



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday 31 March 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday 31 March 2022

The PRESIDENT (The Hon. Matthew Ryan Mason-Cox) took the chair at 10:00.

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

Committees

PROCEDURE COMMITTEE

Reports

The PRESIDENT: I table report No. 14 of the Procedure Committee entitled *Review of the Standing and Sessional Orders*, dated March 2022, together with briefing material.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

Announcements

STANDING AND SESSIONAL ORDERS REVIEW

The PRESIDENT (10:02): The Procedure Committee in the report of its review has prepared a complete set of revised standing orders, incorporating many existing sessional orders and a number of further enhancements. The intention of the committee is that the House consider and initially adopt the proposed new standing orders as sessional orders when we resume sitting in May. This will enable the House to trial their operation for the next six months, towards the end of which the Procedure Committee will conduct a final review before reporting back to the House in time for a complete set of standing orders to be presented to the Governor for approval in November.

I thank all those members who were involved in the detailed work of reviewing the standing and sessional orders. This has been a collaborative process producing a consensus report. The good humour and commitment of all involved is greatly appreciated. This process will leave a significant and historic legacy. To assist those members who were not part of the review to obtain an overview of the proposed changes, the Clerk, Deputy Clerk and Susan Want will provide a briefing via Webex next week. The briefing will last for approximately one hour and will be offered at 3.00 p.m. on Tuesday 5 April and repeated at 11.00 a.m. on Thursday 7 April. I strongly encourage all members to participate.

Motions

SPECIALIST WOMEN'S HEALTH SERVICE

Ms ABIGAIL BOYD (10:05): I move:

- (1) That this House commends the new public Specialist Women's Mental Health Service in Victoria which:
 - (a) was developed following the Royal Commission into Victoria's Mental Health System which revealed women experience trauma and abuse in the mental health system at a disproportionately high rate compared to men;
 - (b) will provide acute specialist trauma-informed care for women experiencing trauma, sexual abuse, eating disorders and perinatal mental health concerns; and
 - (c) will provide consultation to local mental health services.
- (2) That this House notes that the Illawarra Women's Trauma Recovery Centre has successfully provided care for victim-survivors of domestic violence and abuse in New South Wales since its commencement in 2020, and reports that there is a significant lack of specialist trauma informed mental health services across New South Wales.
- (3) That this House calls on the New South Wales Government to commit to establishing a public specialist mental health service for women, in consultation with frontline organisations.
- (4) That this House calls on the New South Wales Government to commit to allocating sustainable funding for frontline women's services dedicated to mental health care, including the Illawarra Women's Trauma Recovery Centre.

Motion agreed to.

WORLD AUTISM DAY

Ms ABIGAIL BOYD (10:06): I seek leave to amend private members' business item No. 1731 outside the order of precedence for today of which I have given notice by inserting in paragraph (3) "further" before "direct action to break down barriers".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

- (1) That this House notes that Saturday 2 April 2022 is World Autism Awareness Day, a day that celebrates the valuable contributions that people with autism make to our society and raises awareness of the significant barriers faced by people with autism.
- (2) That this House notes that, according to the Australian Autism Alliance:
 - (a) urgent action is needed by all levels of government and society to eliminate barriers to vital support and opportunities for people with autism in areas of education, employment, health, community understanding and more;
 - (b) approximately 85 per cent of Australians have personal contact with an autistic person, however only 4 per cent of people with autism and their families agree that people in the community know how to support them;
 - (c) there are gaps in support for people with autism, including long waiting times for diagnosis in the public system, high costs with accessing assessment and diagnosis and high costs of early intervention supports, which has led to a large number of people with autism being undiagnosed in our community or not being eligible for the NDIS; and
 - (d) a nationally consistent autism strategy is key to achieving positive outcomes for all people with autism through a targeted response, as has been implemented in many countries across the world.
- (3) That this House calls on the New South Wales Government to commit to better supporting people with autism in New South Wales by advocating for and listening to the voices of the autism community, and take further direct action to break down barriers and create opportunity.
- (4) That this House calls on the New South Wales Government to support a nationally consistent autism strategy in line with sector recommendations.

Motion agreed to.

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

Ms ABIGAIL BOYD: I move:

That the resolution of the House of 24 March 2020 appointing the Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales be amended by omitting in paragraph (2) (c) "Mr David Shoebridge" and inserting instead "Ms Abigail Boyd".

Motion agreed to.

SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES**Membership**

Ms ABIGAIL BOYD: I move:

That the resolution of the House of 6 May 2021 appointing the Select Committee on the Coronial Jurisdiction in New South Wales be amended by omitting in paragraphs (2) (c) and (3) "Mr David Shoebridge" and inserting instead "Ms Cate Faehrmann".

Motion agreed to.

*Motions***TRIBUTE TO NEIL JOHN "NURRI" BULGER**

The Hon. MICK VEITCH (10:09): I move:

- (1) That this House notes with sadness the death of Neil John "Nurri" Bulger who passed on 8 March 2022 aged 70 years.
- (2) That this House further notes that Neil John "Nurri" Bulger:
 - (a) served as Vice Captain of the 1988 Australian Indigenous cricket team that toured England to commemorate the tour of the first indigenous cricket team to tour England 120 years earlier;
 - (b) was selected in the 1984 Prime Ministers Eleven;
 - (c) represented the ACT 27 times scoring 577 runs at an average of 30.37 and taking 47 wickets at 19.66;

- (d) played 135 first grade games in the ACT competition scoring 3933 runs at 37.10 and taking 253 wickets at an average of 16.14;
 - (e) was ACT Cricketer of the Year in 1972-73, 1980-81 and 1981-82;
 - (f) was ACT Representative Player of the Year in 1980-81 and 1981-82;
 - (g) was NSW Country Cricketer of the Year in 1980-81;
 - (h) played for Queanbeyan across 25 seasons scoring 7911 runs and taking 384 wickets and winning five premierships;
 - (i) in 2015, Queanbeyan Council renamed the second ground at Freebody Oval to Neil Bulger Oval; and
 - (j) was the cherished father of Tahnee.
- (3) That this House sends its sincere condolences to the family and friends of Neil John "Nurri" Bulger.
- (4) That this resolution be communicated by the President to the family of Neil John "Nurri" Bulger.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. DAMIEN TUDEHOPE: I table the following paper:

- (1) Multicultural NSW Act 2000—Report of Multicultural NSW entitled *Community Relations Report 2020-2021*

I move:

That the report be printed.

Motion agreed to.

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Wes Fang): I acknowledge in the President's gallery three special members: Avery, Orana and Georgia, from Loreto Normanhurst. They are participating in the Girls Takeover Parliament program and are shadowing MPs for the day to learn what it is like to be a member of Parliament. I apologise to them. I hope the day is not too painful for them.

Documents

HEALTH FUNDING AND HEALTH INFRASTRUCTURE

Dispute of Claim of Privilege

The DEPUTY PRESIDENT (The Hon. Wes Fang): I inform the House that on 29 March 2022 the Clerk received from the Hon. Walt Secord a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on 18 March 2022 relating to health funding and health infrastructure commitments. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Mr Mason.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

Dispute of Claim of Privilege

The DEPUTY PRESIDENT (The Hon. Wes Fang): I inform the House that on 30 March 2022 the Clerk received from the Hon. Daniel Mookhey a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on 24 March 2022 relating to a further order for papers regarding the Transport Asset Holding Entity of New South Wales. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Mr Mason.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. MARK LATHAM: I move:

That matter of public importance No. 1 be postponed until the next sitting day.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That Government business notice of motion No. 1 be postponed until a later hour of the sitting.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That Government business order of the day No. 1 be postponed until a later hour of the sitting.

Motion agreed to.

Committees

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

Deputy Chair and Membership

The DEPUTY PRESIDENT (The Hon. Wes Fang): I inform the House that on 30 March 2022 the Clerk received advice from Ms Abigail Boyd nominating Ms Cate Faehrmann as a member of the Select Committee on the Government's Management of the Powerhouse Museum and Other Museums and Cultural Projects in New South Wales, in place of Mr David Shoebridge. I further inform the House that Ms Cate Faehrmann has been nominated as deputy chair of the committee.

Disallowance

ROADS AMENDMENT (MAJOR BRIDGES AND TUNNELS) REGULATION 2022

The DEPUTY PRESIDENT (The Hon. Wes Fang): According to standing order the question is: That the motion of Ms Abigail Boyd proceed as business of the House.

Question resolved in the affirmative.

Ms ABIGAIL BOYD: I move:

That the matter proceed forthwith.

The House divided.

Ayes19
Noes17
Majority.....2

AYES

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

Graham
Houssos
Hurst
Jackson
Mookhey
Moriarty

Moselmane
Primrose
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Barrett (teller)
Cusack
Farlow (teller)
Farraway
Franklin

Latham
Maclaren-Jones
Mallard
Martin
Mitchell
Poulos

Rath
Roberts
Taylor
Tudehope
Ward

PAIRS

Searle

Mason-Cox

Motion agreed to.

Ms ABIGAIL BOYD (10:29): I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the Roads Amendment (Major Bridges and Tunnels) Regulation 2022, published on the NSW Legislation website on 24 March 2022.

The Greens have moved to disallow the Roads Amendment (Major Bridges and Tunnels) Regulation 2022 that came into force last Thursday and was signed off by Minister Ward in this place. The regulation was made for no reason other than to stifle dissent. The regulation was made to avoid protest. It is a targeted law, targeted directly at trampling all over the right to political communication. I draw members' attention to the nurses and midwives strike going on right now outside Parliament House. Under the proposed laws that were rushed through the lower House last night, if someone was to, for example, be redirected around that protest, even if it did not really cause them any inconvenience, those protesters could be jailed for two years. That is what we are living with right now. That is the Government in this State.

I reflect on what happened in the House just now. The lawyers in this place, including the Hon. Natalie Ward, and the Attorney General in the other place, have said that the job of this House is to review legislation and ensure that there is no Executive overreach. The very job of this House is to look at regulations. Members are constantly told, "Don't worry. It doesn't matter. We've got delegation and regulation. It's fine because if there's a regulation, it will come to the House. You can disallow it if it's draconian or it oversteps." But that is not true because just now the Government moved a motion to gag me from even debating the disallowance of a draconian anti-protest law. Could it get any lower? How can we believe the Government the next time it says, "Don't worry. We do all of this subordinate legislation and it's fine because the regulation will come to you and you'll have a chance to reflect the community's views. You'll have a chance to review the regulation and disallow it if we've gone too far." How can that be believed when a motion was just moved to gag me from even discussing it?

