freedom of religion without impeding anyone's legal right to marry. My support is given on the clear understanding that any such information from the old certificate would remain confidential and be disclosed only to the couple concerned.

**The Hon. EMILY SUVAAL (15:07):** The Government does not support the amendment. Schedule 1 [1] to the Crimes Amendment (Prosecution of Certain Offences) Act amended section 93Z (4) of the Crimes Act on 1 January 2024 by inserting the current version of that provision into the Crimes Act. The current version of section 93Z (4) provides that only the Director of Public Prosecutions or a police officer can commence a prosecution for an offence under section 93Z. That amendment is currently in force and is relied on by police officers to commence prosecutions for that offence.

The uncommenced provision in schedule 1 [2] to the Crimes Amendment (Prosecution of Certain Offences) Act aims to amend section 93Z (4) of the Crimes Act to provide that a prosecution for an offence under section 93Z may not be commenced without the approval of the Director of Public Prosecutions. Its aim is to reinstate the version of section 93Z (4) that was in force prior to 1 January 2024. Unfortunately, that is not all that it will do. The effect of that uncommenced provision will be both to retain the current section 93Z (4) and reinsert a further subsection 93Z (4) that will provide that prosecutions under that section can be commenced only by the Director of Public Prosecutions. Under section 2 (2) of the Crimes Amendment (Prosecution of Certain Offences) Act, schedule 1 [2] will take effect on 2 January 2026.

Repealing the Crimes Amendment (Prosecution of Certain Offences) Act will have the effect of confirming the continued operation of the amendments it has already made to the Crimes Act, while repealing and disposing of any outstanding provisions that are yet to come into force—namely, what has been referred to as the sunset provision. Accordingly, the Government amendment will retain the status quo and continue the operation of the current iteration of section 93Z (4) with the ongoing effect that both the Director of Public Prosecutions and a police officer can commence a prosecution for an offence under section 93Z.

**The Hon. SUSAN CARTER (15:09):** I speak to this amendment on behalf of the Opposition. We are deeply sympathetic to the comments of the Hon. John Ruddick about the way in which section 93Z has been amended. I also recognise that, at the time of the introduction of this sunset clause, a statutory review was mandated by this Parliament. The purpose of that statutory review was to allow the proper consideration of the appropriateness of extending the ability to prosecute to the police as well as to the Director of Public Prosecutions. It is an appalling disregard of this Parliament that that statutory review was so late, and it has allowed a very compromised understanding of the way in which the amended section 93Z operates.

Essentially, it pointed to the fact that there will be more reviews so we can keep thinking about it from different contexts. It also demonstrated that, at the time of the report, there had been only two prosecutions brought by police under section 93Z, which points to one of the problems with 93Z: Despite the constant tinkering, it still does not appear that it is being used effectively to create the community harmony for which we had hoped it might be responsible. All of that being said, our intention is to not support the Libertarian Party amendment, even though we are deeply sympathetic towards the Hon. John Ruddick's comments.

**Ms SUE HIGGINSON (15:11):** The Greens also do not support the amendment. The clause in the legislation is problematic, and we know that it has been problematic from the outset. But the real root cause of its problematic nature is that we know that, as a State, we cannot arrest our way to a place of social cohesion where people are treated with the dignity, respect, inclusion and diversity recognition they deserve. New South Wales clearly needs a rights-based framework that will set it on the genuine positive course and charter to get us to that place. I know work is happening at the moment in the Parliament, in back rooms, in front rooms and with civil society organisations to get us to that legislative place in New South Wales.

Until we get there, I understand that the stopgap measure we have in place is likely to provide some remedy to the worst kind of behaviour and offending in the State. Until we have a genuine alternative framework to deal with those kinds of matters, which arise in the State from time to time, we understand that the Government has chosen this course. Whilst we are not supportive of it, we are not opposing it at this point in time. On that basis, while I completely understand the member's intention, there is also the fact that the amendment does not quite work in the context of the chaos with which the legislation has been brought to the Parliament and as it sits on the law books.

**The CHAIR (The Hon. Rod Roberts):** The Hon. John Ruddick has moved Libertarian Party amendment No. 1 on sheet c2025-224B. The question is that the amendment be agreed to.

**Amendment negated.**

**The Hon. SUSAN CARTER (15:14):** I move Opposition amendment No. 1 on sheet c2025-218B:

No. 1 **Repeal of Crimes Amendment (Prosecution of Certain Offences) Act 2023**

Page 2, clause 4. Insert after line 16—

**Note—** The effect of the repeal of the *Crimes Amendment (Prosecution of Certain Offences) Act 2023* is that Schedule 1[2] of that Act will be repealed before it commences. Accordingly, the *Crimes Act 1900*, section 93Z(4) will continue to provide that a prosecution for an offence against section 93Z may be commenced only by the Director of Public Prosecutions or a police officer.

This is a simple amendment that inserts a note to clarify the impact and the meaning of the way that section 93Z (4) will operate. There is significant public interest in that section. It is probably one of the most talked about sections in all of New South Wales legislation. It is one of the sections that shows up as frequently searched on the NSW legislation website. It is in the top 10 for public interest. There is significant uncertainty about the way it has been amended over time and how it is going to read. The purpose of inserting this note is, essentially, to underline the rule of law that says it should be abundantly clear what the law is. Its purpose is to ensure that anybody coming across 93Z will know that it is either the Director of Public Prosecutions or the police who may bring a prosecution under this section and that there be no suggestion that we reach a situation where private criminal prosecutions could be brought, which the Government's original amendments would have done. That would be the completely wrong outcome for this section. I acknowledge that this is bootstrapping but, given that it is section 93Z, the Opposition thinks it is important bootstrapping.

**The Hon. EMILY SUVAAL (15:16):** The Government does not support this amendment. The proposed inclusion of a note concerning the repeal of the Crimes Amendment (Prosecution of Certain Offences) Act 2023, which I will refer to as the crimes amendment Act, is unnecessary. Schedule 1 [1] to the crimes amendment Act amended section 93Z (4) of the Crimes Act on 1 January 2024 by inserting the current version of that provision into the Crimes Act. The current version of section 93Z (4) provides that only the Director of Public Prosecutions or a police officer can commence a prosecution for an offence under section 93Z. That amendment is currently in force and is relied on by police officers to commence prosecutions for that offence.

The uncommenced provision in schedule 1 [2] to the crimes amendment Act aims to amend section 93Z (4) of the Crimes Act to provide that a prosecution for an offence under section 93Z may not be commenced without the approval of the Director of Public Prosecutions. Its aim is to reinstate the version of section 93Z (4) that was in force prior to 1 January 2024. Unfortunately, that is not all that it will do. The effect of this uncommenced provision will be to both retain the current section 93Z (4) and reinsert a further subsection 93Z (4) that will provide that prosecutions under that section can be commenced only by the Director of Public Prosecutions. Under section 2 (2) of the crimes amendment Act, it will take effect on 2 January 2026.

The Government amendment seeks to retain the status quo and continue the operation of the current iteration of section 93Z (4), with the ongoing effect that both the Director of Public Prosecutions and a police officer can commence a prosecution for an offence under section 93Z. Section 30 (2) (c) of the Interpretation Act 1987 provides that the amendment or repeal of an Act or statutory rule does not affect any amendment or validation made by the Act or statutory rule. In other words, the repeal of the crimes amendment Act does not affect any amendment made by the crimes amendment Act which has commenced.

Repealing the crimes amendment Act will have the effect of confirming the continued operation of the amendments it has already made to the Crimes Act while repealing and disposing of any outstanding provisions that are yet to come into force, namely, what has been referred to as the sunset provision. The effect of the Government's bill will be that the Director of Public Prosecutions and police will continue to be the only persons with the power to commence prosecutions for section 93Z offences. The Government is not of the view that a note needs to be inserted into the bill to state what it does and, as a result, does not support this amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Susan Carter has moved Opposition amendment No. 1 on sheet c2025-218B. The question is that the amendment be agreed to.

**Amendment negatived.**

**The CHAIR (The Hon. Rod Roberts):** We have a number of conflicting amendments. I ask Ms Sue Higginson to move The Greens amendment No. 1 on sheet c2025-222B.

**Ms SUE HIGGINSON (15:19):** Dr Amanda Cohn will move the amendment.

**The CHAIR (The Hon. Rod Roberts):** I am sorry. Dr Amanda Cohn will move the amendment. I then intend to have the Hon. Susan Carter move Opposition amendment No. 2 on sheet c2025-218B. Will Dr Amanda Cohn be moving The Greens amendment No.1 on sheet c2025-214D?

**Dr AMANDA COHN (15:19):** To assist the Chair in selecting the order of amendments, if The Greens amendment No.1 on sheet c2025-214D is carried, I intend to withdraw The Greens amendment No. 1 on sheet c2025-222B. My preference would be to move the amendments in that order.

**The CHAIR (The Hon. Rod Roberts):** I needed some advice because of the conflicts. My intention is now for Dr Amanda Cohn to move The Greens amendment No.1 on sheet c2025-214D, and we will work through the other amendments separately.

**Dr AMANDA COHN (15:23):** I move The Greens amendment No.1 on sheet c2025-214D:

No. 1 **Issue of old birth certificates**

Page 5, Schedule 3[6], proposed section 51A. Insert after line 31—

- (1A) The Registrar must not issue a person's certificate under subsection (1)(b) unless the Registrar has taken steps to consult with the person to whom the certificate relates where reasonably practicable.
- (1B) Subsection (1A) does not apply if—
  - (a) the person to whom the certificate relates has died or lost capacity, or
  - (b) the application was made by a law enforcement agency, within the meaning of section 46A.

As I indicated in my contribution to the second reading debate, the bill as introduced poses significant privacy and safety risks to individuals who have changed their record of sex. The risk of someone's original birth certificate being used as a tool for coercion, harassment or abuse is real and serious. This amendment proposes a bare-minimum safeguard that is absolutely necessary to provide individuals with some dignity and autonomy over the use of their original documentation.

While the Government has removed the ability of a spouse or de facto partner to apply for a person's old birth certificate, it did not take into account that children can be involved in domestic violence, including elder abuse, or that an abusive spouse may try to access an individual's records through the impacted individual's children. This amendment proposes that the registrar must not issue a certificate under the new provisions created by the bill unless it has taken steps to consult with the person to whom the certificate relates where reasonably practicable.

As I said, I think this is a bare-minimum safeguard that provides people with some dignity and autonomy. There may be cases where an application has been made by the child of a person in a situation where there is an element of abuse or coercion in the relationship. The impacted individual must have the opportunity to provide that critical context so that the registrar can take it into account and ensure that we are not unintentionally putting people in harm's way. Finally, I thank Equality Australia, the Inner City Legal Centre, Trans Justice Sydney and the many individuals who have reached out to my office for working with The Greens on this really important amendment.

**The Hon. EMILY SUVAAL (15:25):** The Government supports this amendment. I put on record my thanks to Dr Amanda Cohn. The New South Wales Government agrees that requiring the registrar to consult with the person to whom the certificate relates, where this is reasonably practicable, will provide an additional safeguard against the inappropriate disclosure of sensitive and highly personal information. I thank Dr Amanda Cohn for her comments during the debate on the risk of coercion and outing in a wide range of circumstances,

and on the need to protect the privacy of trans and gender-diverse people in New South Wales. I also thank the member for Sydney in the other place, who has represented his constituents in relation to this issue by constructively engaging with the Attorney General's office.

The Registry of Births, Deaths and Marriages would not be required to consult if the person is deceased or has lost capacity, or if the application is made by a law enforcement agency. The registry has noted that it rarely receives applications for original birth certificates and would generally scrutinise such applications. The registry will also specifically address applications for old birth certificates under its access policy. I note that all applications by prescribed persons to access the original birth certificate of a person who has altered their record of sex will still be subject to the adequate reasons test. This provides an additional safeguard against bad faith applications and will allow the registrar to consider and refuse applications that do not demonstrate an adequate reason.

**The Hon. SUSAN CARTER (15:26):** The Opposition is very sympathetic to the issues outlined by Dr Amanda Cohn. I also note that the Government took great care when crafting this legislation to ensure that there are checks and balances on who can access records and in what circumstances. The Greens amendment uses the term "reasonably practicable". We have questions about when it would be reasonably practicable for the Registry of Births, Deaths and Marriages to contact someone whose contact details have likely not been retained, especially with a distance of some time. We are concerned about children who may be in a situation where they need a document, like a passport, but because of a family situation they may not be able to get their necessary documents. The Opposition is happy with the checks and balances in the bill put forward by the Government. The Opposition does not support this amendment.

**The CHAIR (The Hon. Rod Roberts):** Dr Amanda Cohn has moved The Greens amendment No. 1 on sheet c2025-214D. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. SUSAN CARTER (15:28):** I move Opposition amendment No. 2 on sheet c2025-218B:

**No. 2 Issue of old birth certificates to religious celebrants**

Page 5, Schedule 3[6], proposed section 51A(1). Insert after line 29—

- (a1) a religious marriage celebrant who, under the *Marriage Act 1961* of the Commonwealth, section 45(1), requires the certificate for the following purposes relating to a marriage ceremony, but only on the condition the celebrant will not disclose information in the certificate to persons other than the persons being married—
  - (i) ensuring the marriage ceremony will comply with the religious marriage celebrant's religion,
  - (ii) ensuring the marriage will be valid under law, This amendment also relates to birth certificates. I recognise that the Justice Legislation Amendment (Miscellaneous) Bill (No 2) 2025 addresses some of the issues relating to the possibility of identity fraud that have arisen because of the changes it will make to the Births, Deaths and Marriages Registration Act. This amendment seeks to address an issue that has arisen in relation to the validity of marriages. When people present themselves for marriage, it is such a hopeful and wonderful time. We all share an interest in the issue of marriage validity.

It is a matter of fact that under the Commonwealth Marriage Act, if people present themselves to a religious marriage celebrant for marriage, unless that marriage is valid within the rites of that religious church, they will not be validly married. We could have a situation where people present with altered birth certificates that do not reflect their biological sex, and their partner, who thinks they are married, will not be validly married. The Coalition does not want that situation to arise. The amendment will ensure that when people proceed towards marriage, they can be confident it will be a valid marriage. There are safeguards around access and the confidentiality that is required. I commend the amendment to the Committee.

**The Hon. EMILY SUVAAL (15:29):** The Government does not support the amendment. The amendment seeks to allow religious celebrants to access the original birth certificate of a person who has altered their record of sex as of right. The bill as drafted provides that only the person who altered their record of sex may access their original birth certificate as of right. Other persons who may apply for an original birth certificate are to be prescribed by regulation following consultation with key stakeholders, and will be required to demonstrate that they have an adequate reason for accessing the certificate. Accordingly, it would not be appropriate to prescribe religious celebrants under the Act.

The bill seeks to reinstate a pre-existing provision of the Act that was inadvertently repealed when the equality Act was introduced. The now repealed section 32F of the Births, Deaths and Marriages Registration Act enabled the person who altered their record of sex, or a person prescribed by regulation, to access the person's

original birth certificate showing their record of sex from before it was altered. The list of prescribed persons in the previous regulation did not include religious celebrants. I note that the Commonwealth Marriage Act 1961 already preserves the right of a minister of religion to refuse to solemnise a marriage under sections 47 and 47A if the refusal conforms to the doctrines, tenets or beliefs of the religion of the minister's religious body or religious organisation.

Where a religious celebrant wishes to know whether a person has altered their sex, nothing prevents the minister from asking whether the person has altered their record of sex, or requesting that the person provide their original birth certificate. If the person provides their original birth certificate, or refuses to do so, the celebrant may then agree or refuse to be the person's marriage celebrant on the basis of their religious belief and traditions.

**Dr AMANDA COHN (15:31):** The Greens also oppose the amendment. People who have changed their record of sex since 1 July this year under the provisions created by the equality legislation passed last year—and I understand there are 800 or so people who have done that—did so with an understanding that their new birth certificate would not out them by showing that their record of sex has been altered, and that no third parties would be able to access their original certificate. Trans and gender diverse people have been distressed by this Government proposal to allow some third parties to access their original birth certificate. That said, the Government's proposal is very narrow in terms of who those people can be.

I also appreciate that the Government has just accepted a very important amendment that requires consultation with impacted individuals, but this particular amendment from the Liberal Party to broaden those persons who can access original documentation to include marriage celebrants is exactly why trans and gender diverse people are so distressed by this bill. The Liberal Party has immediately taken this opportunity to seek to discriminate against them further, and The Greens cannot support the amendment.

**The Hon. SUSAN CARTER (15:32):** I address the comments made by Dr Amanda Cohn. The amendment is not an attempt to discriminate at all; rather, it is an attempt to make sure that anybody who presents for marriage does not find out down the track that their marriage is invalid. I think that would be one of the worst things that could happen to anybody. If people have joy, happiness, hope and a forward-looking desire to commit to their lives together, and they choose to do so in a religious framework, they should not find out down the track that their marriage is invalid. That would be crushing. The amendment is meant to be positive. I state for the record that there is absolutely no intention to discriminate. That was the last thing in anybody's mind.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Susan Carter has moved Opposition amendment No. 2 on sheet c2025-218B. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....16  
 Noes .....20  
 Majority.....4

**AYES**

Banasiak	Latham	Munro
Barrett	MacDonald	Rath (teller)
Carter	Maclaren-Jones	Ruddick
Fang (teller)	Merton	Tudehope
Farlow	Mitchell	Ward
Franklin		

**NOES**

Boyd	Graham	Moriarty
Buckingham	Higginson	Murphy (teller)
Buttigieg	Houssos	Nanva (teller)
Cohn	Hurst	Primrose
D'Adam	Kaine	Sharpe
Donnelly	Lawrence	Suvaal
Faehrmann	Mookhey	

**PAIRS**

Overall

Jackson

**Amendment negatived.**

**The Hon. SUSAN CARTER (15:41):** I move Opposition amendment No. 3 on sheet c2025-218B:

No. 3 **Supreme Court to review list of persons on remand who are in custody**

Page 11, Schedule 7[2], lines 7 and 8. Omit all words on the lines.

This amendment would remove the changes to the Crimes (Administration of Sentences) Act at schedule 7 [2]. The effect of the proposed schedule 7 [2] would be to take away from the Supreme Court its existing jurisdiction to review prisoners on remand at periodic intervals in open court. This State has never had so many prisoners on remand. About 44 per cent of everybody in jail is on remand. Remand figures have gone through the roof: There has been a 20 per cent increase in adults on remand since this Government came to power. One reason for that is, of course, that it has walked away from electronic monitoring, which is a cost-effective way of making sure that we are keeping the community safe. It seems to the Opposition to be entirely the wrong time to be reducing any oversight of what is—

**The CHAIR (The Hon. Rod Roberts):** There is too much audible conversation in the Chamber. I am sure the Parliamentary Secretary particularly wants to hear what is being said so she can give an earnest reply. I certainly need to hear what is being said. More importantly, Hansard needs to be able to hear it as well. The Hon. Susan Carter will continue.

**The Hon. SUSAN CARTER:** Thank you. As I was saying, it seems to us, with the explosion of numbers, to be entirely the wrong time to walk away from oversight of what is happening to prisoners on remand. The fact is that in the debate, in the discussion paper, in consultation with the profession—which we could see no sign of—the Government has simply not made a case for the inclusion of schedule 7 [2] other than saying, "Case management procedures are working really well. Trust us: We are the Government." No case has been made out, and we have more prisoners on remand than we had in 1788, when all we had were prisoners. It is not the time to be making this change and the Opposition is opposed to it.

**The Hon. EMILY SUVAAL (15:44):** The Government does not support this amendment. Criminal proceedings in New South Wales are now governed by structured case management procedures, which are set out in both legislation and court practice notes. Those procedures play a vital role in ensuring matters progress efficiently and without unnecessary delay. That means that section 258, which requires that the Supreme Court periodically review in open court information about persons on remand who have been in custody for more than three months, is no longer necessary and in fact uses valuable court resources that could be better utilised elsewhere.

The provision was borne from a time when there were no time frames to file indictments, and individuals could potentially be committed for trial with no fixed arraignment date, meaning they could become lost in the system. There was no system other than the jail delivery list to detect and remedy that. Thankfully, that scenario can no longer happen because of the significant improvements that have been made in case management, both in terms of systems and process improvements. The court operational system now requires the court to set a new listing date each time a matter is adjourned. That ensures that no case is left in limbo and that every person, especially those on remand, remains visible to the system. There is always a future date in the court diary.

Each of the courts in New South Wales has its own procedures to ensure that matters are progressed sufficiently. In the Local Court, committal matters are managed under the Early Appropriate Guilty Plea scheme. The relevant practice notes set out a strict timetable that includes when the brief of evidence must be served, a defined period for case conferencing and scheduled court mentions to monitor progress. Those steps are reinforced by the Criminal Procedure Act 1986, which requires charge certification to occur within six months of the first return date of the court attendance notice. Failure to do so results in a discharge of the accused, unless it is in the interest of justice to grant an extension.

Summary matters in the Local Court are governed by a separate practice note that prescribes procedures for summary prosecutions including brief service timetables and scheduling of relevant motions and hearings. The case management timetables are strictly enforced. Failure to meet them requires the parties to explain the reasons and justify an application for an adjournment or variation of the timetable. In the higher courts—the District Court and the Supreme Court—case management is governed by part 3, division 3, of the Criminal Procedure Act and the practice notes of the District Court and the Supreme Court. The case management requirements mean that the prosecution has time frames for filing of an indictment and evidence. The time frames are strictly enforced and prosecutors will be required to explain to the court the reasons for any delay. Matters are also subject to regular call-overs.

The District Court practice notes outline specific time frames for filing and serving the indictment, listing for arraignment on call-overs, readiness hearings and trial call-overs, and filing of case management forms. The

Supreme Court follows a similar structured approach through its own practice note. There are also tailored procedures for matters under the Child Sexual Offence Evidence Program which are designed to ensure best practice and avoid delay in those sensitive cases. There are also separate timelines for sentence matters and appeals.

Case management procedures are comprehensive and strictly adhered to in order to avoid delays, ensure trials are ready to proceed and ensure timely progress of matters through courts, especially where a person is in custody. The process involves multiple mentions and court appearances that ensure no person on remand could be overlooked. In light of the comprehensive case management procedures now embedded throughout the criminal justice process, the resource intensive section 258 procedure no longer serves a practical or necessary purpose for persons on remand.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Susan Carter has moved Opposition amendment No. 3 on sheet c2025-218B. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

Ayes .....16  
Noes .....20  
Majority.....4

**AYES**

Banasiak	Latham	Munro
Barrett	MacDonald	Rath (teller)
Carter	Maclaren-Jones	Ruddick
Fang (teller)	Merton	Tudehope
Farlow	Mitchell	Ward
Franklin		

**NOES**

Boyd	Graham	Moriarty
Buckingham	Higginson	Murphy (teller)
Buttigieg	Houssos	Nanva (teller)
Cohn	Hurst	Primrose
D'Adam	Kaine	Sharpe
Donnelly	Lawrence	Suvaal
Faehrmann	Mookhey	

**PAIRS**

Overall Jackson

**Amendment negatived.**

**The Hon. SUSAN CARTER (15:51):** I move Opposition amendment No. 4 on sheet c2025-218B:

No. 4 **Amendment of Firearms Act 1996**

Page 13, Schedule 9, lines 1–9. Omit all words on the lines.

Amendment No. 4 is very similar to amendment No. 3 in that Opposition members seek to remove all the lines in schedule 9 that would amend the Firearms Act 1996. Our reasoning is essentially the same as for amendment No. 3. Opposition members are happy to support appropriate and sensible changes to legislation, but it is appropriate for members of Parliament to understand why those changes are being made, what their effect will be and where they come from. Members were told that there was a need to fix a mistake in 2013 that did not appear to have been brought to anyone's attention in the 12 intervening years. It would be good to have greater understanding of that. We think it is irresponsible to support the change without that understanding, so we will not do so.

**The Hon. EMILY SUVAAL (15:52):** The New South Wales Government does not support the amendment. The amendment would remove from the bill the amendment to the Firearms Act 1996 which seeks

to enable a child, being a person under the age of 18, who is issued with a firearms prohibition order by the Commissioner of Police to apply to the NSW Civil and Administrative Tribunal [NCAT] for review of the decision to impose the order. As the Parliament Secretary explained in the second reading speech, the ability of a child who has been issued with a firearms prohibition order to seek external review through NCAT was inadvertently removed in 2013. That is because the Act was amended to remove external review rights for persons who are disqualified from holding a firearms licence or firearms permit.

A person is disqualified from holding a firearms licence or firearms permit if the person has been convicted of a prescribed offence within the previous 10 years; is subject to an apprehended violence order, interim apprehended violence order or serious domestic abuse prevention order or has, within the previous 10 years, been subject to an apprehended violence order or serious domestic abuse prevention order; is subject to a good behaviour bond, a community correction order or a conditional release order for a prescribed offence; or is a registrable person under the Child Protection (Offenders Registration) Act 2000. The 2013 amendments intended to remove the external review mechanism for these people. A person is also disqualified from holding a firearms licence or firearms permit if the person is under the age of 18, which is how the external review mechanism was removed for children.

To be clear, the effect of the amendment in the Government's bill does not give people under 18 greater access to firearms and it does not allow them to get a firearms licence. Adults who are issued with a firearms prohibition order and who are not otherwise disqualified from holding a firearms licence or permit are able to apply to NCAT for external review of the decision to impose the order. That is an important procedural fairness safeguard given firearms prohibition orders authorise police to search the person at any time without a warrant to ensure compliance with the order, and noting that the orders do not expire. The amendment to the Firearms Act will ensure that children who are issued a firearms prohibition order are afforded the same procedural fairness as adults. There is no policy justification for maintaining the status quo whereby adults are afforded more procedural fairness than children. That issue is not resolved once a person turns 18 because an application for review must be made within 28 days.

The amendment will also not unduly burden the NSW Police Force, which, I note, supports this reform. On average, 15 firearms prohibition orders a year are made against people under 18. The staff of the Firearms Registry appear in the NSW Civil and Administrative Tribunal in those matters. Giving review rights to children will not take police off the street or prevent them from responding to crime. Firearms prohibition orders do not just prevent people from possessing firearms; they impose limitations on where people can live and who can attend certain residences, and they allow police to search individuals in certain circumstances. Those orders, and the limitations they impose, do not expire. Any suggestion that the amendment is not necessary because of the relatively small number of firearms prohibition orders made against children every year should be dismissed. The amendment is not about the numbers; it is about ensuring that there is an appropriate and equitable review process in place for children. It is about making sure that children have the same review rights as adults when there is absolutely no justification for that not to be the case.

**Ms SUE HIGGINSON (15:56):** The Greens vehemently oppose the Opposition's amendment. The Liberals need to reflect on what they are suggesting. The Government's important provision has been advocated for by many lawyers and civil society organisations who see how firearms prohibition orders have been and are still being weaponised against First Nations kids in our regions. It is quite appalling, and I have called out the police on it many times. The simple fact is that when an firearms prohibition order is issued against a young person, it means that the cops can arbitrarily take the kid aside and search them, including stripsearch them, without any reason, cause or warrant. That was actually happening, with drastically wrong, oppressive and nasty impacts on First Nations kids across New South Wales.

I remind members that the Coroner had never before taken the extreme step that she took yesterday to remind the people of this State that, as at only October this year, black deaths in custody are the highest we have ever seen in any year in this State. We have to wake up to what is happening. It starts when young First Nations kids in the community come into contact with the criminal justice system in oppressive ways, and we have to stop it. The fact is that the Liberals are today trying to stop the Government from rectifying a serious problem that is having terrible impacts on First Nations kids in the criminal justice system. This is what overpolicing looks like and this is how it starts.

The Government is only trying to reinstate procedural fairness so that kids and their lawyers can try to hold back State and police oppression and the overrepresentation of young First Nations kids in the criminal justice system by one tiny step. The Government is trying to right a legislative wrong that has been carried over for years in the State of New South Wales. Shame on the Liberals today for not looking at what the clause really means in terms of its awful, oppressive, discriminatory and draconian impact on First Nations kids. Liberal members need to read things better and get more in touch with what is actually happening on the ground in this State and what

is causing black deaths in custody. If they want to be accountable, they need to know what they are doing in this place.

**The Hon. MARK BANASIAK (15:59):** I am shocked that The Greens and the Shooters, Fishers and Farmers Party actually agree on an amendment relating to firearms. I strenuously object to the Opposition's amendment. If anyone wonders why law-abiding farm owners distrust and quite openly hate the Liberal Party, here it is. This sensible amending bill reinstates procedural fairness for both adult and junior firearms licence holders to appeal decisions of the Firearms Registry to the NSW Civil and Administrative Tribunal. If a matter causes a junior firearms licence holder to lose their licence, that affects not only them but also their parents. If a young person says or does something silly—and young people quite often do—not only is the young person punished with no grounds for appeal, but the adult who is the supervising licence holder also suffers.

It is a sensible bill. But Liberal members, in the political wilderness at the moment, are bereft of any policy ideas. They are so obsessed with privatisation that they have outsourced attacking the Government to the Hon. Mark Latham. They are in the wilderness. Living in the afterglow of John Howard and the gun laws, time and again the only thing they can come up with is to kick firearm owners in the shins. They tried to do it under Elliott with the perverse criminal misuse laws. They were so perverse in terms of procedural fairness that even the Hon. David Shoebridge opposed them. That is saying something. Opposition members are happy not only to attack adult firearms licence owners but also to kick our kids in the shins, and they wonder why we dislike and distrust them as a class of people! They make unprovoked attacks on firearms licence holders.

**The Hon. EMMA HURST (16:01):** I indicate that the Animal Justice Party would never support anything that would relax gun laws in New South Wales. That position has been made very clear recently. However, I do not agree with the amendment. I have consulted with the Attorney General's office on the amendment and I appreciate its time. I have also spoken to the Alannah and Madeline Foundation and the Australian Gun Safety Alliance, and they are both very much of the opinion that the bill is not a relaxation of gun laws in New South Wales but is an important amendment to protect children from what was an oversight within the legislation. Therefore, we will not support the amendment.

**The Hon. SUSAN CARTER (16:02):** I indicate that Liberals would never kick a gun owner in the shins, especially if they had their finger on the trigger.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Susan Carter has moved Opposition amendment No. 4 on sheet c2025-218B. The question is that the amendment be agreed to.

**Amendment negatived.**

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

**Motion agreed to.**

**The Hon. EMILY SUVAAL:** I move:

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

**Motion agreed to.**

### Adoption of Report

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

**The Hon. EMILY SUVAAL (16:05):** On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

**The Hon. SUSAN CARTER (16:05):** I say a few words in relation to the third reading. I indicate that Opposition members are always happy to work constructively with the Government on legislation. The Justice Legislation Amendment (Miscellaneous) Bill (No 2) 2025 surprisingly included "miscellaneous" in the title but contained a number of substantive matters that we felt needed to be amended. Because none of our amendments were accepted, we oppose the bill in its entirety.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The question is that this bill be now read a third time.

**Motion agreed to.**

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

**The Hon. EMILY SUVAAL:** On behalf of the Hon. Rose Jackson: I postpone Government business order of the day No. 2 until a later hour of the sitting.

*Bills***LOCAL COURT AND BAIL LEGISLATION AMENDMENT BILL 2025****Second Reading Speech**

**The Hon. EMILY SUVAAL (16:07):** 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 Local Court and Bail Legislation Amendment Bill 2025. This bill amends relevant legislation to change the title of judicial officers presiding in the Local Court of New South Wales from magistrate to judge. It also introduces amendments to update related titles of judicial officers within the Local Court framework, including Chief Magistrate, Deputy Chief Magistrate, Children's Magistrate, Chief Industrial Magistrate, Industrial Magistrate and Acting Magistrate. The bill also proposes minor technical amendments to 14 Acts to ensure consistency across the statute book with section 70A of the Bail Act 2013, which prohibits registrars from making bail decisions. Section 70A commenced in March of this year and ensures that bail decisions are made by judicial officers and police only, and not by registrars or other court officers.

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

**Leave granted.**

Changing the title of judicial officers presiding in the Local Court from "magistrate" to "judge" will better reflect the Local Court's vital role in our justice system and acknowledge the important judicial work undertaken in our summary jurisdiction.

The New South Wales Local Court is the busiest court in Australia. Local Court judicial officers make more than 90 per cent of judicial decisions in New South Wales. The Court's workload has grown significantly in both volume and complexity in recent years.

In 2024 alone, 388,739 general crime matters were commenced in the Local Court, an increase of 3.3 per cent from 2023 and an increase of 34 per cent since 2014. In the civil jurisdiction, 67,805 matters were commenced in 2024, marking a 4.5 per cent increase from the previous year and a 31 per cent increase from 2022.

The 2018 table offence reforms expanded the scope and complexity of criminal matters that can be heard and finalised in the Local Court, including serious offences such as robbery and drug supply.

In its criminal jurisdiction, the Local Court can impose sentences of up to two years full-time imprisonment for a single offence, or an accumulated total of up to five years for multiple offences.

As the first instance court for all criminal matters and many civil matters in New South Wales, the efficiency and effectiveness of the Local Court is a key pillar of the justice system.

In 2024, 89.63 per cent of general crime matters were completed within six months of commencement. In the civil jurisdiction, 95 per cent of Small Claims Division matters and 87 per cent of General Division matters were finalised within 12 months of lodgement.