The Hon. Scott Farlow: Point of order: The member is reflecting on a decision of the House but that decision was not about whether the member could speak; it was about the timing of when the member could speak. The member's motion was about the matter proceeding forthwith. That is what the decision was about.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The member will return to the substantive part of the motion.

Ms ABIGAIL BOYD: I acknowledge the interjection. Not debating it today or having the chance to disallow it today would mean an additional five or six weeks of unchecked Executive overreach before we could debate it again. Although the Australian Constitution does not explicitly protect freedom of expression, the High Court has held that an implied freedom of political communication exists as an indispensable part of the system of representative and responsible government created by the Constitution. It operates as a freedom from government restraints, rather than a right conferred directly on individuals. I remind the House that in *Nationwide News Pty Ltd v Wills* in 1992 and *Australian Capital Television Pty Ltd v Commonwealth* in 1992 the High Court held that an implied freedom of political communication exists as an incident of the system of representative government established by the Constitution. That was then reaffirmed in 2013 in *Unions NSW v New South Wales*.

We will no doubt talk about this later today, but in 2017 former Australian Greens parliamentary leader Bob Brown took the Tasmanian anti-protest laws through the High Court and had them struck down. They were laws specifically directed at protesters. This regulation has been carefully crafted to avoid the pitfalls of the Tasmanian law, but the public statements of the Ministers and Government members involved make it clear that this too is a law designed to trample over our implied freedom of political communication. I draw the attention of the House to the question that you, Mr Deputy President, asked the Hon. Natalie Ward recently in question time. The question states:

Will the Minister update the House on how the New South Wales Government is increasing penalties for protesters who obstruct tunnels and bridges across Greater Sydney?

In her response she thanked you for your question, which is lovely, and went on to say:

We are all children of having a view and expressing that as an important part in our democracy. That is why the Government has provisions in place to allow protests to come back legally—

we will come back to that concept in a minute and the idea of "legal" protests—

in a way that people can make their views known without causing severe disruption to the daily lives of others. However, this Government cannot support illegal protests, especially protests that disrupt the lives of commuters who are just trying to get to work, get their families to school and get home to see their families at the end of the day.

In that context, she goes on to say:

That is why I have taken immediate action to ensure that we expand the existing regulation to increase penalties to deter people from obstructing traffic on all the tunnels and bridges across Greater Sydney.

This is a regulation put in place to stifle our freedom of political communication. That is crystal clear, and it is an absolute disgrace. The idea that we can only protest if the Government permits us to is such a ridiculous concept.

I do not know where to begin. We all have the right to protest against bad laws. The idea that we can only protest against the overreach of government and Ministers in making random regulations and whatever else if we seek permission first is extraordinary.

Of course there will be nonviolent direct action to challenge laws. People will not always get permission first from the police. The idea that we cannot organise a snap rally at a moment's notice on an issue that we care deeply about is just absurd. The Liberals keep talking about going ahead "legally" in protest, but the whole point of a protest is to be inconvenient. The whole point is to get awareness. We will talk about this again later and I am sure that my colleagues will also talk about it, but there is a proud history of protest in this State and social change that has resulted from that. I would hate to have seen these laws hinder the important social change from our history over the past several decades.

I watched the member for Sydney, Alex Greenwich, speak in Parliament last night. He very eloquently explained what might have happened to the 1978ers if a provision such as this was introduced after they took to the streets. The member for Sydney made some great points in the course of that speech, including that it would not have stopped gay rights activists from continuing to take to the streets regardless of fines because, relevantly, the cause was too important.

If we look at the climate activists who are so frustrated by the inaction of our governments on climate and who reflect the majority view of those outside this place, they too would rather be fined \$22,000 and go to jail for two years than spend another minute with a government that does not understand the importance of taking climate action. I ask every member in this place: Who do you think you are? What do you think your purpose is in this place? If the answer is to stifle the voices of the people who you were elected to represent, you are in the wrong place. What we do here in Parliament is only a sliver of the— [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

Ms ABIGAIL BOYD: What we do here in Parliament is just a sliver of the democratic process that underpins our society. Our responsibility in this place is to reflect and amplify the voices of those outside, to use our privileged positions in this Parliament to speak the words of those who are not so privileged, to express the views of those who are not being heard and to ensure that we govern for the whole of society and not for our own self-interest. In this place, the Legislative Council, the house of review, our job is to hold the Executive to account, to stop the overreach and to prevent draconian laws like this from being passed in the dead of night to handle a situation that the Government and its big business mates find inconvenient.

Members here who are part of a political party that does not support the disallowance motion and chooses to crack down on the dissenting voices it finds inconvenient must ask themselves what the hell has gone wrong with their political career. If members are not here to represent the democratic process and to advance democracy, I cannot understand why they would be in Parliament, let alone be a member of the Legislative Council. The fundamental principle on which our government system is built is representative democracy. The public quite reasonably expects that the laws that govern us all are made by the people they have elected to our Parliament. But increasingly the New South Wales Liberal-Nationals Government has taken advantage of the powers that it has been delegated to fill—by making small or highly changeable details in the spirit of primary legislation passed by Parliament—and instead it has intentionally circumvented the parliamentary process and created wide and unchecked changes to our legislation, which vary significantly from the intention of the primary legislation under which they sit, against the will of the Parliament.

That is exactly what will be achieved by the Roads Amendment (Major Bridges and Tunnels) Regulation 2022, which sits under the Roads Act 1993 and brings into effect the regulation-making power of section 144G, which was added to the Act by the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018. The main thrust of that bill was to create an automatic penalty regime for low-range drink and drug driving offences. Indeed, that is entirely what the debate focused on at that time. Section 144G, which creates a penalty for trespassing on the Sydney Harbour Bridge and other major bridges and tunnels, received only a passing mention in the second reading speech.

The inclusion of the section was prompted by a highly publicised incident in early 2018 when a mentally ill individual scaled the Harbour Bridge, creating a significant safety hazard to himself and the public. Let us reflect on that. That section was not put in place to stifle protest or to stop people from exercising their political freedoms; it was put in place because of an incident in which a mentally ill individual scaled the Harbour Bridge and created a significant safety hazard to himself and the public. Until last week the Roads Regulation 2018, which this regulation amends, did not prescribe a single other major bridge or tunnel to be caught by the offence, because why would it need to? It was put in place in response to that one incident.

In this case the Government is taking advantage of the void that was left by that reference to regulations. Understanding the context around which that legislation came into effect is crucial to understanding the Parliament's intent in passing that particular clause. It was tacked onto a largely unrelated and highly controversial legislative regime and was framed by a specific safety incident. The fact that regulations under section 144G of the Act have now been used to criminalise trespassing on every single bridge and tunnel in Greater Sydney is an extraordinary misuse of delegated legislative powers. That is on top of the fact that section 264 (2) of the Roads Act states:

A regulation may create an offence punishable by a maximum penalty not exceeding 30 penalty units.

The Government has conveniently circumvented that subsection by not technically creating an offence but by dramatically extending an existing one. Instead of 30 penalty units there is a fine of \$22,000 and two years in prison. I would be very surprised if the regulation held up in court. I say again: Who do members think they are if they are not here to represent the democratic processes of this State, but instead try to ram through draconian anti-protest laws? I hope members will support the disallowance motion. The regulation goes too far.

The Hon. EMMA HURST (10:45): On behalf of the Animal Justice Party I strongly support the disallowance motion, which I thank my colleagues in The Greens for moving, particularly Ms Abigail Boyd. It is really important that we debate the proposed regulation, which the Animal Justice Party is deeply concerned about. It would make it an offence to disrupt or obstruct any bridge or tunnel across Greater Sydney. That incredibly broad offence is made worse by the fact that it is punishable by draconian penalties of \$22,000, two years' imprisonment or both. The intent of the New South Wales Government in making the regulation is clear: It seeks to punish climate protesters who in recent weeks have taken desperate measures to call for action on the climate emergency. The Government wants to silence anyone who dares to criticise it or take protest action by making a legislative threat of massive jail time and crippling fines.

Right now northern New South Wales is flooding again. Those incredibly damaged communities, which have barely come up for air after the devastating, unprecedented floods of a few weeks ago, are at risk of losing everything again. There is no doubt that we will see more lives lost and more damage to critical native animal habitat as well. Those floods could not provide a more real or present demonstration of the impact of the climate crisis on the people of New South Wales. Of course there were also the 2019-20 bushfires, which are still fresh in our memories and which people and animal populations have barely recovered from.

There is so much urgent work to be done to support the flood-affected communities of northern New South Wales. There is so much work to be done to fireproof and flood-proof our communities for the future. We should be working to help stop those climate emergencies and stop climate change rather than silencing the people who are fighting against that. There are so many pressing priorities facing the Government but, rather than facing any of them, the Government has chosen to do the one thing it knows how to do: introduce harsher anti-protest laws, with even harsher penalties, via regulation. Instead of fixing the problem, it is using the regulation to silence dissent.

Of course, that is only the beginning. As members would know, later today a bill will arrive from the other place that seeks to expand those offences even further into more concerning territory. That exact situation played out under the Right to Farm Bill back in 2019, which also introduced massive fines and jail time and was designed to target people seeking to protect animals from cruelty—another group of people the Government does not like. That bill, in a similar vein to the regulation that may be introduced to this place today, was designed to effectively gag people from taking action or exposing animal cruelty, which is rife in this State due to the failures of the Government.

Under the regulation which is the subject of the disallowance motion the exact same thing has happened, only this time the Government's target is environment and climate activists. However, the proposed bill would also affect anyone who is fighting for human rights or animal protection. I wonder who the Government will scare and intimidate into backing down next with its draconian, anti-protest, anti-free speech laws. This is massive overreach by the Government. Previously, this provision of the Roads Act applied only to the Sydney Harbour Bridge. Now, thanks to this regulation, it puts anyone who conducts a protest on a bridge or tunnel throughout Greater Sydney at risk of a term of imprisonment for up to two years.

The terms of this offence are not only incredibly broad but also incredibly vague. For example, the offence applies to anyone who "disrupts or obstructs vehicles or pedestrians attempting to use" the bridge or tunnel. What does "obstruct" mean? Is someone peacefully holding a large cardboard sign on the pedestrian crossing of the Spit Bridge calling for climate action guilty of "obstructing" if they get slightly in the way of a member of the public? What about a small group of peaceful protesters? Is the Government really suggesting with these regulations that the New South Wales police should be entitled to arrest these people and send them to jail for potentially up to two years?

The regulation specifically gives the example of the Spit Bridge as a location that will be captured by the bill. Most members will be aware of the recent climate protests on the Spit Bridge. I would like to read from a media report on the Spit Bridge protests so that everyone can understand what those people actually were calling for in those protests. It states:

The activists, which included a blind grandmother, have defended their actions and the disruption caused, claiming non-violent civil resistance was necessary.

"We do not want to be doing this but our government is failing us and civil disobedience is the only and last powerful resort" ...

The protesters went on to explain what their calls for action were. They want the New South Wales and Federal governments to immediately begin efforts to rehome flood and bushfire victims. They want the Government to secure an Australian-owned aerial tanker fleet to fight the floods, and they want the Government to install effective air filters in schools, aged-care homes and disability facilities. These are the radical demands that this Government was so afraid of.

I conclude by saying, as I have many times in this place, that there is a really disturbing trend for this Government to try to move as much law as it can into regulation, away from the parliamentary oversight process, where it can chop and change things however it likes. It is regulations exactly like this one that cause us such concern around those regulation-making powers and around the expansion of those regulation-making powers. It is the reason why the Animal Justice Party is fighting so hard to avoid the Government moving so much animal protection legislation into regulation. This is a government that is deeply afraid of scrutiny and oversight. It is why it will try to hide most of its lawmaking in regulation and it is why it is seeking with this regulation to silence protesters who expose the Government's failures to protect the people of this State from the effects of the climate crisis. This is not something that we as a Parliament should support. I urge all honourable members to support this disallowance motion.

The Hon. MARK LATHAM (10:52): One Nation opposes the disallowance because we support one of the most basic democratic freedoms in our society, freedom of movement. Working people have the right to go to work. It is all right for the bourgeois left, who have the money to get their inner-city digs, use their active transport or walk to work, to say that these protests should be allowed to take place, but there are people in this city who travel two hours in the morning to get to work and two hours to get home. They should not be obstructed by protests and ferals who are acting in a way that is designed to maximise inconvenience to the working public. There is a right to protest, of course, but not at the expense of freedom of movement.

There are working people on that four-hour commute to and from work who do not get to see their house in daylight during the winter months. They leave before dawn and they get home after sunset. They travel a long way to get to a working venue where they work hard. They pay their taxes and they come home, hoping to look after their children and provide as best they can. To say it is acceptable in a protest, no matter what the cause is, to target it towards causing traffic chaos, to add a lot of time—possibly hours—to the morning and afternoon commutes and to endanger economic activity, is to support protesters acting in a way that is the equivalent of theft. They are stealing people's time and economic opportunities. This started in the Hunter Valley last year with a Local Court judgement to jail someone for 12 months, which was an appropriate penalty. The offender was bailed out by a higher court.

In the Hunter, which is an area under economic stress and transition and where there is no surplus of jobs, the activities were not a legitimate fair protest but were designed to restrict freedom of movement and hurt working people. We get to the point of the bourgeois left Greens condoning what they are now supporting in this place—that you can push a car onto the rail line at Scone and somehow that is a legitimate protest. Actually, it is a very dangerous, absurd and stupid thing to do and should be punished severely by any court system. There are other protests in the Hunter. When the courts started to catch up with the protesters there, they moved to the Spit Bridge. Of all the places to protest in Sydney about this cause, they went to the Spit Bridge because it is the easiest place to cause a traffic bottleneck, traffic chaos, to stop people literally from moving across that bridge, and to hold people up when they are doing something that is a basic freedom, which is just trying to move around and get to work. We cannot condone this. It is appalling.

When they were caught out at Spit Bridge they moved on to Port Botany to target the port solely for the reason of disrupting economic activity and hurting people. If we have people who are stealing time and economic opportunity, it is appropriate for the Parliament to respond. There is no restriction here on legitimate protest. There is one happening right now; I can hear it out the front of Parliament. I congratulate those nurses and their organisers on getting the permit and rallying on Macquarie Street in a way that has not stopped anyone from getting to work. There was notice about it. It is not one of those pop-up feral protests that are designed to hurt people. They are making their case. I support their case on the remuneration front most certainly. What they are doing is the appropriate way in which to conduct a protest.

Democratic freedoms are not under threat. What is under threat by stopping the motion for disallowance and supporting the bill later today are the feral idiots who are going out of their way to hurt other people. In the case of climate change, they bring discredit to their cause. There is no lack of profile or awareness about climate change. Every second speech from the non-Government side of the Chamber is about climate change. It is a topic that is ventilated just about everywhere in the media and in politics, so there is no need for climate change protests. They are hurtful and unnecessary. The Parliament must act for the working people who just want to get to work as quickly as they can, get home as quickly as they can, and go about their business without hurting anyone.

One Nation is standing up in this House for the people who do the right thing in society and should not be harmed. The climate change cause suffers when, for no net political gain or awareness, it is associated with feral idiots who go out of their way to hurt the workers and hurt people who are just trying to earn a living and go about their business. They hurt the business people and the small businesses that want to get their freight in and out of Port Botany. Climate change suffers a lot. It suffers already from the false protests. There was mention of the member for Sydney, Alex Greenwich, who put out a social media post and spoke about the looming emergency of climate change. Ten years ago he was one who was saying that his electorate of Sydney would now be underwater from rising sea levels. It is the false prophecy, the false predictions, the failed predictions that hurt the climate change cause. The sea levels are not rising that anyone can notice. Sydney Harbour has not changed in the 50 years that I have been looking at it.

The other false predictions go on and on. For example, every summer we were going to have scorching bushfires. That turned out not to be fire, but flood, so they just changed the words in their speech from "fire" to "flood" and that was good enough; any old catastrophe is fine, even if it is not based in science and it is not based on accuracy. Tim Flannery now is a laughingstock in Sydney. He said the rivers and the dams would never fill again whereas they are filling every other day. We must follow the evidence. We must protect democratic rights to not only protest in a reasonable way but also to have freedom of movement.

For the bourgeois left greens, with their inner-city digs and luxurious lives, to be saying that it is all right to punish working families in Penrith, Campbelltown or Blacktown—and it is fine if they have to sit in a traffic jam for hours on end because somehow it is adding to the climate change cause—is an absurdity. There is no lack of profile or coverage in the media. People can google climate change and sit there for years on end reading every single thing that is said about it every single day. Those feral protesters have gone out of their way to hurt citizens in New South Wales. Sensibly, the law must address that harm. They are not protesters like the nurses outside Parliament today, who have gone through a legal process to get their permit and are making their points in a fair and reasonable way.

The target of those protests, from the Hunter Valley to the Spit Bridge to Port Botany, is to maximise harm to other citizens. We must put a stop to that and recognise that the laws we will debate this afternoon have to be broad. If the protesters move from Port Botany, they will easily go to industrial estates. Imagine the targeting of Tomago Aluminium or BlueScope Steel. Working people will be hurt again if those enterprises are targeted. Rail lines must be included in the regulation. It is possible that major shopping centres could be targeted. The targeting and wilfulness of the protesters that causes harm to others must come to an end. The Government has taken many months to respond—better late than never—but the provisions must hold up.

The regulation that we are debating is not broad. In fact, it is very narrow. All the regulation does is take the offences for blockading the Sydney Harbour Bridge to other bridges and tunnels in Sydney, not in the Hunter Valley or the Illawarra, and it does not include rail lines or major roads; it was only bridges and tunnels in Sydney. It is not a broad regulation and it certainly needs to be supplemented by the bill that will come before the House later today. We are not talking about something that is unreasonable; it is a narrow regulation. All we have is a bunch of self-indulgent and spoiled bourgeois left greens who think that their view of the world is the only thing that matters. Talking about inconvenience, Ms Abigail Boyd was in a real huff at the idea that her inconvenience today—

The Hon. Anthony D'Adam: Point of order—

The Hon. MARK LATHAM: She was in a real huff that her inconvenience today was to debate this later in the day.

The Hon. Anthony D'Adam: The member is clearly making an adverse reflection on another member.

The Hon. MARK LATHAM: No, I am describing something.

The Hon. Anthony D'Adam: He knows the standing orders. If he wants to do that, he needs to do it by way of substantive motion.

The Hon. MARK LATHAM: The Hon. Anthony D'Adam is in a huff too.

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

The Hon. MARK LATHAM: You're kidding me.

The Hon. Natalie Ward: I was listening carefully to the contribution of the Hon. Mark Latham. He was being factually accurate; the member was in a huff. In my view, she was quite engaged and energetic, and clearly very passionate about what she was saying. It was no reflection on her; it was factual. There is no point of order.

Mr David Shoebridge: To the point of order: Not only was the Hon. Mark Latham insulting Ms Abigail Boyd, but when the Hon. Anthony D'Adam took his point of order he then aggravated his offence by making the same insult against him.

The Hon. MARK LATHAM: Huff. You're kidding?

Mr David Shoebridge: If the Hon. Mark Latham wants to insult members then he needs to do it by—

The Hon. MARK LATHAM: Someone is in a huff. You're in a huff too.

Mr David Shoebridge: He's now speaking over me as I'm trying to speak to the point of order—

The Hon. MARK LATHAM: You're going to last five minutes in the Senate.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order!

The Hon. MARK LATHAM: You'll be a Senate snowflake.

Mr David Shoebridge: —because he cannot control himself. I ask you to bring the Hon. Mark Latham to order.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I note that the time has expired. I do not believe that the word "huff" is unparliamentary. I do not believe Ms Abigail Boyd or the Hon. Anthony D'Adam are offended by the word.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (11:03): It will come as no surprise that I speak against the disallowance motion of the Roads Amendment (Major Bridges and Tunnels) Regulation 2022, which I introduced. I anticipate that a lot of time will be spent on this issue today, so I will endeavour to be brief. Over the past month protesters have held up peak-hour traffic by sitting on the Spit Bridge, the Western Distributor, and roads at Port Botany and other places. It is clear that the existing penalties were not a sufficient deterrent for those selfish protesters. Sitting in peak-hour traffic is not peacefully protesting or getting their message across. That is causing maximum disruption to ordinary commuters trying to go about their business. The regulation is not about banning lawful protests. Anyone who believes that rabbit hole is in for a long ride today. The regulation is about stopping our city from being held hostage by protesters who decide that their message and what they intend to do for the day is more important than hundreds of thousands of commuters trying to go about their day on public roads.