Changing the title of Local Court magistrates to judges in New South Wales will also improve public understanding of their role.

The existing differences in terminology across judicial systems contribute to varying perceptions of the role of a magistrate. This can lead to confusion and a lack of understanding about what a magistrate is or the significance of Local Court proceedings.

Notably, both the Northern Territory and Commonwealth governments have changed the title of magistrate to judge for judicial officers sitting in both the Northern Territory Local Court and the Federal Circuit Court of Australia (which operates in every State and Territory in Australia).

The change of title will reduce any confusion or misunderstanding experienced by the people of New South Wales by providing a consistent title of "judge" for all members of the judiciary across the New South Wales court system.

The change of title also properly reflects that judicial officers in the Local Court are required to hold legal qualifications. This requirement was introduced in 1955 to reflect the judicial nature of the matters heard in the summary jurisdiction. Prior to this requirement, magistrates were appointed from the ranks of career public servants and were not required to be legally trained.

Importantly, the bill does not alter the existing powers, functions, protections or remuneration of Local Court judicial officers, nor will it extend any conditions of office that are offered to higher court judges, such as District Court judges, to Local Court judicial officers. Remuneration for Local Court judicial officers will continue to be assessed through the annual Statutory and Other Officers Remuneration Tribunal determination process.

The process for appointing new judicial officers to the Local Court will also not change. In accordance with section 13 of the Local Court Act 2007, the Governor of New South Wales will continue to issue commissions under the public seal of the State.

I want to be clear—new commissions are not required for existing Local Court magistrates, who will be appointed to their new offices of judge of the Local Court by the provisions contained in this bill.

I note that complementary amendments to certain Commonwealth laws will be required to implement the change of title, particularly where Federal jurisdiction is vested in the Local Court or where functions are assigned to magistrates in a personal capacity. The Department of Communities and Justice will continue to work closely with the Commonwealth Attorney-General's Department on this issue.

The Government has undertaken detailed, targeted stakeholder consultation to inform the development of this bill.

This has included engagement with heads of jurisdiction including the Chief Magistrate's office, the Commonwealth Attorney-General's Department, relevant New South Wales government agencies and key legal stakeholders.

I thank all stakeholders for the thoughtful feedback they have provided as part of this process. It has informed the final bill.

I now turn briefly to the minor technical amendments in the bill that will ensure consistency across the statute book with section 70A of the Bail Act 2013.

Section 70A of the Bail Act 2013 was introduced as a standalone Government amendment on the floor of Parliament during debate on the Bail and Other Legislation Amendment (Domestic Violence) Act 2024 in June 2024.

Section 70A prevents authorised justices, including registrars, from making bail decisions. The intention of section 70A is to prevent registrars and other court officers from deciding whether an accused person can be released from custody pending the outcome of their criminal proceedings.

The important decision of whether an accused person should be released from custody and, if so, what bail conditions should be imposed is a decision appropriately reserved for judicial officers and police only.

A bail decision is defined by section 8 of the Bail Act to be a decision to:

- release an accused person without bail;
- dispense with bail for an offence;
- grant an accused person bail (with or without conditions); or
- refuse bail.

Section 70A commenced on 14 March 2025. From that date, operationally and legally, only judicial officers and police have been making bail decisions across New South Wales.

However, following the passing of the Bail and Other Legislation Amendment (Domestic Violence) Act 2024, a technical review of the legislation governing bail in New South Wales was undertaken by the Department of Community and Justice. This review identified a number of further consequential amendments needed to the Bail Act 2013 and 13 other Acts which refer to people other than judicial officers and police making bail decisions.

The commencement of section 70A of the Bail Act 2013 renders many of these provisions inoperative. This bill proposes to update these provisions to give further effect to and clarify the application of section 70A of the Bail Act. These precise and detailed amendments are designed to promote clarity and ensure consistency in bail decision-making, and to ensure that only judicial officers and police make bail decisions.

This bill also contains transitional provisions to clarify that any decisions that were made by authorised justices, registrars or other officers prior to the commencement of section 70A of the Bail Act 2013 continue to be in force until otherwise reviewed or amended by a judicial officer.

I now turn to the detail of the bill.

The Local Court Act 2007 governs the composition of the Local Court of New South Wales, its procedures, and the appointment and required qualifications of presiding judicial officers, who are referred to as "magistrates" in that Act.

Schedule 1, items [1] to [19], amend the Local Court Act 2007 to implement the change of title, and **item [20]** will insert savings and transitional provisions to ensure continuity and clarity during this transition. These provisions will:

- a. upon commencement abolish the offices of Chief Magistrate, Deputy Chief Magistrate and Magistrate. Individuals holding these offices or those acting as a magistrate immediately before the abolition will be appointed as Chief Judge of the Local Court, Deputy Chief Judge of the Local Court, Judge of the Local Court, and acting as a judge of the Local Court on the commencement date, respectively.
- b. confirm that a person appointed or acting in a new office will be subject to the same terms and conditions, including remuneration, that applied to their corresponding former office immediately before commencement.
- c. ensure that any person appointed to act as a judge of the Local Court will continue in that role for the remainder of the term for which they were originally appointed to act as a magistrate.
- d. clarify that unless the contrary intention appears, a person's service in a former office will be counted for all purposes as service in the corresponding new office.
- e. confirm that a person appointed to a new office in accordance with the amendments in this bill does not require a new commission to be issued under the public seal of the State.
- f. ensure that the abolition of the former offices does not affect ongoing or pending proceedings. A person appointed to a new office may continue to hear and determine or otherwise deal with matters that were before them immediately prior to commencement in their capacity as the holder of a corresponding former office.
- g. provide continuity by deeming that any act, matter or thing done under a New South Wales Act by a person while holding a former office immediately before commencement will continue to have effect as if made under their corresponding new office and under the relevant New South Wales Act as amended by this bill.

- h. ensure that a person who, immediately before commencement, held a position under a New South Wales Act because they hold, or have previously held, a former office will continue to hold that position, despite the abolition of the former office and amendments made to the relevant New South Wales Act by this bill.
- i. confirm that a person appointed to their new office upon commencement is not required to retake a judicial oath in relation to the new office.
- j. clarify that a reference to a retired or former holder of a new office in any New South Wales Act or any instrument made under a New South Wales Act includes a person who, immediately before commencement, is a retired or former holder of the corresponding former office.
- k. provide that, unless the contrary intention appears, any reference to "magistrate" or a former office is to be construed as a reference to "Judge of the Local Court of New South Wales" or the corresponding new office in:
  - any New South Wales Act (other than the Constitution Act 1902);
  - any instrument made under a New South Wales Act; or
  - any other document.

I turn now to **schedule 2 to the bill**, which makes consequential and related amendments to a range of other Acts across multiple government portfolios to give effect to the change of title. While I will not address each of these provisions individually, I will highlight the key features that have been addressed in the bill.

**Schedules 2.11 and 2.52** amend legislation governing judicial officers within the Local Court framework—namely, the Children's Court Act 1987 and the Industrial Relations Act 1996—to establish the new judicial offices of Children's Judge, Chief Industrial Local Court Judge and Industrial Local Court Judge.

These schedules also include savings and transitional provisions, consistent with those proposed in the Local Court Act 2007, to support the transition to the new judicial offices. These provisions provide that:

- a. the offices of Children's Magistrate, Chief Industrial Magistrate and Industrial Magistrate are abolished upon commencement, with current office holders appointed as a Children's Judge, Chief Industrial Local Court Judge and Industrial Local Court Judge on the commencement date, respectively;
- b. a person is taken to hold the new office subject to the same terms and conditions, including remuneration, that applied to their former office immediately before commencement;
- c. unless the contrary intention appears, a person's service in a former office will be recognised as service in the corresponding new office;
- d. ongoing or pending proceedings will not be affected by the abolition of the former offices;
- e. any act, matter or thing done by a person under a New South Wales Act while holding a former office immediately before commencement will continue to have effect as if made under their corresponding new office and under the relevant New South Wales Act as amended by this bill;
- f. a person who, immediately before commencement, held a position under a New South Wales Act because they hold, or have previously held, a former office will continue to hold that position despite the abolition of the former office and amendments made to the relevant New South Wales Act by this bill;
- g. a person appointed to their new office upon commencement will not be required to retake a judicial oath in relation to the new office;
- h. a reference to a retired or former holder of a new office in any New South Wales Act or any instrument made under a New South Wales Act includes a person who, immediately before commencement, is a retired or former holder of the corresponding former office; and
- i. unless the contrary intention appears, any reference to a former office is to be construed as a reference to the corresponding new office in:
  - any New South Wales Act (other than the Constitution Act 1902);
  - any instrument made under a New South Wales Act; or
  - any another document.

Importantly, **schedule 2.19** amends the Constitution Act 1902 to ensure that the protections currently afforded to magistrates to safeguard their independence and integrity will continue to apply to judges of the Local Court and the new judicial offices established by this bill.

**Schedule 2.20** amends the Coroners Act 2009 to implement the change of title and includes saving and transitional provisions to support continuity in coronial functions. These provisions will clarify that despite the abolition of the office of magistrate and their appointment as a judge of the Local Court under this bill:

- a. a person who immediately before commencement holds office as a State or a Deputy State Coroner continues to hold office as State Coroner or Deputy State Coroner; and
- b. the commission by which the person was appointed as State Coroner or Deputy State Coroner continues to apply to that appointment.

**Schedule 2.51** amends the Independent Commission Against Corruption Act 1998 to implement the change of title and insert saving and transitional provisions to ensure continuity in the commission's oversight functions. These provisions will:

- a. provide that a reference in the Act to a public official includes a person who, immediately before the commencement date, held an office abolished by this bill and is appointed to a new office by this bill;
- b. clarify that a reference in the Act to the conduct of a public official includes the conduct engaged in by a person while holding an office abolished by this bill;
- c. clarify that a reference in the Act to a former public official includes a person who, immediately before the commencement date, is a former holder of an office abolished by this bill;
- d. clarify that a reference in the Act to the conduct of a former public official includes conduct engaged in by a person while holding an office abolished by this bill, regardless of whether the person becomes a former public official before or after the commencement date; and
- e. ensure continuity by providing that any complaint or report made to, or investigation commenced by, the Independent Commission Against Corruption that has not been finally dealt with before the commencement date—and involves a person who, immediately before that date, is or was the holder of an office abolished by this bill—must continue to be dealt with after the commencement date despite the abolition of the office.

**Schedule 2.55** amends the Judicial Officers Act 1986 to implement the change of title and includes saving and transitional provisions to ensure continuity in oversight and accountability mechanisms following the change of judicial titles.

These provisions ensure that the abolition of former judicial offices and the appointment of judicial officers to the corresponding new offices will not affect:

- a. ongoing or future complaints against those judicial officers, which must continue to be dealt with after commencement of this bill;
- b. ongoing or future investigations into the potential impairment of those judicial officers undertaken by the Judicial Commission of NSW in response to a formal request by the relevant head of jurisdiction, which must continue after commencement of this bill;
- c. ongoing suspensions of those judicial officers; and
- d. the status of judicial officers from other Australian jurisdictions who, immediately before the commencement of this bill, were acting as judicial officers of New South Wales under an appointment made in accordance with a judicial exchange scheme.

I turn now to schedule 3 to the bill, which makes technical amendments to 14 Acts to give further effect to and clarify the application of section 70A of the Bail Act 2013.

**Schedule 3.1** amends the Bail Act 2013, which is the primary instrument governing the operation of bail in New South Wales, to:

- a. remove the term "authorised justice" from the definition of "bail authority" in section 4 of that Act. Authorised justices are no longer able to make bail decisions and will therefore no longer be considered "bail authorities".
- b. amend section 70A to make it clear that the prohibition on making bail decisions extends to all authorised justices (not just registrars) and that only judicial officers are able to make bail decisions in a court setting. I pause here to note that, operationally, all authorised justices are registrars and, therefore, practically speaking, these terms mean the same thing.
- c. remove all references to authorised justices hearing release and detention applications, and making bail decisions.
- d. confirm that authorised justices can still issue warrants as permitted by the Bail Act 2013, but a person may no longer be brought before an authorised justice once the warrant is executed and must instead be brought before a court, because authorised justices no longer have the power to make bail decisions.
- e. clarify that, if a person is arrested and refused bail by police, they should be brought before a judge who has the power to make a bail decision and not an authorised justice.
- f. clarify the limited administrative powers that authorised justices will retain in relation to bail.

**Schedules 3.2 to 3.14** make consequential and related amendments in line with those I have just described to an additional 13 Acts, being:

- a. the Biodiversity Conservation Act 2016;
- b. the Child and Young Persons (Care and Protection) Act 1998;
- c. the Children (Criminal Proceedings) Act 1987;
- d. the Coroners Act 2009;
- e. the Crimes (Domestic and Personal Violence) Act 2007;
- f. the Criminal Procedure Act 1986;
- g. the Local Court Act 2007;
- h. the Local Government Act 1993;
- i. the Mental Health Act 2007;
- j. the Mental Health and Cognitive Impairment Forensic Provisions Act 2020;
- k. the Protection of the Environment Operations Act 1997;
- l. the Water Industry Competition Act 2006; and

m. the Water Management Act 2000.

It is worth noting that across these Acts, bail decision-makers other than judicial officers and police are variously referred to as "authorised justice", "authorised officer", "bail officer", "court officer" and, of course, "registrars". For the avoidance of any doubt, the intention of these amendments is to ensure that only judicial officers and police make bail decisions in New South Wales.

Finally, where required, the bill contains savings and transitional provisions to preserve bail and other related decisions made by people who are not judicial officers or police prior to the commencement of this amendment Act.

The bill provides that, if passed, the provisions in schedules 1 and 2 giving effect to the change of title reform will commence on a date to be proclaimed.

This approach ensures there is adequate time to complete essential implementation tasks prior to commencement. These tasks include updating court systems, forms, documents and websites to reflect the new titles.

Complementary changes to Commonwealth laws are also required. This means the commencement date for the change of title reform will be aligned to the commencement of those relevant Commonwealth amendments.

The provisions contained in schedule 3 will commence on assent.

I would like to take this opportunity to thank all of the stakeholders who engaged with the consultation process and provided valuable feedback on the draft bill.

I would also like to thank the judicial officers that preside in the Local Court for their hard work and dedication to our summary jurisdiction.

This bill is a meaningful reform. Changing the title of magistrate to judge recognises the significant and important work of judicial officers presiding in the Local Court.

I commend the bill to the House.

### Second Reading Debate

**The Hon. SUSAN CARTER (16:08):** On behalf of the Opposition I speak in debate on the Local Court and Bail Legislation Amendment Bill 2025. We have just discussed the Justice Legislation Amendment (Miscellaneous) Bill, which was a relatively slight offering that did a lot of heavy lifting. It made changes to the number of people serving on advisory boards for children and young people; it made significant changes to the highly contentious section 93Z of the Crimes Act; it made significant changes to the Birth, Deaths and Marriages Registration Act; it made a number of changes in relation to children in detention; it made significant changes to the Firearms Act—and I am only about a third of the way through what that slight bill did. And now we come to this heavy tome, the Local Court and Bail Legislation Amendment Bill, which is 50 or 60 pages.

The Opposition is happy to support the changes, although there are not that many changes to support. Despite the vast number of changes, what does the bill do? It changes the name of magistrates to judges. I entirely agree with the Government that the work that magistrates do in the local courts is growing in complexity and volume and is really important work. The Local Court is the first point of contact that many people have with the justice system and dispenses justice to a high volume of matters. It is a very important court, and magistrates work very hard and their work deserves our utmost respect. To the extent that this is recognised by changing their title, the Opposition has no objection to offering them respect. But the bill will do nothing to address the workload in the Local Court or court delays or to lift the growing burdens on Local Court magistrates.

One wonders why this is being done at all and if this is token respect rather than actual respect. What is in a name? No change at all unless there are additional supports and resources available to magistrates to deal with complexity and workload. We know that not all local courts have audiovisual links, which are now necessary if the new bail division is to function properly. This matter is not addressed by the bill. Newly minted Local Court judges have less in the way of support and research staff and less in the way of support from tipstaffs and other officers than judges of the District Court or the Supreme Court. This support could facilitate the enormous volume of work that they have. The bill does not address that.

A major issue is that the Local Court needs support so that it can digitise its records to make the proceedings of the bail division more effective and more efficient. This is not addressed by the bill. It is hard to see the bill as anything but lip service. Frankly, our magistrates deserve more. They deserve real respect and support to cope with the increasing workload rather than just a new title and the opportunity to get new stationery printed. We do not oppose the bill, but we are disappointed that it will result merely in a change of title. It will not help police and courts, who deal with repeat youth offenders. It will not ease the frustration of victims who face enormous court delays because courts are stretched to capacity, if not beyond.

Frankly, we expect more from the Government than symbolic gestures. We expect actual thought about the way our court system works. We expect real respect for judges—for example, the sort of respect that meant that before judicial pays were frozen, somebody might have told the judges. That would have been a sign of real respect, respect which is not accorded by the Government to any judicial officers, including our newly minted Local Court judges. I thank Local Court judges for the difficult job they do every day with a case load that is up

34 per cent in the past decade. But the title change alone will not change the pressure that they are facing. The other proposed change is really curious. It has been described as minor technical amendments that will just make sure that registrars do not make bail decisions.

I say that that is curious because when section 70A was first introduced, my colleague in the other place Mr Alister Henskens moved an amendment. He said, "Let's make this amendment to ensure that registrars will no longer be making bail decisions. They'll all be done by judges." The Attorney General said, "We don't need this legislation change. We'll do it all by administrative changes." What do we have now? We have a raft of changes. Either these changes are totally unnecessary, or the Attorney General got it wrong at that time. Which is it? It is disappointing that appropriate amendments were not made when my colleague Alister Henskens proposed them. We do not oppose anything in this weighty bill, but we are disappointed. We are disappointed that the bail changes were not made in a timely fashion, and that all the bill offers to the newly minted judges of the Local Court is lip service, rather than real resources and respect that their very hard work deserves.

**Ms SUE HIGGINSON (16:16):** The Greens support the Local Court and Bail Legislation Amendment Bill 2025. The bill makes minor amendments and clarifications in line with legislative changes made by this Parliament, including to shift bail decisions from registrars and authorised justices to exclusively judges. In due time, this Government must review that policy change and, importantly, its impact on vulnerable people in prisons. That includes First Nations people and people with a disability. It is paramount that access to justice is a pillar protected under the law of this State. We must do everything to keep people out of prison, and that includes making bail more accessible, not less.

The bill will also modernise the title of judicial officers presiding in the Local Court from magistrate to judge, by making changes to 96 relevant Acts. That change recognises the fundamental role of the Local Court in our justice system. Local Court judges deal daily with civil and criminal offences and the court's efficacy and integrity is of the utmost importance to the people of New South Wales. This title change aligns with recent changes in the Northern Territory Local Court and the Federal Circuit Court. Importantly, the formal adoption of judge in place of magistrate across Local Court proceedings follows feedback from non-English-speaking communities.

As complex as undergoing court proceedings can be, formalising a simplistic title is essential. Due to the title of magistrate having various meanings in different international jurisdictions, using the title of judge in all matters will create consistency and reflect the gravity of court matters which magistrates currently preside over. Accessibility of the judicial system is an essential principle to uphold because we live in a culturally diverse State. I recall the time before magistrates were magistrates—when I first started as a lawyer—and we referred to them as "Your Worship". We soon got used to referring to them as "His Honour" or "Her Honour" instead. I remember feeling somewhat relieved that the worship was over, and the honour had come to all.

I briefly reflect on what the Attorney General said in his second reading speech. The Attorney General recognised, on several occasions, the "significant and important work of judicial officers presiding in the Local Court." He thanked "judicial officers who preside in the Local Court for their hard work and dedication to our summary jurisdiction," and hailed this bill as the implementation of a key claim and recommendation of magistrates. The Attorney General also publicly stated that the bill is "about ensuring the skill and contributions of judicial officers in the Local Court are properly recognised."

I find it telling that this Labor Government is so quick to pass reforms upholding the strength, efficacy and integrity of the judiciary, yet has deliberately chosen to undermine the judiciary at times—particularly when it is politically inconvenient. Last year, when Supreme Court judges such as Justices Rothman and Lonergan made legitimate, pointed criticism of the Government's cruel bail laws, Premier Chris Minns and the Attorney General not only ignored these rare statements but also directly undermined the judges' expertise. Those justices raised serious concerns, including that the Legislature had defied the principles of equal justice in passing these laws, and that they were a "ham-fisted attempt to deal with a political difficulty."

When I put this to the Premier at budget estimates in February, he simply said, "We don't hand over administration of laws to individual Supreme Court judges in New South Wales." On this, today, I refer to this as "poppycock". I use that phrase because I recently heard Justice Anthony Whealy use it, and it reminded me of an expression I have not heard in so long. "Poppycock," he said—essentially calling out what is an absurdity. When multiple judges from the District Court and Supreme Court—just as magistrates from the Local Court have done, and whose advice we are acting upon in this bill—speak out against this Government's laws, the Government either listens and acts, or it does not. If, as a government, you are not listening to the legal minds on the front line of the administration of justice in this State, and you do so only selectively, then you must be called out.

I am yet to receive any credible academic, testimonial or statistical evidence from the Premier, the Attorney General, or any member of this Government that these bail laws—or, more broadly, the policy of locking up

children—are working to reduce crime in this State. What I do have, however, is the expertise of Supreme Court justices, whose counsel the Premier of this State holds in little regard when it comes to criminal lawmaking. More recently, Premier Chris Minns defied the public interest through his fervent opposition to the March for Humanity across the Harbour Bridge. The Premier was determined to block the protest at every stage. The Supreme Court rightly held that the protest could not be prohibited, especially given the urgency of heightened community outrage at Israel's genocide in Gaza. Following the historic and peaceful 300,000-strong demonstration, the Premier could not rule out legislation to overturn the precedent of the case—contradicting the Supreme Court's clear verdict affirming the protected right to protest.

Today, again, the Supreme Court has criticised this Government's ill-informed laws—this time its contentious laws regarding places of worship, which amended police powers and gave officers unprecedented "move-on" powers at public assemblies near places of worship, regardless of whether the protest had any relation to the place or its congregation. In the court's view, this "impermissibly burdens the implied constitutional freedom of communication on government or political matters." The Premier and the Attorney General need to listen—just as they have done in relation to the laws we are debating right now. They must accept this verdict and repeal their unconstitutional anti-protest laws.

[*A member interjected.*]

Wide latitude.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Not that wide.

**Ms SUE HIGGINSON:** I appreciate the indulgence. When the Government introduces laws like this on the stated claim that it is feedback directly from the judicial officers who are on the front line of administering the justice of this State, it is fundamental to also talk about when the Government does not take that advice. I know I made this point in the last contribution to a different bill, but it is the same issue, particularly when we are at a point in time where, if this State is to address deaths in custody—and I am talking about deaths of First Nations people in custody—we must listen to the people on the front lines administering justice in this State. Yesterday that was the Coroner.

Ultimately, The Greens support this bill, as it clarifies various Acts to update the title of a magistrate to judge, and makes amendments to place the sole responsibility of bail decisions with judges, removing the authority of "authorised justices". However, this reform cannot be the extent of this Government's respect for the judiciary. If it is serious about the importance and value of the judiciary to inform its law reform agenda, then it must start listening to the resounding expertise of judges in this State, especially when they speak out in public, and stop making laws that are poorly drafted and ill-informed.

**The Hon. STEPHEN LAWRENCE (16:26):** I contribute to debate on the Local Court and Bail Legislation Amendment Bill 2025. This question of the renaming of magistrates is an important matter. The Local Court has a long history and the institution of the magistracy has a long history, back to the colonial era, when legally unqualified people exercised all sorts of powers, then through to, for example, the Police Court, the Court of Petty Sessions, and clerks effectively administering justice. Then it transitioned to a professional judiciary. I know the Wran Government did a whole lot of reforms that acted to modernise a summary jurisdiction and to professionalise it. It is a terribly important thing because over 90 per cent of criminal matters—I am not quite sure of the percentage—are heard in the Local Court. They administer a lot of laws of very wide and general application—the sorts of criminal offences that tens of thousands of people are charged with per year. The criminal justice system obviously plays an important role, but it can cause a lot of harm as well, and that is particularly so with these offences.

They are of very wide and general application. Traffic offences can really enmesh people in the criminal justice system; drug offences can do the same thing. No-one should ever suggest that the Local Court is less important than the superior jurisdictions. In a lot of ways, it is more important. But there are issues with many aspects of its administration where a fair trial has not been honoured and upheld or even really applied for a long time in the summary jurisdiction. But it is true that a lot has changed. There are no jury directions in the Local Court or quite the same level of the fair trial in superior jurisdictions, but that really is changing rapidly. Now if you go into the Local Court, you very often are dealing with a highly specialised, qualified and trained lawyer who might have gone on from previously practising in the law in other significant respects, and has accepted a position in the magistracy, and is proud to do so.

That issue of the title is significant in lots of different professions. People like titles. People want to be called judges. I think it is appropriate that they are, and the change will assist to recruit people into this really important role. I talked about the professionalisation of the role, which is a real thing that has occurred. However, there is still a problem in the magistracy. There are rogue magistrates in the Local Court. For some reason—I do

not know if it is completely true or not—they seem to be exiled to the regions, if I can put it that way. People who appear before far-flung courts might meet those rogue magistrates.

There are fewer rogue magistrates now than there have been in the past—I know that for a fact. Recruitment is done very carefully now to try to move away from that. It is the legacy of an era when people transitioned from clerk-type positions to magistrate-type positions. Lots of different people took that path. It is much more professional now, but there is still the problem of rogue magistrates. The magistracy has asked for this title; they have asked to be judges. I conclude by saying that they have got what they wanted, and now the rogue magistrates will have to act like judges. That is to be encouraged.

**The Hon. EMILY SUVAAL (16:30):** On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Susan Carter, Ms Sue Higginson and the Hon. Stephen Lawrence for their contributions. I briefly address some of the matters raised during debate on the bill. The Hon. Susan Carter claimed that the Government was under the impression that removing registrars from making bail decisions could be done through administrative process when passing the Bail and Other Legislation Amendment (Domestic Violence) Act 2024. That is wholly inaccurate. As outlined in the second reading speech in the other place, section 70A was introduced as a standalone Government amendment on the floor of Parliament during debate on the Bail and Other Legislation Amendment (Domestic Violence) Bill in June 2024.

The Government made the legislative change to prevent registrars from making those decisions in 2024. If we were under the impression that the change could be done through administrative process, why would we have moved the amendment? Section 70A commenced on 14 March 2025, and now bail decisions are made only by the judiciary or police officers. The amendments in the bill are clarifying amendments to section 70A to ensure consistency. The Government was criticised for progressing those reforms and not doing anything about the delays in the Local Court or providing the Local Court with more resources. The Government has recently increased the capacity of the Local Court to help reduce delays by appointing new magistrates.

In December 2024, 10 full-time magistrates to the Local Court were appointed to replace magistrates who had retired or left the role. Those magistrates commenced in early 2025. In May 2025 a further seven full-time magistrates were appointed to support the bail division. Those magistrates commenced on 7 July 2025. As part of their training, the new magistrates have initially been posted in different parts of New South Wales, including regional circuits, before presiding at a more permanent location. The Chief Magistrate of the Local Court also continues to explore initiatives in the jurisdiction to increase the court's capacity, including by centralising bail decisions, establishing co-ordinating magistrate roles in regional roles, creating a panel of expert civil magistrates and improving case management processes to reduce delays.

As part of a \$45 million commitment to fund justice responses to domestic and family violence, the Government is also funding upgrades to audiovisual link facilities at priority courts, police sites and correctional centres. I believe the Hon. Susan Carter considered changing the title of judicial officers presiding in the Local Court of New South Wales from magistrate to judge to be more of a cosmetic change. That is also completely inaccurate. I again stress the meaningfulness of the reform. The title of judge will acknowledge that all judicial officers presiding in the Local Court are legally trained, that their role is judicial in nature, and that they are held to the same standards of judicial conduct as judicial officers, who are already known as judges.

Providing the consistent title of judge for all members of the judiciary across the New South Wales court system will also reduce any confusion or misunderstanding experienced by the public, particularly for people from culturally and linguistically diverse backgrounds. Magistrates, as others have said, handle an enormous volume of cases, often under intense time pressure. The complexity of bail decisions, sentencing and procedural rulings demands a high level of legal expertise and principled decision-making. Recognising that with the title of judge acknowledges the intellectual and emotional demands of the role. To suggest those reforms are purely cosmetic is false.

The Hon. Susan Carter also noted that the change of title reform is not accompanied by other changes to elevate the status of judicial officers presiding in the Local Court, such as increasing their remuneration. The Government will consider any proposal to elevate the status of judicial officers presiding in the Local Court on a case-by-case basis, assessing each proposal on its individual merits. It is also worth noting that remuneration for Local Court judicial officers, like all judicial officers in New South Wales, is determined annually by the Statutory and Other Offices Remuneration Tribunal. That is an independent process whereby the tribunal undertakes a comprehensive review process, including a call for submissions from interested parties. Those are considered alongside other relevant factors, such as the prevailing economic climate and any government policies declared by regulation.

I note that the Hon. Susan Carter also requested that consideration be given to providing Local Court judicial officers with additional resources or conditions. The reform does not alter any other conditions of the

office of judicial officers presiding in the local courts, such as their existing powers, functions, protections or remuneration, nor will it extend the conditions of office that are offered to higher court judges to Local Court judicial officers. The New South Wales Government will consider any such proposal to elevate the status of those offices on a case-by-case basis and on its individual merits.

Ms Sue Higginson made an inference that the New South Wales Government does not respect the judiciary. We reject that assertion in the strongest terms. The Government has great respect for judicial officers and takes their competency and the complexity of their roles very seriously, as the Hon. Stephen Lawrence stated. Judicial officers are on the front line of the administration with very complex and difficult work. The reform is one of many. I have noted the other reforms the Government has implemented to support the judiciary, including addressing court delays, centralising bail decisions, improving case management and much more.

The bill changes the title of judicial officers in the Local Court of New South Wales from magistrate to judge to reflect the critical role the Local Court plays in our justice system. By adopting a consistent title across all levels of the judiciary, we will help reduce public confusion and enhance understanding of the expertise, professionalism and responsibilities of those officers. This important reform recognises the value and contribution of the Local Court and its judicial officers to the people of 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.**

## INDUSTRIAL RELATIONS AMENDMENT (DE-AMALGAMATION) BILL 2025

### First Reading

**Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. John Graham, on behalf of the Hon. Daniel Mookhey.**

**The Hon. JOHN GRAHAM:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**The Hon. JOHN GRAHAM:** I move:

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

**Motion agreed to.**

**The Hon. JOHN GRAHAM:** I move:

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

**Motion agreed to.**

## CHILDREN (EDUCATION AND CARE SERVICES NATIONAL LAW APPLICATION) AMENDMENT BILL 2025

### Second Reading Speech

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:39):** On behalf of the Hon. Rose Jackson: I move:

That this bill be now read a second time.

It is with an enormous sense of responsibility for the innocence and vulnerability of our littlest learners and their families that the New South Wales Government introduces the Children (Education and Care Services National Law Application) Amendment Bill 2025. This reform bill presents an urgent and comprehensive suite of measures to strengthen the safety and wellbeing of children in our early learning settings. The bill demonstrates decisive and comprehensive action to ensure that the most precious and vulnerable members of our community are safe every time they walk, skip or indeed are carried through the doors of our early learning services. It is nation-leading, imperative and deliberately reformist because this is a regulatory system that needs reform.

New South Wales cannot and should not wait. We know what needs to be done. We are simply too big, and any delay is unnecessary and presents real and unacceptable risks to children. We have all been shocked by the number of horrific, unacceptable stories that keep happening and will continue to happen if we do nothing. Simply waiting when we all know what needs to be done is unacceptable. New South Wales has the largest early childhood education and care [ECEC] sector in Australia, with more than 6,000 approved services. The sector is diverse, encompassing long day care, preschools, family day care, outside of hours school care, mobile preschools and occasional care, delivered by a mix of community-based, not-for-profit and large commercial providers.

The early childhood education and care sector is a critical part of both the education system and our social fabric, supporting the early learning and development of half a million children in New South Wales and allowing their parents, guardians and carers to support their families. However, 15 years after the establishment of Australia's national system for regulating early childhood education and care services and the national law, despite its many successes, we must acknowledge, confront and address the harsh realities of its failings. In large part, the national system has been reliant on goodwill. It has not required good behaviour at all times by law.

Slowly, forces have crept into the sector—I would say nefarious forces—that have sought to and been able to exploit the safeguards that were intended to protect wrongfully accused childcare providers or workers. Whilst only a small number across the system have sought to exploit these safeguards, they have harmed children, families and workers by focusing on profits over safety, leaving children vulnerable where the law should have better protected them. The hard truth is that children have been harmed, and doing everything we can to stop that is what is driving our government to introduce this legislation.

The provisions of this bill will help protect children now. Only a few weeks ago we all saw the case of Jenny's Kindergarten where the regulator had to shut down a centre over safety concerns. Other centres run by that provider are now being investigated. This bill helps with those kinds of situations and will go a long way towards preventing these kinds of occurrences in the future. Only last week we heard about allegations that Affinity Education withheld crucial information for an entire month about the safety of two children from sex crime detectives investigating an accused paedophile. This is in relation to a case that involves an educator being charged with over 70 offences that resulted in the traumatic need for thousands of children to be tested for sexually transmitted diseases.