Those protesters are nothing less than selfish. They put themselves at risk by sitting in the middle of a six-lane motorway. They also put first responders at risk when they have to spend their day pulling those people off the road. They put other drivers and commuters at risk when they have to attempt to move around them. The protesters are entirely selfish. The New South Wales Government does not, and will not, stand for this level of disruption to our communities, businesses and people who are trying to go about their business. It cannot stand by while people blockade traffic and freight routes. They are putting themselves at risk as well as everybody else who is using the roads, bridges and tunnels. They have no regard for anyone but themselves and the Government cannot stand by and let that happen. The government of the day cannot be expected to stand by and say that this is perfectly fine while people miss work and school, cannot get to medical appointments, attend job interviews or university, and freight is undelivered.

Now more than ever, as we emerge from the COVID pandemic, the people of this State need to be able to go about their business. They have to go where they need to get to. There is nothing to be achieved by attempting to overturn the change in the regulation. The behaviour of those people sitting on roads, hanging from homemade platforms and sitting in vehicles remains illegal. The new offences are an attempt to recognise the gravity of their offending, not to criminalise previously lawful behaviour. There is a lawful way to go about getting a message across, and that does not change. However, unauthorised protesters have no place in this State, and the increased penalties send a message from this Government: It will not tolerate this behaviour and neither will the people of New South Wales. Their selfishness will be responded to. The Government will not stand for stunts and blockades of our roads that impacts our commuters and freight services.

No-one is silencing dissent, shutting down protesters or targeting particular rights. The Government is not anti-protesters. As the Hon. Mark Latham pointed out, we can hear protesters outside Parliament today, who were organised to get their message across. No-one is stifling their right to political communication. However, people and commuters in this State are also entitled to use public roads, bridges and tunnels. Those protesters do not have the right to take them over unilaterally at everyone else's expense because we live in a community. Those green terrorists want to hold up the rest of metro Sydney by hanging off a pole or sitting on a six-lane road in peak hour. Those are not mere protests; let us not believe that whimsical idea. The Greens have never demonstrated more how disconnected they are from the community. Recently I was sitting on the Spit Bridge in peak-hour traffic. I looked at the car next to me and I saw a mum trying to drive her three schoolkids to school.

Ms Abigail Boyd: Yep, they're going to die in climate change.

The Hon. NATALIE WARD: I listened to you in silence and I ask that you do the same. They were just trying to get to school after years of disruption and learning from home. The kids were in their uniforms just wanting to go about their business. People were trying to get to work or medical appointments and go about their days. The Greens do not seem to have considered anybody but themselves in their contributions. They are selfish, the protesters are selfish and this argument is selfish. People can protest. Part 4 of the Summary Offences Act 1988 contains the statutory framework for lawful public assemblies. It allows for the authorisation of public assemblies by the Commissioner of Police. That framework allows law-abiding citizens to go about their business and protest lawfully in a public way—as we are hearing outside Parliament today. They can seek authorisation and let the authorities know the number of people who are expected. Then, as a modern community expects, they can be heard in an orderly and sensible way and can get their message across instead of their message being that they are terrorists who want to interrupt our day.

In this country in 2022 we do not need to place people in a threatening situation to get our message across. The honourable member referred to it being "inconvenient". It is not inconvenient; this behaviour is a disgrace. The Harbour Bridge example used by the honourable member in relation to the safety hazard the man in question caused to himself is not a mere example. What happened on the Spit Bridge was a safety hazard to those protesters, those around them and everybody else using those roads. It was the same in the protest on the Western Distributor and the same at Port Botany. We are now on notice that they intend to do more. It is therefore incumbent on us to take action. We are obliged to do so as the government of the day. That is exactly what we are doing. Those protesters will continue their self-centred, selfish, completely disruptive intentions.

The honourable member asked members, "Who do you think you are?" I can answer that. I am someone who cares about commuters getting to work. I am someone who cares about families getting children to school. This Government cares about people getting to medical appointments. We care about orderly communities going about their business. We will not tolerate and do not accept the member's proposition. This Government believes in sensible commuters being able to use public roads, tunnels and bridges. It is delusional to say that they were peaceful protesters; they were anything but. I saw them. I watched them. They had complete intent to disregard everybody else on the roads.

We are unapologetic about the steps that I took quickly in response to their activity, and which the community expected. The Greens are all care and no responsibility. It is all fine to talk in this Chamber but people are being affected out in the real world. It is unfair. This Government is the grown-up in the room. We say that people can protest. They can go out there and yell all they like and do what they like, but leave everybody else out of it. Let people get to work. Let people get to their appointments. Let students get to university and schoolkids get to school. Let people go about their business. Working people want to get home to their families after working long shifts and sitting in cars and buses for hours. They want to go about their day.

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

The Hon. NATALIE WARD: We have an obligation to respond and that is exactly what we did. That is what good governments do. For those reasons, unsurprisingly, I oppose the motion.

[Business interrupted.]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Wes Fang): I welcome to the President's gallery Piper, Abigail and Zoe, students from Loreto Kirribilli. They are joining us as part of the Girls Takeover Parliament day. Hopefully what they see in this Chamber does not dissuade them from politics. We welcome them to the Parliament and hope they will be able to make a contribution to this place one day.

*Disallowance***ROADS AMENDMENT (MAJOR BRIDGES AND TUNNELS) REGULATION 2022**

[*Business resumed.*]

The Hon. JOHN GRAHAM (11:12): On behalf of the Opposition, I speak in debate on the disallowance motion regarding the Roads Amendment (Major Bridges and Tunnels) Regulation 2022. Firstly, to be clear, I indicate that there will be a substantive debate on the bill later, which will be much broader. The Opposition will contribute significantly to that debate. I will not go into those issues now, as so far members have strayed reasonably broadly in this debate. I will attempt not to do so and will confine my remarks to this particular disallowance motion. I indicate that we support the measures that have been introduced by the Government. We oppose The Greens disallowance motion in this instance.

I will explain the principles by which the Opposition is operating. Firstly, we are attempting to take a responsible position in this debate as we have on others, particularly in relation to COVID. We have genuinely attempted to assist where that can be the case, even as this Government flails around, as it does in this instance when it comes to the bill. However, I will come to that later. Clearly we support the right to peaceful protest. I join other members in recognising the nurses' protest that can be heard outside the Chamber as we debate this motion. I support that protest. The Opposition supports that protest. We support many of the claims the nurses are making against this Government out on Macquarie Street as we debate the motion.

Secondly, we are opposed to violent protest. That has always been the position of the Opposition. That has been the position the Opposition has put in this Parliament for longer than any other political party in the country. Finally, we are absolutely on the side of getting people to work. A person need only look at this Opposition and the issues it is engaged in, which are squarely aimed at suburban Sydney and at the real pressures people face balancing family and work. The Minister picked up the Opposition vibe in her contribution when she said that it is not just about getting to school and to work but getting to medical appointments. It is not that easy for older citizens of Sydney who are just trying to get around at the moment, in the middle of a pandemic, to get health care when they need it. It is not easy to do the ordinary things in life. We are on the side of those people. I do not think anyone who observes what the Opposition is pursuing at the moment could doubt that. We take the same position as the Government and oppose the disallowance motion. That is not to say we are taking the same position as the Government on all the issues. We differ from the Government.

Mr David Shoebridge: Please explain. Tell us how!

The Hon. JOHN GRAHAM: We do strongly support the right to protest.

Mr David Shoebridge: Two angels dancing on the head of a pin.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! If Mr David Shoebridge wants to make a contribution, he will have the opportunity to do so.

The Hon. Sarah Mitchell: It is your last day, David. Come on.

The Hon. JOHN GRAHAM: I say to Mr David Shoebridge that I am looking forward to his final speech.

Mr David Shoebridge: You are not alone.

The Hon. Natalie Ward: We will all interject on your speech!

The Hon. JOHN GRAHAM: It should be spectacular. The Opposition supports protest. It is not an academic issue for us. We were born as a protest movement. We have supported more protests than any political party in this Parliament. Much of that has been industrial protest. Some of it has been legal and some of it has been illegal. All of it has been important to where we have got to as a State and the standards of living that working people have. We have done that in the past, and I assure the House that we intend to do it in future. It is not academic when we say we support protest. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

Our second difference with the Government is in the execution. I flag that when we come to debate on the bill we will support it, but I will be critical of some aspects of it. The third area in which we differ from the Government is in the ordinary operations of government, the ordinary process of moving people around the city and the competence with which that has happened. There are questions about why the Government has been unable to deal with the protests using the significant powers and resources of the NSW Police Force. There are questions about why this Government has failed to do that when every other government in the State's history has managed to do so. There are questions about those things.

There are questions about the fact that this Government is facing a rising wave of protests and industrial action. There are questions about the number of cancelled transport projects that now seem to be coming down the line from this Government. There are certainly questions from commuters about how they get to work when this Government keeps cancelling the trains. These are major questions, and I can assure the Minister we will come to some of those questions in debate on the bill.

The Hon. Natalie Ward: Point of order: I appreciate the member's contribution and his fulsome explanation. Mr Deputy President, I believe he is straying from the substance of the motion and he should be asked to come back to it. I am interested to hear what the member has to say about the disallowance motion.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I am sure the Hon. John Graham was only slightly straying and that he will come straight back to the disallowance motion.

The Hon. JOHN GRAHAM: I am thankful to the Minister for drawing me back to the motion. I will come to the question of the competence of Government Ministers much more substantively in debate on the bill.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The member will have to make sure that it relates to the debate at the time.

The Hon. JOHN GRAHAM: I will be certain to do that, Mr Deputy President. We do not support the Blockade Australia Protests because they are violent economic blockades. I put on the record very strongly that the Opposition supports climate protests. We understand why people are concerned about this Government's record on climate action. I acknowledge and thank our visitors in the Chamber gallery today. I hope they leave the Parliament today and go and join a climate protest. Please go and do that. I implore them to take this issue on so that after what we have done in this House, they can do some more.

The Hon. Sarah Mitchell: Go to school first. Do it after school.

Mr David Shoebridge: Don't miss school. Don't block traffic. Make sure you ask the police's permission.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! This is not an opportunity to incite debate from people who are not at the lectern. The Hon. John Graham has the call. He will be heard in silence.

The Hon. JOHN GRAHAM: Finally, I will say this. It is hard enough getting to work after this Government's light rail has totally stopped. It is hard enough, given the troubles that the ferries have had.

The Hon. Natalie Ward: Point of order: Once again, the honourable member is straying well beyond the motion before the House. Mr Deputy President, I ask that you draw him back to the substance of the motion in his contribution to this debate.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the point of order. When we start talking about ferries, we have strayed well past the disallowance motion. I draw the Hon. John Graham back to the motion.

The Hon. JOHN GRAHAM: In concluding, we will certainly return to those issues of competence in debate on the bill. In this debate on the disallowance motion, I will merely say that the Opposition is on the side of people trying to get to work, school and around the city. We will be critical of the Government's competence because it has a job to do. Labor is happy to play its part as the Opposition. We will play our part when this Government seems to need this legislation when no other government has needed one, but the Government needs to do its job. At the moment that is not happening, and that is something I will return to in debate on the bill.

Mr DAVID SHOEBRIDGE (11:22): As a Greens MP in this place, I support the work of my colleague Ms Abigail Boyd, and I support the disallowance motion. Clearly, the Government and the Opposition—or what goes for the Opposition in New South Wales—are looking forward at a rising tide of citizen resistance to their inaction on climate and their inaction on unfairness. Together the Government and the Opposition are taking steps to criminalise protest. I heard the contribution from the Hon. John Graham. He said Labor is the proud party of protest. I suppose that is why today the Opposition will be seeking to put protesters in jail for two years if they dare do what the nurses are doing outside Parliament House now and block a street in Sydney. If the nurses dared to have their protest on a bridge or in a tunnel, right now the Opposition is saying, "Put them in jail for two years."

The Opposition and the Government are willing to put the so-called right to not be disrupted ahead of our basic fundamental freedoms and our right to protest bad laws and the criminal inaction of this Government, both State and Federal, on climate. Do not give the police any more powers to open up roads or open up rail lines. If they were worried about blockading roads and rail lines, the proposed laws make no difference at all other than to send a chilling statement to citizens who want to protest. There can be no new police power to open up a road or a tunnel. The police already have bucketloads of power to remove a person from a road if they are illegally blocking a road. They already have bucketloads of power to remove people from a railway line if they are blocking

a railway line. The police do not need new powers because they already have an excess of powers to break up protests in State.

This Coalition Government has form. It wants to put people in jail for seven years if they block access to a coalmine—two years if someone blocks a bridge in Sydney and seven years if they have the temerity to block a coalmine. We would expect these kinds of laws to apply in Moscow under Putin as opposed to in New South Wales in what is meant to be a free, open and liberal democracy. And we have seen it in the past few weeks. We have seen governments sending in the riot squads and the police, arresting protesters in front of cameras. Where have we seen it? That is right, under Putin in Moscow. I thought the lesson to learn from that was that freedom and democracy are worth protecting. But the lesson that the Coalition and the Labor Opposition have learnt is they want a bit of that here too. Why? They know there is a rising tide of citizens across this State and across this country who are appalled by the criminal inaction of the Coalition and the Labor Opposition when it comes to protecting our future.

What about the abuse of language that we heard from both the Opposition and the Government in this debate? Let us be clear. We have had about four or five people who have put themselves on a road or on a railway line in order to protest inaction on climate. They could have been protesting an industrial matter. They could have been protesting animal rights. They could have been protesting the gross unfairness in our economic system that saw billionaires doubling their wealth in the past two years. There are all manner of things they could have been protesting, and the proposed laws apply to every blockage of a road—every protest, every issue.

The Government is trying to craft it as being about climate protest, but the laws it is trying to pass, with the Opposition's 100 per cent backing in and support, are not limited to protest on climate. They affect any protest, anybody going out on any issue and saying to the Government, "You've got it wrong. We want to protect X. We want to protect Y. We want to protect Z." Under the Government's proposals, it can send in the police to arrest the protesters and charge them with an offence that carries a sentence of up to two years in jail. The Minister said, "Let me be clear: An imprisonment sentence or large and substantial fine is what these people deserve." That is the Coalition's approach to civil disobedience and civil protest. Those protesters were never violent. They were simply resisting, putting their body on the line peacefully to resist and to point out the gross criminal inaction of the Coalition and Labor. They put themselves on the line in an utterly peaceful manner, and they get described by the Opposition and by the Minister as engaging in violent economic blockage.

The Hon. Taylor Martin: They're terrorists. Eco-terrorists; Green terrorists.

Mr DAVID SHOEBRIDGE: I note the interjection from the Parliamentary Secretary. The Government now calls them terrorists. See where the language is going?

The Hon. Natalie Ward: Economic terrorists.

Mr DAVID SHOEBRIDGE: I note the Minister just called them economic terrorists. See where the language is going? We have gone from protesters to violent economic protesters. Now in the middle of this debate, the Government wants to call those peaceful protesters terrorists. The Minister has called them terrorists. Apparently the new definition of a "terrorist" under the Coalition Government is somebody disrupting our way to work during peak hour. That is the new definition of a terrorist. It would actually be funny if it was not serious.

The Hon. Taylor Martin: No, none of this is funny.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order!

Mr DAVID SHOEBRIDGE: It would actually be funny if it was not serious that the Government is willing to call a 71-year-old grandmother who blocks access to a port with a peaceful sit-in, protesting the inaction on climate, a terrorist. This Government has just called her a terrorist. In the Minister's interjections she called her a terrorist; that is disgraceful. The Coalition seemed to be fine when we had 10,000 right-wing anti-vax protesters, who are friends of the Coalition, with no police permit, marching, being aggressive to the police and having a go at everything. They put public health at risk. What did the Minister say about that then? Not one word because they are her right-wing friends and mates. This is about the politics.

The Hon. Natalie Ward: Point of order: Mr David Shoebridge is being unparliamentary. It is a matter for me who my mates are. I have not been accused of being mates with right-wing people before; that is certainly a new one. I ask that the member be drawn back to the substance of the debate.

Mr DAVID SHOEBRIDGE: You just called a grandmother a terrorist.

The Hon. Natalie Ward: No, that is not accurate. I did not. You drew that conclusion for your hyperbolic argument. I ask that Mr David Shoebridge be called back to the substance of the motion.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Members will conduct themselves in a parliamentary manner. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: When 10,000 of the Coalition's right-wing mates and allies blocked the streets of Sydney and put our public health at risk and even had a go at the police, we did not hear a single word about having additional police powers. We did not get any legislation about police having additional powers or saying that right-wing nut jobs cannot block roads for their protests against vaccinations. Right-wing nut job protests are okay under this Government. Protesters can have a go at public health and at vaccines. Maybe the member for Mulgoa can have a go at it. That is all okay under the Coalition. But if a protester dares to talk different politics under this Government, if a First Nations activist wants to stop First Nations kids being stolen—

The Hon. Natalie Ward: Point of order: These are very serious matters and the honourable member is straying well beyond the content of the motion. I ask that he be drawn back to it.

Mr DAVID SHOEBRIDGE: I know it is embarrassing for the Hon. Natalie Ward.

The Hon. Natalie Ward: I am not embarrassed at all. I am embarrassed for Mr David Shoebridge because he cannot stick to the substance of the argument. I ask that he be drawn back to it.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I draw Mr David Shoebridge's attention to the substantial motion, but I note his time has expired.

Mr DAVID SHOEBRIDGE: I seek an extension of time.

Leave not granted.

[Business interrupted.]

Visitors

VISITORS

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I acknowledge Lauren Meaney, who is in the gallery today as a guest of the Hon. Scott Farlow. She is shadowing him for Girls Takeover Parliament. Welcome, Lauren. Enjoy your day.

Disallowance

ROAD AMENDMENT (MAJOR BRIDGES AND TUNNELS) REGULATION 2022

[Business resumed.]

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (11:32): I contribute to the debate on the disallowance motion and indicate my opposition. It is fair to say that as Australians and as people who live in New South Wales, we all have a proud history of challenging the status quo and speaking out against wrongdoing. However, protests, no matter how honourable the cause, must be done in a lawful and safe manner. That is the general consensus in the community. A few members in this House have a warped sense of what is and is not reality.

There is nothing lawful or safe about suspending oneself from makeshift props or attaching oneself to vehicles. Blocking a main road is not lawful or safe. It is unsafe for those on our roads and that includes the protesters themselves. It is also unsafe for members of the NSW Police Force and emergency services who are forced to attend the events. That is a complete diversion of frontline workers and it is putting them, as well as our road users, in unnecessarily risky situations. Those diversions come at the cost of the community. Surely after the past few weeks of severe natural disasters and weather events in this State where frontline services have been needed in communities on the front line, and on the back of a challenging two years with COVID, they do not need to be supervising people with their makeshift props who attach themselves to vehicles or suspend themselves from bridges or hide themselves in tunnels. That disruption is not needed. People can make their point in this country in a very valid way without causing massive disruption to the economy, to the community and to people's everyday lives.

The penalties recognise the burdens the community and our emergency services face when people unlawfully protest. It ensures that this behaviour has real consequences for those who choose to participate. That is why I am quite frankly confounded by the decision to challenge the changes we are trying to move through Parliament today. Hopefully we will be moving them through this House after this disallowance motion is voted down. The amendment to one of our road regulations is to make it clear that when a person enters, remains on or otherwise trespasses on any bridges or tunnels in the Greater Sydney region and seriously disrupts or obstructs vehicles or pedestrians, or their conduct causes the bridge or tunnel to be closed, or vehicles or pedestrians to be

redirected, that person is committing an offence which carries a maximum two-year jail sentence and up to a \$22,000 fine.