In New South Wales the case of little Lexie and the advocacy of her parents, Matt and Sarah, have shown how parents should have access to more information at their local childcare centre and the community should have increased transparency as well. These are just recent developments; I could go on. Each story has a child and family at the heart of it. Each story involves the heartbreak of parents and families. Each story speaks to a national system that has let them down and fallen short of community expectations.

Without our bill, perversely, the national law itself protects wrongdoing from transparency. Penalties have been insufficient, as were the tools available to the regulator to prevent harm and safeguard children. I am sad to say that there is currently a loss of confidence in the early childhood education and care sector, with evidence that parents are withdrawing their children from services in New South Wales. The purpose of the reform bill is not to close services or drive workers away but to ensure that every service, whether public, community, or private, meets the highest standards of child safety and quality.

I want to emphasise that the vast majority of educators and workers in early childhood are driven by care and professionalism. They turn up every day to keep young children safe and thriving. Like the wider community, many have been sickened by the recent distressing cases. New South Wales's extra funding and this bill boosts the regulator's capacity to coach, support and, when required, enforce. This is a partnership, not a standoff. Help good practice spread, and step in quickly when standards slip. Parents and families deserve to know that, when they leave their children at an early learning centre or preschool, their child will be cared for, respected and nurtured to flourish. Our children deserve nothing less.

Reform is needed to ensure that the safety, protection and wellbeing of children are at the centre of every decision, and that is the central premise of this bill. The bill enshrines this premise into law in New South Wales, making it clear that in every decision and every consideration, the rights and best interests of children must be paramount for everyone involved: providers, services, educators, carers, board members and the regulator. It is an unequivocal, paramount principle that should be the bedrock of the early childhood sector. And so it will be, as it forms the bedrock of this bill.

The fact is, we know what needs to be done, and we have known for some time. There have been enough reviews. The proposed reforms before the House respond to the findings of an independent review into early childhood education and care regulation in New South Wales that was commissioned by the Deputy Premier and published earlier this year. The review, conducted by former Deputy Ombudsman Chris Wheeler, found that the New South Wales regulator was significantly constrained by the national law that we seek to amend as it applies

to New South Wales today. Mr Wheeler found this national law, in a number of respects, hampered the regulator's efforts in addressing operators that either were not up to scratch or were not fully committed to the provision of quality education and care.

Mr Wheeler found that the regulator needs to be strengthened and empowered to protect children by reforming the national law. I take this opportunity to thank Mr Wheeler for his work that has formed the basis of these changes, many of which have now been adopted at a national level. The New South Wales Government has responded to Mr Wheeler's work to strengthen and empower the regulator in terms of establishing it as an independent entity, bolstering its ranks with an initial \$55 million investment into more boots on the ground and, through this bill, giving it the powers needed to fulfil its critical mission.

The Children (Education and Care Services) National Law was first enacted in 2010. The intention was to raise quality and consistency across the country. However, the Wheeler review lays bare the reality that the world has moved on since 2010. The challenges faced by the sector are more complex, and the risks, as recent cases have shown, can have devastating consequences when the system falls short. Over the past decade there has been a proliferation of private, for-profit services in New South Wales such that they now represent 60 per cent of the early childhood and care sector.

This bill also puts into law the findings of the Australian Children's Education and Care Quality Authority review into child safety, which commenced in May 2023 and was released in December the same year, making 16 recommendations accepted by all jurisdictions. Those recommendations, since December of 2023, have gone through extensive rounds of consultation, leading us to a few weeks ago where some of them are being recommended as changes to the national law. Those changes were not set to be introduced until later this year at the earliest. The national law needs to change. It needs to better protect children, and we cannot afford to wait for this to be the case. It needs to change to a greater extent, at least in the view of our Minns Labor Government, than those proposals that have been agreed nationally.

Penalties are too small and too difficult to hand down. Penalties are not sufficient and do not effectively disincentivise provider malpractice nor enable proportionate discipline for serious offences relating to child safety. Every penalty on the books will go up by 300 per cent. This brings them more into line with analogous penalties which are three times lower on average in the early childhood space than in the aged-care and disability sectors. The fines will go up by 900 per cent for large providers, so that the penalties are actually materially significant for them. I have said many times that parents do not have enough information and that loopholes give too many chances to reckless providers. I have personally raised these matters at the national level.

The work of Mr Wheeler, which was most recently reinforced by the independent review by Mr Weatherill and Ms White in Victoria, is influencing good work that is happening there. New South Wales is not in a position to wait for national action to arise. I am confident that national action will follow in time, but these changes represent New South Wales moving ahead of the system to prioritise the safety of the children we have responsibility for above all. There will be those who object to the pace of this change. They will want more consultation and will bay loudly that their input is constructive and that their interests are altruistic.

There are many people in the sector who have good intentions, but some of them also have pecuniary interests at play and some of them have interests that are principally pecuniary or far worse. To that end, there are some who will deliberately slow or water down the reform, either in their own interest or from fear that the number of places will reduce. Unsafe places are simply not acceptable places. They are no loss. Bad providers can and should be forced from the sector, and families should know why. The reform process that came from the Commonwealth child safety review in 2023 has quite simply taken too long. We cannot use the same process again, because it could see the recommended changes delayed for another two years. We would argue that the current national law, which has been in place for 15 years, has not been fit for purpose for a long time.

Although the sector has grown and fundamentally changed, no effort was made by previous governments at the State or Federal level to amend these instruments to ensure they were fit for purpose. The New South Wales regulator will no longer be a toothless tiger. It will have the fines it needs to ensure providers big and small have sufficient deterrents and legally enforceable imperatives to put the safety of children first. In addition, I reinforce the commitment of our Government to provide more quality places. Our Government is opening 100 new public preschools with a plan proposed and championed by the Deputy Premier before the last election and long before these recent issues came to light. We have announced more services that will be opened by Aboriginal community controlled organisations. The Government will have more to say shortly about how it will move to further expand good quality places.

In terms of the regulatory settings right here and right now, the will of this Parliament will demonstrate that national law enacted by State parliaments will and should be adjusted to meet the needs of our State. We have changed them once, so, if the deterrents are somehow insufficient, we will not shy away from changing them

again. Any other State or Territory can pick up these changes tomorrow and introduce them. Whatever choice they make, the children and families of New South Wales will not have to wait any longer. The message of the Minns Labor Government is clear: Parents, families and the community entrust the sector with the safety and wellbeing of their children, and they entrust the Government to provide effective oversight. That trust has been broken. The sector has changed dramatically, and the national law overseen by the State and Federal governments has simply not kept pace. It has not given regulators the powers they need to keep our children safe. Collectively, we must do everything in our power to ensure that trust is never broken again.

The events that both pre-dated and followed the Wheeler review are a sobering reminder of what is at stake. This bill responds to that call. It recasts the law to honour the original aims of the national law by strengthening them for a new era and by ensuring that, while educational and developmental outcomes remain central, the protection and safety of children is given absolute priority. In law, profit can never again take precedence over the safety, wellbeing and education of children in early learning in New South Wales. This bill seeks to restore the legacy of the national law while confronting the realities of today. This is a major step which ensures that New South Wales leads the nation in safeguarding the youngest members of our community. I encourage this House to now act swiftly and decisively on this. The urgency is real. The sooner we pass this legislation, the sooner it can be used to ensure that the rights and best interests of children can never again be anything less than the paramount concern in any early childhood setting.

I now turn to the detail of the bill. The bill modifies the application of the Children (Education and Care Services) National Law as it applies in New South Wales to improve the quality of care provided to children in the early childhood education and care sector in this State and enables mirroring amendments to be made to the Children (Education and Care Services) Supplementary Provisions Act 2011 and the Education and Care Services National Regulations. Schedule 1 [5] amends the national law to make clear that the rights and best interests of children in early childhood education and care in New South Wales prevail over competing private interests. A new statutory requirement to ensure the rights and best interests of children prevail, complemented by a clear mandate to place the rights and best interests of children over competing interests and duties, sets a clear expectation that children come first in all actions, decisions and functions exercised under the national law.

Consistent with recommendation 10 of the Wheeler report, the bill strengthens the regulator's ability to enforce compliance through graduated and responsive regulatory action. The bill does that in five key ways. First, the bill triples all maximum penalties. That means that if a maximum penalty is currently set at \$11,400 for an individual, the bill lifts the cap to \$34,200. To ensure scalability, the bill sets a new maximum penalty for a large childcare provider at nine times the current maximum penalty available for a person other than an individual. The bill defines "large childcare provider" by adopting the definition at section 4A of the A New Tax System (Family Assistance) (Administration) Act 1999, with the ability to further extend the definition through the New South Wales regulations.

Second, schedule 1 [40] to the bill expands the number of infringement offences under the national law, allowing the early childhood education and care New South Wales regulatory authority to deal with more offences administratively by issuing a fine rather than through prosecution. A further expansion of the infringement offences will be achieved by amending the New South Wales regulations. Third, in addition to strengthening the existing penalty regime by building on its existing foundations, the bill provides the ECEC New South Wales regulatory authority with an additional suite of enforcement tools in its regulatory toolbox.

Schedule 1 [4W] to the bill inserts new division 3A, empowering the regulator to take disciplinary action established on the balance of probabilities against a person involved in the provision of an approved education and care service where the person has contravened the national law, the national regulations or the New South Wales regulations. Disciplinary action could take one of two forms. It could include the giving of a notice to pay a monetary penalty to the regulator, which is recoverable by the regulator as a debt. Alternatively, it could involve application to an independent arbiter appointed by the Minister for a binding decision to take certain actions, including to reprimand or require the person to take other appropriate actions.

In addition to the enhanced capabilities for dealing with breaches and alleged breaches of the national law and national regulations, the bill inserts a range of new offences. Among those new offences is the inappropriate conduct offence at schedule 1 [1ZR], which applies a similar format to the inappropriate discipline offence at existing section 166 of the national law. It will make it an offence for an approved provider, nominated supervisor, staff member, volunteer or family day care educator to subject a child to, or allow a child to be subjected to, inappropriate conduct.

The bill defines "inappropriate conduct" at schedule 1 [1D] to mean "conduct a reasonable person would consider to be inappropriate in an education and care service" and sets out the mandatory factors for consideration in determining whether a reasonable person would consider conduct inappropriate. To avoid duplication of existing criminal offences, the bill does not prescribe the specific conduct constituting inappropriate conduct.

However, it is intended that inappropriate conduct will include conduct ranging from child sexual offences, to the ill-treatment and neglect of a child, to verbal interactions commonly adopted by individuals to desensitise children to sexual contact.

Finally, the regulator will also be empowered through the amendment of schedule 1 items [37], [38] and [4W] to commence criminal and disciplinary proceedings for alleged breaches of the national law and national regulations beyond the current two-year limitation period. The bill eliminates the existing barrier impeding the regulator's ability to publish information about compliance and enforcement taken or being taken. This will provide more information and transparency for parents and for the community. Schedule 1 item [26] to the bill empowers the regulator to publish information about any enforcement action taken or being taken under the national law and national regulations, including details of the action taken or being taken and information that identifies the subject of that action.

Schedule 1 item [9] inserts schedule 1A that permits the regulator to publish information about enforcement action when internal or external review of enforcement action is available, if the regulator is satisfied that it is in the public interest to do so. Aligned with these amendments, schedule 1 items [28] to [33] to the bill enables a regulator to proactively share information about certain enforcement action relevant to the suitability of people involved in the provision of education and care with their employers and with labour hire and recruitment agencies. Schedule 1 items [20] and [21] to the bill respectively strengthen the Minister's and the regulator's ability to take targeted responsive action to prioritise the safety, welfare and wellbeing of children in early childhood education and care in New South Wales, including new powers for the Minister to give directions and set expectations and a new power for the New South Wales early childhood education and care regulatory authority to give directions and order service closures in emergencies.

The bill makes other substantive amendments to modify the application of the national law in New South Wales, including amendments to the Children (Education and Care Services) Supplementary Provisions Act 2011 to enable the robust protections afforded by the bill to apply to all education and care services across New South Wales, including out-of-scope services, through the insertion of a regulation-making power at schedule 2, item [10]. Together, the amendments in this bill confirm New South Wales Government's commitment to its earliest learners by affording them the protections of a robust and responsive regulatory regime. This is rightly landmark and nation-leading reform. It is imperative that we pass this bill into law. We cannot accept the status quo. We know what to do. We have the power to act. Our Minns Labor Government has heeded the call, and this Parliament must do the same. We must not fail the children of New South Wales. I commend the bill to the House.

### Second Reading Debate

**The Hon. SARAH MITCHELL (17:02):** I lead for the Opposition in debate on the Children (Education and Care Services National Law Application) Amendment Bill 2025. I indicate at the outset that the Opposition will support the bill, although I will move some amendments during the Committee stage. At the heart of the bill is a principle that unites us all, which is the safety, protection and wellbeing of children and being confident that that principle should always come first. That principle is not in dispute. Every parent deserves to know that when they entrust their child to an early childhood service, safety will never be compromised.

I acknowledge the Minister's comment that unfortunately in recent weeks and months the early childhood sector has had a very tough time but so have a lot of parents who potentially are losing confidence in some of the services, which is a shame. There is very clear evidence showing the importance of quality early childhood education and what it means to the development of children who access those services. It has also been a shame for the overwhelming majority of services that do a wonderful job day in, day out, in providing excellent education and care for our children.

It is important that in this Parliament we do everything we can to help to lift the status of childcare services while ensuring we weed out the rogue operators and come down on them with the full force of the law. Largely, the intent of the bill is to do just that, and members should unite in our approach to the bill. The bill makes more than 30 amendments to existing law to increase the powers of the early childhood education and care regulatory authority and embed child safety as the paramount consideration. Making sure that the rights and best interests of children are paramount in the regulation of the sector is a worthy object of the bill. It is important to ensure that that object is embedded in practice, and is not just words on a page of legislation. Although this largely happens with most services these days, it is important and good step to have it enshrined in the bill. The other issues around improving the quality of performance, strengthening the regulatory presence and increasing transparency and information-sharing are also important mechanisms. I will deal with that in more detail throughout my contribution to the debate.

I wish to refer to the effect of the short inquiry prior to the introduction of the bill. It was only a half-day inquiry, but it was important. As the Legislative Council is a house of review, we must ensure that we get this

important bill right. The inquiry was a good opportunity to hear from key stakeholders and from the department in response to members' questions about the specifics of the bill. The bill will introduce quite a bit of change and the inquiry enabled members to better understand the intention underlying some parts of the bill and what that will mean in practice in its implementation. The inquiry enabled members to ascertain the thinking and rationale of the department and to obtain the views of some stakeholders in relation to some of the parts of the bill. The inquiry was an example of why upper House committees exist, which is to inquire into relevant issues. It concerned me that key stakeholders, who are key players in the early childhood space and very highly respected in the sector, effectively said there was not a lot of consultation in relation to the specifics of the bill.

I note that the issues are not new. The Minister referred to the Wheeler review's engagement with the sector, but some of the provisions of this bill are quite technical and detailed, and some stakeholders felt they did not get the opportunity to fully understand what implications they would have on their services. Some witnesses suggested that Parliament should allow the bill to lay on the table for some time since there are national law amendments and there is concern about the potential for inconsistency. There will also be cross-border challenges if the New South Wales legislation goes further or in a different direction to the national law. They are not minor issues.

I thank all the stakeholders who provided feedback to the inquiry as well as to other members of Parliament during their conversations. On balance, the Opposition agrees it is important to take legislative action, but I foreshadow I will move an amendment during the Committee stage to provide for a mechanism to review these amendments. That suggestion is based on reflection of concerns from the sector to members as a committee and to me as the shadow Minister, such as questions relating to implementation and what that will look like in practice. I will deal with that in more detail during the Committee stage. The bill has not come out of nowhere. There has been a series of significant challenges in the early childhood sector that came to light in recent months. Earlier this year the Government commissioned the Wheeler review, which highlighted gaps in protections, fragmented oversight and some challenges with enforcement powers.

As the Minister said, the national law has been in place for some time. The reality is that governments must deal with matters as they arise. In every portfolio, matters come to light requiring governments to take action. In relation to early childhood, when I became the Minister in 2017 some really challenging issues arose in relation to the family day care sector. Unfortunately, some people engaged in quite nefarious activity. They set up what were effectively fraudulent services concerning children that were not attending care, and there were links to organised crime. Those matters were very well publicised in the media. It was an example of the fact that even when we have good operators involved in family day care, others were deliberately doing the wrong thing. The government of the day, which was the former Coalition Government, needed to look at what it could do to make things better.

That is the situation we find ourselves in now. Documents have come through Ms Abigail Boyd's calls for papers under Standing Order 52 as well as the work of our committee. When everyone agrees that certain things need to be looked at and need to be fixed, the government of the day makes those decisions and drives that reform, which are almost entirely supported by everyone in this Parliament, because it is the right thing to do. I note that some of the provisions in the bill go further than the nationally agreed amendments. As the Minister said, that shows that New South Wales can lead the way, which will probably end up being a good thing. However, as I said earlier, there is also the risk that if the specifics are slightly different in New South Wales, it may create confusion or inconsistency for providers who operate across multiple States or in cross-border communities. We will have to monitor that as these reforms progress.

Turning now to the specifics of the bill, as the Minister said, it increases the number of offences for which a penalty infringement notice can be issued, and in some cases trebles the fines for large providers. It sends a clear message: Those who put children at risk will face serious financial and reputational consequences. That is a good thing. Parents will rightly welcome reforms that put safety above financial or commercial considerations. Taking those steps sends a clear signal that cutting corners on children's safety is not acceptable and it may result in serious costs. The reforms will have a deterrent effect that not only is symbolic but also will raise standards across the sector. Conversations that I have had in the lead-up to debate on this bill have suggested that the problem is that when the fine is so minimal, the deterrent is not there, particularly with some of the large providers. Providers absorb it as a cost of operating, so introducing increased fines for large providers will have a significant impact on their bottom line. We agree with the Government on that approach.

Transparency is another issue that is often raised. Allowing the regulator to publish more information, particularly about high-risk services, will give families clearer and more accurate information when making decisions about their children's care. We all know that where to send children for early learning is the biggest decision that a parent can make. Some parents need to send their children from a very young age. I think my girls were about six months old when they started at their local day care. For some parents it is six weeks old. Being

well informed when making decisions about where to send children is important. Every parent should know what is happening at the service where they choose to send their children, so the Opposition supports those provisions.

The bill will also help to rebuilding public confidence. If parents understand what particular services are offering, issues might be identified early. A lot of parents at the moment do not know where to go to look for information to understand the differences between services or how to tell what a good-quality service is. I suspect that the measures within the bill will assist with that. The bill will also encourage providers to lift their game. If they know that their compliance records or the issues they have will not be hidden from view, it will lead to a quality uplift across the sector. That is certainly my hope.

While the principle of transparency and disclosure is right, the Government needs to work through some of the detail regarding what information will be provided to parents and at what point. I have had discussions with Government members and the Minister about that and I appreciate that the detail will be formulated after the bill is passed. We want parents to be made aware of as much information as possible, but we have to also balance that with the administrative workload for services and potential reputational damage from the disclosure of minor breaches. Which serious risks do parents need to know about? It is quite complex. There are shades of grey but the Government has assured us that it will work through those matters as the bill is implemented.

The bill also provides the Minister and the regulatory authority with new powers to issue binding directions in cases where an unacceptable risk to child safety is identified. The Opposition certainly agrees that it makes sense to give the regulator that power so that it can respond quickly to incidents that require immediate action. The ability to suspend a service or mandate safeguards to prevent harm before it occurs is a strength and the Opposition is happy to support that. The ministerial directions power sounds good in principle, but following conversations that we have had, I am not entirely convinced that it is necessary. Some of our discussions have been about things like natural disasters or health emergencies. We talked about COVID. I was the Minister during COVID and during the floods in the Northern Rivers.

That ministerial power did not exist then but we were able to effectively manage keeping children safe at those centres and acting appropriately, so I am concerned that overarching ministerial powers without any checks or balances are problematic as a general principle. That is not a reflection on the Minister but rather on enshrining that power in law. I am not sure whether it is necessary when the regulatory authority should have those powers. I understand that Ms Abigail Boyd might move amendments to that, which the Opposition would support because the regulatory authority powers are sufficient. I have not been convinced by the Government's arguments that it is necessary to also extend that unfettered power to a ministerial direction. The directions powers provided for in the bill are very broad. Having that power rest with the regulatory authority is probably a better way forward.

Turning to hiring safeguards, the bill will require providers to check whether staff or prospective staff are subject to prohibition orders. Ensuring that people who have been found unsuitable to work with children cannot move from one service to another undetected is a sensible measure. That issue was raised in the Portfolio Committee No. 3 inquiry into the early childhood education and care sector in New South Wales. We heard about people who seek employment at services purely with the intention of doing the wrong thing. It is sickening that people like that exist but, sadly, they do. If the rules can be strengthened to remove the loopholes for opportunities for unsuitable individuals to move between services without detection, it will give families greater assurance that only those who are suitable to work with children will be allowed to do so—as best as can be achieved within a legislative framework. The Opposition supports that.

The bill establishes the regulatory authority fund. Deposits into the fund will come from two sources: appropriations from Treasury and penalties and fees collected under this legislation. The concept of the fund is okay, particularly the idea that the money would be ring fenced for the sole purpose of funding the authority, away from the general revenue bucket—for lack of a better term. However, the issue I have with it is that money going into the fund from penalties would go back to funding the regulator. I believe very strongly that any money collected through penalties should go back into improving the sector.

The analogy is the Community Road Safety Fund. Money collected through road fines and the like go back into road safety improvements. It does not go to funding the police to put more cops out on the road. It is a preventative measure. The money that goes into the regulatory authority fund from fines and penalties should go into improving quality and supporting the sector through better education programs and professional development for our teachers and educators. I will move an amendment in the Committee stage that reflects that. While it is a matter for the Government to decide in consultation with the sector how to use that money, using it for sector support and quality uplift is incredibly important.

Finally, the bill creates the role of an independent arbiter to resolve disputes using a civil standard of proof. The idea of a neutral expert decision-maker who can resolve disputes fairly and efficiently is worth trying. At the moment disputes can be heard at the NSW Civil and Administrative Tribunal but that can be challenging. The

disputes can be complex and they are not necessarily being driven by people who have an innate understanding of the early childhood sector. It is quite a complex area of regulation and policy. The idea of setting up an independent arbiter is worth supporting, but the implementation of it needs to be managed. This is a new and different role in New South Wales.

There are probably questions about review, how matters can be appealed and how the arbiter will interact with existing courts and tribunals. However, I think the bill is worth supporting. The very nature of some parts of the bill mean it is not a set and forget bill. Government, Opposition and crossbench members will have to assess whether or not the reforms are working, because even the most well-intentioned reforms can falter if not implemented properly. The most significant parts of the bill have to be backed with adequate resources to make sure that it delivers on its aims.

For that reason, I will move an amendment in the Committee stage that requires a review 12 months from the assent of the bill to determine whether the reforms are working as intended, providers are able to comply and families are seeing the promised benefits. It could also assess any unintended consequences that may emerge. A well-respected stakeholder who I will not name suggested amendments as recently as an hour ago. Although it was unfortunately too late to put them in, implementation has to be an iterative process because people will think of things along the way. Putting in that review mechanism will give us an opportunity to do that. That is important to ensure that the reforms meet our goals without unintended consequences. I acknowledge the importance of the debate. I am obviously very passionate about early childhood education and have been for a number of years.

Child safety is not and should never be a partisan issue. It is our collective responsibility as a Parliament. The trust of families depends on us getting it right. In that vein, I acknowledge the Minister and the Deputy Premier's office, her chief of staff and her advisers. We have had a lot of conversations about the bill, particularly over the past week or so. I thank the departmental staff in the gallery. We had a good opportunity to talk through the specifics of this complex piece of legislation. The Parliament works well when we all try to find a way forward. That has certainly happened for the bill over the past couple of days. Parents deserve confidence, providers deserve clarity and support and, above all, children deserve safety and stability. That is the balance we must strive for. That is why the Opposition supports the bill, while also urging careful oversight and genuine consultation with stakeholders during implementation to ensure that the reforms achieve what we all want, which is a safer, stronger and more accountable early childhood sector in New South Wales.

**Ms ABIGAIL BOYD (17:22):** On behalf of The Greens, I speak in debate on the Children (Education and Care Services National Law Application) Amendment Bill 2025. I say at the outset that The Greens welcome the good intentions behind the bill and the work that has gone into it. But I share the frustrations of so many others in relation to the rushed manner in which the bill was brought to the Parliament, and the Government's failure to consult with workers, academics, advocates and others in the sector who stand ready and willing to donate their expertise and knowledge to work with government in reforming the early learning sector.

The process that the Government followed in introducing the bill and, as much as I hate to say it, the way in which it resisted and sought to politicise a relatively routine bills inquiry procedure have not earned it any friends in the sector. It also caused me personal distress about an issue that means a great deal to me. I do not think there is room for that kind of politicking and attempting to background the media. But the work that the sector is involved in, of restoring the sector to one in which both workers and children can thrive, is far too important for political games. Despite our disappointment with what has preceded this moment, The Greens are keen to work with the Government and the Opposition and all members of Parliament to achieve meaningful reforms in the sector.

I am grateful for the more collaborative approach that has resurfaced between members this week. Before I discuss the detail of the bill, it is worth recapping some of the history. The early childhood sector is regulated under the Children (Education and Care Services) National Law (NSW) and the Education and Care Services National Regulations. Those laws were passed, after national agreement, through legislation first passed in Victoria, which was then applied in each State and Territory with minimal variations. The National Quality Framework [NQF] commenced in 2012 and was intended to improve education and care across long day care, family day care, preschools or kindergartens, and outside school hours care services, which have not received as much attention but which The Greens will focus on in the coming years.

The Australian Children's Education and Care Quality Authority is the independent national authority, which assists governments in administering the NQF, governed by a board accountable to education Ministers across the country. Each State and Territory has its own regulator for the early childhood sector operating within its jurisdiction, which in New South Wales is the Early Childhood Education and Care Regulatory Authority, currently sitting within the Department of Education. Services are assessed and rated by their regulatory authority against the National Quality Standard [NQS] and given a rating for each of the seven quality areas—educational program and practice, children's health and safety, physical environment, staffing arrangements, relationships with

children, collaborative partnerships with families and communities, and governance and leadership—as well as an overall rating for the service based on those results.

A service can be rated in each of those quality areas or overall as "meeting" or "exceeding" the NQS, or it can be rated as "working towards" NQS, or even "significant improvement required". Whereas each service is assessed and rated on a relatively infrequent basis—for example, every three or four years, and sometimes longer—the service will be in more regular contact with its regulator in relation to everyday compliance with the national law and regulations. Every year, the regulatory authority will issue hundreds of directions and notices instructing services to comply with various sections and rules of the NQF. These include relatively minor breaches, such as unsuitable facilities, repairs needed, minor hazards to children and failures to display notices correctly.

However, they also cover more serious breaches, such as failing to keep accurate staffing records, not sighting Working with Children Check documents, failing to follow child medical plans and breaching staffing ratios, as well as incidents in which children have been injured through lack of supervision or neglect, or physically, emotionally or sexually abused. The regulator will issue emergency action notices and prohibition notices to participants in the sector and may ask them to show cause to prevent them being shut down or prohibited from the sector.

My call for papers under Standing Order 52, which the House passed in November last year and again in March this year, has provided access to a rich trove of information contained in the regulatory notices that our regulatory authority issued to New South Wales early learning services over almost three years. The 150,000 or so pages returned so far provide a clear insight into the operations of those services, the regulator's approach to compliance issues and the interactions and relationships between the two. There is also a relatively clear pattern, particularly when put together with what workers, families, academics and whistleblowers have shared with me, and aggregated statistics of systemic issues in the sector and what drives them.

As just one example of times a child was harmed or exposed to significant risk of harm, I have lost count of the number of incident reports I have read where an investigation by the regulator found a lack of supervision and staffing at the time of the event. That is common sense. If a child is being adequately supervised, how could they climb a gate or fence and leave the premises unnoticed, only to be found later by a parent or a passerby on the road or in the carpark? I have read about that kind of incident literally hundreds of times in documents produced under Standing Order 52. If a child is being supervised, how could they climb a bookshelf before falling off—one of a litany of incidents involving children getting hurt while unsupervised at Community Kids Cessnock—or break their arm without any staff knowledge, as happened at Milestones Early Learning South Grafton?

How can a child cut their forehead, requiring an ambulance and five stitches, without staff seeing it happen, as happened at Only About Children North Parramatta? If there was sufficient supervision, how could one child try to strangle another on two separate occasions, as they did at Milestones Early Learning Swansea, or eat playdough on eight separate occasions without educators noticing, as they did at Only About Children Surry Hills? In those regulatory documents, the finding of inadequate supervision was often coupled with a finding of a breach of staffing ratios at the time of the incident. Centres where children are simply not being watched or looked after are routinely understaffed. An Affinity Education centre in Elderslie breached ratio requirements when a two-year-old suffered serious injuries.

At another Affinity Education centre in Rosebery, a child slipped and suffered a face injury during a period of breaching ratio requirements. A child was accidentally left outside for 50 minutes at the Only About Children service at Warriewood during a time when ratio requirements were breached. I could speak for literally hours detailing all the incidents I have read about where children were harmed or exposed to the risk of serious harm because of centres having insufficient staff and inadequate supervision. It does not take a genius to then work out why some of the most horrific things are able to occur in those premises without anyone knowing or seeing.

The public has been rightly shocked by the revelations this year of child sexual abuse occurring in early learning services across the country. In New South Wales people will have read about the high-profile cases in the media. But there are so many more that they have not read about yet which are known to the regulatory authority and the police. I also have the unfortunate privilege of knowing about them. The documents are littered with cases of staff being sexually inappropriate with children—touching children's genitals, making sexualised comments towards children or tickling and kissing them in an inappropriate way. There are cases in the courts of staff penetrating babies and of the most disgusting acts occurring in those centres, the very places where their parents thought their children would be safest.

There are numerous accounts of children coming home with sore genitals, displaying sexualised behaviour or attempting to reproduce the events that have happened to them during the day. The other day I read about a baby trying to penetrate themselves with their thumb on a nappy change table, saying only the name of an educator

by way of explanation to their parents. Another was fingering themselves and explaining that it was on instruction from a person who is now a known perpetrator. My colleague Kobi Shetty, the member for Balmain, spoke powerfully on Tuesday in the other place on the bill, relaying the words of the parent of a toddler who had been sexually abused and the impact that it has had on her and her family's life. I have spoken with too many parents of babies and toddlers who have suffered through the most unspeakable acts in our early learning centres.

In some cases sexual abuse has occurred at the hands of another child, an issue we are even more reluctant to talk about as a society but that we need to start having a far more mature conversation about. Children who hurt other children are often themselves the victims of abuse. At the end of the day, they are just children themselves, but that does not make the damage they cause to their victims any less damaging. I have heard from parents of the ongoing trauma their toddlers are going through after being sexually assaulted by other children and the difficulties they have faced in trying desperately to repair the psychological damage that it has caused.

Those cases of sexual abuse in early learning centres are just the ones we know about. Where staff have been perpetrators, the connection is usually made by the police. The perpetrator is found well before the victims of their crimes are located. That is important to note because it is not the regulatory authority catching those people. It is not the management of the services the perpetrators are working at that is weeding them out; it is usually a disconnected investigation, where the dissemination of child pornography leads to the finding of a perpetrator.

That is incredibly worrying. What about all those perpetrators who are not recording their abuse, posting videos on the dark web or storing images on their computer? Again—and I cannot say this enough—abuse of this kind by a staff member at an early learning centre happens only when no-one is looking. In the same way that children do dangerous things and hurt themselves when unsupervised, and children hurt other children when unsupervised, those adult sexual predators get away with those crimes because they too are unsupervised. That should not be allowed to happen. There should be sufficient staff for no educator to be left alone with a child.

At the core of all of those safety issues is the inadequate number and experience level of staff. That is a systemic issue in the sector, which has become dominated by corporations intent on cutting costs and maximising profits at all costs. Despite having some of the highest rates of compliance breaches—often two to three times more than average across the sector—those large providers also have the most waivers for staffing. The regulator in New South Wales has been doubling down on the problem. It has been directly complicit in bad child safety outcomes by reducing staffing and experience requirements for the services where there are the most harmful outcomes.

We hear time and again that even when services do get a waiver, they flout the ratio anyway. The United Workers Union Early Childhood Education and Care Quality Safety Census in June 2025 surveyed 2,100 workers. Some 77 per cent of educators said that they were operating below minimum staffing requirements at least weekly, and 42 per cent said that it was happening daily. Why do members think the problem is so widespread? It is because it is just a business model for big for-profit operators like G8, Affinity, Only About Children, Guardian and Busy Bees.

I will take one example that I plucked out of the volumes of case studies that I received from the regulatory authority. It is one highly typical example from Affinity Kids Club Rosebery Early Learning. It said that there were no early childhood teachers on Mondays, when the service requires three early childhood teachers; no early childhood teachers on Tuesdays, when the service requires four early childhood teachers; no early childhood teachers on Wednesdays, when the service requires three early childhood teachers; one early childhood teacher on Thursdays, when the service requires four childhood teachers; and one early childhood teacher on Fridays, when the service requires three early childhood teachers. On each of those days of the week, there was a deficit of at least three early childhood teachers at that one site. A regulatory authority officer said:

Prior to leaving the service, to the best of my recollection, the nominated supervisor said, 'I am not going to deny it, we don't have enough ECTs'.

From what I have read of those sorts of incidents, that is pretty standard. Shockingly, the response from the regulator was "You may consider a waiver application". That has been the regulatory approach in this State. We talk a lot about the degree of the fines to be issued. But when the regulatory authority is not fining any of the services in the way that it should—I think we had \$8,000 in fines in a year—it is no surprise that we have ended up with the patterns of noncompliance that we are seeing. The Wheeler review was made up of cherry-picked cases. The finding was that there was nothing wrong with the regulator but the law was insufficient, and that is how we got here today. But how can anyone claim the regulator has been anything other than asleep at the wheel, given such clear cases of inadequacy in that example and in the documents?

Others have described the provisions of the bill in detail, and I will not repeat them here. We will look at some of those provisions in more detail as we move through amendments during the Committee of the Whole

stage. However, the bill focuses on increasing fines and punishing wrongdoers, increasing ministerial powers, and basically taking what I would call a "tough on crime" approach to the issues the sector is facing, rather than—with some exceptions—addressing the systemic issues that the sector is facing and that are creating the problems in the first place. In other words, the bill is more focused on punishment after the event than on preventing harm before it occurs. That has been hugely disappointing for me not just as someone who has spent so much time looking into those issues, trying to understand the systemic issues at play and attempting to work with the sector on meaningful reform, but also as someone who understands all too well the harm that child sexual assault does to a person.

Many like to hold onto the self-serving myth that children are too young to understand what has been done to them and that, if adults do not talk about it with them or explicitly recognise the sexual nature of it, then children who have been abused will forget it more easily or feel less harmed by it. Unfortunately, that is just not true. The psychological scars of being harmed at a place where they were supposed to be safe last a lifetime. No amount of punishment of a perpetrator after the fact will ever create any kind of justice or salve for the harm caused to a child who has been the victim of child sexual abuse. That is why our number one priority must be to focus on prevention of abuse in our early learning centres and not just on shaking our fists at wrongdoers after the event. I view the bill through that lens, which is why I was so disappointed that it was brought in the way it was, without the detailed consultation required with the sector and with child safety experts.

To be honest, at times I wanted to not support the bill, despite the good intentions I believe are behind it. If anything in the bill could have unintended consequences and create a sector that is less safe for children, then we should not pass it. That brings me back to staffing. If we know that the number one prevention measure for child abuse in centres is having enough experienced staff, then we cannot pass provisions that could lead to fewer staff working in the sector or deter the better players, who have higher levels of quality staffing and are statistically far less likely to have safety issues. Anything which makes services more stretched, which leads to more profit-takers dominating the sector or which deters quality professionals from staying in the sector will make it less safe.

The short inquiry we held into the bill was incredibly valuable in gaining insight into how some of its provisions will operate. The fact that New South Wales is departing so significantly from the national law has caused great concern among some stakeholders, with many arguing that it will undermine the national framework. They note that the education Ministers' meeting in August, supported by New South Wales, agreed to pursue a reform package by the end of 2025. There is concern that New South Wales going it alone undermines that work. The remainder of the sector's concerns revolve around the impact of the reforms on the viability of not-for-profit services, which provide a statistically safer and better-quality learning experience in their centres, as well as the impact the reforms may have on attracting and retaining staff. The bill proposes offences and fines on individual workers for matters that they may have no effective control over rather than focusing on those with management responsibility for those services. The Greens will propose amendments to attempt to deal with some of those concerns and to ensure that the bill achieves its aim of creating a safer sector rather than the opposite.

I sincerely thank Parliamentary Counsel's Office for its incredible work day after day, but I note that because of the pressures placed on the PCO, I am in the extraordinary position of having had to wait until late yesterday to receive even a first draft of the amendments I requested a week ago. I do not know if I have been able to finalise them, but I hope they are now final, and we will get them before the Committee of the Whole. As a result, I have not had the opportunity to discuss the amendments with the rest of the crossbench, and that has put me at a significant disadvantage.

I apologise to my fellow crossbench members and ask for some latitude on that basis as we try to get through to the Committee stage. I sincerely thank all of the stakeholders who took the time to participate in the short inquiry into the bill. Again, though, I put my greatest thanks on record to those who have supported my office's work in this area this year. They have blown the whistle, provided us with information, backed our work in, shown us support and, above all, wanted to work together to reform the sector they love and are proud to be part of.

Finally, I place on record my thanks to the tireless and endlessly inspirational Adele Ferguson, without whom I honestly believe none of us would be debating the bill today. It is because of her hard work and commitment to justice that the light has been shone on the early childhood sector this year, and I thank her with all my heart. I look forward to continuing to work with her and everyone else who has been helping us on this journey until we achieve the meaningful reform that children and workers in the sector deserve. We support the bill, and we look forward to the Committee of the Whole stage.

**The Hon. TANIA MIHAILUK (17:42):** I make a contribution to debate on the Children (Education and Care Services National Law Application) Amendment Bill 2025. I support the bill. As a member of Portfolio Committee No. 3 - Education, I have heard firsthand through witness evidence in two separate inquiries—the

inquiry into the early childhood education and care sector in New South Wales, which commenced on 20 March 2025, and the inquiry into the bill—of the urgent need for reform to improve safety, reporting, accountability and oversight in the sector. During the former inquiry, it became abundantly clear, as stakeholders responded to our questions and made statements to the committee, that they were very supportive of this reform and wanted it to happen swiftly. The inquiry into this bill held a public hearing for half a day on 26 September with evidence from approximately 15 witnesses, including executives from early education providers, the Independent Education Union, the Department of Education, academia and Mr Chris Wheeler. We also received nine written submissions. I acknowledge the time and effort that stakeholders devoted to providing their evidence to the committee.

As members know, initially I did not support the referral of the bill to an inquiry. I thought it was probably unnecessary to delay the deliberation of the bill. However, I appreciate and understand it may have helped a number of my colleagues on the committee to form their amendments. The issues raised in the inquiry were general in nature and many had already been considered by the portfolio committee in its broader inquiry into early childhood education and care. So a lot of the issues overlapped. Over the weeks that we held the inquiry, there was an opportunity for some of those stakeholders to make specific suggestions for improvements they wanted. I place on record that both the Government and the Opposition have proposed amendments. I understand The Greens are in the process of collating their extensive amendments and we will have them shortly.

The Government's amendments are, in essence, housekeeping in nature. I support them. The Opposition has proposed a 12-month review of the bill's provisions and a rephrasing of how funds collected by the proposed regulatory authority can be expended. All these matters—which I support—could have been considered in Committee during the September sitting week, but never mind. I understand why we are here today. What we already knew, and did not need a public hearing to establish, is that the status quo regulatory framework requires immediate reform. The bill before the House represents the Government's response to that bipartisan reality. The safety of children must always be paramount. The bill is an important step in improving quality and care in early childhood education, but only a first step. Broader reform must follow. We have heard the Minister's and the shadow Minister's speeches. Both have indicated as such.

When Portfolio Committee No. 3 delivers its report on the March inquiry, I expect the Government and the Minister to give strong consideration to implementing its recommendations in full, just as they did with the independent review conducted by Mr Chris Wheeler. While the Wheeler report is publicly available, I highlight a few key recommendations. Many of the problems identified stemmed from national-level constraints. The Government has accepted all 12 recommendations in principle, and the bill directly implements them, often going further. Recommendations 1 and 2 require providers to clearly display rating certificates and compliance histories. Recommendation 3 mandates greater transparency around compliance actions. Recommendation 7 introduces whistleblower protections. Recommendations 8 and 9 relate to the installation and use of CCTV to reduce risks and support investigations. I congratulate the acting Minister for Education, the Hon. Courtney Houssos, on swiftly accepting the recommendations and incorporating them into the bill.

The bill sets out several key objectives. First, it affirms that the rights and best interests of children must be paramount. Second, it seeks to improve the overall quality and performance of the sector. Third, it strengthens regulatory presence and enforcement through increased penalties, additional offences and stronger oversight. Fourth, it enhances transparency and information-sharing, giving parents, educators and the community greater confidence in the system. Finally, it aims to restore public trust so that families can be assured that their children are learning and developing in safe, high-quality environments. A central feature is the increase in penalties for breaches of the Act. The Minister elaborated on that in the second reading speech. This sends a clear message about the seriousness of compliance and reinforces personal responsibility for child safety. I recall a number of stakeholders being a little concerned about this. But the broader public will not be; they will welcome this change.

The bill triples the maximum penalties for serious breaches, including operating without approval, inadequate supervision, inappropriate discipline and breaches of compliance directions. It also narrows who may apply for approvals, tightens suspension and cancellation grounds, and strengthens reporting and record-keeping obligations. Notably, the definition of a serious incident now includes sexual misconduct or offending—a long overdue reform. A key feature of the bill and the Wheeler report is the establishment of an independent regulator separate from the Department of Education.

As I have mentioned previously, during the inquiry I initially had concerns with the bill. In speaking with the many witnesses that presented to our other inquiry, it became abundantly clear that there is overwhelming support for the bill. Hence, I am delighted to support it now. The regulator will report to the Minister, but the Minister cannot make or overturn its decisions, ensuring genuine independence. I appreciate that the Government and the Minister support that. It will have enhanced powers to investigate, enforce and direct compliance, with children's safety as its paramount principle. Mr Wheeler gave evidence that this model mirrors other independent statutory authorities such as the State Insurance Regulatory Authority and the Natural Resources Access

Regulator. Mr Wheeler's extensive regulatory experience, including as deputy Ombudsman and as a commissioner on the Greyhound Welfare and Integrity Commission, informed his recommendations.

He has given evidence twice now: to the inquiry into this bill and the other inquiry. On both occasions it was clear that he is very capable. I thank Mr Wheeler for his work and for his openness and candour in giving direct evidence to Portfolio Committee No. 3. The new independent regulator will be empowered to suspend or direct services or individuals where there is noncompliance or risk to children, to enter premises, to obtain information and to take disciplinary action. Decisions made on child safety grounds will take immediate effect and, in limited cases, will not be subject to external review. The bill also grants emergency powers to close services in the event of serious or imminent threats, authorises the Minister to issue best practice guidelines, and enhances transparency through the publication of enforcement outcomes. The establishment of a dedicated regulatory authority fund ensures enforcement activities are properly resourced.

The Hon. Sarah Mitchell has foreshadowed an amendment for these funds to be used to support early education and care, not day-to-day operations. As I indicated, I will support that amendment. The bill also expands infringement offences, strengthens whistleblower protections and allows courts to impose publication orders for offences. While this bill goes a long way towards addressing longstanding challenges, more work remains. Mr Chiang Lim, chief executive officer of the Australian Childcare Alliance, described the bill as "just a good first step" and urged the Government to ask bigger structural questions about whether the overall system is fit for purpose. I agree. There must be no delay in pursuing the next phase of reform. Not all industry stakeholders shared this sense of urgency. That was noted by a number of speakers in this debate. Executives from Goodstart Early Learning, KU Children's Services, SDN Children's Services and Big Fat Smile expressed support for the reforms but sought to delay implementation.

They never elaborated on why they wanted or required a delay. That was a ludicrous proposition, because if they cannot give a decent explanation as to why they think reform should be delayed, why even offer that suggestion in the first place? These are the very organisations that will be regulated under the new framework. It is not the role of regulated entities to shape the direction of the regulator charged with overseeing them. I took offence to the commentary of some of these stakeholders in the inquiry into the bill. These reforms are about one thing: strengthening and safeguarding the safety of children. This is achieved through increased oversight, transparency and stronger enforcement powers, which are needed now. Clearly, not everybody will be happy about that, as is evident by how these particular stakeholders raised their concerns about a swift implementation process.

The broader public is crying out for this type of reform. The Children (Education and Care Services National Law Application) Amendment Bill 2025 represents a meaningful step forward. The status quo is not good enough. The bill represents the most significant strengthening of early childhood regulation in more than a decade. It shifts the system from passive oversight to active accountability. For too long, the balance between the interests of providers and the rights of children has tilted the wrong way. This bill restores that balance by making sure that every educator, provider and regulator is accountable to the community, to parents, to the Government and, mostly, to the children themselves. We have already wasted enough time delaying its passage through an unnecessary inquiry. I commend the bill to the House and look forward to its swift implementation.

**The Hon. EMILY SUVAAL (17:54):** I speak in support of the Government's Children (Education and Care Services National Law Application) Amendment Bill 2025. As the Minister noted, the New South Wales Government is making important and necessary changes to give the NSW Early Childhood Education and Care Regulatory Authority [ECECRA] the tools it needs to ensure that the highest standards of child safety are maintained at all times. These tools are the crucial deterrent to ensure that the wellbeing and interests of the child are paramount in our early childhood settings. I speak about three specific cases that demonstrate this clearly—three cases where children were not safe, where the regulator did not have the tools it needed, and where it was constrained by the national law.

The reforms within this bill directly address those issues. Some of these cases and their details have been raised at length by members of this House and the other place, and I commend their tireless work to advocate for child safety. Considering how pressing the issues this bill seeks to address are, it is important to speak about how this bill would have potentially changed real-life cases in practice. The first case involves a service called Jumpstart Childcare, which many members would be familiar with. In that case, the NSW Early Childhood Education and Care Regulatory Authority investigated a complaint from a former educator related to inappropriate discipline and mistreatment of children at the service.

This case involved allegations of inappropriate discipline occurring at the service in September 2021. The incidents included educators tying children with additional needs in highchairs to a fence, force-feeding children until they vomited, and dragging children along the ground. The neglect of children and inappropriate discipline were not formally reported to the regulator by the approved provider. Tasked with ensuring child safety and

provider compliance, regulatory staff investigated those complaints. Regulatory staff had previously raised concerns relating to the fitness and propriety of the approved provider due to his aggressive behaviour, the unacceptable risk to children at his service, and a history of repeated breaches.

The ECECRA had sought to rein in the behaviour of the approved provider and had issued 23 compliance actions prior to this case. Legal avenues were limited; they could only be imposed by a court, following prosecution. This case ultimately involved significant action against the approved provider and staff of the service, including an immediate suspension of service approval in March 2022; prohibiting the responsible person from working in the sector in April 2022; a final investigation report submitted in May 2022; issuing enforceable undertakings to relevant individuals in July 2022; and resulting prosecutions of the approved provider, the relevant person in control of the business and the responsible person, with fines totalling \$235,000. Ultimately, the approved provider and person in control were also prohibited from the sector.

All that action was taken under the previous Government. It was the right action. However—and I think I say this with the concurrence of the former Minister—the processes the regulator was forced to use under the national law simply took too long. The unacceptable conduct was not stopped quickly enough because the regulator did not have the right tools. Under the existing national law and regulations, the regulatory authority could not immediately shut down the service but first had to go through an onerous process to substantiate the allegations.

Under the proposed reforms, the regulatory authority will have a range of new powers to take swift action against providers when the situation calls for it and, importantly, to allow the public to have some idea of why that action was taken. That will ensure that the regulatory authority is able to respond appropriately to lower level and mid-level offending before it escalates to significant breaches or child safety matters. In the case under discussion, it would have been useful if the new measures we will put in place today had been available at the time. While there are many additional things I would like to say about the other two cases, I will conclude my remarks here.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (18:00):** On behalf of the Hon. Rose Jackson: In reply: I thank the members who contributed to debate and shared their reflections on this important reform. As I said when introducing the Children (Education and Care Services National Law Application) Amendment Bill 2025, this is a turning point for early childhood education and care in New South Wales. I acknowledge and thank the Hon. Sarah Mitchell, Ms Abigail Boyd, the Hon. Tania Mihailuk and the Hon. Emily Suvaal. I also acknowledge the positive and collaborative approach taken in the other place. I hope the same approach will be taken in this place as we continue our deliberations this evening.

The amendment moved by the member for Balmain improved the bill and helps us to address the horrific conduct recounted in some detail by Ms Abigail Boyd—especially the issues relating to Operation Tenterfield. The bill is about one thing: making sure that every child who walks, skips or is carried into an early learning service is safe, nurtured and protected. It represents decisive, far-reaching reform that strengthens the foundations of trust between families, educators and government. Some members, including the Hon. Sarah Mitchell, have asked why those changes are described as nation leading. The answer lies in both their scope and their urgency.

The reforms give effect to the independent review of early childhood education and care regulation led by former Deputy Ombudsman Chris Wheeler. The findings of that review were unequivocal. The current national law leaves New South Wales regulators hamstrung in their ability to hold poor operators to account, to let families know enough about concerning issues and to act quickly when children are at risk. With this bill, we are changing that. We are backing the regulator with stronger laws, establishing it as an independent authority and investing \$55 million to put more regulatory staff on the ground. It is about protecting children and restoring families' confidence that every approved service in New South Wales meets the proper standards of safety and quality.

The Hon. Sarah Mitchell and Ms Abigail Boyd raised the issue of national consistency. There are several things to keep in mind in terms of the relationship to the national law. Firstly, I am told that it is not uncommon for States and Territories to apply local requirements despite national schemes. Secondly, the bill is deliberately reformist, and New South Wales has advocated for national change to meet our new higher standards. The national law already contains multiple State-based carve-outs and exceptions. For example, New South Wales has higher educator to children ratios for the 36 months to preschool age range. New South Wales and Western Australia have different rules about swimming pools and water hazards. Educator qualifications are different in the Australian Capital Territory, Northern Territory, Queensland, South Australia, Victoria and Western Australia. Those kinds of carve-outs are not unusual across other national laws like national energy laws and health practitioner regulations.

A number of the changes in the bill have already been agreed in principle at a national level. We are leading the nation, and we expect the rest of the nation to follow in a lot of areas. Other States and Territories agree that the changes are necessary. In fact, a number of the amendments foreshadowed by Ms Abigail Boyd will take us further from the national changes. However, while not all of the changes are likely to be immediately adopted nationally, the risk must be immediately addressed. Families should not wait months or years for national drafting, consultation and passage. We should act now to close known gaps while the national bill is prepared.

The bill goes much further than what is currently planned nationally in areas like child-safe recruitment practices, the review of decisions based on unacceptable risk to children, significantly higher penalties for large providers and a new disciplinary regime. The position is to lead now and align later. New South Wales will continue to advocate for national agreement on those important reforms, but it is necessary to be realistic about the time frames when seeking nationwide, unanimous agreement.

I thank Ms Abigail Boyd for raising the point that the bill will not address all the issues that exist in the early childhood education and care sector. We agree on that. The Government has never held the position that the bill is the job done. However, it is a crucial, nation-leading step that responds to the specific issue of child safety. The issues will not be solved by legislation alone. We are working hard on ensuring the reforms are implemented accurately, and on other things such as an independent, well-resourced regulator and a CCTV trial. The Government will continue to do more to address the other issues to ensure that early childhood education and care is not just safe but also high quality, affordable and accessible.

I thank the Hon. Sarah Mitchell, who asked how the changes will work in practice. The bill gives the regulator the full range of modern regulatory tools it needs: graduated powers, proportionate penalties and the authority to act decisively when children's safety is at stake. We are tripling maximum penalties, empowering the regulator to publish relevant information and introducing new tools for targeted, risk-based action. Those reforms replace a reactive framework with a proactive one that intervenes early, acts decisively and places the rights and wellbeing of children above all other considerations. In large part, it codifies what providers should already be doing. The interests of the child should already be paramount. Inappropriate conduct should not be happening. The laws will protect providers that are already doing the right thing, and help level the playing field.

Some members raised concerns about consultation. I addressed that in my second reading speech. Much of the work has been a long time in development. It builds on years of reviews, inquiries and engagement with services, peak bodies, families and national partners. Many elements of the bill reflect changes already endorsed at a national level through the Decision Regulation Impact Statement process. Other elements are improvements that New South Wales has championed nationally and cannot afford to wait for. We will continue to work closely with the sector on how the reforms are introduced, including providing plain English guidance and phased implementation so that compliance is practical and achieved quickly. However, a lot of the changes have been a long time coming. They are urgently needed. That is why the majority of the changes will be commenced quickly.

Several members asked whether the reforms could put pressure on supply, particularly for private providers. I want to be very clear. The bill is not designed to close services; it is designed to make every service safe. If a provider cannot meet basic standards of safety and quality, then it is not meeting the expectations of the community or the needs of the children in its care. Unsafe supply is no supply at all. To those who have asked whether New South Wales is "going it alone", we have been clear that we are moving forward because we believe our children cannot wait. However, the reforms remain consistent with the National Quality Framework and with many discussed and agreed national positions.

Ms Abigail Boyd expressed concern about the impact on an already stretched workforce. We recognise those pressures, and we deeply value the contribution that early childhood educators make every day. They are extraordinary people who have themselves been horrified by recent stories of harm and failure. Those stories do not reflect who they are or the values that guide their work. The reforms protect the integrity of the workforce. They ensure that bad actors cannot undermine the reputation of the thousands who do the right thing, and will give families renewed confidence in the people who care for their children.

In relation to the concerns raised by Ms Abigail Boyd on how the reforms will be implemented and what support will be provided to the sector, I say this: carefully and with the right backing, with plain English support and practical advice for services. We are mindful of unintended consequences, and that is why the rollout will be supported. We are here to set a baseline of safety that every child deserves. Members have raised the impact on community providers. I acknowledge the great work done by community providers. The data clearly shows that these settings are safer and of high quality. That is exactly why we do not think the impact on those providers will be as significant as it might be on other parts of the sector. They will not be punished for doing the right thing.

The Hon. Sarah Mitchell raised a concern about the nation-leading regulator and ministerial direction powers. They are crucial tools that futureproof the bill by allowing the Government to respond to emerging threats

quickly. When a new risk or threat emerges, it allows for a legally binding direction for the sector. Allowing the Minister and the regulator to have that power is important in building the flexibility that is key. It is important that the Minister has the power to direct because that reflects the specific responsibility that the Minister holds. It is about giving government the tools it needs to respond.

When a direction comes from a Minister, it carries significant symbolism and weight. It sends a strong message to the sector and the community. That is reflected in the higher penalty for breaching a ministerial direction. It also ensures that the Minister can support the regulator in a meaningful and explicit way, but only if the circumstances call for it. The Minister must take a lead role in protecting child safety, which is what I am doing here and what I know other Ministers would want to do. Families and communities have called for decisive action, and this Government is responding. Through this bill, the Government is building an early childhood system that is open, accountable and unashamedly centred on children. Too many children have been failed. This reform makes it clear that the rights and best interests of children are not optional; they are the starting point for everything we do. I commend the bill to the House.

**Debate adjourned.**

## **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (PLANNING SYSTEM REFORMS) BILL 2025**

### **Second Reading Speech**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:11):** I move:

That this bill be now read a second time.

I note that the Government had productive discussions with the Opposition and a range of crossbenchers in the Legislative Assembly, and several amendments were agreed and passed in the other place during the debate yesterday and this morning. In the other place, amendments were moved and passed to make some changes to the objects regarding reference to the environment. The Government moved amendments to the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 in the other place to further clarify, beyond doubt, that the targeted assessment development pathway would not apply to resource projects or large renewable energy projects, and amendments were moved to address some interpretation aspects of the provisions concerning zombie development approvals, to avoid unintended consequences. Those amendments were carried and passed.

I also note that the Opposition in the other place moved amendments to, one, require the Minister to publicly disclose the rationale for their decision in any instance where they choose not to adopt a recommendation made by the Housing Delivery Authority [HDA]; two, require annual reporting on the operations of the Development Coordination Authority [DCA]; three, require the statewide community participation plan to be published on the NSW legislation website and require it to follow the same public notification and tabling procedures as a statutory rule under the Interpretation Act 1987 (NSW), ensuring transparency and parliamentary oversight; four, in section 3.22, "Expedited amendments of environmental planning instruments", replace "necessary or convenient" with "reasonably necessary"; and five, require the targeted assessment development policy be advertised for a minimum of 28 days.

Those were additional transparency and reporting amendments moved by the Opposition and some other members of the crossbench in the other place. Those amendments relate to the review of the objectives of the HDA via a joint select committee after three years from commencement of the amendments and then every three years thereafter. All of those amendments have been agreed to by the Government. An amendment was moved to retain within the Act the provisions of section 10.3, "Bush fire prone land", which requires local councils to identify and map bushfire-prone land in consultation with the NSW Rural Fire Service. That amendment was also agreed to by the Government.

The Government also moved its own amendment to bushfire provisions within the bill, regarding section 4.14, "Consultation and development consent—certain bush fire prone land". Rather than omitting the section entirely as proposed when the bill was first introduced, provisions remain to make sure a consent authority considers the *Planning for Bush Fire Protection* guidelines before granting consent to development on bushfire-prone land.

I know the Minister for Planning and Public Spaces in the other place has acknowledged the shadow Minister for Planning and Public Spaces, the Hon. Scott Farlow, MLC, for his positive contribution to the development of this bill, and I do so again, formally, in this debate. The Opposition has acted in good faith throughout the process of helping to design many of the provisions in the bill. As the Minister said in the other place, the series of discussions between the Premier, the Leader of the Opposition, the shadow Minister, the Leader

of The Nationals and the Minister for Planning and Public Spaces throughout this year has culminated in a fair, balanced and modernised planning reform bill.

I note that the Minister for Planning and Public Spaces, his office, and the Department of Planning, Housing and Infrastructure have also had constructive discussions on the bill with almost all members of the crossbench in this place since it was first introduced in the other place on 17 September 2025. I also note that the Department of Planning, Housing and Infrastructure has consulted with over 70 organisations and briefed more than 500 people on the bill. The Government looks forward to the debate in this House.

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

**Leave granted.**

I am pleased to introduce the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025.

This bill represents significant reform to the Environmental Planning and Assessment Act 1979.

But it is also a continuation of ongoing reforms made by the Minns Government.

Our reforms have been guided by the following principles:

1. We need more homes and jobs.
2. We need well-located homes around transport infrastructure.
3. We need more social and affordable housing.
4. We need to make sure these new homes are well designed and well built.
5. We need to approve them and build them as quickly as possible.
6. We need to reform the confused planning system.

Over the last two years we have been implementing bold reforms to the New South Wales planning system.

So far these have included the Transport Oriented Program, rezoning land around 37 train stations from the Hunter to the Illawarra and seven TOD accelerated precincts to deliver tens of thousands of more homes over the coming years. These initiatives are underway and are increasing the housing supply New South Wales needs.

We provided incentives for affordable housing.

We released the pattern book to help deliver homes faster by providing anyone who uses the endorsed pattern book designs with a 10-day approval pathway.

We introduced the Housing Delivery Authority to help accelerate the assessment of new homes.

We introduced the Low and Mid-Rise Housing Policy, allowing dual occupancies, terraces, townhouses and semi-detached dwellings in almost all local government areas in the State—something that was previously not allowed. The reform changed planning controls within 800 metres, or a 10-minute walk, around 171 town centres and stations, restoring permissibility and addressing the missing middle.

We led the nation by introducing the highest energy efficiency standards in the country for new homes, saving home owners over the long term on energy bills.

We have undertaken an audit of New South Wales government land to free up surplus land for housing.

We made the biggest investment in social housing in New South Wales history to fund around 8,400 new social homes.

We are introducing a Pre-sale Finance Guarantee that commits to purchasing up to 50 per cent of dwellings in eligible off-the-plan residential projects to help developers secure financing and accelerate construction of new homes.

We introduced the most comprehensive set of rental reforms in more than a decade.

We released the Industrial Lands Action Plan, which sets out a new approach to plan, secure and manage the supply of industrial lands to deliver new jobs, drive investment and support the building of more homes.

And we look to the future by taking the lead on the adoption of artificial intelligence in planning assessment for major projects to free up time and resources for our planners.

New South Wales has made commitments under the National Housing Accord, which is an agreement between all three levels of government, including local councils.

But it is sometimes forgotten that the National Housing Accord is an agreement that includes institutional investors and the residential development, building and construction sector.

In other words, we are all in this together.

And together we must deliver New South Wales' share of the National Housing Accord target.

The Minns Labor Government inherited a housing challenge over a decade in the making.

For years not enough homes have been built, and this is causing young people, in particular, to move to other parts of the country.

Sydney is the 859th least dense city in the world and the second-most expensive, and has less housing diversity than 100 years ago.

Our planning reforms are based on enduring Labor values—access to basics like a roof over your head, creating stronger communities, jobs and productivity for people to prosper, handing a higher standard of living to future generations.

But they are also based on feedback and the experience of those trying to build homes.

With this bill, the Government presents this Parliament with a choice.

Members can either ignore the many sources of advice, including the productivity commissioner's warning that Sydney will become a "city without grandchildren", or we can act to reverse the trend by making significant reforms to increase housing supply in the years ahead.

Members can either bring communities together in support of more housing and a better planning system to enable it, or they can support self-interest and leave future generations locked out of housing and locked out of New South Wales.

Members can either provide opportunities for health workers, teachers, police, firefighters, cleaners and hospitality workers to live closer to their jobs, or they can confine them to hours of travel and time away from their family and community activities every single day.

These are the stark choices we now face together.

But we also face another choice—between keeping a convoluted planning system that has lost its sense of proportion and introducing overdue reforms.

Ninety per cent of the development in New South Wales has a value of less than \$1 million—a value much less than the median price of a home in New South Wales.

Over the years, the number of conditions on consent have more than doubled, delaying the commencement of construction.

The planning system spends a disproportionate amount of time and resources assessing low-risk proposals and debating relatively minor issues that are often immaterial to the outcome. We are sweating the small stuff.

We need a system that rebalances the effort and that prioritises outcomes over process.

The bill builds on planning reforms passed earlier this year, which had the support of the Opposition and others in both Houses, and goes further, with amendments designed to modernise the New South Wales planning system.

The Government has engaged in discussions and negotiations with the Leader of the Opposition, the Leader of The Nationals and the shadow Minister for Planning and Public Spaces in the other place.

These were constructive discussions. We thank them and we hope that this approach will result in bipartisan support for this bill.

It also forms part of the Government's response to the Legislative Council's inquiry into the planning system and the impacts of climate change on the environment and communities, led by Ms Sue Higginson.

The EP&A Act was given royal assent nearly 50 years ago.

Since that time it has been amended multiple times by successive governments—several times by this one, too.

This has created an Act that has become complex and unwieldy.

The combined effect over many years has produced an Act and a system that obsesses over relatively minor matters of detail and delays decisions about whether a proposal as a whole has merit.

In short, this bill is about re-establishing a planning system that will assess land use to produce outcomes, not give priority to process—a modern system to deliver faster and fairer results.

I will now outline the details of the proposed amendments and explain why they are essential.

This bill modernises the objects of the Act to reflect contemporary planning priorities.

The new objects focus on promoting land use that supports housing supply, climate resilience, economic productivity, the environment, heritage and conservation, and good design and construction.

For the first time, a new object will be written into the Act which supports the need to respond to climate change, promoting resilience to natural disasters through adaptation, mitigation, preparedness and prevention.

Significantly, we will also introduce a new object to embed proportionality and a risk-based approach to planning and assessment in the Act.

These changes are intended to better align the legislative framework with current social, environmental and policy priorities—objectives that will remain with us well into the future.

Accordingly, the changes to the objects point to and provide support for our biggest priorities in land use planning decision-making across government, industry and local communities.

As the House will know, the Housing Delivery Authority opened in 2025 to create a new, optional, State-led pathway for major residential projects that can deliver the scale and speed of housing we need across New South Wales.

It was introduced in recognition that the State needed to play a role in assessing larger, more complex housing proposals, and it is already proving its worth.

To date, the planning Minister has declared 261 proposals as State significant development under this new pathway.

If approved, those projects have the potential to deliver more than 91,000 homes.

That level of interest reflects both the urgency of the housing challenge and the confidence that industry has in the HDA's role.

This bill will embed the HDA into the Act, making it a permanent but still optional feature of the New South Wales planning system, to give confidence to proponents of large projects that these projects will be assessed within a State significant pathway offering clear time frames and greater certainty.

The bill also includes a series of administrative amendments to support the HDA's ongoing operation.

I now turn to amendments regarding the expansion of the complying development pathway.

Complying development is intended to deliver faster housing.

Approvals can take as little as 20 days, compared to the many months—sometimes longer—for a full development application [DA].

A complying development certificate also gives approval for construction.

It cuts red tape. It frees up planning resources.

But currently too many low-risk, good-quality developments are stuck in a revolving door of unnecessarily complex processes.

This bill proposes a reform to expand the complying development pathway.

This is about restoring balance and getting necessary, low-impact developments like houses assessed and built faster.

Complying development in New South Wales has produced restrictions, not enablement.

Planning codes are too rigid and, in some cases, just ludicrous.

For example, something as small as a 20-millimetre noncompliance with a front setback standard can send a straightforward application into a full development assessment process.

On average, this adds more than 60 days onto the process.

Not only does this create delays and expense, but it also overwhelms councils with paperwork and requires a disproportionate level of scrutiny.

It has become an all-or-nothing system—either complying or complex, and nothing in between.

This bill will change that.