The amendment is an extension of an offence that already exists. It is a logical extension that recognises the gravity of those offences, without taking away from the rights of the people of New South Wales to engage in lawful and peaceful protests. Unauthorised protesters have no place in our State and the increased penalties send a message from this Government. We will not stand for stunts and blockades of our roads that impact commuters, frontline services and freight services, particularly critical freight that needs to move around the State in times of emergency, as has happened in the past few weeks. Most people in those communities are feeling the pain of unwanted challenges and they have little time for what the protesters are doing and the disruption they are causing. For that and many other reasons, I do not support the disallowance motion.

The Hon. ANTHONY D'ADAM (11:37): I contribute to the debate on the disallowance motion. Members who are familiar with the history of the civil rights movement in the US will know that one of the defining moments of that struggle occurred when protesters marched across the Edmund Pettus Bridge. As I understand it, they did not have a permit, they were obstructing a bridge, it was contrary to Alabama law and the police were prepared to enforce that law. But I think with the passage of time we can look back and know which side of the historical debate we would prefer to be on. We know that ultimately the judgment of history is reserved for those who use violence and the coercive powers of the State to try to stifle dissent and disagreement, particularly when those who are seeking to articulate a moral position are exercising those rights in spite of the fact that they might be against the law as it stands.

I ask Government members, is this where they want to go and is this the kind of State we want to be? Do we want to put people who are protesting with deeply held convictions about the environment in jail? That is where we are headed. It does not necessarily have to be about the environment. I am not a person who thinks that is where we should be as a State. I question the viability of the liberal position in the Coalition. It is not liberalism. The Hon. Mark Latham objects to me referring to his politics as fascistic, but in my view a fascist position is one where those in power cease to think that persuasion is the primary mechanism and that actually the way that you resolve problems, the way that you do seal the deal against dissent, is through coercion. We should be on guard against that, we should resist that and we should oppose that—not endorse it. The Minister says that the Government cannot condone this behaviour. No-one is asking the Government to condone the behaviour—it does not have to condone it—but this is a question of proportionality.

Our law should be proportionate and the penalties should be proportionate. Two years in jail is not proportionate; it is disproportionate action. To compare people who are protesting without violence to what happened in front of the Parramatta Police Station is offensive. What we are seeing now is not terrorism and to describe it that way is disingenuous. We need to take a very careful look at this and understand the position that the Labor Party has taken in relation to this particular motion. There will be further discussion on the Government's bill, which seeks to further this agenda. I look forward to participating in that debate as well.

The Hon. SCOTT FARLOW (11:41): I have to say at the outset, I do get a little tired of hearing members of the Labor Party come in here and lecture us on what the Liberal Party stands for or what the National Party stands for. All these academics on liberal theory that sit in the Labor Party amaze me, particularly from the left of the party. They should form a new Liberal Party or join what's-his-name in North Sydney who is running The New Liberals.

I will speak against this disallowance motion. Let me be clear: This regulation is not an attempt to ban protesting. The Coalition respects the right to protest and the right for people to have their say, as some are doing out the front of Parliament House as we speak. We expect them to do that in an orderly and organised manner, in concert with the NSW Police Force. We expect them to do that so they can have their say and we can hear their voice, but also so the citizens of New South Wales can get on with their lives in an orderly manner and businesses in New South Wales can get on with what they need to do. Over the last two years we have seen businesses, livelihoods and people's lives interrupted and put on pause because of the pandemic. Just as businesses start to get moving again and people start to return to work our city has been crippled time and again by these protests, which are illegal. The offences that we are talking about in this regulation are about ensuring that the people of New South Wales, including protesters, are not put at risk.

We acted swiftly to extend offences that were previously reserved only for the Sydney Harbour Bridge to all bridges and tunnels, ensuring that those who disrupt traffic and pedestrians will face the court, face jail time and face fines of up to \$22,000. The Government not only sought urgent advice from Transport for NSW about relevant offences and penalties, but it also acted swiftly upon it. Whenever a person enters, remains or otherwise trespasses on any bridge or tunnel in the Greater Sydney region, and seriously disrupts or obstructs vehicles or pedestrians, or their conduct causes the bridge or tunnel to be closed or vehicles or pedestrians to be redirected,

that person will be committing an offence which carries a maximum two-year jail sentence and up to a \$22,000 fine.

On this side of the House we support the rights of people in this State to protest. However, protest must be done in a lawful and, of course, safe manner as well. We have seen when it comes to critical infrastructure, particularly in the Hunter—I am sure the Minister for Regional Transport would know about this as well—that there are dangers associated with freight lines. There is a danger when you are sitting in the middle of the Harbour Bridge or a major thoroughfare attempting to obstruct traffic. Yes, it may cripple the city but it also could cripple a person physically. Blocking a main road during peak hour is not lawful and it is not safe. The Coalition is concerned about that. We know that people outside this Chamber—the people of Sydney and the people of New South Wales—are also concerned. Many members in this House may have personal experience in protesting and be familiar with the process. Part 4 of the Summary Offences Act contains the laws governing public assemblies, including how a protest organiser is able to have their demonstration considered a legal public assembly.

For a public assembly to be authorised a written notice addressed to the New South Wales Commissioner of Police, commonly known as a form 1, must be submitted beforehand. The documentation has to provide the details of the protest event, along with the expected number of participants. This form and the process is well-worn. It provides notice, it allows our emergency services—including the NSW Police Force—to block streets and allow peaceful protests or procession. It keeps the public and the protesters alike safe. It means that Transport for NSW can give commuters, road users and the community forewarning of closed streets. Nothing about these new offences restricts or prohibits the rights of the people of New South Wales to participate in lawful protest.

We hear from members opposite, particularly The Greens, about the challenges in restricting a person's implied right of political freedom. During the previous Parliament the House debated setting access zones and limiting the rights and freedoms of people to protest in the vicinity of abortion clinics. That was supported by this House. It showed that those opposite have agreed with reasonable restrictions on protesting in the past. We did not see the same crocodile tears in those debates. I conclude my remarks by saying that I, along with the Government, oppose the disallowance motion.

Ms ABIGAIL BOYD (11:46): In reply: I thank all members who contributed to this debate. I am glad that we were allowed to have the debate, despite the Government's best attempts to prevent it. I really wish that the people who contributed to this debate had actually read the regulation or understood it. Firstly, I refer to the contribution by the Hon. Scott Farlow. He gave members a lesson on how you go about notifying of a legal protest in this State. It is under the Summary Offences Act: You notify the authorities that you are going to have your protest, you put your form in, and then you pop out there and you have your protest. That is not what this regulation does. Paragraph (3) of new section 144G states:

- (3) Nothing in this section prohibits conduct in accordance with the consent or authority of TfNSW, the NSW Police Force or other public authority.

Under this regulation you cannot just notify the police anymore; you have to get their "consent". To say that nothing is stopping protests in this regulation just shows, I am afraid, that the Hon. Scott Farlow has not read the regulation, has not understood it or the notes that were provided to him did not provide an explanation. This regulation is not the same as what we currently have under the Summary Offences Act. It is not just a notification; you actually have to get approval from the police. We heard a lot from Minister Ward about how this protest activity caused inconvenience. If the concern was, as Minister Ward mentioned, that somebody would not be able to get to medical help or they would not be able to get the medical help that they needed, it is the case that a far more narrow and limited regulation than the one that is before the House could have been produced. The regulation does not only prevent the type of protest that might lead to those circumstances, it is also incredibly broad. It is incredibly broad.

I will not talk about the bill that is coming later, because that goes even further, but I will draw the Hon. Mark Latham's attention to the fact that, while this is targeted at climate protesters, the drafting itself is not limited to climate protesters. These regulations would have caused concern to the so-called freedom rally and the convoys going to Canberra; they would be caught by this as well. Returning to Minister Ward's contribution and the idea that a legal protest is only one that does not cause anybody any inconvenience, it is really interesting that on the Spit Bridge traffic gets stopped six times a day—

The Hon. Mark Latham: Yes, for a bridge.

Ms ABIGAIL BOYD: —and eight times every weekend and public holiday, to allow people to drive their yachts through it: "That is okay! We do not mind having to wait 10 minutes and missing a medical appointment for a yacht to come through." But when it comes to people who are trying to draw attention to the

absolute emergency situation we have here on climate, apparently that level of inconvenience is just way too much for those opposite to handle.

It is absolutely absurd to call these protesters selfish. They are not trying to feather their own nests. They are not trying to encourage their big business mates and get more donors. They are not the selfish ones. These people are protesting because they honestly, genuinely believe that this Government is not taking action on the issues it needs to in order to prevent humanity from ceasing to exist. How could that possibly be selfish? People who are protesting for the rights of animals, people who are protesting for the Government to take action to increase the wages and working conditions of the people on the front line of the pandemic—how on earth could those people be described as selfish?

What is selfish is to sit here in a ministerial position on a \$300,000-plus salary and lecture the people who you are supposed to be representing on what they can and cannot say, lest it cause you a slight inconvenience on your way to school. If we are going to apply that sort of logic then we should be throwing Minister Elliott in jail for two years for disrupting everybody's journey to work by shutting down the train system arbitrarily.

The Hon. Damien Tudehope: The unions did that, you goose.

Ms ABIGAIL BOYD: I acknowledge the interjection. We have been through this many times, Minister Tudehope. It was not the unions.

The Hon. Damien Tudehope: Of course it was.

Ms ABIGAIL BOYD: So, again, here we are with all of the arguments being put forward for this being completely disingenuous.

The Hon. Damien Tudehope: Here we go.

Ms ABIGAIL BOYD: We are talking here about an incredibly broad regulation. This applies to every bridge and tunnel across the Greater Sydney area, not the Central Coast—perhaps we can still do it on the Central Coast, that would be great—and not in Wollongong.

The Hon. Mark Latham: There you go: "Vote Greens in Terrigal. We'll shut the roads."

Ms ABIGAIL BOYD: But in the rest of Sydney, public or private, if you go and protest on a tunnel or bridge and maybe cause some slight inconvenience to Minister Ward's neighbours then you will find yourself being locked up for two years. When it comes to inconveniencing kids on their way to school, I know—because I actually get out of this place and speak to people—that our youth are more concerned about climate change and the impact on their futures; they are more concerned about the rising economic inequality in our State than they are with missing school for five minutes.