It proposes to expand complying development to allow for minor variations to standards without requiring a full DA—standards like setbacks from the lot boundary, minimum landscaping requirements, or site requirements like the width of a lot.

Councils would retain oversight, but minor variations with minimal impact could be approved without subjecting the project to months of needlessly intricate process.

And if the council does not make a decision on the variation within 10 days, or 20 days (if council is also assessing the complying development certificate) the variation will be deemed to be approved and the development can proceed in the complying development pathway.

That means more certainty, faster outcomes, less risk of delay and a greater focus on what really matters—the project as a whole.

The bill will also streamline the process for modifying a complying development certificate, cutting out unnecessary procedural steps that add cost and complexity.

These changes will say yes to a home, not no based on some minor change.

And the changes let councils and independent local panels apply scrutiny to the complex applications, rather than straightforward applications like dual occupancies, granny flats or small infill projects that we all know we need.

This reform has the potential to deliver up to 5,000 homes per year through the complying development pathway, and it brings flexibility without compromising on good planning outcomes.

This is a practical, targeted reform that helps home owners build a place to call their home more quickly.

The bill also tackles a problem we have heard a lot about—minor modifications to existing development applications.

At the moment, some changes are stuck in a grey area.

They are too minor to need a full assessment but are more than just administrative, for example, changing the order of project stages or removing a condition that no longer makes sense—minor changes that have no environmental impact but can hold up the commencement of construction by months.

This bill proposes expanding the scope for minor modifications and setting a 14-day time frame for a decision.

If the modification application is not decided within 14 days, it cannot be refused.

This will cut down delays, save applicants money and speed up construction.

These are commonsense reforms that are decades overdue.

There is currently a gap between the faster complying development pathway and a full development application assessment process.

There is often a duplication of assessment, public exhibition and/or concurrence requirements, once when consultation and consideration of important impacts has occurred up-front and again when those up-front assessments are again put on exhibition.

Targeted assessment will provide a fast-tracked process, bridging the gap between complying development and a full development assessment.

It will streamline the process by turning off unnecessary steps if the issues have already been addressed through up-front strategic planning or have been addressed through development controls or codes.

For example, the low- and mid-rise pattern book has been through a detailed design process so that impacts are addressed through compliance with the patterns.

This new pathway will allow reduced or no public exhibition, depending on how much strategic work has already been done.

It could be used for both small- and large-scale proposals, as long as key planning issues have been resolved up-front or are adequately addressed in the planning controls.

If they have done the right thing and done the work up-front, eligible projects could cut assessment times by up to 50 per cent, down to under 50 days.

This will accelerate low-risk development, reduce duplication in assessment and free up council resources.

In a similar way to complying development, controls and codes will be created to allow targeted assessment to operate efficiently and responsibly.

Before development can be eligible for a targeted assessment pathway, an explanation of what is proposed must be publicly exhibited. The community will be informed up-front about development that is proposed for targeted assessment and encouraged to engage early in the strategic process.

I now refer to the amendment to establish the Development Coordination Authority.

The 2021 NSW Productivity Commission white paper and the 2024 NSW Productivity and Equality Commission housing review recommended better interagency coordination.

This new authority will centralise decision-making and advice currently referred to multiple State agencies.

The authority will bring together experts from across government agencies to coordinate conditions on development applications.

Today a development could be referred to up to 22 different State agencies.

If a DA needs to be referred to an agency, it takes about 50 days longer to get a decision, and every additional referral beyond the first adds 100 more days to the clock.

While parts of Government have made concerted efforts to streamline their input into development proposals, there are more improvements to be made without compromising environmental outcomes.

We have seen the benefits of interagency coordination interstate.

Queensland's State Assessment and Referral Agency, or SARA, actively case-manages and coordinates advice from State agencies.

Our proposed Development Coordination Authority goes further, with more involvement in housing approvals and bringing technical experts together under one roof.

This will allow a centralised decision on concurrences, referrals and integrated development, offering a single, cohesive State response instead of multiple separate ones.

This builds on the coordination and monitoring functions that the Housing Taskforce has been providing for the past year.

For State significant projects and rezonings, technical advice will be integrated directly into assessments, allowing real-time conflict resolution and faster decisions between agencies.

Applicants, councils and State agencies will have a single point of contact when dealing with the State, enhancing customer service, saving time and providing more clarity and consistency.

There will be no weakening of environmental protections or standards.

DCA's experts will continue to apply the same legislation, policies and standards set by agencies.

A new section 4.47A is proposed to be inserted which states:

The Development Coordination Authority must, in determining the general terms of an approval or whether or not an approval body will grant an approval, exercise the function as if it were the approval body acting in accordance with the Act under which the approval is granted.

Agencies will continue to be responsible for issuing other approvals and enforcing compliance under their own Acts. As part of the changes, DCA will take responsibility for issuing concurrences and advice on bushfire hazards.

The Government is using this opportunity of planning reform to harmonise and streamline how the planning system deals with natural hazards.

The bill will place consultation and mapping requirements for bushfire-prone land from the planning Act in planning instruments, so that they can be updated more readily as needed to keep pace, as scientific understanding and best practice evolves in the same way that similar provisions are done.

Crucially, bushfire risk will continue to be subject to rigorous assessment by experts, in line with the requirements of the Rural Fire Service.

Overall, centralising and coordinating State government interactions will make the planning system more nimble and more certain.

It will lead to more consistent and robust management of risks, all without changing the way proposals are assessed, unless that change is driven by the relevant experts in agencies.

The bill makes provision to formally establish the DCA, as well as assigning it key functions, delegations and enabling powers in the Act.

I now turn to the amendments regarding the roles and functions of consent authorities.

This bill simplifies the approval layers for development applications and focuses accountability for making the final decision.

Right now it is not clear to applicants or communities who determines an application—whether it is local councils, local planning panels or regional planning panels.

There is also very little difference between development that is considered by a local versus a regional planning panel, creating duplication of function with a cost and administrative impost.

This bill removes the regionally significant development pathway and will give effect to a staged removal of Sydney district and regional planning panels because, on average, applications take 100 days longer via Sydney district and regional planning panels than local planning panels.

Instead, this bill proposes that regional planning panel functions will be handed back to councils and local planning panels.

This change alone is expected to return around 350 development applications a year for local determination.

That means less confusion, red tape and administration, and greater clarity on responsibilities.

In regional areas with small volumes of applications, we will utilise joint local planning panels with local representation from each council area.

This approach will make sure there is continued local representation in development decisions, aligning with the ministerial statement of expectations on development application approvals.

The Department of Planning, Housing and Infrastructure will carry out secretariat functions on behalf of certain regional councils to minimise any financial impact on those that are not adequately resourced for this change.

The referral criteria for local planning panels will be updated to make sure they are focused on genuinely significant matters.

This is about restoring confidence in the system by making it clearer, by providing locally focused, independent decision-making.

Recommendations from Operation Dasha and direct engagement on the proposed reforms with ICAC have informed the proposed panel changes, and the intended implementation approach will reduce risk of corruption within the New South Wales planning system.

I now outline the amendments relating to public exhibition and community participation in the planning process.

The New South Wales planning system must always be transparent, it must be accountable and it must give the community a voice in planning decisions.

However, community participation is inconsistent across New South Wales.

In some cases it is duplicative, and in many cases it is unequal.

At the moment, every local planning authority is required to prepare its own Community Participation Plan, or CPP, as it is known.

That has resulted in more than 100 different plans across the State, each with its own approach, its own timelines and its own thresholds for community engagement.

Consultation periods can vary from one week to four weeks.

In some cases, members of the public are being asked to comment on matters so minor they barely register as development at all, such as decks, earthworks and retaining walls.

This is not sound planning, and it is often used to prevent and preclude rather than create and construct.

The bill proposes to create a single, best practice standard approach for all planning authorities and functions in New South Wales.

This reform is about consistency.

It is about clarity.

The new statewide community participation plan will be prepared by the planning secretary.

This will allow the planning secretary to provide appropriate exhibition time frames for different planning matters based on their impacts.

Councils will no longer maintain their own community participation plans but may adopt their own engagement strategies or policies, provided these are consistent with the requirements of the statewide plan.

This is a commonsense reform that brings consistency, improves efficiency, and protects and promotes community participation for the issues that matter most, so it is valued and valuable, not criticised for using small matters to hold up proposals that have substantive benefit.

Right now, some conditions make projects harder to deliver—or even unfeasible—because of the burden they place, even though the consent is granted.

The proposed bill will allow the imposition of standard and model conditions of consent, and this will be prioritised for housing projects.

These changes will bring greater certainty and set sensible limits on the types of conditions that can be imposed.

At the moment, conditions are often issued without warning and can be difficult to implement or even contradictory.

The Government also proposes introducing a requirement for consent authorities to consult with applicants before finalising conditions of consent.

Requiring consultation on the conditions will avoid surprises, reduce unnecessary or conflicting conditions, and limit the need for later modifications driven by back-and-forth discussions. It will also allow applicants the opportunity to review and comment on conditions before they are finalised.

The accompanying regulations will clarify when this consultation is required—for example, based on the type or scale of development. Changes will also be made to improve internal review processes, including extending time frames for reviews and pausing the appeal clock while a review is underway.

The changes will give applicants the ability to seek a review from local planning panels should they want a second opinion on the decision outside of the officers of the council.

The proposed bill will also extend the eligibility for deemed refusals appeals and allow applicants to lodge an appeal up until the development application is determined.

These measures are designed to reduce litigation in the New South Wales Land and Environment Court, reducing the costs on applicants and councils, and encouraging a mediation-first approach to dispute resolution.

Changes will be made to broaden the powers for the New South Wales Government to intervene in so-called "zombie" consents, which are historic consents that legally commenced decades ago.

These consents have caused much local community concern across New South Wales.

New powers will provide two resolution options.

In the case where development is inconsistent with environmental planning instruments or outcomes, it will be possible to revoke a development consent and pay compensation to the landowner.

In other cases, orders can be issued to direct that works be completed in a specified time.

I now outline some other important changes the Government proposes making to how all remaining development applications are assessed in New South Wales.

The bill updates section 4.15 of the Act, which sets out what consent authorities must consider when assessing a DA.

Firstly, the Government proposes making changes so that assessment focuses on the significant impacts of a development, so that minor impacts are not given disproportionate attention.

Currently, too much time and effort is spent on minor or irrelevant matters that have little impact on the final decision.

For bigger projects like State significant developments, the changes will help narrow down the issues of contention early and up-front, so we do not spend time or resources on things that do not matter.

The Government proposes introducing a power for the regulations to clarify the matters that must be evaluated under section 4.15 of the Act.

It will provide the government of the day with flexibility to address interpretation issues with this part of the Act.

This will enable the planning system to be more responsive and to address issues without delay.

As planning challenges continue to evolve—whether due to environmental concerns, climate risks or best practices—the regulations can be updated to clarify the evaluation criteria easily.

This will improve clarity, transparency and accountability of DA decisions and reduce the likelihood of legal challenge.

The bill includes a regulation made under this new power.

It addresses previous court judgements such as *Hoxton Park Residents Action Group Inc v Liverpool City Council* [2011] NSWCA 349.

In this case, the New South Wales Court of Appeal found that the likely impacts of a development may include those that flow from an activity not included in the development application.

In the case of Hoxton Park, this was offsite roadworks.

This means that a consent authority is often required to assess matters that the proponent has excluded from the application and proposes to be assessed under an alternative planning pathway.

The new regulation clarifies that a consent authority is only required to assess the environmental impacts of the development that are proposed under a development application, not those impacts of a development that are proposed to be dealt with under an alternative planning pathway.

These reforms are about making the system more practical, more efficient and more focused on outcomes, not just the processing of applications.

They are designed to support good development, reduce delays and give everyone involved more certainty.

I also want to highlight an important change to part 5 of the Act, which deals with environmental impact assessment for activities carried out by public authorities.

Currently, those authorities must consider environmental impacts "to the fullest extent possible".

Whilst this sounds like a requirement for thoroughness, in practice it has led to disproportionate assessment, especially for low-risk activities like installation of temporary signage, drilling of boreholes for geotechnical investigations or widening of an existing intersection.

The bill replaces wording in the Act so that public authorities can examine environmental impacts appropriately, proportionate to the nature and risk of the activity.

So, where there is a risk of significant harm, the assessment will be rigorous.

But for low-impact activities, the focus will be on what is truly relevant.

Members should note that this change maintains strong environmental safeguards while making the assessment practical and focused.

Together, these changes will allow public authorities to get on with important work for the benefit of the State.

Another focus of the bill is improving the delivery of housing by reducing uncertainty and delays, especially after development consent has been granted.

We know that greater certainty at both the assessment and post-consent stages can make a real difference.

It helps reduce the back-and-forth information requests, gives more consistent outcomes and supports faster project commencement.

Several legislative changes are proposed to support this.

Firstly, the bill allows for a new regulation that enables the planning secretary to set clear information requirements for DAs.

This means that consent authorities, including councils, will be required to request consistent and wholly relevant information.

It will be clear from the outset what information applicants need to submit, reducing delays and confusion, and making sure applications are high quality and assessment ready.

The bill also introduces a range of sensible housekeeping and consequential amendments to help clear up well-known issues and improve how the Act is interpreted and applied in practice.

The bill also addresses an issue that has frustrated applicants, councils and the courts for years—the ongoing legal uncertainty around what constitutes a development standard.

This is not just a technical issue; it has very practical consequences.

As a result of the term "development standard" not being clearly defined, we have seen a steady stream of appeals to the New South Wales Land and Environment Court about whether a planning control is or is not a development standard and whether it can be varied, or whether it is effectively a prohibition.

This legal grey area has delayed decisions, driven up costs, and created widespread frustration and confusion for all involved.

In fact, the courts have been sounding the alarm on this for some time.

The New South Wales Court of Appeal in 2010 described the confusion around development standards as "a blight upon our planning system".

Another judge described it as a "logical quagmire" and said the waste of public and private money arguing over these issues should be resolved—preferably through legislation.

This bill will do that.

It provides a clear, updated definition of "development standards", removing the ambiguity once and for all.

This will reduce unnecessary legal disputes and speed up decisions.

This bill also brings much-needed clarity to the way non-discretionary development standards are applied.

Non-discretionary development standards are an important tool in the planning system that limits the ability of a consent authority to consider certain impacts of development if the development standard is met.

They prevent consent authorities from refusing or conditioning aspects of development that relate to those standards.

At the moment, when a development application does not meet one of these standards, it is often unclear what level of discretion consent authorities have.

Uncertainty about assessing development against these standards has led to inconsistent decisions, added complexity and avoidable delays.

The reforms in this bill set out a clearer framework for how to assess these applications, including when and how alternative standards such as those in an environmental planning instrument can be considered.

In practice, this means that there can be exceedences of these non-discretionary standards and, in these cases, they should be assessed on merit.

This change is about reintroducing common sense and more predictable outcomes for all parties involved.

Almost 46 years ago, the then Minister for Planning and the Environment, Paul Landa, said in the second reading debate on the then environmental assessment bill and related bills that one of the objectives of the bill was to:

... provide positive guidelines for the development process, to speed up decision-making, to foster investment and facilitate economic growth ...

This bill focuses us on those simple but critical aspirations.

It is no simple technical update to the Environmental Planning and Assessment Act.

It is a necessary reset of the way the planning system and its pathways work in New South Wales.

It tackles the practical delays that are holding up the delivery of homes and job-creating projects and driving up costs.

It removes unnecessary red tape that has grown over decades, which may have had a purpose at a given point in time but which have not stood the test of time.

It simplifies decision-making and makes sure that good development—development that has overall benefit—does not get stuck in the system but is still assessed properly.

These reforms are practical, focused, balanced and overdue.

They reflect what industry, councils, planners and communities have been telling all governments for years: The planning system is too slow, too complex and far too uncertain.

This bill creates a planning system that is faster, fairer and more capable of delivering the homes, jobs, productivity, investment and infrastructure New South Wales needs, without overturning the fundamentals.

It supports the Government's broader housing agenda.

It supports the Government's broader job creation agenda.

It supports the Government's broader environmental agenda.

And it also supports the agenda of everyone that needs a home, a job, a good environment and higher living standards.

It encourages proponents big and small to create homes or modify an existing home to better suit their phase of life.

As the Premier said in his McKell Institute post-budget address on 16 July 2025:

... the Government's aim is that all parties and independent members across the Parliament join us in a bipartisan effort to modernise this nearly half century old Environmental Planning and Assessment Act.

Together we can show the people of New South Wales that we are united in providing increasing housing choices for young people, families and local key workers, so they can have a place to call home and, most importantly, within the communities they choose.

This bill is about change, because times and attitudes have changed.

Process does not equal progress.

We need outcomes.

These reforms mean our land use will be assessed so we progress outcomes that include not only well-designed houses close to transport but also great places to live, to relax, that generate employment, and which protect and improve our environment.

I commend the bill to the House.

### Second Reading Debate

**The Hon. SCOTT FARLOW (18:15):** I contribute to debate on the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 on behalf of the Opposition. This bill marks one of the most significant overhauls of the Environmental Planning and Assessment Act since its inception in 1979. It comes at a time when New South Wales is grappling with a deepening housing crisis driven by plummeting housing approvals, worsening construction feasibility and, of course, record immigration levels. Let us be in no doubt that when it comes to housing in New South Wales and Sydney in particular, there is a crisis.

It is not a crisis that occurred overnight, although it has worsened dramatically in recent years. It is a crisis in which there is not a single suburb in Sydney where someone on a median income in that suburb can afford to buy a median-priced house in that suburb. It is a crisis in which there are maybe a handful of suburbs in Sydney where someone on a median income in that suburb can afford to buy a median-priced apartment in that suburb. And it is a crisis in which, in the past 50 years, the median price of a house has gone from 4.2 times the average income to 13 times the average income, making Sydney the least affordable city in the English-speaking world, or second only to Hong Kong.

It is harder—near impossible—for many to get a rental. The latest Anglicare Sydney Rental Affordability Snapshot, released today, shows that, from the over 17,000 rental listings reviewed, only 1 per cent in Greater Sydney were affordable for essential workers in single-person households, and that figure was just 3 per cent statewide. Despite a 16 per cent increase in rental listings, affordability has barely improved, rising by as little as 0.1 per cent. That is a planning failure. We are not building homes where they are needed or at prices that people can afford. It is a crisis when the majority of the next generation in the State will not be able to afford to enter the housing market unless they rely on the bank of mum and dad, and we know that for many families that is just not an option.

It is a crisis that, unfortunately, is getting worse. Yesterday was an unhappy anniversary for Labor's broken housing accord. Following the release of Australian Bureau of Statistics data yesterday, New South Wales is now, one year in, 43.5 per cent behind its housing accord target to deliver 377,000 homes by 2029. That number is only

trending worse, proving how the Government's policies, to this date, have not worked. The Government's own budget papers concede that it already expects New South Wales to fall short of that ambition by 140,000 homes, leaving families without roofs over their heads and young people locked out of the dream of home ownership. This is a crisis which, of course, needs action.

The bill has been made possible by the Liberals and The Nationals taking a bipartisan approach to planning reform. We did not want to see a repeat of 2013, when important planning reform died because it was blocked in the Legislative Council. Last December the Leader of the Opposition, the Leader of The Nationals and I offered the Government an attempt at bipartisan planning reform. That was not a symbolic gesture; it was a serious offer to break the gridlock in our planning system and create a genuine pathway for reform based on cooperation, not ideology, and based on outcomes, not bureaucracy. This bill is the outcome of that offer. At that time we were clear that if the Government was willing to come to the table in good faith, we would meet it there, and I am glad that we are here today. Many of the ideas that were initially proposed by the Coalition are encompassed in the legislation. The Liberals and Nationals have long called for a planning system that is faster, simpler and outcomes-focused and that empowers local communities, cuts through red tape and restores trust in how decisions are made.

It is worth reflecting on history because this is not the first time New South Wales has attempted major planning reform. In 2013 the then Coalition Government introduced the Planning Bill 2013, which was a sweeping overhaul of the Environmental Planning and Assessment Act. It was the most comprehensive attempt in decades to modernise and streamline the planning system. It aimed to cut red tape, improve community consultation up-front and deliver faster decisions to get homes built where they were needed most. That bill failed in 2013, but I am glad to say that this bill will hopefully pass this Parliament tonight. We cannot rewrite the past, but we can strive to make the future better for the people of New South Wales. That is what I believe this bill will mainly do.

Many of features of the bill reflect what we have been hearing in our own consultation with stakeholders. That being said, part of our role as Opposition is to hold the Government to account, because we know that housing delivery is not just a product of the planning system. The basic problem will still remain that it is simply still not financially feasible to build major projects, whether they are infill or greenfield. Indeed, in many respects the housing crisis is not a problem of intent; it is a problem of feasibility. This bill will hopefully address some of that in the planning system. However, the fact remains that developers cannot make projects stack up when they are facing soaring material costs, rising interest rates and a mountain of Labor-imposed taxes and charges that now make up between 25 per cent and 40 per cent of the cost of a new home, which is the highest in the country.

In Greater Sydney alone, the Government's Housing and Productivity Contribution has become a \$12,000 tax on every new home. It makes projects less viable and ultimately drives up prices for families. That is why we have been clear that the Government cannot tax its way to more housing. It cannot solve a supply crisis by making it more expensive to build. Part of what the Government needs to do is put significant downward pressure on those taxes and charges. For example, the Opposition has already stated that the Housing and Productivity Contribution should be waived during the National Housing Accord period. After that, its collection should be deferred until the occupation certificate stage rather than the construction certificate stage.

During the debate on the bill yesterday in the other place, the Parliamentary Secretary for Planning and Public Spaces, the member for Blacktown, made one of the most haphazard attempts at defending the Government I have ever seen on this front. When defending Labor's \$12,000 tax on every new home, Mr Bali said:

Property prices go up by \$12,000 every two months, so by the time a home owner moves in, their property value would have well and truly covered that \$12,000 bill.

That is Bali-nomics, in fact! The planning Minister's right-hand man totally dismissed the fear that first homebuyers have to the housing affordability crisis. Just another \$12,000? That is fine. We do not want to see this flippant approach when it comes to increasing house prices. We want to see house prices stabilise and not go up for ever and a day, because it is pricing out young first homebuyers from getting on the first step of the ladder in the market. Improving housing supply is about not only building more but also more effectively utilising what we have. That is why we have put policies in place and advocated for policies like First Home Buyer Choice and incentivising downsizers.

We seek to be constructive, but that does not mean we will not have critiques of Government policy. We have been concerned by the reliance on the capacity of existing infrastructure that existing residents know is being stretched. Hospitals are over capacity, schools are oversubscribed, train carriages are full and roads have constant traffic jams all day long. To build more homes, we must improve infrastructure and amenities to support new builds and to maintain the standards that Australians enjoy and love. The Minns Labor Government is a government without the ambition to improve infrastructure and amenities in New South Wales, and a government that talks about housing but refuses to build the infrastructure needed to make it possible. A house cannot be built

before laying the foundation, but that is exactly what Labor is doing. It has turned its back on the metro and is chasing density without delivering the roads, schools, hospitals or public spaces that make communities liveable and great.

Our population is increasing to some of the highest volumes in our history. If the Labor Government does not improve infrastructure amenity, all that will happen is living standards will decline. Australians should not accept this, and the Coalition will not accept this. We will stand by their side. Labor has not committed new funding to infrastructure programs for the 171 communities impacted by its low- and mid-rise reforms or the 37 areas rezoned under its Transport Oriented Development program. Train stations and town centres alone do not make great communities; they need the services to match. While Labor has given up on building new transport infrastructure, the Coalition will build metros and much more.

I now turn to the substance of the bill. I turn first to schedule 1 [1], which amends the objects of Act. The new wording explicitly prioritises housing supply, land use productivity, climate resilience and a risk-based approach to assessment while retaining important environmental and heritage protections, community participation and ecologically sustainable development. In other words, it seeks to rebalance the Act by putting housing delivery and economic productivity on the same footing as environmental outcomes. The Opposition strongly supports that principle.

We have long said that the planning system must enable, not obstruct, the delivery of new homes. For too long, the Act has been interpreted through a lens of development as something to be managed rather than something to be made possible. At the same time, it is important that this shift in emphasis does not weaken key safeguards, particularly the requirements for community consultation and proper environmental assessment. The test now is whether the Government can translate these objects into action, with faster approvals, more feasible projects and real homes for the people of New South Wales with the consideration of the community and sustainability at its core.

The bill formally establishes the Housing Delivery Authority [HDA] within the Environmental Planning and Assessment Act. This gives the authority a permanent statutory footing. It defines its composition, powers and reporting obligations and repeals the ministerial order under which it has been operating. It is important to note that the authority receives no greater power than it currently holds under that order, and there is more accountability with the inclusion of an annual reporting requirement. It is the view of the Coalition and many stakeholders that it is too early to make concrete judgements on the effectiveness of the HDA. Indeed, it is possible that the HDA will not be the silver bullet the Government makes it out to be.

The HDA has not been operational long enough to see projects come to fruition. Not one project through the Housing Development Authority pathway has yet completed the approval process and been determined. What has been approved are assessment pathways and not homes. The Minister also acknowledged this in his speech in reply. As this is the case, the Coalition and other stakeholders has put in a review operation for the Housing Delivery Authority by the conclusion of the National Housing Accord period. Those amendments were supported in the other place. I thank the Minister for Planning and Public Spaces and other members of the Legislative Assembly for their support on those amendments. I also thank the member for Sydney in particular for his cooperation in amending that amendment. It was effectively a joint amendment by both of us to establish a joint select committee, which will review the legislation enabling the HDA every three years to ensure that it remains suitable for securing the HDA's objectives.

The Minister was very pleased to see a Legislative Assembly majority on the joint select committee. I feel like a traitor to my House, but it is important that local members hear the concerns. They have insight and a role to play on that committee. When the HDA was established, it was explicitly tied to the Housing Accord. The committee will undertake its review within three years of the commencement of the amendments and table its report to Parliament within 12 months. In the first instance, this will ensure that the review is commenced before the completion of the National Housing Accord by 30 June 2029. Secondly, amendments were moved by the Coalition to ensure greater rigour around the decisions of the Minister with respect to recommendations from the HDA.

The HDA is an advisory body, but the Minister is still empowered to make the declarations of State significance. We believe that it is a prudent check and balance to ensure that if the Minister does not accept the recommendation of the Housing Delivery Authority and deviates from it, then the Minister must publish the reasons for their decision to improve transparency and accountability. Thirdly, an amendment was adopted to new section 3.22, to ensure the authority's proposed powers in relation to amending environmental planning instruments were constrained to where it was "reasonably necessary" rather than the test of "convenience" that was attached to the original bill. The Coalition is, of course, working constructively with the Government. We thank the Government for agreeing to those three amendments that make the bill stronger and more transparent.

The Coalition believes transparency and integrity must be at the heart of the planning system, and these amendments reflect our steadfast belief.

The bill creates the Development Coordination Authority [DCA], which is a single, centralised decision-making body on concurrences, referrals and terms of approval that are handled at present by at least 14 different State agencies during the development application process. Consequent amendments are made to a variety of other Acts to provide these powers to the Minister for Planning and Public Spaces or the DCA. This is an initiative that the Coalition is very supportive of and advocated for during discussions with the Government. One of the issues cited by industry and councils as holding back housing approvals is the mechanism by which concurrences need to be obtained in New South Wales by individual agencies, often with conflicting advice.

Queensland established the State Assessment and Referral Agency in 2013 under the then Liberal National Party Government as a one-stop shop to address similar issues. It has been seen as wildly successful. The Development Coordination Authority under this bill seeks to build upon that model. Last year the Government created the Housing Taskforce with a similar composition to speed up the determination of housing development applications, ensuring State referral advice and approvals for housing proposals under the local development pathway are prompt, timely and coordinated. This taskforce already brings together planners from the Department of Planning, Housing and Infrastructure with colleagues from Transport for NSW; the Department of Climate Change, Energy, the Environment and Water; the Rural Fire Service; the Building Commission; and Homes NSW. It also involves Sydney Water, WaterNSW, the State Emergency Service, the Department of Primary Industries and Regional Development - Fisheries and the Environment Protection Authority.

The DCA will provide more integration and has the power to ensure that the New South Wales Government speaks clearly with one voice. This allows government to resolve its issues with respect to concurrences internally and to provide clarity to applicants and local government alike. Opposition members proposed when we initiated this work that New South Wales needed a central coordination model, and we are pleased this bill proposes such a model. With the introduction of the DCA, we believe that there is an opportunity for the Government to provide transparency, and the Opposition is also pleased that the Government adopted an amendment to the bill with respect to an annual reporting mechanism for the DCA.

The next significant reform in the bill is the removal of the regionally significant development pathway and the abolition of the Sydney district and regional planning panels. This is one of the more significant structural changes in the bill and is one that deserves careful consideration. The Government expressed that there are few matters that are going before these panels, and they take 100 days longer than matters before local panels. That should not be a surprise, given that they are more complex development applications. Stakeholders have expressed almost universal concern with this amendment.

Regional communities are concerned about the impact on their resources as they have to implement a panel system for the first time and are unclear about how the system will operate in the future. Those concerns also are shared by Local Government NSW. With concerns expressed by such a broad range of stakeholders, the Opposition believes that these changes should have been withdrawn from the bill. Whilst the Coalition moved amendments to that effect in the Legislative Assembly, they were not supported. At this point, the Coalition is disappointed that the Government has not accepted those amendments, but we move on.

The Opposition certainly is open to reform of the panel system in New South Wales. However, we believe there needs to be more work undertaken with stakeholders across the board before we move to the abolition of the regionally significant development pathway and associated district and regional planning panels, which have other important functions within the planning system. We note the reply of the Minister in the other place that the Government will implement a phased approach when it comes to this, which gives the Opposition some comfort. Schedule 1 [27], [29] and [157] provide various other consequential amendments to propose the introduction of a single community participation plan across the State with the intention of standardising notification and public exhibition requirements for all planning authorities. The new statewide community participation plan will be prepared by the planning secretary.

Coalition members believe there is benefit in the adoption of a statewide community participation plan, but we want to ensure that there is a check and balance attached to the plan in the form of the Parliament retaining some oversight over its development. As the Minister referred to in his second reading speech, there are over 100 such plans across the State with different requirements, based on the requirements of a different planning authority. It is no surprise that this has created duplication and frustration for everyone involved in the planning process. The same type of proposal can require entirely different notification processes depending on whether it is assessed by a council, a panel or the department, or is on one side of the street or the other. There are a multitude of items that need to be considered under section 2.23 of the Act in the development of that community participation plan and steps that need to be undertaken under section 2.25 of the Act in the adoption of the statewide community participation plan. However, none of those steps involves the Parliament.

The Coalition is pleased to note the Government's acceptance of the Coalition's amendment to ensure that provisions in sections 40 and 41 of the Interpretation Act 1987 apply to such a plan, so that Parliament has oversight of the plan and effectively can treat it as a disallowable instrument. The Coalition believes this is an important step for Parliament and supports the statewide community participation plan. The Coalition implores the planning secretary to work with councils and communities across the State in determining the single community participation plan. However, when it comes to streamlining, we must ensure that the term "streamlining" does not become code for watering down public input. Genuine community participation is not an obstacle to housing delivery. It is essential to community confidence in the system. If done well, early and consistent engagement helps to avoid conflict and delay down the track.

The Coalition urges the planning secretary to make the timelines included in the community participation plan as practicable as possible for people to engage genuinely in the planning system. The bill also makes a series of important changes to the way development applications are assessed. The reforms are aimed at speeding up low-risk approvals and instead focusing on assessments of complex projects where the focus is needed most. Much of this builds on the initial proposals by the Coalition at the beginning of this reform process. These were Coalition proposals that mirror and refine much of what was in the 2013 bill. Assessments moving forward can be explained as such with three tiers of development.

First, it expands the scope of complying development. Councils will now be able to approve minor variations to complying development standards—with those standards set out in the State Environmental Planning Policy (Exempt and Complying Development Codes) of 2008. New provisions will allow councils to approve minor variations to complying standards, such as setbacks, landscaping or amenity requirements, within 10 days. If councils fail to determine the variation within that period, it will be deemed approved. This is a sensible reform. Too many small, low-impact projects are forced through a full merit assessment because they missed a complying standard by a very small amount. Allowing councils to approve minor variations and introducing a deemed approval, if they fail to decide within 10 or 20 days when the council is the consent authority, will help to remove unnecessary delay for simple, low-risk projects.

This reform focuses on the small items that mums and dads across the State deal with when seeking to improve their property. Because of our State's natural terrain and irregular-sized properties, complying development pathways can often be out of reach because of the smallest of variances. These changes seek to enable more complying development, lowering costs for families and seeking to speed up the process for low-impact development. This will mean that people will get the key to their new home sooner and with less cost. Importantly, this relates only to the existing class of complying developments. It does not expand the range of development types that qualify.

The Coalition supports this measured change because it cuts red tape without cutting corners. The change deals with the frustrating reality that small, low-impact variations currently trigger a full development application process. By giving councils limited flexibility, the system can move faster while maintaining proper oversight. Concerns have been raised with us that this period of 10 days may be too short for councils, along with a concern that the default position of councils may be to say no to everything to avoid the deemed approval. However, the Coalition accepts assurances from the president of Local Government NSW in our consultation that confirmed 10 days is adequate for councils.