So the idea that this law is all about protecting citizens and freedom of movement—blah, blah—is nonsense. What this regulation is about is stopping protests between now and the Federal election on issues such as climate, because this Government and the Federal Government are absolutely terrified that the people will finally call them out on their inaction and vote them out of both levels of Parliament. As a member of Parliament, you might not like what people have to say, but your job is to listen to what they have to say and not to try and squash dissent. I say again: Who do you think you are that you think your job here is to tell people what they can say, what they can think—

The Hon. Ben Franklin: We're not saying that at all, Abigail.

Ms ABIGAIL BOYD: —and, when you do not like what they have to say, your response is to squash dissent? If that is not the case—

The Hon. Damien Tudehope: You've got a very strange view of the truth.

Ms ABIGAIL BOYD: —if you actually honestly believe that this is a good law for this State, you bring it in by primary legislation, not by regulation in the middle of the night. You allow debate; you do not try to gag debate on the regulation.

The Hon. Damien Tudehope: We weren't gagging debate. What lunacy is that?

Ms ABIGAIL BOYD: You would send it perhaps to an inquiry; you could do all of sorts of things that would show that you were serious—

The Hon. Damien Tudehope: Oh, more inquiries!

Ms ABIGAIL BOYD: —about creating a law that was not overreach, that was targeted at what you want it to be targeted at, or what you say you want it to be targeted at. But we see this for what it is: This is a cynical attempt to silence dissenting voices in our democracy, and it is an absolute disgrace.

[Government members interjected.]

I acknowledge all of the interjections from the assembled members who have come here because it is almost question time. I note that we have a letter that has been received from a number of organisations against this regulation, who call it an "unconscionable attack" on protest rights. Thirty-nine legal, human rights and community organisations stand with us in calling on this draconian anti-protest regulation to be disallowed.

They include 350.org Australia, the Aboriginal Legal Service, Action Ready, Aid/Watch, Amnesty International, the Asylum Seekers Centre, the Australian Centre for International Justice, the Australian Council of Social Service, the Australian Democracy Network, the Australian Forests and Climate Alliance, the Australian Youth Climate Coalition, the Australasian Centre for Corporate Responsibility, Bellingen Environment Centre, the Bob Brown Foundation, Community Legal Centres NSW, CounterAct, Dying with Dignity NSW, Forest Conservation Victoria, Forest Defence NSW, Friends of the Earth Australia, Friends of the Forest Mogo, Frontline Action on Coal, Goongerah Environment Centre, Great Southern Forest, the Grata Fund, Greenpeace Australia Pacific, the Human Rights Law Centre, the Inner City Legal Centre, Jesuit Social Services, Legal Observers NSW and many, many more. It is not just The Greens; it is the whole of civil society. *[Time expired.]*

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

The House divided.

Ayes4
Noes33
Majority.....29

AYES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

NOES

Amato
Banasiak
Barrett (teller)
Borsak
Buttigieg
Cusack
D'Adam
Donnelly
Farlow (teller)
Farraway
Franklin

Graham
Houssos
Latham
Maclaren-Jones
Mallard
Martin
Mitchell
Mookhey
Moriarty
Moselmane
Nile

Poulos
Primrose
Rath
Roberts
Searle
Secord
Sharpe
Taylor
Tudehope
Veitch
Ward

Motion negated.

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Wes Fang): I welcome to the gallery the Mayor of Snowy Monaro Regional Council, Narelle Davis, the first woman in the history of Monaro to hold the position of mayor. She is also a guest of the first female member for Monaro, Nichole Overall.

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

Questions Without Notice

CHILD PROTECTION

The Hon. PENNY SHARPE (12:06): Mr Deputy President, welcome to your inaugural question time. I am sure it will be well behaved. My question without notice is directed to the Minister for Families and

Communities. In the most recent biennial Child Death Review Team report, 15 children with a child protection history died in circumstances of family abuse and neglect, and only three had seen a caseworker in the 12 months before they died. When will the Minister resolve those problems in her department and prevent further possibly avoidable deaths of vulnerable children?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:07): I thank the honourable member for her question. I acknowledge that the death of a child under any circumstances is a tragedy. My heart goes out to the families who experience that. As advised in the budget estimates hearing, the Government will respond to the specific matters raised in the report in due course. I will take the question on notice.

ROAD SAFETY

The Hon. SCOTT BARRETT (12:08): My question is addressed to the Minister for Metropolitan Roads. How is the New South Wales Government promoting safety on New South Wales roads?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:09): I thank the honourable member for his question and his interest in this very important area. He brings a breadth of knowledge from his regional background to the important matter of promoting safety on New South Wales roads. Ensuring that people are safe on our roads has been a priority for the Liberal-Nationals Government since being elected in 2011. I have a great partnership with Minister Faraway in our portfolios of metropolitan and regional roads. Together we cover the roads across New South Wales, and the two of us are working really hard on that.

The Hon. John Graham: Minister Stokes, Minister Elliott. What about all of the other Ministers?

The Hon. NATALIE WARD: This is a serious matter. Between 2008 and 2010, on average 375 people lost their lives on roads in New South Wales. The Government takes that matter seriously. Every death on our roads is a tragedy, which is why in 2011 when the Coalition came to Government it set a target of reducing road fatalities by 30 per cent by 2021. I announced earlier this year, and I am pleased to say again, that we have met that target, with the lowest road toll recorded in 99 years. I thank all Government members for their great work on that. There is always more to do because every death on our roads is a tragedy. The Government's aim for road safety is simple: save lives. That is why we are targeting zero trauma on our roads by 2050.

Last week from Monday 21 March to Sunday 27 March Minister Faraway and I launched the ninth Road Rules Awareness Week. Since 2013 Road Rules Awareness Week has given road users—including drivers, pedestrians, motorcyclists, passengers and bicycle riders—the chance to improve their knowledge of the New South Wales road rules. Road Rules Awareness Week is an important reminder to all road users that actions and decisions that are made behind the wheel affect everyone. We must treat everyone on the roads as if they are family, as if they are loved ones. We must treat everyone respectfully and remember the rules because every decision we make can have consequences, and sometimes they can be tragic and avoidable.

We have a shared responsibility to make our roads safer, and following and understanding the road rules is vital. The New South Wales Government is committed to road safety. The Government is investing \$2 billion over the next four years to improve road safety in New South Wales. Since its establishment in 2012 the Community Road Safety Fund has saved approximately 1,400 lives. Under the New South Wales Safer Roads Program 183 projects have been completed, and the Community Road Safety Grants program allows community groups and not-for-profit organisations across New South Wales the opportunity to deliver locally run road safety projects. I look forward to announcing the next round of recipients shortly.

CHILD PROTECTION

The Hon. JOHN GRAHAM (12:12): I direct my question to the Minister for Families and Communities, and Minister for Disability Services. Given that 71 per cent of the 126,818 children who are at risk of significant harm were not seen or assessed by a caseworker in the past year, why has the Minister not conducted a comprehensive review of the policies, practices and procedures of the Department of Communities and Justice in its approach to children who are at risk of significant harm?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:12): I thank the honourable member for his question. The Government is working hard to reduce the number of children who are reported to be at significant harm and one of the Government's key priorities is to reduce re-reporting. In 2020-21 the number of children at risk of significant harm who have been seen by Department of Communities and Justice caseworkers increased by 3.6 per cent—that is a total of 36,524 children, which is an increase of more than 1,300 on previous years. It is incorrect to assume that children and families who do not have a full child protection assessment do not receive the support they need. In many cases

children are not directly allocated or referred to a family preservation program or other funded services, but they work directly to ensure that the child is supported and looked after.

MYALL LAKES COMMERCIAL FISHING

The Hon. MARK BANASIAK (12:14): I direct my question without notice to the Hon. Sam Farraway, representing the Minister for Agriculture. As the Minister would be aware, there are concerns around the running of the set pocket prawn draw in Myall Lakes regarding pecuniary interests, collusion and the corruption of fair process. That has been raised in budget estimates hearings to the department and the former Minister on 3 March 2021, via letters from commercial fishing groups in December 2021 and most recently at budget estimates hearings last month. Every month of inaction by the department means that commercial fishermen may lose up to \$40,000 in potential revenue. That behaviour quite clearly fits under the cartel provisions of section 45AD of the Competition and Consumer Act 2010 and potentially section 2A (b) in part 3 of the Independent Commission Against Corruption Act 1988. When will the Minister's department restore due process and fairness to the prawn draw in Myall Lakes?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:14): I thank the member for his very long, specific and detailed question. I will take the question on notice on behalf of the Minister for Agriculture, Mr Dugald Saunders, who I represent in this place. I will get back to the member in due course.

HOMELESSNESS

The Hon. CATHERINE CUSACK (12:15): I address my question to the Minister for Families and Communities, and Minister for Disability Services. Will the Minister update the House on how the Government is helping to address homelessness?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:15): I thank the Hon. Catherine Cusack for her work, particularly in support of women who have exited prison to ensure that they do not go into homelessness, though obviously that may require a more detailed answer from another Minister. The New South Wales Government is building on its record of breaking the cycle of disadvantage. Hundreds of people who were sleeping rough but have received accommodation and support through the Government's Together Home will be helped into longer term housing thanks to a \$35.5 million partnership with the community housing sector. That is the next stage of the New South Wales Government's Together Home program. Three changes to the program have been rolled out since July 2020 to support over 1,050 people who have been sleeping rough get into housing.

The \$122.1 million Together Home program is a nation-leading initiative that has already helped 870 people to transform their lives. The Together Home transition program was developed to assist community housing providers to facilitate the transition of their tenants into fit-for-purpose, longer term social housing. The Together Home transition program will fund nine community housing providers to deliver 142 social housing properties and eight affordable housing properties across 11 locations. On Monday I was pleased to visit the Central Coast to meet with Pacific Link Housing CEO Ian Lynch alongside Adam Crouch, the Parliamentary Secretary for the Central Coast and member for Terrigal. Together we toured Canton Beach and visited the site where the new housing will be developed. It was also an opportunity to meet with tenants who were at an adjacent property that is also run by Pacific Link. I thank those tenants for sharing their lived experiences.

Pacific Link Housing will contribute \$6.4 million, combined with a \$4.9 million Government grant, to deliver three projects on the Central Coast, which will come to a value of around \$11.4 million. Pacific Link Housing will deliver 25 properties, including 17 social and eight affordable housing units. The project will accommodate more than 48 Together Home program clients into longer term, high-quality housing and mitigate their regression back into homelessness. The Together Home transition program uses a coordinated model that was pioneered under the Community Housing Innovation Fund, whereby government funding is efficiently leveraged against additional resources that community housing providers are able contribute towards to deliver new supply projects in a timely manner.