Second, the bill introduces a targeted assessment process, which is a new midway category between complying development and a full merit assessment. The pathway will apply where consultation or exhibition has already occurred, such as in a strategically planned precinct or where a code-based assessment applies. It allows certain developments to proceed within a streamlined process where the key planning questions already have been tested, such as when strategic planning and community consultation have already occurred. This approach reflects the principle that assessments should be proportionate to the risk, not process for process' sake. If a development complies with an endorsed strategic plan or an established code, which has already been consulted on, then the assessment should be faster and simpler. It allows for limited merit consideration and, where necessary, brief public exhibition with decisions expected within 50 days. For example, pattern book housing or code-compliant mid-rise developments could move through the pathway quickly because the key planning and design issues already have been resolved at a strategic level.

These changes reflect a similar principle that was at the heart of the 2013 reforms—that good strategic planning should be completed up-front with the involvement of the community. Once this is done and plans are established, if we tick the boxes, we should be able to proceed and not have to re-litigate the case from the beginning. I take this opportunity to note the valid concerns that have been raised about the way in which this provision was drafted and its potential to apply to a range of other developments that would not have had the support of the Coalition. Of course, the Coalition is pleased that the Government made its own amendments to that provision in the other place to provide further clarity and constraint within the bill.

The mechanism the Government chose to use was the targeted assessment pathway that will be used for development that is designated development or development that would be designated development if section 4.10 (2) of the Act did not apply. In many ways the Coalition wishes to make it explicit at the outset that it is not the intention of the Coalition in any way, shape or form that this would apply to high-impact development, such as renewables or coalmines. The advocacy of the Opposition and many stakeholders has ensured there are provisions in the bill to ensure that is not the case.

The Coalition will be monitoring very closely to ensure that this pathway is used primarily for the purpose of residential housing, which was the overwhelming intent of the Coalition's offer to work together on bipartisan planning reform. Additionally, the Coalition moved an amendment to ensure that, under targeted assessment development, there is sufficient time for up-front planning and consideration by the Minister in making any applicable State environmental planning policy [SEPP] that applies with exhibition through an explanation of intended effect and consultation with the community.

It is our understanding from the Government that this was to be included within the community consultation plan and that in many, if not most, instances exhibition and consultation will be conducted for a period longer than 28 days to ensure that the strategic planning is done well and up-front, with consultation with the community at its heart. However, for an abundance of clarity, and because we moved the amendment to enshrine in the legislation the importance of community consultation, the Coalition is now assured that there will be at least 28 days of community consultation in the preparation of any SEPPs that may apply. We appreciate the Government's support of this clarifying amendment in the other place.

Further, the bill embeds the concept of proportionate assessment of risk more broadly across the Act by retaining the full merit assessment pathways for major or high-impact proposals. This will continue to apply under section 4.15 of the Act but with a new emphasis on proportionate assessment, ensuring that only genuinely significant impacts are considered and that minor unrelated issues do not hold up approvals, with a target time frame for such assessments of 100 days. The bill clarifies that consent authorities should focus on the significant impacts of development, not minor or offsite matters already covered by other approvals. It also introduces tighter time frames for minor modifications, requiring them to be determined within 14 days, or treated as non-refusable. The full merit assessment will continue to be used for major housing projects and other significant development such as energy projects.

We are supportive of the intention to shift the balance of approvals in New South Wales, moving low-impact applications to faster complying or targeted assessment pathways. The reforms reflect a welcome shift in culture from a planning system that defaults to caution and duplication to one that is risk based, efficient and focused on outcomes. The Coalition has long argued for that approach that the planning system should be built around the principle that the level of assessment should match the level of impact. We will support the measures while seeking to ensure that the integrity of the system is maintained and that proper environmental, design and amenity standards are upheld even as processes are simplified. The goal must be a system that is both faster and fairer and enables growth while still protecting the environment, character and liveability of our communities.

Equally important is that applicants will now have a chance to see and comment on proposed conditions before they are finalised, resolving issues up-front rather than creating complexity later in the process. We encourage the Government to have broad consultation with stakeholders before finalising the wording of model conditions to ensure they are practical, relevant and capable of implementation. The bill also makes changes with respect to powers to revoke and modify development consents. Under the proposed reforms, the Minister will have powers to revoke an outdated consent where it is inconsistent with an environmental planning instrument, with compensation payable where the consent would otherwise have remained lawful.

The bill also empowers the Minister to direct that works under an existing consent be completed within a specified time frame, preventing consents from lying dormant indefinitely. Concerns have been raised with us about how those powers can be broadly applied under the bill, particularly with respect to staged developments and projects that are not feasible for construction at present. The Government made amendments to the bill in the other place with respect to some of the concerns that were raised with us to provide more clarity around the application of the relevant provisions and to constrain the application power to the planning secretary rather than local governments.

The bill also introduces several practical changes to the appeals and review framework aimed at making the system more efficient and fairer for applicants. Firstly, it pauses the appeal clock while an internal review of a development application is underway. Secondly, it creates a new right for applicants to appeal determinations made by council officers to a local planning panel. That ensures a greater level of independent oversight and consistency in decision-making, particularly for contentious or complex matters that warrant review beyond the council bureaucracy and will hopefully prevent more matters going to the Land and Environment Court. Finally, the bill allows deemed refusal appeals to be lodged right up until the point a development application is

determined. That will prevent unnecessary gaps in applicants' appeal rights where councils delay or defer decisions.

The bill also clarifies that all provisions in part 4 of the Act apply to State significant development projects and clarifies the definition of "development standards". Amendments to section 4.14 of the Act provided for in schedule 1 [61] have been amended by the Government in the other place. The Government has assured the Opposition that the amendment will not see a change in the way bushfire-prone land is assessed but will allow bushfire risks to be assessed as all other hazards are. The Opposition is glad the Government has heard the concerns expressed by many, particularly The Nationals and the member for Davidson, and made its own amendment to section 4.14 of the Act. The Opposition also supports the amendments moved by the member for Wakehurst in the other place to ensure that there are bushfire protections in the bill.

The Coalition has been a strong supporter of planning reform and has led the discussion behind the need for planning reform in this State. It is rare that an opposition can make that kind of impact. I am certain that this bill, and particularly one of this scale, would not have happened without the leadership of the Leader of the Opposition, Mark Speakman. It was clearly a political risk to take on, but the Leader of the Opposition has been steadfast in his belief that we need a better planning system because it is the right thing to do. The Leader of the Opposition was bold and determined to see planning reform through. He deserves overwhelming credit for wanting to create a planning system that gives young people the hope of buying their own home.

I sincerely thank my adviser William Olive, who has assisted me in the process of navigating this reform and this bill. I also appreciate the work of the staff of the Leader of the Opposition—namely, Cheryl Gwilliam, his chief of staff, and Nicolas Johnston—for their assistance and cooperation as we navigated this bill. I also acknowledge the strong advocacy of the Leader of The Nationals, Dugald Saunders; the assistance of his chief of staff, Rory Cunningham; and the dedication of my friend the shadow Minister for Emergency Services, the member for Coffs Harbour in the other place. All have lived up to The Nationals' primary goal of standing up for regional communities and have made their voices heard.

Additionally, the bill could not have come into this Parliament without the work of the Department of Planning, Housing and Infrastructure. I extend the same congratulations as the Minister did in the other place to departmental officials Clay Preshaw, Matt Riley, Kiersten Fishburn, Monica Gibson, David Gainsford, Janine Lonergan, Aoife Wynter, Brendan Jenkins, Campbell Green, Kim Leliard, Kirsty Thomas, Ashlee Adams, Angel Troke, Karma Eddison-Cogan, Phil Nevill and Andre Szczepanski for their work on the bill. I was always very impressed by the professionalism of the departmental staff that I met during this process and their depth of knowledge and ability to provide rapid answers to my many wide and varied questions.

Finally, the process of bipartisan planning reform has always been collegial, so my final thanks goes to the Government. I credit the Minister for Planning and Public Spaces for considering the Coalition's invitation in the first place and the genuine manner in which he worked with the Coalition on this bill. Many other Ministers may not have taken the same approach. I also thank the Minister's chief of staff, Paul Levins, and the man who is surely my favourite Labor staffer of all time, Gino Mandarino, the deputy chief of staff. I may not have spoken to another person this week more than Gino. I can certainly assure the House that I spoke to him more than I spoke to my wife. It is always a pleasure.

I also take this opportunity to thank the Premier for his engagement in this planning reform and for the approach he has taken with the Coalition in the process. The result of this process and the many hours of work is planning reform that should live well beyond the time of Minister Scully and me in this Parliament. I hope it is something that will work well for young people across New South Wales and provide more homes more quickly and at a lower price.

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

**The Hon. CHRIS RATH (20:02):** I speak in support of the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025. The bill seeks to make several amendments to the Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation. It makes various changes following several court determinations, and implements reforms to the New South Wales planning system that the Government says will make it faster, simpler and more outcomes driven in order to boost housing supply. I am very proud that we got to this position. The Opposition and the Government have taken a bipartisan approach. Looking back 18 months, my side of the Chamber got it wrong. I acknowledge publicly that we got it wrong when we went down the path of the transport oriented development disallowance bill.

However, now we are getting it right. I said recently that members are all yimbys these days, but I was certainly one of the first. I am very proud of that, and I am proud that the Government and the Opposition have

come to that position. The bill is necessary for a few reasons. Home ownership rates in New South Wales have fallen off a cliff. I read the other day that people aged 35 to 44 are 18 per cent less likely to own a home now than they were in 1981. For those aged between 25 and 34, home ownership is down by 20 per cent. Why is that the case? Why is home ownership falling off a cliff? It is because homes are incredibly expensive. In 1984, the cost of buying an average home in Sydney was five times the average annual income; today it is 14 times the average annual income. Surely that says it all.

Home ownership rates have fallen off a cliff because house prices have gone up massively, in comparison with how much wages have gone up. What has been driving that? A report prepared by the Centre for International Economics for the Housing Industry Association found that regulatory costs are 24 per cent of the price of a greenfield estate and 13 per cent of the cost of infill development in Sydney. Twenty-four per cent of the cost of a home in Sydney is government regulation. In Melbourne, 1 per cent of the cost of an average home is government regulation; in Brisbane, Perth and Adelaide, it is 2 per cent.

Being part of the Federation, it is a good thing to compare ourselves against other States and other cities. We have so much going for us in Sydney and New South Wales; we are the best State by far. But we are doing a terrible job on housing if 24 per cent of our house prices are made up of government regulation. This bill addresses that in so many ways. The Government has brought forward a bill, largely with the Opposition's support. I hope that it also addresses the fact that the Government is 41 per cent behind its housing target. We want the Government to reach its target; I am sure that the Government wants to reach its target. The passage of this bill will help with reducing the time, costs and delays in the future and, hopefully, get us more on par with other cities in Australia.

With our support for the bill, the Government will not have as much of an attack point on us in the future. In many ways, it is now up to the Government. We are not standing in the way anymore. I admit that we got it wrong previously, but I do not think we are getting it wrong now. We do not stand in the way of planning system reform, housing completions or housing approvals. We are on a unity ticket, so it is now up to the Government, with our support for the bill providing a free hand. The Government has the levers of power to come up with plans and proposals to address the housing targets that it entered into with the Commonwealth. At the moment, it is falling behind by 41 per cent. We hope that that will not be the case in the future.

The same bipartisanship was not afforded to us when we were in government. We tried many of the things in this bill to reform the planning system. The Assistant President would remember that we introduced a bill in 2013 to try to fix the planning system, and it was rejected by the then Opposition and the crossbench. The current level of bipartisanship was not afforded to us. Had that important bill passed at the time, we would not be in as much of a housing crisis as we are now and the cost of regulation would not be 24 per cent of new house prices in Sydney. I think this bill does a lot right. The Opposition has a handful of minor amendments, but we are not standing in its way. This bill has our support regardless of whether those amendments pass.

I found another statistic today about Sydney's housing crisis that is particularly telling. A household in Sydney with a gross annual income of \$100,000, a 20 per cent deposit and mortgage repayments that do not exceed 30 per cent of its income, which is the criteria that is often used, can borrow enough for a \$513,000 bid. Essentially, someone with an average income, an average deposit and no mortgage stress can borrow \$513,000. What can \$513,000 buy in Sydney? Basically nothing. There are no suburbs in Sydney with a median house price of under \$513,000. The median house value in Sydney is \$1.47 million, but in Melbourne it is only \$860,000. As I said before, when 24 per cent of the cost is government regulation, that is definitely one of the reasons this bill is necessary.

We have come a long way. To a large extent, housing was not a key issue at the 2023 election. That election was fought on many other issues, from the cost of living to tolls and wages caps—things that hurt the Coalition, no doubt. But at the last State election housing was not the big existential issue or topic du jour that it is now. It is only since the end of 2023 and throughout 2024 that housing became a big issue. My party has shifted a lot as a result, and I think that is a good thing. We are now a pro-supply, yimby-based party. I thank those in the NSW Young Liberals movement because they were yimbys long before the parliamentary party adopted its yimby stance. With this bill streamlining so many of the processes, getting government out of the way and letting developers build homes, I think it will help significantly. Passing this bill, whether today, this week or next week, is an important first step for New South Wales. I commend the bill to the House.

**Debate adjourned.**

## KOSCIUSZKO WILD HORSE HERITAGE REPEAL BILL 2025

### First Reading

**Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Jeremy Buckingham.**

**The Hon. JEREMY BUCKINGHAM:** I move:

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

**Motion agreed to.**

**The Hon. JEREMY BUCKINGHAM:** I move:

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

**Motion agreed to.**

### CHILDREN (EDUCATION AND CARE SERVICES NATIONAL LAW APPLICATION) AMENDMENT BILL 2025

#### Second Reading Debate

**Debate resumed from an earlier hour.**

**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 are four sheets of amendments. We have The Greens amendments Nos 1 to 8 on sheet c2025-235A, Government amendments Nos 1 to 10 on sheet c2025-217I, Opposition amendments Nos 1 to 3 on sheet c2025-213B and The Greens amendments Nos 1 to 30 on sheet c2025-216E. I propose that the easiest way to deal with this is to commence with Government amendments.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (20:23):** By leave: I move Government amendments Nos 1 to 10 on sheet c2025-217I in globo:

**No. 1 Commencement**

Page 2, clause 2, line 6. Omit all words on the line. Insert instead—

This Act commences as follows—

- (a) for Schedule 1[4], [5], to the extent it inserts Schedule 1[1A], [1B], to the extent it inserts the definitions of *disciplinary agreement*, *disciplinary notice*, *disciplinary order*, *disciplinary proceedings*, *supervision notice and suspension notice*, [1C], [1G] and [1ZF], [7], to the extent it inserts Schedule 1[4O], [4PA] and [4W]–[4Y], [8], to the extent it inserts Schedule 1[10], [11], [19], [35], [41], [43] and [44], to the extent it inserts section 300E, and [9], to the extent it inserts Schedule 1A, Schedule 1[10], [16]–[23], [25], [26] and [31]—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

**No. 2 Regulatory Authority's functions and powers**

Page 6, Schedule 1[5], proposed Schedule 1[1E], line 32. Omit "5B". Insert instead "5C".

**No. 3 Offence relating to mandatory training**

Pages 16 and 17, Schedule 1[5], proposed Schedule 1[1ZZC], line 24 on page 16 to line 5 on page 17. Omit all words on the lines.

**No. 4 Review of prohibition notice**

Page 23, Schedule 1[7]. Insert after line 11—

**[4PA] Section 186A**

Insert after section 186—

**186A Review of decisions about prohibition notices [NSW]**

- (1) This section applies if the Regulatory Authority makes either of the following decisions (each a *prohibition notice decision*)—
  - (a) a decision to issue a prohibition notice to an educator,
  - (b) a decision to refuse to grant an application by an educator for the cancellation of a prohibition notice in force for the educator.
- (2) The educator may, within 30 days after being notified of the prohibition notice decision, apply to the independent arbiter appointed under Division 3C for a review of the decision.
- (3) Despite subsection (2), an educator cannot apply for, and the independent arbiter cannot accept an application for, a review of a prohibition notice decision if the Regulatory Authority has notified the educator and independent arbiter that—
  - (a) the educator is subject to allegations of conduct in New South Wales or another State or Territory that, if proven, would constitute a criminal offence against a child, and
  - (b) the Regulatory Authority considers there may be an unacceptable risk of harm to a child or children if the educator were allowed to—
    - (i) remain on education and care services premises, or
    - (ii) provide education and care to children.
- (4) After reviewing the prohibition notice decision, the independent arbiter may—
  - (a) confirm the prohibition notice decision, or
  - (b) amend the prohibition notice decision, or
  - (c) substitute the prohibition notice decision with another decision that—
    - (i) revokes the decision of the Regulatory Authority to issue the prohibition notice, or
    - (ii) revokes the decision of the Regulatory Authority to refuse to grant the application for cancellation of the prohibition order and directs the Regulatory Authority to cancel the prohibition notice, or
    - (iii) remits the matter to the Regulatory Authority for fresh consideration.
- (5) An application for review of a prohibition notice decision does not stay the operation of the decision.

**Note**— This section is an additional NSW provision.

**No. 5 Functions of independent arbiter**

Page 26, Schedule 1[7], proposed Schedule 1[4W], section 188L. Insert after line 34—

- (3) The independent arbiter has the functions conferred or imposed on the independent arbiter by—
  - (a) a NSW provision, or
  - (b) the NSW Minister.

**No. 6 Reviewable decision**

Page 27, Schedule 1[7], proposed Schedule 1[4ZB], line 32. Omit "(iv)". Insert instead "(vi)".

**No. 7 Reviewable decision**

Page 27, Schedule 1[7], proposed Schedule 1[4ZB], line 33. Omit "(iv)". Insert instead "(vi)".

**No. 8 Reviewable decision**

Page 27, Schedule 1[7], proposed Schedule 1[4ZB], line 34. Omit "(iv)". Insert instead "(vi)".

**No. 9 Publication of information**

Page 34, Schedule 1[8], proposed Schedule 1[26], line 14. Omit "orders;". Insert instead "notices;".

**No. 10 Disclosure of information**

Page 35, Schedule 1[8], proposed Schedule 1[30], line 39. Omit "order.". Insert instead "notices;".

These amendments seek to amend the commencement of the Act, to add the right of review for prohibition orders through the independent arbiter and to address typographical errors. Amendment No. 1 seeks to change the commencement of the Act. When this bill was first introduced in September, we intended for the Act to commence by proclamation, with a staggered commencement beginning after the bill was assented to. However, the will of the Parliament was for the bill to go through a parliamentary inquiry. I acknowledge the work of that inquiry. There has been a delay, and the consistent position of the Government is that we need these changes urgently. To reflect that, the Government proposes amending the bill so that the majority of it will commence upon assent,

which is as quick as practicable, with a smaller number of provisions to commence by proclamation, reflecting the need in some cases for the Government to work with the sector and parents on implementation.

Many key aspects of the bill will commence as soon as possible. The principle of the wellbeing and interests of the child being paramount, increased penalties, the directions power, increased publication powers, the related provider provision that stops bad providers hiding behind murky ownership structures, and the new inappropriate conduct offence are all things the sector knows is coming and that everyone in the sector should already be doing. The provisions that will commence by proclamation reflect the measured approach the Government has to implementation and the feedback received from stakeholders, including the sector. They will require operational development to get right, such as the new disciplinary regime. The Government will work through that with the sector to get the expected outcome.

Amendment No. 2 corrects a mislabelled item. This is a minor referencing issue relating to item [1E], which duplicates new section 5B regarding the functions of the regulatory authority. The second reference to new section 5B should instead read as section 5C, as per the intention of the Government, reflected in the heading to item [1E]. Amendment No. 3 corrects a minor duplication that relates to two provisions that, on reflection, effectively duplicated the offence relating to the failure of an approved provider, nominated supervisor or family daycare coordinator to ensure the completion of child protection training by all relevant persons for the service. As the provision relating to section 162A in item [1ZF] provides the necessary flexibility to maintain the training necessary to keep children safe, there is no need for additional provisions relating to the training to be added.

Amendments Nos 4 and 5 relate to the right of review of a prohibition order through the independent arbiter. Recent changes to this law, which were instituted by the Child Protection (Working with Children) and Other Legislation Amendment Bill 2025, removed the right of external review for a decision to prohibit an individual from working in, or being present in, an early childhood education and care setting. This reflects the high risk relating to these decisions, meaning that full external review is not appropriate. However, in discussion with stakeholders—and I acknowledge the constructive input of the United Workers Union—the Government has resolved a way in which we can maximise child protection outcomes while carefully providing for a review mechanism that safeguards the rights of workers.

This creates a fair balance between the rights of workers and the paramount consideration of protecting the rights of children. The provision achieves this by allowing a review to be undertaken by the independent arbiter, which is established in the bill. However, there are safeguards built in. This review is only available in cases where the prohibited individual is not subject to an allegation of conduct that, if proven, would constitute a criminal offence against a child and is also not available if the regulatory authority considers that there may be an unacceptable risk of harm to a child or children if the educator were allowed to be present on the early childhood education and care premises and provide education and care.

Amendments Nos 6, 8, 9 and 10 are additional amendments to address typographical errors. A small number of referencing and typographical issues have been identified in the bill, which is probably to be expected in a document of this size and complexity. The Government could have addressed those issues by amending the Statute Law (Miscellaneous Provisions) Act, but we are seeking to address them now for completeness.

**The Hon. SARAH MITCHELL (20:28):** I indicate that the Opposition will support the amendments for the reasons outlined by the Minister. We have no issues with the changes to the commencement. The rest of the amendments are largely administrative tidy-ups, which is fine. That happens from time to time. The Opposition also supports the amendments to the review of prohibition notices and having the capacity for that review mechanism.

**Ms ABIGAIL BOYD (20:28):** The Greens also support the Government's amendments. For the benefit of the Committee, I note that with the passing of these amendments, The Greens will not need to move amendment No. 6 on sheet c2025-235A or amendments Nos 3 and 12 on sheet c2025-216D. We are particularly pleased that consultation with stakeholders has resulted in some positive changes.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Courtney Houssos has moved Government amendments Nos 1 to 10 on sheet c2025-217I. The question is that the amendments be agreed to.

#### **Amendments agreed to.**

**The Hon. SARAH MITCHELL (20:30):** By leave: I move Opposition amendments Nos 1 to 3 on sheet c2025-213B in globo:

##### **No. 1 Review of amendments**

Page 3, Schedule 1. Insert after line 34—

[4A] Section 21

Omit the section. Insert instead—

**21 Review of amendments made by amendment Act**

- (1) The NSW Minister must review the amendments made by the amendment Act to determine whether—
  - (a) the policy objectives of the amendments remain valid, and
  - (b) the terms of the amendments remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 12 months from the date of assent to the amendment Act.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 2 years after the date of assent to the amendment Act.
- (4) In this section—

*amendment Act* means the *Children (Education and Care Services National Law Application) Amendment Act 2025*.

**No. 2 Education and Care Services Regulatory Authority Fund**

Page 36, Schedule 1[8], proposed Schedule 1[35], proposed section 278A(3), line 38. Omit "The". Insert instead "Subject to subsection (4), the".

**No. 3 Education and Care Services Regulatory Authority Fund**

Page 36, Schedule 1[8], proposed Schedule 1[35], proposed section 278A. Insert after line 42—

- (4) Money received by the Regulatory Authority and paid into the Fund in relation to monetary penalties may only be paid out of the Fund to invest in support of, and improvements within, the early childhood education and care services sector in New South Wales.

I speak to the amendments briefly because I alluded to them in my second reading debate contribution. Amendment No. 1 effectively calls for putting in place a review mechanism for amendments made as soon as is practicable 12 months from the date of assent. It requires the Minister to undertake a review to ensure that the policy objectives of the bill are effectively being met and that the report on the outcome is tabled in Parliament within two years. It is a check and balance mechanism because there are some big changes in the bill and the Coalition thinks it is important for the Minister to look through the legislation and provide reassurance to the Parliament that the objectives of the amendments remain valid. It is a pretty self-explanatory amendment.

Amendments Nos 2 and 3 refer to the regulatory authority fund. I also addressed this issue in my second reading debate contribution. The amendments make clear that any money in the fund that is derived through penalties may be paid out of the fund only to invest in support of or improvements within the early childhood education and care sector. That money does not go to running the regulator, per se. It goes to investing in improvements in the sector. The amendments are fairly self-explanatory and will make the fund more in line with what stakeholders have asked for. It is similar to the Community Road Safety Fund, which is used for similar purposes.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (20:32):** I indicate that the Government will support all three amendments and appreciates the constructive way in which the Opposition has engaged on these amendments and also in relation to the bill. The amendment that provides for a review is logical. We understand that a large number of the reforms the Committee is dealing with are innovative. The Government understands that some of the changes are innovative and include a new disciplinary regime. A review would be appropriate and welcome. In relation to the change to the regulatory authority fund, the Government appreciates the manner in which the Opposition has engaged in formulating the amendments. The amendments will ensure that the money going into the fund from penalties can be used only for the improvement of the sector. As this is the broad policy intent, the Government is pleased to support those amendments as well.

**Ms ABIGAIL BOYD (20:33):** I indicate that The Greens support both of those issues and all three amendments. In relation to the review, I repeat the reasons I gave in the second reading debate. We need to guard against the unintended consequences. To the extent there is anything in here that is going backwards in terms of keeping children safe, then we need to identify it quickly. A 12-month review is sensible, so we support it. In relation to the fund, we were also going to put up a similar amendment, given that—as was discussed during the inquiry into the bill—the OECD best practice principles caution against cost recovery through fines on regulators. In addition, recommendation 12 in the Wheeler report stated that funding should be tied to activities. The joint submission from the not-for-profit providers stated:

We do note however that the provision to direct the revenue raised via fines to the new Independent Regulator may create perverse incentives and reliance in the Regulator on this revenue, particularly over time.

The submission then drew our attention to the Wheeler report. Again, I refer to the submissions to the inquiry, and we support the amendments.

**The Hon. TANIA MIHAILUK (20:35):** As a member of Portfolio Committee No. 3 - Education and having participated in the inquiry on the bill, I make a quick contribution. I support the two issues and three amendments moved by the Hon. Sarah Mitchell. I am glad they have been moved and delighted to hear that the Government is accepting them. I tend to not oppose having a review of any legislation that we pass in this place. I just mention the regulatory authority fund. Some concerns were raised by stakeholders during the inquiry that there could be unintended consequences from having that fund. I do not think the Government intended for it but the idea that a regulatory fund could collect penalty payments, charges and fees then inadvertently direct it back to its own operations could raise some eyebrows, so I am delighted that we will proceed with that particular amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendments Nos 1 to 3 on sheet c2025-213B. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Rod Roberts):** Before I call Ms Abigail Boyd to move her amendments, as a result of the Government amendments being agreed to, will The Greens amendment No. 6 on sheet c2025-235A come out?

**Ms Abigail Boyd:** Correct.

**The CHAIR (The Hon. Rod Roberts):** And The Greens amendments Nos 3 and 12 on sheet c2025-216E?

**Ms Abigail Boyd:** Correct.

**The CHAIR (The Hon. Rod Roberts):** Lovely. Let's go.

**Ms ABIGAIL BOYD (20:37):** By leave: I move The Greens amendments Nos 1, 2, 4, 6 to 9, 13 to 19, 24, and 26 to 30 on sheet c2025-216E in globo:

**No. 1 Paramount consideration**

Page 4, Schedule 1[5], proposed Schedule 1[1], proposed section 3A. Insert after line 2—

- (2) Without limiting subsection (1), the protection of the rights and best interests of each child and the children attending education and care services prevails over—
  - (a) the financial interests of approved providers; and
  - (b) other fiduciary duties owed by persons with management or control of education and care services.

**No. 2 How functions are to be exercised**

Page 4, Schedule 1[5], proposed Schedule 1[1A], lines 4 and 5. Omit all words on the lines. Insert instead—

**[1AA] Section 4 How functions to be exercised**

Omit "section 3". Insert instead "sections 3 and 3A".

**[1A] Section 4(2)–(4)**

Insert at the end of section 4—

**No. 4 Application for provider approval**

Page 7, Schedule 1[5], proposed Schedule 1[1F], lines 2–17. Omit all words on the lines. Insert instead—

- (b) a person who has, in the previous 12 months, received a notice under section 16 that the Regulatory Authority has refused to grant the person a provider approval, unless the Regulatory Authority has notified the person that the person may apply for a provider approval within 12 months after receiving the notice;
- (c) a person who has, in the previous 12 months, received a notice under section 50 that the Regulatory Authority has refused to grant the person a service approval, unless the Regulatory Authority has notified the person that the person may apply for a provider approval within 12 months after receiving the notice.

**No. 6 Related entities**

Page 8, Schedule 1[5]. Insert after line 15—

**[1HA] Section 19(5)**

Insert after section 19(4)—

- (5) In this section—

*related entity* includes a related entity within the meaning of the *Corporations Act 2001* of the Commonwealth.

**Note**— This subsection is an additional NSW provision.

**No. 7 Application for service approval**

Page 9, Schedule 1[5], proposed Schedule 1[1L], lines 5–20. Omit all words on the lines. Insert instead—

- (a) a person who has, in the previous 12 months, received a notice under section 16 that the Regulatory Authority has refused to grant the person a provider approval, unless the Regulatory Authority has notified the person that the person may apply for a service approval within 12 months after receiving the notice;
- (b) a person who has, in the previous 12 months, received a notice under section 50 that the Regulatory Authority has refused to grant the person a service approval, unless the Regulatory Authority has notified the person that the person may apply for a service approval within 12 months after receiving the notice.

**No. 8 Service waivers**

Page 10, Schedule 1[5]. Insert after line 12—

**[1RA] Section 90 Matters to be considered**

Insert after section 90(a)—

- (a1) whether special circumstances disclosed in the application reasonably justify the grant of the service waiver; and

**Note**— This paragraph is an additional NSW provision.

**[1RB] Section 91 Decision on application**

Omit section 91(4). Insert instead—

- (4) If a service waiver is granted, the service waiver is subject to the following conditions—
  - (a) that the approved education and care service provider must disclose the fact that the service waiver is in force to the families of children to whom education and care is provided by the service;
  - (b) any other conditions placed on the service waiver by the Regulatory Authority, including any condition limiting the use of the service waiver.

**Note**— This subsection is a substituted NSW provision.

**No. 9 Suspension or revocation of rating**

Page 11, Schedule 1[5], proposed Schedule 1[ZA], proposed section 138A(2), line 24. Insert ", if the Regulatory Authority is satisfied it is in the public interest," after "may".

**No. 13 Publication of quality and compliance history**

Page 18, Schedule 1[7], proposed Schedule 1[4D], lines 12–14. Omit all words on the lines. Insert instead—

and care service provided by the approved provider is—

- (a) displayed, in the form approved by the Regulatory Authority, at the education and care services premises in accordance with the NSW regulations; and
- (b) published in the way prescribed by the NSW regulations or decided by the Regulatory Authority.

**No. 14 Notification of approved provider of certain information**

Page 19, Schedule 1[7], proposed Schedule 1[4J], proposed section 174AA(1), line 16. Omit "24 hours". Insert instead "the relevant period".

**No. 15 Notification of approved provider of certain information**

Page 19, Schedule 1[7], proposed Schedule 1[4J], proposed section 174AA(2), line 38. Omit "section 25A.". Insert instead—  
section 25A;

*relevant period*, in relation to an event, means the earlier of the following—

- (a) 72 hours after the event happens;
- (b) 24 hours after becoming aware of the event happening.

**No. 16 Notification of Children's Guardian of certain information**

Page 20, Schedule 1[7], proposed Schedule 1[4J], proposed section 174AB. Insert after line 6—

- (3) The Regulatory Authority must, within 24 hours after receiving a written notice under subsection (2) about an event, notify the Children's Guardian of the event.

**No. 17 Notification of Children's Guardian of suspension of relevant person**

Page 21, Schedule 1[7], proposed Schedule 1[40], proposed section 178. Insert after line 39—

- (4A) If the Regulatory Authority gives a direction under subsection (4), the Regulatory Authority must, within 24 hours after giving the direction, notify the Children's Guardian that the direction has been given.

**No. 18 Notification of Children's Guardian of supervision order**

Page 22, Schedule 1[7], proposed Schedule 1[40], proposed section 178A. Insert after line 39—

- (4A) If the Regulatory Authority gives a direction under subsection (4), the Regulatory Authority must, within 24 hours after giving the direction, notify the Children's Guardian that the direction has been given.

**No. 19 Notification of Children's Guardian of disciplinary order**

Page 25, Schedule 1[7], proposed Schedule 1[4W], proposed section 188E. Insert after line 26—

- (2) If the independent arbiter makes a disciplinary order in relation to an individual, the Regulatory Authority must, within 24 hours after the disciplinary order is made, notify the Children's Guardian that the disciplinary order has been made.

**No. 24 Regulatory Authority's power to give directions**

Page 32, Schedule 1[8], proposed Schedule 1[21], proposed section 261A(6), lines 38–40. Omit all words on the lines. Insert instead—

*relevant persons* means the following persons—

- (a) persons involved in the provision of an approved education and care service within the meaning of section 182(2);
- (b) recruitment agencies or labour hire agencies, or employees of recruitment agencies or labour hire agencies, that supply educators to education and care services.

**No. 26 Publication of information**

Page 34, Schedule 1[8], proposed Schedule 1[26]. Insert after line 42—

- (7) The Regulatory Authority must not publish the name of an educator being investigated during the period of the investigation unless the Regulatory Authority is satisfied publishing the name is in the public interest.

**Note**— This subsection is an additional NSW provision.

**No. 27 Incentive schemes**

Page 39, Schedule 1[8], proposed Schedule 1[43]. Insert after line 29—

**295B Incentive schemes [NSW]**

If requested by the Regulatory Authority for the purposes of ensuring compliance with section 3A, a large child care provider must provide copies of the following to the Regulatory Authority—

- (a) any employee performance incentive scheme provided by the large child care provider;
- (b) any management or executive incentive scheme provided by the large child care provider.

Penalty—\$258,300.

**Note**— This section is an additional NSW provision.

**No. 28 NSW regulations**

Page 45, Schedule 1[8], proposed Schedule 1[47], proposed section 301A(2), lines 7–14. Omit all words on the lines. Insert instead—

- (2) Without limiting subsection (1), regulations made under this section may provide for matters relating to the following—
- (a) penalties for offences against the regulations, including providing for the modification of penalties for offences against the national regulations;
- (b) training that must be completed by educators and other members of staff of education and care services;
- (c) best practice for early childhood education;
- (d) guidance about standards for ensuring approved providers provide services that are fit for purpose;
- (e) disciplinary proceedings.

**No. 29 Policies and procedures**

Page 50, Schedule 1[9], proposed Schedule 1A, proposed Schedule 1[25], lines 4–19. Omit all words on the lines. Insert instead—

Omit regulation 168(2)(h). Insert instead—

- (h) providing a child safe environment, including matters relating to the promotion of a culture of child safety and wellbeing within the service, by having policy and procedures that provide for the following—
  - (i) a commitment that for an action or decision that concerns a particular child, the safety, welfare and wellbeing of the child is paramount;
  - (ii) ensuring requirements for child protection training under the Law, generally, including under section 162A, are met;
  - (iii) a register for child protection concerns;
  - (iv) the reporting decision tree, including the requirement to keep the reporting decision tree in a place accessible by all staff;
  - (v) child protection risk assessments;
  - (vi) day-to-day use of the attendance record required under regulation 158 and other practices to ensure children are accounted for throughout the day;

**No. 30 Compliance and enforcement information**

Page 51, Schedule 1[9], proposed Schedule 1A, proposed Schedule 1[29], line 2. Omit all words on the line. Insert instead—

Omit the regulation. Insert instead—

**227 Compliance and enforcement information**

For the Law, section 270(6)(a)(iv), the information is the following—

- (a) the details of the person in relation to whom the enforcement action was taken, including the following—
  - (i) the name and provider approval number of the approved provider;
  - (ii) for a centre-based service—
    - (A) the address of the service; and
    - (B) the name by which the service is known;
  - (iii) for a family day care service—
    - (A) the address of the service, unless the address is also the home address of a family day care educator; and
    - (B) the service approval number; and
    - (C) the name by which the service is known;
  - (iv) for an individual—the name of the individual;
- (b) details of the enforcement action taken, including the following—
  - (i) for a prosecution leading to a conviction or finding of guilt or a plea of guilt—
    - (A) the provision of the Law or these Regulations that the person was convicted or found guilty of, or pleaded guilty to, breaching; and
    - (B) the date of the conviction, finding of guilt or the making of the plea of guilt for the offence; and
    - (C) any penalty imposed for the offence; and
    - (D) information about any steps taken to remedy the subject of the prosecution and the date the steps were taken;
  - (ii) for an enforceable undertaking—
    - (A) the terms of the enforceable undertaking; and
    - (B) the date of the enforceable undertaking; and
    - (C) information about any steps taken to remedy the subject of the enforceable undertaking and the date the steps were taken;
  - (iii) for a compliance notice—

- (A) the steps specified in the compliance notice that the person must take to comply with the provision of the Law or these Regulations; and
- (B) the date specified in the notice by which the steps must be taken; and
- (C) information about any steps taken to remedy the subject of the compliance notice and the date the steps were taken;
- (iv) for the amendment of a provider approval or service approval—
  - (A) the details of the amendment; and
  - (B) the date on which the amendment took effect;
- (v) for a suspension of a provider approval or service approval—
  - (A) the date on which the suspension took effect; and
  - (B) the date on which the suspension ends;
- (vi) for a cancellation of a provider approval or service approval, the date on which the cancellation took effect.

**Note—** This section is a substituted NSW provision.

Amendment No. 1 relates to the provision that establishes the new paramount consideration for providers to ensure that they are putting the interests of children attending their services over everything else that they do. If this has an effect, it will be a fantastic one. It is reliant on section 5F of the Corporations Act, which states that some provisions of that Act can be displaced if a provision in a State law clearly states that the relevant provision in the Corporations Act is displaced. However, there is little case law in relation to the use of such provisions in the context of overriding directors' duties. This amendment is to make that a bit more specific so that if it ends up in court, it will have more of a chance of standing up. The idea is to ensure that the best interests of children attending the service prevail over the financial interests of the approved providers and also over the fiduciary duties owed by those with management control of the education and care services.

Amendment No. 2 is consequential on amendment No. 3. Regarding amendments Nos 4 and 7, there was a lot of conjecture about what exactly the proposed paragraphs in the original bill meant. The rewording in these amendments is intended to clarify the meaning beyond doubt. Amendment No. 6 inserts the definition of "related entity" in line with the Corporations Act because there was not such a definition in the bill. Amendment No. 8 deals with service waivers. Under the current national framework there is the ability for there to be temporary waivers issued for certain things, but there is also the ability for a service to get a waiver that is more permanent. A lot of the waivers that are granted these days are for things like not having enough outdoor space or not having sufficient space indoors for the number of children approved for a centre.

An issue that was picked up over time is that it looks as if the for-profit providers are getting a lot more of those waivers from the national law from day one. The regulator should only be issuing those waivers from the requirements in special circumstances. Amendment No. 8 seeks to do that. We received feedback on amendment No. 9 during the inquiry. I will read from the joint submission made by the not-for-profits. They were worried about this provision in its current form. They urged us to take it back to the national Ministers for further consultation before it got put into the bill. I will highlight their main concern. They said:

Suspending the rating is likely to leave families and providers in limbo.

Key questions that require further detailed work include:

- On what grounds would the Regulator revoke or suspend a rating while an investigation is being conducted?
- How will they assess when this is required and what would this mean in practice?
- How will providers be protected from reputational and financial impacts where findings from an investigation are in the service's favour?

As a compromise, amendment No. 9 suggests that we make it clear that the regulator can only suspend or revoke ratings in circumstances where it is satisfied that it really is in the public interest so that it will not be misused. Amendment No. 13 is designed to make it clear that not only the form of publication of the compliance history of the centre is under the regulations but also the where and the how of publication as well. Whether it is on a service's website or whether it is pinned to the noticeboard, that sort of thing will be outlined by the regulator. Amendment No. 14 goes with amendment No. 18. At the moment there is an obligation for workers to give a notification when they have had a disqualification, a refusal or a change in accreditation or registration, particularly for Working with Children Checks. The submission of the Independent Education Union [IEU] to the inquiry states:

Whilst the union supports this in principle, a teacher may not be aware within the 24-hour timeframe that their WWCC or teacher registration has been cancelled or suspended. There is also no similar offence for teachers in schools.

On that basis, we had a discussion with the Minister and her office and a compromise was established. The amendment says that it will be the earlier of 24 hours after becoming aware of a change to a working with children status or, in any event, 72 hours after the event has happened. That should give people plenty of time to do it without being able to argue that they simply have not checked their emails or whatever. Amendment No. 16 mandates the regulatory authority to also notify the Office of the Children's Guardian. Similarly, amendments Nos 17, 18 and 19 mandate that the suspension of a relevant person, a supervision order or a disciplinary order against a worker must be communicated to the Children's Guardian because it could be relevant information in determining whether to issue a Working with Children Check or, indeed, whether to revoke it.

And then I get to amendment No. 24. The Greens support the section of the bill which gives the regulatory authority broader powers to give directions to people within the early childhood education and care [ECEC] sector. We noticed that it did not refer to recruitment agencies or labour hire agencies or employees of those agencies that supply educators to ECECs and we thought it should, particularly off the back of the recent scandals involving casual educators being supplied by those labour hire companies. We feel that they should also be subject to the direction of the regulatory authority. And then I get to amendment No. 26. During the inquiry, some concerns were raised that educators under investigation who had not yet been found to have committed an offence might have their names disclosed. The IEU commented in its submission:

In respect of current investigations, the union would be concerned that publicity in relation to unproven allegations against a named employee would be very damaging to the reputation of the employee and could interfere with an investigation. If a person has been charged with a criminal offence, the police already have power to report that to the media.

Early Childhood Australia also commented in its submission:

And we would also caution around naming early childhood professionals who should be entitled to due process. This certainly does not suggest however that where educators, teachers, leaders and support staff may be deemed as a risk to children that they should be allowed to remain, more that there is balance between the privacy of the individual and what is in the public interest, and the best interests of children.

The joint not-for-profit submission also included a comment about the issue:

In the absence of a full Regulatory Impact Assessment, we strongly oppose provisions in the Bill that would enable information about current investigations to be published without any safeguards.

They go into more detail about their concerns. Amendment No. 26 therefore ensures that the educator would only be named if it was in the public interest to do so. Amendment No. 27 is a bit more novel. During our broader inquiry into the early learning sector, we discovered a number of performance incentive schemes offered by some of the large for-profit providers to local and area managers within their network of services. Those were basically bonuses based on criteria that could incentivise those people not to report something untoward in their service. For example, they got bonuses for the profitability of the centre. That might encourage them to cut costs by not employing people, or whatever else might increase their profit.

Bonuses were also given for certain occupancy rates. If a fellow educator was suspected of wrongdoing, the manager obviously might be a little reticent to report it if it could have a reputational impact that would affect occupancy and therefore their ability to get a bonus. To try to address that issue, the provision basically allows the regulatory authority to ask the large childcare provider for details of those employee performance, management or executive incentive schemes so that the regulatory authority can look at it to ensure compliance with the paramount principle of child safety. The Greens had a slightly different idea at the beginning, so I thank the Minister's office and the department for talking us through different alternatives. I am really glad that we reached this solution because it sends a strong signal to the sector that we do not expect it to do that anymore.

I understand that members will support amendment No. 28 regardless of what happens to amendment No. 30, which is connected to it. I will talk about amendment No. 30 in a moment. Amendment No. 28 effectively puts some of the guideline contents into regulations so that the Parliament has the power to disallow them. I understand that the Government may not support amendment No. 30. In any case, the Government is happy for those contents to be both a guideline and a regulation-making power, so amendment No. 30 means nothing to it. But I encourage members to support amendment No. 30 as well, because it ensures that matters that should be subject to parliamentary scrutiny are not just passed by guideline. Amendment No. 29 looks large but is actually a simple tidying of some drafting errors picked up along the way.

Finally, I turn to amendment No. 30. The bill entirely deleted a bunch of detail in regulation 227 when some of the contents of that regulation were imported into a section. That is fine and The Greens agree with that but, in the process, some of the greater detail about enforcement actions taken by the regulator were left out. We did not want that to result in less rather than more disclosure. I commend the amendments to the Committee.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (20:54):** We support all of the amendments. I acknowledge the constructive way in which Ms Abigail Boyd has engaged with the Government to land on this position. We appreciate the spirit of amendment No. 1, which strengthens the paramount consideration. We welcome the additional clarity on that. Amendment No. 2 is obviously administrative to allow amendment No. 1 to operate. We support amendment No. 4. It is a slight rewording of the provision that will stop someone from applying for a provider approval if they have been refused a provider approval or a service approval within the previous 12 months. It is slightly clearer wording.

We also support amendment No. 6. It is inclusive but not exhaustive. That is an important point. We support amendment No. 7 for the same reason I outlined in relation to amendment No. 4. We support amendment No. 8 because it requires providers to be more explicit in applications for service waivers and to inform parents when they are granted one. Certainly, more information for parents has been a driving factor in what we have been seeking to reform, so that amendment is welcome. In that vein, we also support amendment No. 9, which will increase transparency for parents as it states that the regulator can only suspend ratings if it is in the public interest. Amendment No. 13 again improves the existing drafting. It clarifies that the compliance history needs to be both displayed at the premises and published in a way prescribed by the regulator. Again, that is more information for parents.

Amendments Nos 14 and 15 go together. We accept that they make a practical change to the notification by the individual to the approved provider of a change to a Working with Children Check. That has to be done either within 24 hours of becoming aware or 72 hours after the event itself, whichever is earlier. I emphasise that this is a very important notification and it should occur as soon as is practicable. Amendment No. 16 also relates to a change in someone's Working with Children Check via an approved provider and the notification to the Office of the Children's Guardian. It closes the loop on notifications. Our bill allows for greater information sharing in general, so we certainly support that amendment, as well as amendments Nos 17, 18 and 19 on that same basis.

In relation to amendment No. 24, the addition of recruitment agencies will allow the regulatory authority to address problematic individuals working casually to avoid detection. That is a welcome amendment and extension for the bill. In relation to amendment No. 26, we support procedural fairness for educators participating in an investigation where matters cannot yet be substantiated, so we support the clarification that an educator's name would not be published during an investigation—unless it is in the public interest. That is an important clarification.

Amendment No. 27 relates to incentive schemes. I again appreciate Ms Abigail Boyd's engagement on the issue. Some concern was expressed during the public hearing about the impact that such schemes may have in relation to quality and safety outcomes. The amendment will enable the regulator to undertake appropriate inquiries with a view to satisfying itself that any such incentive scheme aligns with the paramountcy requirement that has been at the heart of our reform. We support amendment No. 28 because it helps to futureproof the response to emerging matters in a way that is consistent with our reforms. Amendment No. 29 corrects a drafting error, so we support that. We support amendment No. 30, but I make it clear that the list of specific cases does not limit the amount of information that the Government could disclose in the future.

**The Hon. SARAH MITCHELL (20:59):** I briefly indicate that the Opposition will support all of the amendments. They are very sensible. In the interests of time, I will leave my contribution there.

**Ms ABIGAIL BOYD (21:00):** I quickly indicate that on the Minister's last point about the understanding of what that amendment does, I confirm that that is also the intention.

**The CHAIR (The Hon. Rod Roberts):** Ms Abigail Boyd has moved The Greens amendments Nos 1, 2, 4, 6 to 9, 13 to 19, 24, and 26 to 30 on sheet c2025-216E. The question is that the amendments be agreed to.

**Amendments agreed to.**

**Ms ABIGAIL BOYD (21:01):** I move The Greens amendment No. 5 on sheet c2025-216E:

No. 5 **Requirements for provider approval for family day care service**

Page 7, Schedule 1[5]. Insert after line 18—

**[1FA] Section 12 Applicant must be fit and proper person**

Insert after section 12(1)—

- (1A) An applicant for a provider approval for a family day care service who is an individual must also satisfy the Regulatory Authority that the applicant—
- (a) has an appropriate qualification in early childhood education; and

- (b) has at least 2 years experience working in an education and care service.

**Note**— This subsection is an additional NSW provision.

I have been going on about this issue for a little while. I understand it will not necessarily pass today, but I again put it on the agenda. There was a tragic death of a baby called Jack Loh in March 2019, and the Coroner's report found:

It is most likely that placing Jack to sleep ... fully clothed and loosely wrapped; in a bassinet that was inappropriate and unsafe for his age, size and stage of development, and that contained extraneous bedding material; in a room which was poorly ventilated and not temperature appropriate; and in circumstances where Jack was not regularly checked on, were all contributory factors to Jack's death.

The Coroner made seven recommendations. The then Government acknowledged that they were all good recommendations but noted that it was not ready at that time to enact recommendation 5 (a) and (b). That recommendation was this:

I recommend that the NSW Government, in consultation with the governments of other jurisdictions under the National Quality Framework, take steps to amend the National Law and/or National Regulations to require that an applicant for Provider approval (or the persons with management and control of an applicant) must:

- (a) have an approved diploma level education and care qualification or an approved early childhood teaching qualification;
- (b) have at least three years' experience in an education and care Service or children's Service or a school or in a Service regulated under a former education and care services law; and

Recommendation 5 (c) refers to a risk-based knowledge assessment, which the department does. Recommendations 5 (a) and (b) state that people who are given the immense privilege of running an early learning service should have some sort of experience or qualification in early learning before they do so. A lot of the cases that have come out recently in the media and a lot of the documents that we have now read are littered with people who do not have a background in early childhood, particularly those who have come into the sector as profit seekers.

That does not sit right with me. A lot could be solved if we gave people with that experience the respect and elevation in the sector that they deserve, rather than handing over the running of these services to the financiers and those with a corporate background. The previous Government weighed it up very carefully and responded by saying that, in the circumstances, there was a staffing shortage and it was worried it might have an unintended consequence where we could end up without sufficient people staffing these services and opening new ones. I have sympathy for that, but sufficient time has passed and additional evidence shows that that does need to be taken seriously.

I put that back on the agenda, so perhaps the acting Minister can think about taking it back to the national process. In her letter to the Auditor-General about the matter in December 2024, the Hon. Sarah Mitchell said, "The need for the prescriptive approach in recommendations 5 (a) and (b) is negated at this time. However, it could be revisited in future." Even then there was an understanding that we must grapple with this, and we should do that sooner rather than later. That is why I move this amendment. I understand members do not support it, but I would like to see it put back on the national agenda.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (21:06):** The Government does not support The Greens amendment. I appreciate the member's considered outline, but the amendment would set the bar so high that anyone applying for provider approval would need a qualification and two years of experience. The Government will maintain a position that is consistent with the previous recommendation of the Coroner:

Noted due to workforce constraints. Regulatory Authorities assess an individual's suitability to operate an ECEC service in other ways, including through a knowledge assessment.

I am advised that the knowledge assessment is now required and implemented. The regulatory authority's advice is that such a change would have a significant impact on supply without necessarily improving on-the-ground safety. The proposed amendment would particularly have an impact on community preschools, where the relevant people are often parents and volunteers. In regional locations where supply is already limited, major for-profits would be best placed to meet that requirement. The Government believes that kind of change must be considered and drafted slightly more carefully, but I appreciate the intention behind the amendment.

**The Hon. SARAH MITCHELL (21:07):** The Opposition does not support The Greens amendment, but I acknowledge the issue raised by Ms Abigail Boyd. As she indicated in her contribution, what happened to the Loh family was tragic. I met Jack's parents, Joe and Margot, when I was the Minister. It is important to continue to improve those situations. There are no words to express what that family has been through—I will not even try. To the Minister's point, the intention of the amendment is good, as was the case then, but the reality of the impact

it would have is too great at this time. That is why we do not support the amendment. We did not make that decision lightly. I very much understand the sentiment, but we do not support the amendment.

**The Hon. TANIA MIHAILUK (21:09):** I support the amendment moved by Ms Abigail Boyd. It is a good amendment. When I was the Mayor of Bankstown and the member for Bankstown, planning laws around child care changed and so did the Federal Government incentives. A flood of people entered the area of family day care services who, as the member rightly indicates, were there for a profit and did not necessarily have the required educational background or experience. The amendment is excellent. I understand why the Government and the Opposition do not support it, but the Parliament should look at it in the future.

I note that Ms Abigail Boyd indicated that there might be some Federal changes. I hope the issue is looked at further nationally. I appreciate and understand that this is such a sensitive area. We want to have the best operators. If someone wants to operate a family day care or an early childhood centre, they should be educated and have the appropriate qualifications and experience. A lot of problems in the sector today would likely not exist if the chief operator of a service had a deep interest beyond just trying to make a buck. I commend the amendment to the Committee.

**Ms ABIGAIL BOYD (21:10):** I thank all members who spoke to the amendment. I particularly thank the Hon. Tania Mihailuk for her response. Recommendation 5 (c) from the Coroner, which the Government already follows, states:

- (c) undertake a risk-based knowledge assessment administered by the Department to demonstrate an applicant has a sufficient standard of knowledge of how an education and care Service is to operate in compliance with the National Quality Framework.

On paper, that looks really good, but everything I have read in the documents is that it is not a very good knowledge assessment. I encourage the Minister and the regulator to look at that. I will not name names, but there was an example of a person who had applied three times, had no experience in early childhood care and education, had failed the test and had real big red flags, and she kept coming back to get an approval. In the end, she got an approval in Queensland, and then when she came back to New South Wales she tried again with the regulator to get approval to run a service and, again, still could not quite meet the test.

From everything I could read about the test, it seems very simplified and does not take very long. In the end, it was agreed that she could become an approved provider on the basis that a consultant, who was also a consultant at 10 other places around the country, could give her support when required. That is not sufficient. I have also heard of a lot of other people who have got through the process and have then basically had their services closed down pretty quickly. If there is no appetite to implement recommendations 5 (a) and (b), I encourage everyone to have another good look at recommendation 5 (c) and make sure that we are complying with it in practice and not just in wording.

**The CHAIR (The Hon. Rod Roberts):** Ms Abigail Boyd has moved The Greens amendment No. 5 on sheet c2025-216E. The question is that the amendment be agreed to.

#### **Amendment negated.**

**Ms ABIGAIL BOYD (21:13):** By leave: I move The Greens amendments Nos 10 and 11 on sheet c2025-216E and Nos 1 to 5, 7 and 8 on sheet c2025-235A in globo:

[c2025-216E]

**No. 10 Child protection training—nominated supervisors**

Page 12, Schedule 1[5], proposed Schedule 1[Zf], proposed section 162A(2), lines 34–36. Omit all words on the lines.

**No. 11 Inappropriate conduct—nominated supervisors**

Page 14, Schedule 1[5], proposed Schedule 1[Zr], proposed section 166A(1), line 32. Omit "ensure". Insert instead "ensure every reasonable precaution is taken to ensure".

[c2025-235A]

**No. 1 Penalty for family day care educator**

Page 13, Schedule 1[5], proposed Schedule 1[1Zj], lines 33–36. Omit all words on the lines.

**No. 2 Penalty for nominated supervisor of education and care service**

Page 14, Schedule 1[5], proposed Schedule 1[1Zl], lines 2–5. Omit all words on the lines.

**No. 3 Penalty for nominated supervisor of education and care service**

Page 14, Schedule 1[5], proposed Schedule 1[1Zo], lines 17–20. Omit all words on the lines.

**No. 4 Penalty for nominated supervisor of education and care service**

Page 15, Schedule 1[5], proposed Schedule 1[1ZW], lines 36–39. Omit all words on the lines.

No. 5 **Penalty for nominated supervisor of education and care service and family day care educator**

Page 16, Schedule 1[5], proposed Schedule 1[1ZZ]–[ZZB], lines 12–23. Omit all words on the lines.

No. 7 **Penalties in regulations**

Page 47, Schedule 1[9], proposed Schedule 1A, proposed Schedule 1[7], lines 27–31. Omit all words on the lines.

No. 8 **Penalties in regulations**

Page 48, Schedule 1[9], proposed Schedule 1A, proposed Schedule 1[14], lines 21 and 22. Omit all words on the lines.

I have batched the amendments together because they all focus on two provisions in the bill that impact on nominated supervisors and the fact that the fines that apply to nominated supervisors have been tripled. The role of nominated supervisors is different in different types of services. We have heard from people who work in the sector that some nominated supervisors, particularly at large for-profit services, do not even know that they are a nominated supervisor. They are educators or teachers who receive no extra money for being the nominated supervisor. Often their boss has just told them, "Look, you're the nominated supervisor now." That brings a huge number of additional obligations under the national framework, in most cases without any extra compensation.

We have heard of workers on visas being threatened that if they do not take the nominated supervisor role, then they will have their job taken away and their visa revoked. There are real issues with a relatively low paid employee being burdened with a regulatory framework over which, in many cases, they do not have control over. Absolutely, it makes sense to triple the penalties for the really large providers. So many of the offences in the law are based on things that flow from systemic issues within the culture of the organisation.

Nominated supervisors have told us that the regulator has said to them, "Your playground is full of the cigarette butts from outside," or, "You haven't fixed this bit of the fencing or the decking, and it could be a trip hazard for children." The nominated supervisor will say, "I keep asking for it from the approved provider. I keep making this request, and they keep saying, 'We'll do it eventually.'" They do not hold the purse strings. It is not like they can reach into the bank account and fix those things for themselves. Yet, under the law, they can be held responsible. At the moment the offences attract fines of up to \$11,000, with much smaller fines for more minor things. However, it is a big thing.

The sector is reliant on good, experienced staff. It is trying desperately to retain and attract good employees. If we put this sort of obligation on a person in circumstances where they have no control, they will not be comforted if we say, "Yes, but the regulator will go easy on you if you explain it." They will not come into the sector. I worry that an unintended consequence of the provisions is that they will put off the very people we need in order to prevent breaches of staffing ratios. We know that a constant lack of supervision is the direct link to a lack of safety for children.

I feel incredibly strongly about these amendments. There is a tension here. We are putting tough penalties in place for those who are making the money and who have all the control. I absolutely agree with that. We should put tough penalties on the people who are actually doing the wrong thing. If people are using inappropriate discipline against children, then they should be fined and it should be an offence. However, it was made clear in the inquiry that there are cases where the nominated supervisor might be away on holiday, but they are still considered to be the nominated supervisor for the service. There was some conjecture over that in the inquiry, but then it was confirmed that that is in fact the case.

I find it problematic and inappropriate to penalise a nominated supervisor with a heavy fine if it turns out that someone at the centre does not have child protection training, and amendment No. 10 addresses that. Any penalty should absolutely apply to the person running the shop. It should absolutely be an obligation of each educator to make sure that they have had that training, but for a nominated supervisor who earns no more than their colleagues, in most cases, to have that do that for others I think is inappropriate. It will act against the very measures that will create safety in the sector, which is having well-resourced and greatly experienced staff in the sector.

Turning to amendment No. 11, we have had discussions with the Government around this and I understand where it is coming from. The bill introduces a new offence of "inappropriate conduct", which has been described variously as a grooming offence or a catch-all offence to make sure that when there are red flags from a perpetrator—where someone is doing something that a reasonable person would look at and say, "That is not okay"—that person will be penalised and may even have it recorded as an offence. Again, the liability for that situation should lie with the person running the shop. If a service is taking money from people to look after their children and those children are then subject to inappropriate conduct from an educator that service has hired, it makes sense that you would be responsible and face a penalty.

However, a nominated supervisor could be on holiday while somebody at the education and care service does something inappropriate with a baby or a toddler. That nominated supervisor could then find themselves with a multi-thousand-dollar fine—I think it is some \$30,000 for an individual. Imagine earning only \$70,000 and facing a situation completely out of your control. The new offence is still nebulous at the moment, and, while there will be guidelines, people do not quite understand it yet. At the very least, at the beginning, instead of putting the obligation on the nominated supervisor to ensure that inappropriate conduct does not happen, I think it is more reasonable that the obligation on the nominated supervisor is to "ensure every reasonable precaution is taken to ensure". That is reasonable because that is within their control. I feel very strongly about these amendments. This is the area where we could inadvertently stray into making the sector less safe by failing to retain and attract the staff we need. I commend the amendments to the Committee.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (21:22):** I indicate at the outset that the Government will oppose the amendments. I acknowledge that the penalties may seem severe, but that is by design. We are advised that these are the people who are responsible and are paid for the responsibilities of operationalising our reforms. We have to make sure that they can be accountable. It is crucial to reinforcing the concept of paramountcy and acts as a preventative measure. I am advised that the nominated supervisor is responsible for the day-to-day management of an approved service. They have a range of responsibilities under the national law and the national regulation. That includes, but is not limited to, supervision and safety of children, staffing and educational programs.

In addition to their formal responsibilities, I am told that nominated supervisors have significant impact on, and the ability to, influence safety outcomes and the quality of the service. They lead staff, they work to prevent and respond to risks in an environment, and their leadership will be crucial in ensuring that the outcomes of the service keep our children safe. I acknowledge that the amendments before the Committee are not consistent with the nationally agreed policy arising from Operation Tenterfield, and that this would be a weakening of the agreed national period. Again, that inconsistency we have seen in other areas would be relevant here.

In relation to amendment No. 11, the drafted language of "ensure" in the bill was carefully considered. It is consistent with the language of the inappropriate discipline offence. This reflects that it is a particularly serious offence, and it is reasonable to set the bar for expectations quite high. That is in contrast with the "must ensure that every reasonable precaution is taken" construction that is used for some other offences, like protection from harm and hazards. It is a new offence, but we think it is appropriate that it is strongly worded at this time.

**The Hon. SARAH MITCHELL (21:24):** I indicate that the Opposition supports the amendments moved by Ms Abigail Boyd. I understand what the Minister said about wanting to make sure that responsibility rests with someone and ensuring the changes, particularly the increased penalties, are taken seriously. But I agree with Ms Abigail Boyd's argument that having the individual responsible and the approved provider face those harsher penalties is sufficient for sending the necessary message. I am also concerned about what it might mean for the pipeline of nominated supervisors if, as Ms Abigail Boyd said, someone can potentially not be at work and have absolutely no power to stop something happening yet still get caught up in things and be found potentially responsible. That is probably not necessary. As I said, while I appreciate the point made by the Government, on balance, I think that what Ms Abigail Boyd is saying is probably a better fit at the moment. For those reasons, the Opposition supports the amendments.

**The Hon. TANIA MIHAILUK (21:25):** I do not support the amendments. I tend to agree with the Government. Nominated supervisors have an extraordinary amount of influence in these centres, and there has to be some kind of responsibility with that level of influence. The centre owners and so forth are rarely on site, so nominated supervisors should be across every part of the operations at a centre and, undoubtedly, can often be responsible for some of the actions, or inaction, that take place in centres and family day care centres. I think the way that the bill currently reads is appropriate, and I would not support watering down the strong provisions that the Minister has proposed in her legislation, particularly those provisions around training. Sometimes the best way to deal with things is to put the fear of being fined into people, and if there is any area in which we need to do that, it is right here.

**Ms ABIGAIL BOYD (21:27):** I thank members for their contributions. As I said at the beginning, this is incredibly important and serious. It was confirmed in our bills inquiry that there is no separate award for nominated supervisors; they are just like other employees. But they are often put in incredibly awful situations. I think there is the potential for really poor consequences to flow from this bill. This is one of those provisions where—again, going back to my second reading debate speech—I really thought about how what actually keeps kids safe happens beforehand. It is not shaking a fist at perpetrators afterwards. We know that having good quality, experienced, knowledgeable staff is what keeps kids safe. The statistics tell us that. Everything tells us that.

Anyone who knows anything about the impact of child sexual assault on a person knows that prevention is so much more important than punishment after an event. That does not help a victim. They do not care about that. Prevention is so important. This is the hill that I die on, and I thought for quite a long time about whether The Greens would vote against the bill just on the basis of this amendment not getting through. We have passed that now. The Greens are going to vote for the bill, but mainly on the basis that this 12-month review, I hope, will show what effect it has had. If the bill has the consequences that I fear it will, I hope that we can quickly rectify it, because this is too good a sector to let go like that.

**The CHAIR (The Hon. Rod Roberts):** Ms Abigail Boyd has moved The Greens amendments Nos 10 and 11 on sheet c2025-216E and amendments Nos 1 to 5, 7 and 8 on sheet c2025-235A. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....18  
 Noes .....18  
 Majority.....0

**AYES**

Barrett	Farlow	Merton
Boyd	Franklin	Mitchell
Carter	Higginson	Munro
Cohn	Hurst	Rath (teller)
Faehrmann	MacDonald	Tudehope
Fang (teller)	Maclaren-Jones	Ward

**NOES**

Banasiak	Graham	Mookhey
Borsak	Houssos	Moriarty
Buckingham	Jackson	Murphy (teller)
Buttigieg	Kaine	Nanva (teller)
D'Adam	Lawrence	Primrose
Donnelly	Mihailuk	Suvaal

**PAIRS**

Overall Sharpe

**The CHAIR (The Hon. Rod Roberts):** There being 18 ayes and 18 noes, the question is unresolved and therefore requires a casting vote from the Chair. The established principle here follows what would happen if the President was in the chair. The Chair of Committees with "a casting vote on an amendment to a bill should always leave the bill in its existing form". Therefore, the matter is resolved in the negative.

**Amendments negatived.**

**Ms SUE HIGGINSON (21:40):** By leave: I move The Greens amendments Nos 20 to 23 and 25 on sheet c2025-216E in globo:

- No. 20 **Functions and powers of Minister—only to be moved if both ss 223A and 223B omitted by Amendment Nos. 22 and 23**  
 Page 31, Schedule 1[8], proposed Schedule 1[20], lines 16–19. Omit all words on the lines.
- No. 21 **Functions and powers of Minister**  
 Page 31, Schedule 1[8], proposed Schedule 1[20], proposed section 223A, lines 20–27. Omit all words on the lines.
- No. 22 **Functions and powers of Minister**  
 Pages 31 and 32, Schedule 1[8], proposed Schedule 1[20], proposed section 223B, line 28 on page 31 to line 10 on page 32. Omit all words on the lines.
- No. 23 **Ministerial control of Regulatory Authority—consequential amendment**  
 Page 32, Schedule 1[8], proposed Schedule 1[21], line 11. Omit "Sections 261A and 261B". Insert instead "Section 261A".
- No. 25 **Ministerial control of Regulatory Authority**

Pages 32 and 33, Schedule 1[8], proposed Schedule 1[21], proposed section 261B, line 42 on page 32 to line 18 on page 33.  
Omit all words on the lines.

These very important amendments remove the extraordinary functions and powers of the Minister to control the regulatory authority. Amendment No. 23 is a necessary consequential amendment that works with the other amendments to remove these powers. As members will know, The Greens are moving these amendments because, as the bill stands, these powers mean that the system will not run in the most effective, orderly way possible. On that basis, I support these incredibly important amendments and commend them to the Committee.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (21:43):** The Government does not support the amendments. We believe ministerial power is an important tool that reflects the responsibility a Minister holds, allowing them to respond quickly and flexibly to unforeseen circumstances. Relying on legislative change to address urgent, unforeseen emerging risks puts children at risk in the meantime. The reality is that the public expects the Minister to be ultimately accountable. Only in certain extenuating circumstances does the Government anticipate that it would need to step in. Given some of the recent cases, this significant power is certainly needed for the Minister to exercise the control that the community expects of a Minister. Given the hour, I will keep my remarks on these amendments brief. I indicate that the Government strongly opposes the amendments.

**The Hon. SARAH MITCHELL (21:44):** The Opposition supports The Greens amendments moved by Ms Sue Higginson on behalf of Ms Abigail Boyd. I referred to this issue in my second reading debate contribution. It is significant when any legislation extends the functions and powers of the Minister. I acknowledge and appreciate that I have had conversations with the acting Minister and with the Deputy Premier's Office about this. The concern is not about any individual Minister but rather this Chamber giving that type of direction power to the Minister of the day. The examples given to me as reasons for those powers include emergency situations, such as a natural disaster. As I mentioned during the second reading debate, when I was the early childhood Minister for six years we had some pretty significant challenges. COVID and the Northern Rivers floods are very good examples of when things needed to happen, such as emergency shutdowns.

We had no issues with services complying with either departmental advice, emergency services personnel or the police. While I appreciate the Government's sentiment, I genuinely cannot see a reason why a Minister would need those powers. The bill already gives more powers to the regulatory authority, which makes sense for directing particular individuals or services if there is very problematic behaviour or challenges that arise, but I do not see the need to extend that power to the Minister. The other point I make is about the Minister giving directions, which is quite significant. The Minister can direct "relevant persons", and that could be a provider or an individual, for any reason acceptable to the Minister. New section 223B (4) states:

Notice of the giving of a direction under this section may be given to the relevant persons to whom it applies in the way the Minister considers appropriate including, for example, by electronic means or publication in the media or on a Government website.

Stakeholders have reached out to me in relation to this provision and said that theoretically the Minister of the day could decide to give a direction to someone, put it out in a press release, and that is the way it happens. I do not think that is good governance or good practice. As I said, I appreciate why the Government is doing this, but I am not convinced of the necessity of it. It is also important to mention that the penalties for not complying with new section 223B, which is a new offence, are quite high: \$55,000 for an individual, \$903,150 for a large provider or \$301,050 otherwise. It is not a small matter. That provision is quite significant. For that reason, the Coalition will support the amendments and not the bill as currently drafted.

Amendment No. 25 relates to ministerial control of the regulatory authority. It will give the Minister the power to direct the regulatory authority. We have had discussions in both budget estimates hearings and the Portfolio Committee No. 3 inquiry about having a bit more distance between the regulator and the department and government, but the bill gives the Minister more control of the regulatory authority. I worry that that is at cross-purposes. On the one hand, the Government is looking to make the regulator more independent; on the other hand, the Government has more ministerial control. The Coalition supports The Greens amendments because they get the balance right, ensuring there is no overreach from any Minister, which is a sensible approach.

**Ms ABIGAIL BOYD (21:49):** Could I check whether I am speaking to the amendments or replying to contributions?

**The CHAIR (The Hon. Rod Roberts):** You are speaking to the amendments because Ms Sue Higginson moved the amendments.

**Ms ABIGAIL BOYD:** I thank my colleague, who courageously moved the motions for me. Amendment No. 21 stems from a comment of the Legislation Review Committee. It noted the insertion of proposed section 223A to:

... empower the NSW Minister to issue guidelines about "any matter relating to the delivery of education and care services", including in relation to quality standards and disciplinary proceedings.

The Committee generally prefers that substantive matters are set out in legislation where they can be subjected to a greater level of parliamentary scrutiny, particularly where they affect individual rights and liberties. The Committee understands that incorporating matters in external guidelines may provide flexibility and allow updates to reflect changing regulatory needs. However, in this case, the Committee notes that authorised officers must comply with the guidelines in relation to contraventions of disciplinary provisions and the issuing of disciplinary notices. The content of the guidelines may, therefore, impact individual rights and obligations. For these reasons, the Committee refers this matter to Parliament for consideration.

And here we are, having that recommendation of the committee now brought into the form of an amendment. This House has a long history of opposing guidelines being used for the issuing of substantive matters. We prefer substantive matters to be in the form of legislation, because it means that we get the chance as a Parliament to see what the Executive is doing and be able to say, "No, we don't think that is in line with what was intended by the legislation," or we have the opportunity to negotiate to change it. It is really important in an area like this where, as we have seen in our committee, a number of ideas have been thrown around for improving child safety, particularly in early learning services. For example, there have been conversations around mobile phones and CCTV. Those things seem like they are good and fair on the surface. But when we speak to people on the ground, we see that a lot of people have a mix of views.

Consulting with people may mean that we end up with a more nuanced position than what we started with. For example, there are people who think that the incursion into workers' rights outweighs any benefit that could be gained from some of those ideas that are being floated around. In summary, it is useful that the Government cannot just make a proclamation about a matter because it has issued guidelines relating to that. The other amendments are along the same line. The Minister is being given this extraordinary power that is way past what the Minister would have. We have a situation where the Minister is able to make these incredibly broad directions, which could direct any individual within the early childhood sector to do anything. That is how broad these powers are. When you delve into why the Minister might need these powers—sorry, I take a point of order. There is a lot of audible conversation in the Chamber.

**The Hon. Courtney Houssos:** We're just mindful of the time and the undertaking that you gave that we would finish this bill tonight.

**Ms ABIGAIL BOYD:** I am trying my absolute hardest.

**The CHAIR (The Hon. Rod Roberts):** Nobody would say otherwise, Ms Abigail Boyd.

**Ms ABIGAIL BOYD:** That gets us to the idea of whether there is a need for these powers at all. What really concerns me about the discussions we have been having on these issues is that there is a creeping inclination by the Labor Government to govern by media release. In circumstances where a lot of what is being discussed could be done by way of a condition on service approvals by the regulatory authority, this power would allow the Minister of the day to make a pronouncement about what is going to happen in early childhood care instead of following those normal procedures or allowing anything additional in substantial outcome.

I have real worries that that power is about allowing the Minister to make media announcements rather than about keeping children safe. That is the crux of my concern. The power being given to the Minister by these provisions is so extreme that the only possible reason it could be needed is to make those kind of proclamations. I would assume that all members of this Committee other than Government members would adopt my amendments on the basis that the provision gives such extraordinary power to the Executive.

I note the time. Apologies, I am now at the point of not stringing sentences together well. I have checked the rest of what I wrote. I am looking at comments from the joint not-for-profits submission, which were strongly opposed to a number of these provisions. They were concerned that "much of the detail about how these provisions will operate is being left to regulation or ministerial discretion". I think I have said everything I need to say. It is an extraordinary amount of power. It is not okay.

**The Hon. Wes Fang:** Point of order: I appreciate that these are very important amendments. In those circumstances, the amount of noise in the Chamber is clearly making it very hard for Ms Abigail Boyd to make her contribution. I know that these matters are incredibly important to her, and a level of respect needs to be adopted in the Chamber to ensure that she can make the contribution that she wants to make. There is obviously a lot going on tonight, but Ms Abigail Boyd needs to be able to speak to her amendments.

**The Hon. Courtney Houssos:** Sit down, Wes.

**The Hon. Wes Fang:** Sorry, Minister, do you want—

**The CHAIR (The Hon. Rod Roberts):** Order! I have heard enough on the point of order.

**The Hon. Wes Fang:** Thank you, Chair, but what has just occurred is clearly part of the distraction that Ms Abigail Boyd is experiencing. I ask the Committee to respect those matters.

**The CHAIR (The Hon. Rod Roberts):** Members are entitled to be heard in silence. Ms Abigail Boyd has the call.

**Ms ABIGAIL BOYD:** Thank you. I appreciate being given a chance to gather my thoughts, because what I have experienced in the past five to 10 minutes has been a bit extraordinary. I have been accused of attempting to extend the debate beyond the time that it was expected to end. I find it offensive because I made it very clear that I had no intention of filibustering or doing any kind of shenanigans with this bill. What we said very clearly to the Minister's staff is that we would take the time needed to properly deal with the amendments and talk them through. I find it quite offensive to be rushed on something that I clearly feel so strongly about. I will take my time to run through the amendments in the way that I am entitled to do in this Chamber. I take extreme offence at that accusation. I will not be bullied by it. I note that Minister Whan in the other place used question time to attack me and my colleagues on the issue.

**The Hon. Courtney Houssos:** Point of order—

**The CHAIR (The Hon. Rod Roberts):** Ms Abigail Boyd will resume her seat. I will hear the Hon. Courtney Houssos on a point of order.

**The Hon. Courtney Houssos:** This debate is about amendments with respect to ministerial direction. Ms Abigail Boyd is not being in any way relevant to the amendments being discussed.

**The CHAIR (The Hon. Rod Roberts):** In debate in the Committee of the Whole, members are not given the wide latitude that is given during a second reading debate. I draw the member back to the amendments.

**Ms ABIGAIL BOYD:** I appreciate that ruling, but my remarks go to the attitude of Government members in their treatment of other members in the Parliament and the way in which ministerial powers are used to bypass the Chamber. The attack on my lower House colleagues when the Government first attempted to rush through the bill—we were told that we were delaying the passage of the bill and doing terrible things—is relevant to this situation. The Government is once again trying to ram through a bill that would give it the most extraordinary powers. That is not okay. I was told that I was standing in the way of child safety.

**The Hon. COURTNEY HOUSSOS:** I move:

That the Chair of Committees do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

**Motion negatived.**

**The CHAIR (The Hon. Rod Roberts):** According to standing order, it being 10.00 p.m., I shall now leave the chair and report progress.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for the next sitting day. According to standing order, proceedings are interrupted.

*Adjournment Debate*

## ADJOURNMENT

According to standing order, members made the following statements.

### COMMISSIONER OF POLICE

**The Hon. ROD ROBERTS (22:02):** I begin by placing on record my full support of the newly appointed Commissioner of Police, Mal Lanyon. One of Mr Lanyon's best attributes is that he takes charge, owning his successes as well as his errors of judgement. In an interview with *The Daily Telegraph* he stated, "I don't walk away from my mistakes." How refreshing it is to have a senior public servant not only say those words but also back them up with sincerity. Tragically, that cannot be said about the current Minister for Police and Counter-terrorism. It is no secret that when it comes to deputy commissioners, the Minister has a personal bias.

While it is only human to have pet favourites when it comes to working relationships—and perhaps that is a speech for another day—it should not cloud one's judgement as a Minister. One of her worst kept secrets, as reported in numerous media outlets, is that the Minister was well known to be privately opposed to Commissioner Lanyon's appointment, pushing instead for her dearest deputy. Perhaps that bias influenced her bizarre speech at Mr Lanyon's commissioning ceremony, where she made a cringe-worthy reference to Richie Cunningham from *Happy Days*. Members will remember that it is not the first time that Minister Catley has mentioned *Happy Days*.

Some members may recall the Rising Tide protest in mid-November 2024, when the Minister was criticised for endorsing the protest. In an interview with NBN she said, "If they are peaceful and they are not doing anything unlawful, then happy days!" Those are odd words for someone who praised the Maritime Union of Australia multiple times in her inaugural speech. Members will also remember another union that the Minister referred to: the Shop, Distributive and Allied Employees Association. The Minister thanked the "shoppies" for its support during her campaign and stated that "more is required" to keep shop workers safe. But, at the very first opportunity the Minister had to be true to her words, she did the exact opposite. The Minister has publicly refused to back a specialised New South Wales taskforce and tough policing measures that have been shown to improve worker safety and cut retail crime in the Australian Capital Territory.

That proves that the Minister is not someone to be trusted. She will take your assistance, publicly offer you words of support and then turn on you if it helps her private political agenda. Last night we witnessed the most grotesque example of that. By her actions, the Minister has shown us that she believes her own Police Force to be incompetent. For the sake of one single vote in this House, she sided with the Premier and other members of Cabinet to back the Hon. Jeremy Buckingham in his irrational quest to fit up Ivan Milat for all of our State's unsolved murders. In doing so, she obviously and now publicly supports the Hon. Jeremy Buckingham's accusation that those crimes remain unsolved due to police corruption and ineptitude.

In a budget estimates hearing on 30 August 2024, the Minister stated that her role was "making sure that the police have the resources that they need to do their job". Sadly, she was not telling the truth. Deputy Commissioner David Hudson was asked in the most recent budget estimates hearings about the Hon. Jeremy Buckingham's proposed inquiry. He said:

I don't think there's any chance that an inquiry would ... solve unsolved crimes. It would also divert resources—most likely the limited resources of the Unsolved Homicide Team—to assist that inquiry, which would take them away from other work with a greater chance of success.

The Minister claimed publicly under oath that her job was to resource the police but then went away and privately voted to strip them of those resources, jeopardising all ongoing investigations into unsolved murders and missing persons. The Minister has done to her police exactly what she did to the shoppies: left them swinging in the breeze. Her pattern of behaviour is now very clear. She will say one thing to your face and then do the opposite behind your back. I close by saying to new Commissioner Mal Lanyon and all the fantastic men and women in blue that they have my full and ongoing support publicly and privately. But they should beware the Ides of March, and watch their backs because Premier Cassius and Minister Brutus have a private political agenda that clearly does not include their best interests, and the knives will come out if they are in their way.

### **BREAST CANCER AWARENESS MONTH**

**The Hon. Dr SARAH KAINE (22:07):** October is Breast Cancer Awareness Month, a time to create awareness, honour the millions of lives affected by breast cancer, reaffirm our commitment to equitable access to care and improve survival for all. Breast cancer is the most common cancer affecting women in our State, with one in seven women in New South Wales developing breast cancer in their lifetime. Those are not just numbers; they are mothers, sisters, daughters and friends. During Breast Cancer Awareness Month, a number of individuals and organisations hold events to raise awareness of breast cancer and its impacts and to raise funds for further research. I attended one such event run by the Rizzo sisters on 5 October at the Canterbury Hurlstone Park RSL Club. The Rizzo sisters have been running their Let's Find a Cure fundraiser since 2010 to raise funds for life-changing research into breast cancer.

This year's fundraiser raised \$70,000, which will go to research conducted at the Garvan Institute by Associate Professor Liz Caldon and her team. The long-term studies of cancer undertaken by Associate Professor Caldon's lab are critical to understanding the events that occur in a cancer as it develops. Philanthropic investment in those projects allows those important findings to come to fruition, benefiting countless women. Associate Professor Caldon's team conducts excellent research into oestrogen receptor positive breast cancers, which make up 75 per cent of all breast cancer diagnoses and about 50 per cent of breast cancer deaths and, in many cases, can develop resistance to current therapies. Associate Professor Caldon's lab is investigating how existing medications can be repurposed to target treatment resistance and oestrogen receptor positive breast cancers and increase the effectiveness of chemotherapy for metastatic cancer, an invasive form of cancer that has spread from the breast to other parts of the body.

Advanced cancers have very altered DNA. That is one of the main ways they avoid the effect of cancer drugs. Associate Professor Caldon's lab is studying which parts of the DNA are responsible for drug resistance. Led by postdoctoral researcher Dr Sarah Alexandrou, the team has performed whole genome screens, where each gene—there are about 30,000 individual genes—is systematically removed to see if it is responsible for drug resistance. The team has shown that the inactivation of a stress pathway known as the JNK pathway allows

estrogen receptor positive breast cancer cells to ignore stress signals and to evade treatment. The discovery potentially opens the door to more effective therapies for patients.

Estrogen receptor positive breast cancer accounts for more than 2,000 deaths per year in Australia. In most cases, the mortality is caused by treatment resistance, leading to metastatic recurrence after what appears to be successful initial treatment. It is particularly important when you consider that around 7,850 women and 50 men are living with metastatic breast cancer in New South Wales. Associate Professor Caldon's team is now investigating what alternative treatments might work for patients, hoping to develop tailored therapeutic approaches.

Over the past 12 months Associate Professor Caldon's group has also brought to conclusion a long-term project on late-recurring breast cancers. As background, many women with breast cancer have a good short-term response to treatment and can live cancer free for up to 20 years. However, a proportion of women with breast cancer develop late recurrences—that is, recurrences more than five years after the original diagnosis. That occurs in 10 per cent to 20 per cent of all women who are diagnosed with breast cancer. For many of those women, the returning cancer is resistant to treatment despite its slow growth and they then pass away from their breast cancers. Ms Kristine Fernandez, a talented research assistant in Associate Professor Caldon's lab, has created model systems that mimic that slow-growing and late-recurring disease. The lab is working on developing new treatments that specifically target those types of recurrent cancers.

In 2024 the lab completed a large study of drug response and identified that a novel drug, when used in combination with the hormone therapy tamoxifen, can cause those usually incurable tumours to shrink. Associate Professor Caldon's project on late-recurring breast cancer has also identified the potential for a pain medication drug to be repurposed as an anti-cancer drug. That is part of a broader program to repurpose existing medications that have low side effects to be used therapeutically for patients with breast cancer. The team is also working on another anti-inflammatory drug that it has found to be highly effective at stopping the growth of aggressive, drug-resistant breast cancers. The researchers' efforts are continuing through 2025-26. I take the chance to thank the Rizzo sisters for their important fundraising, as well as Associate Professor Caldon's all-women team for making such important progress in this important area.

#### DENI UTE MUSTER

**The Hon. WES FANG (22:12):** Over the October long weekend I had the opportunity to join thousands of people in Deniliquin for the Deni Ute Muster. The Deni Ute Muster started in 1999 as the Play on the Plains Festival and it has been a success ever since. The Deni Ute Muster has been famous for breaking a number of records and this year it happened to break the record for the most number of utes in one place, which I believe was previously also held by the Deni Ute Muster. This year we achieved 10,811 utes. I remember the very first ute muster I went to. It was in 2017 and it was with my good friend and then colleague the Hon. Bronnie Taylor.

Madam Deputy President, you can imagine the Hon. Bronnie Taylor and I rocking up to the Deni Ute Muster and how the two of us fitted in. At one point I wore a sports coat, a shirt and a pair of trousers, and we decided we would take a little stroll and observe the camping area. I recall running into one person who, through his slurred words, suggested that I was wearing an "effin' suit". He asked what I was doing wearing that at the Deni Ute Muster. I suggested to him that it was actually a sports coat and not a suit. I thus got into a debate with said person about appropriate Deni Ute Muster clothing. Needless to say, I have not worn a sports coat since. But I digress.

This year there was John Williamson, Kasey Chambers and Troy Cassar-Daley—great Australian acts performing at the Play on the Plains Festival. It is as much a music festival as it is a ute muster. Kasey Chambers performed *The Captain* at the opening ceremony and Troy Cassar-Daley joined her on stage. The duet that they performed was absolutely magical. You had to be there, and I put a clip on my social media for those who were not. I thank the chairman, Russell Tait, who has been an absolute stalwart of the Deni Ute Muster. I also thank the general manager, Vicky Lowry. No-one works as hard as Vicky, not only while the Ute Muster is on but also throughout the year. As a crowning glory, it also featured 4,961 people dressed in blue singlets, which I believe is also a world record. I congratulate the Deni Ute Muster on its 2025 festival and look forward to many more from Deniliquin.

#### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. TANIA MIHAILUK (22:15):** There is no doubt that the NDIS started out as a noble venture. When it was first conceived, it was with a vision of ensuring the dignity and wellbeing of those with disabilities. Fast-forward five years and we are confronted with a shambolic program that has succumbed to bloat and strayed far from its intended purpose of aiding Australians with severe and permanent disabilities. The March 2025

Federal budget revealed the NDIS would cost \$48.5 billion in the 2024-25 financial year. It projected the cost will amount to \$52.3 billion in 2025-26 and edge up to \$63.4 billion by 2028-29.

The NDIS is also likely to overtake the age pension as the most expensive social program in the country within 10 years and will outstrip the defence budget in 2026-27. While Prime Minister Anthony Albanese pledged in 2023 to reduce the annual growth of the NDIS from more than 20 per cent to 8 per cent, on 4 July disability program director for the Grattan Institute Sam Bennett wrote:

... even 8% annual growth is untenable in the long term, far exceeding growth in other comparable government programs.

In short, the NDIS has, sadly, veered well and truly into unsustainable territory. That makes it even more alarming that the National Disability Insurance Scheme has such a propensity to become a welfare trap, even for children. I am sure that most Australians were shocked to learn in August that 16 per cent of all six-year-old boys in Australia are on the scheme, according to a recent quarterly report from the National Disability Insurance Agency. Not only that, but the report also highlighted that approximately 80,000 people joined the NDIS in the past year, which brings the total number of people on the scheme to about 740,000. That is nearly three-quarters of a million people using a scheme that was initially intended to improve the lives of Australia's most severely and permanently disabled.

While Federal health Minister Mark Butler plans to remedy the explosion of participants by moving children with mild to moderate autism off the NDIS and onto the newly minted Thriving Kids program, that simply creates another welfare trap for desperate families. In the Thriving Kids official fact sheet, the Federal Government bills it as a program that will:

... focus on identifying developmental concerns earlier and establishing a national system of supports for children aged 8 and under with mild to moderate developmental delay and autism, and their families.

The fact sheet goes on to state:

Children with permanent and significant disability will continue to be supported through the NDIS.

The program will be delivered by scaling and building on existing mainstream and community services that can better support families and children in settings they already are connected to.

That all sounds well and good. However, considering that New South Wales and other States were hoodwinked into agreeing to what was then termed Foundational Supports for the NDIS in 2023, the evolution of that into Thriving Kids and the fact that Federal health Minister Mark Butler announced in August that the funding will be shared equally between the States and the Commonwealth reveals the program is a cost-shifting exercise. The Federal Government is forcing the States to foot some of the bill for its own inability to manage the NDIS appropriately. In short, the Feds are passing the buck to the States.

However, there is no doubt the State of New South Wales is cognisant of that dynamic. The New South Wales Acting Minister for Education and Early Learning, the Hon. Courtney Houssos, and Minister for Health Ryan Park both asserted as much during the August budget estimates when I questioned them on Thriving Kids. Mr Park stated:

... whilst completely aware and cognisant of the need to reform disability care, what I'm not going to see happen is just a cost shift to the State, and us picking up the bill through a reduction in health funding agreement.

I agree with those words from the Minister for Health. Similarly, the Hon. Courtney Houssos stated, "I think the Premier has been pretty clear: We're keeping a very close eye on the cost shifting." Indeed, the Hon. Courtney Houssos is correct. On 21 August Premier Chris Minns told reporters, "I can't sign a blank cheque. I'm not going to commit sight unseen."

New South Wales cannot be short-changed because the Federal Labor Government has lost control of the NDIS. The people of New South Wales and, indeed, the people of Australia cannot afford to fund another welfare trap that keeps parents who are desperate to do the right thing by their children unwittingly stuck in a cycle of government dependence. The budget is suffering enough monetary pressure as it is, and we should not have to pick up the tab for the Federal Government's plan to push NDIS recipients onto the State healthcare system. I urge the Government to use caution on any deal it signs on NDIS reform. The scheme is a black hole, and New South Wales taxpayers do not want their hard-earned funds to be sucked into it.

## BENDENINE WIND FARM

**The Hon. BOB NANVA (22:20):** I update the House on the proposed Bendenine Wind Farm, a proposal for 90 wind turbines and a battery energy storage system to be located between the townships of Binalong and Bowning in the Southern Tablelands. The developer, Wind Prospect, has been preparing a scoping report as the first stage of work prior to developing and submitting an environmental impact statement [EIS]. Over the past few months I have had a number of conversations with local residents in the Bowning region, including the Mayor of

Yass Valley, Councillor Jasmin Jones. The project has also been the subject of a considerable amount of media interest. Local residents have expressed concerns over the scale and placement of the project, noise impacts, impacts on environment, mental health, local amenity, social cohesion, bushfire risk and a lack of transparency from the developer. There were concerns about the impact of the project on other important industries in the area, including from veterans charity Remount.

However, recently Wind Prospect advised residents that it was putting the scoping report for the project on hold while it does further consultation. That announcement was very warmly received by the local community. The onus is now on Wind Prospect to address community concerns and see if it can develop a revised project the local community can live with. I have spoken in this place before about issues with two other renewable energy projects in the Goulburn electorate: the proposal for 660,000 solar panels at Gundary, and a proposal for up to 1.2 million solar panels at the nearby Merino Solar Farm project. Both of these projects have caused significant anxiety and stress for local residents. The Gundary project is currently under assessment by the Independent Planning Commission, while the Merino project is at an early stage in the process.

I acknowledge that the community near the Merino proposal has kept my office informed of their continuing interactions with the developer while they wait for the EIS to be released. As I have said in this House before, the transition to net zero is absolutely non-negotiable. We have to do it for both economic and environmental reasons, and we have to do it urgently. But how we get there matters. If regional communities will have to do the heavy lifting of hosting large-scale wind farms, large-scale solar farms, industrial-scale batteries and transmission lines, then those communities also need to see tangible benefits. To that end, the Southern Tablelands region is also home to a renewable energy project that ticks all the boxes. The Goulburn Community Energy Cooperative was formed in 2020, with a mission to build a community-owned solar farm in Goulburn. The solar farm is located on former industrial land that is leased from the Australian Rail Track Corporation, right next to the Sydney to Melbourne rail line.

Stage two civil works on the site, including levelling, spraying, seeding, sediment control and contouring, and enlarging the sediment pond, have all been completed. Racks and solar panels have been installed. The next stage is to install the four-megawatt battery so that the facility can pump renewable energy into the grid during off-peak times, when it is needed the most. The Goulburn Community Energy Cooperative has forged ahead because it was prepared to work collaboratively with people. This is part of the DNA of a member-owned enterprise. It will deliver affordable, clean energy into the grid for local consumers, and the profits from the facility will be retained in the community, too.

That cooperative model is one that renewable energy investors should look at and learn from. It should be considered one of a range of complementary strategies that proponents of renewable energy generation projects could and should use to build much-needed trust with local communities. For example, consultation should be face to face. It should not be outsourced to fly-by-night consultants with no skin in the game; it should be in people's lounge rooms and kitchens. Promises made must be promises kept. I look forward to engaging with members of local communities who are sincere about the challenges they face in relation to the rollout of renewable energy infrastructure and who have good, constructive ideas about how the transition to net zero can be done with regional communities and not just to them.

## LIBERALISM

**The Hon. JACQUI MUNRO (22:24):** Extremism does not serve Australians. Passionate liberalism is the only way to maintain a stable and secure country that encourages individual liberty and tolerance. Liberalism thrives on hope and aspiration, and withers under fear and division. The current moment feels embroiled in fear. Shared realities are breaking down and fringe views on the bell curve are finding a critical mass online. ASIO's Director-General of Security Mike Burgess has said that espionage and foreign interference are no longer our principal security concerns. He said:

More Australians are embracing a more diverse range of extreme ideologies, and more Australians are willing to use violence to advance their cause.

Extremist ideologies like Islamic jihadism, neo-Nazism, something like anarcho-Marxism, sovereign citizen movements and alt-right neo-cons are tapping into the individual kernel of truth that we all feel, to a certain degree, fear and the ultimate human fear that we will not be safe in the world unless we defend ourselves. Recently, many of those extremist ideologies have found a grim similarity in demonising the Jew because the despicable, age-old tropes about Jews represent power. That extremism is different to mere passion. Extremism is rarely contained within a personal adherence. If truly felt and believed, extremist beliefs lead to evangelisation at best and violence towards non-adherents at worst. Just like communism, extremism quickly slides down the slippery slope to authoritarianism. Those ideologies seek to be represented in established institutions.

A journalist recently revealed that Sydney cleric Dr Ali Al Samail preached to bring down Federal Labor and throw open the gates for Hamas and Hezbollah to potentially recruit, train and bankroll their operations from our suburbs yet was parachuted onto the NSW Faith Affairs Council in December after a personal intervention by the multiculturalism Minister. That should deeply concern all people committed to a peaceful and cohesive society. What is the Labor Government's response to those shocking revelations? From another angle, people like self-described racist and neo-Nazi Jack Eltis are exploiting people's fears about a loss of culture and safety and poverty to call for an end to immigration and create a white Australia. Australian neo-Nazi groups have demonstrated violence, and they seek oppression.

Flourishing extremism in a liberal society can demonstrate how a flaccid interpretation of liberal ideology can become its own worst enemy. Neo-Nazis are speaking at rallies and people are flying the flags of terror organisations, and both ideologies were represented marching through Sydney this year and enabled by lawful protests. Tolerance is ripe for exploitation by the intolerant. As the likely apocryphal G. K. Chesterton quote goes, "It pays to keep an open mind, but not so open that your brains fall out." There is a path to walk—and I do not think it is a tightrope; there is room for our communities to work and walk together—between being so open minded that we lose our guardrails for the ethically acceptable and morally desirable, and pointlessly decrying cultural differences that actually have no bearing on another person's life, which, incidentally, includes versions of identity politics on the left and the right.

So far, the unique success of Australian liberalism through the 1900s and early 2000s has provided a largely effective bulwark against local violence and sectarianism. It is notable given that we are something like the most multicultural country in the world, with one-third of our population born overseas. People arrive in Australia to flourish. It is the best place to live in the world for a reason. Edmund Fawcett suggests that liberalism embodies four core ideas that distinguish it from other ideologies. They are tolerance for philosophical conflict, resistance to power, progress and respect. He represents this through a loose definition: that liberalism is a search for an ethically acceptable order of human progress among civil equals without recourse to undue power. It is important to point out that liberalism therefore necessarily takes on the flavour of what is ethically acceptable in the society in which it flourishes.

Australian liberalism has its own unique flavour—something like eucalyptus liberalism, our country's canopy. It captures our three stages of cultural growth, Indigenous, colonial and migrant. To protect that liberalism, it is incumbent upon us to call out bad ideas. To protect our guardrails, we must call out actions that are antithetical to core liberal ideas. In *A Liberal State*, noted Australian historian David Kemp wrote that, in the 1920s:

... as liberalism in Europe quailed before the burdens of history, Australians had an opportunity afforded to few other people to attempt to build a society around principles of equal human dignity.

We still have that rare opportunity today. Our Australian spirit of liberalism is well captured in point 10 of Robert Menzies' *We Believe* Liberal Party statement, which states:

We believe that liberalism means flexibility and progress. Its principles and its spiritual and intellectual approach enable it to meet and deal with new changing social and economic circumstances. By elevating the individual it meets and defeats the terrible doctrine of the all-powerful state.

I will add, "and the terrible doctrines of extremist groups seeking power". Crucially, we still have a critical mass of Australian people interested in building the economic independence of their families, who want to contribute to their communities, and who understand that paying tax is a form of quiet patriotism. There are people who are committed to liberal values, even if they simply live them and do not need a label. We must lionise those people. In the name of Australia's eucalyptus liberalism, we all have a responsibility to champion their cause.

### TIMBER INDUSTRY AND GREAT KOALA NATIONAL PARK

**The Hon. MARK BUTTIGIEG (22:30):** I take this opportunity to recognise the outstanding advocacy, under very difficult circumstances, of the Timber, Furnishing and Textiles Union. The TFTU has been bringing its members to Parliament over the past couple of weeks, along with the Australian Workers' Union. Today they were supported by the Rail, Tram and Bus Union. The TFTU represents the forestry workers who will be displaced as a result of the Great Koala National Park. Several of those workers were at Parliament today to brief MPs and relate stories about the very real economic fallout from the announcement of the park.

Of course, the Great Koala National Park is a very good initiative by the Minns Government. It is an election promise made good. The workers were hoping for a smaller park, which they say would have retained some jobs. The reality is that the larger park has been announced, and several hundred jobs will be lost as a result of sawmills shutting down. There are also downstream economic costs associated with those job losses and the effect that has on local townships and economies. Instead of picking up their bat and ball and going home and

moping, the workers have been to Parliament almost daily, talking to MPs and trying to get the best possible compensation package for their fellow workers.

They have achieved a degree of success. My understanding is that Minister Moriarty and Minister Sharpe have been negotiating, and the compensation package is approaching what the unions have been asking for, which is the equivalent of the Victorian package. There is an outstanding piece of negotiation to be done for workers over 45, who obviously have a lot more difficulty finding work and retraining. However, I am told that that piece is well afoot. I recognise the bravery of those workers. Those decisions have a real economic fallout. The workers have been very courageous to come to Parliament and constantly advocate until they get the right result. I hope they will get that result. It certainly will not be for lack of effort from myself and other members in lobbying the Government to increase the compensation package.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The House now stands adjourned.

**The House adjourned at 22:32 until Tuesday 21 October 2025 at 12:30.**