The nine community housing providers as part of the last, third tranche of the program include Bridge Housing in Randwick; Evolve Housing in Punchbowl; Housing Plus in Dubbo; Illawarra Community Housing Trust in Berkeley; Mission Australia Housing in Coffs Harbour; Pacific Link Housing, which I mentioned, in Canton Beach, Warnervale and East Gosford; Southern Cross Housing in Nowra; St George Community Housing in South East Sydney; and the Women's Housing Company in middle ring Sydney. That is another great example of how the New South Wales Government is partnering with the private sector to ensure that we break the cycle of disadvantage.

CHILD PROTECTION

The Hon. GREG DONNELLY (12:18): I direct my question without notice to the Minister for Families and Communities, and Minister for Disability Services. Given that the Premier's Priority target to reduce the number of children who are re-reported to the Department of Communities and Justice has increased to 41.7 per cent, when it was supposed to be reduced to 32.3 per cent, has the Minister abandoned that policy?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:19): I thank the honourable member for his question. As I have said previously, and as I will continue to say, the New South Wales Government is working hard to reduce the number of children who are being reported at risk of harm.

The Hon. Bronnie Taylor: Point of order: The Opposition member asked a very serious question. The Minister is attempting to reply to that question. There are constant interjections from Opposition members, which also happened during the Minister's previous answer. It is unacceptable. I ask that the Hon. Penny Sharpe be called to order for her constant interjections.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will not call anyone to order at this stage. Opposition members should listen to the response because they asked the question. The Minister has the call.

The Hon. NATASHA MACLAREN-JONES: As I was saying, the New South Wales Government is working hard to reduce the risk of significant harm for children as well as re-reporting rates. I make the point that it is about keeping kids safe at home, at school and in the community. It is a responsibility of not just government but everyone. I acknowledge particularly those engaged in the teaching and other sectors who come forward and report. Over recent years reporting and re-reporting has become more prevalent. A lot of that comes back to raising awareness as well as educating and encouraging people to come forward and report. It is important to be aware that a number of complex drivers measure the outcome of re-reporting. They must be taken seriously. That is why I have asked my department to take a number of actions. I can report that an upgrade of the eReporting website has been undertaken to improve the quality of reports.

The Hon. Greg Donnelly: Point of order: My point of order is well known as "bull's roar".

The DEPUTY PRESIDENT (The Hon. Wes Fang): That is not a point of order.

The Hon. Greg Donnelly: The answer is not within a bull's roar—

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Greg Donnelly is abusing the point of order process. There is no point of order. The Hon. Greg Donnelly will resume his seat. The Minister has the call.

The Hon. Penny Sharpe: Point of order: I raise the issue of direct relevance. The Minister is straying a long way from the question that was asked.

The DEPUTY PRESIDENT (The Hon. Wes Fang): For the benefit of the Hon. Greg Donnelly, that is a point of order. The Minister was being generally relevant in establishing her answer. The Minister has the call.

The Hon. NATASHA MACLAREN-JONES: It is always unfortunate when Opposition members do not like to hear what the Government is doing to address issues. As I said, we are also ensuring that we can gather additional information through helplines and we are focusing on casework interventions.

The Hon. Greg Donnelly: Point of order—

The Hon. Scott Farlow: Point of order—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Two members are seeking to take points of order. I will hear the Hon. Greg Donnelly first because he was a miniscule quicker than the Hon. Scott Farlow.

The Hon. Greg Donnelly: One minute and 38 seconds remain for the Minister to answer the question and we are not even getting close. It was a specific question, as the Deputy President is aware, around significant percentages of the Premier's Priority target.

The DEPUTY PRESIDENT (The Hon. Wes Fang): What is the point of order?

The Hon. Greg Donnelly: It is on relevance. The Minister is not even getting close—not even warm—to addressing the question.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Minister is being generally relevant. I will hear the Hon. Scott Farlow on the point of order.

The Hon. Scott Farlow: I find it hard to believe that the Hon. Greg Donnelly could make—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! The Hon. Scott Farlow will be heard in silence when he is taking a point of order.

The Hon. Scott Farlow: —any assessment as to whether or not the answer was relevant. I could not hear the Minister's answer—and I suspect that the Hon. Greg Donnelly could not hear it—because of interjections coming from Opposition members.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order!

The Hon. Scott Farlow: I ask that Opposition members be called to order.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the point of order taken by the Hon. Scott Farlow. There is a cacophony in this Chamber. Hansard will be struggling to record the answer. I understand the point taken by the Hon. Greg Donnelly. The Minister is being generally relevant. I am sure the Minister will come to the nub of the question very shortly in the one minute and 38 seconds that remain for her answer. The Minister has the call.

The Hon. Robert Borsak: Point of order: The Minister must be directly relevant, not generally relevant. That is what the sessional orders state, Mr Deputy President.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I misspoke. The Minister is being directly relevant. Half of the time for her answer has expired. I am sure that during the second half of her time the Minister will be very focused on the question that was asked. The Minister has the call.

The Hon. NATASHA MACLAREN-JONES: The Hon. Greg Donnelly asked about the Premier's Priority, which I strongly support. I am working towards delivering the Premier's Priority. But I point out that ensuring that there is accurate and quality casework is vitally important. I was trying to point out that things are being done by the department. I am happy to come back and inform the House about that another time.

The Hon. GREG DONNELLY (12:24): I ask a supplementary question. In the light of the Minister's answer—which, according to the Deputy President's ruling, was generally relevant and hopefully moving towards becoming directly relevant, but not quite getting there—could the Minister elucidate and specifically explain her understanding of the Premier's Priority target as it currently stands and why it has been reduced?

The DEPUTY PRESIDENT (The Hon. Wes Fang): I direct the Minister to respond to the part of the question that was not argumentative. The Minister has the call.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:25): The Premier is committed to reducing the number of children who are re-reported and also to protecting our most vulnerable children. I refer to my previous answer in which I outlined what is being done. I am happy to outline that further. As I was trying to say earlier, we are also focusing on casework intervention in key areas, such as Protecting Our Kids training programs, providing site-specific coaching to caseworkers linked to reducing re-reporting, ensuring cases are closed properly and families are supported post-closure, and ensuring that the department is available when funded services need assistance to support a family.

The Hon. Greg Donnelly: Point of order—

The Hon. Bronnie Taylor: That's aggressive.

The Hon. Greg Donnelly: The Hon. Bronnie Taylor says it is aggressive, but it is a straightforward question. I have tried to seek elucidation from the Minister's answer, which, in the first instance, was only generally relevant. We are asking about percentages and Government targets and objectives. Will the Minister please focus on the answer?

The DEPUTY PRESIDENT (The Hon. Wes Fang): What is the member's point of order?

The Hon. Greg Donnelly: The point of order is can the Minister please answer the question?

The DEPUTY PRESIDENT (The Hon. Wes Fang): There is no a point of order. The Minister has concluded her answer.

JAPANESE ENCEPHALITIS

The Hon. ROBERT BORSAK (12:26): My question without notice is directed to the Hon. Bronnie Taylor, representing the Minister for Health. On 11 March Japanese encephalitis was declared a communicable disease of national significance, which requires a national policy approach, intervention and public messaging. I have been approached by many locals in the Cootamundra electorate who claim they have received little or no information relating to this deadly disease, despite confirmed cases in the region. When will the Minister provide

appropriate comprehensive public messaging throughout the electorate of Cootamundra so that people can take every precaution available to them and ease the anxiety those community members are currently experiencing?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:27): I thank the Hon. Robert Borsak for his question, which is directed to the Minister for Health in the other place. Last week the Hon. Mick Veitch asked me a question about Japanese encephalitis and I am happy to go through that again. The Hon. Robert Borsak specifically referred to Cootamundra. With increased rainfall Japanese encephalitis has come out in areas of New South Wales, which is very concerning. As at 29 March there were eight confirmed cases and two probable cases among New South Wales residents. Three of those cases are currently being cared for in hospital and one case remains admitted to hospital for rehabilitation. Unfortunately, one person has died from Japanese encephalitis.

All confirmed cases are residents of the southern New South Wales region across the Murrumbidgee, Southern NSW and Far West local health districts. The probable cases are residents of the Murrumbidgee and Western NSW local health districts. The Commonwealth has declared Japanese encephalitis a communicable disease and an incident of national significance, and is assuming national coordination functions. The Australian Government has announced a \$69 million Japanese encephalitis control package, which includes \$28.18 million to purchase additional Japanese encephalitis vaccines. At this early stage of the response, vaccination is recommended but that recommendation is for priority vaccination groups established by the Communicable Diseases Network Australia. The priority groups currently being focused on are pig farming and associated industries.

As I mentioned last week in my answer to the Hon. Mick Veitch, New South Wales will receive a portion of the 125,000 doses of Australian Government-purchased vaccines that have started to arrive in the country. Once it arrives, approval from the Therapeutic Goods Association will take 14 days. NSW Health has purchased its own supply of existing Australian stockpile of the Japanese encephalitis vaccine. From 7 March NSW Health will target vaccination clinics for workers and residents of infected properties. Since 18 March it has made vaccines available to GPs for people in the Communicable Diseases Network Australia priority vaccination groups across New South Wales.

As I said in question time last week, vaccination is important with communicable diseases like this. We know that the disease is carried by mosquitoes. We have seen increased moisture and rain across the State, so it is important that people in those affected areas use insecticide repellent and cover up—use those basic precautions to prevent being bitten and then possibly transmitting the disease. NSW Health is watching this matter very closely. If the honourable member has a specific interest in people who have made representations to him, I invite him to see me about those and then we can get that appropriate information to them. I will not play politics with this matter.

The Hon. ROBERT BORSAK (12:30): I ask a supplementary question. I thank the Minister for that most comprehensive answer, but will she elucidate it by explaining to the House what she is going to do for the residents of Young rather than just farms? Everybody must be looked after.

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:30): This Government is committed to a public health response. Japanese encephalitis is present in our communities at the moment. My answer was very comprehensive, and I thank the member for his compliment. If specific people are concerned and they have not received important and necessary information because they have been unable to do so, I am happy to provide it. But the honourable member needs to tell me. He can approach me or my office at any time that is suitable to him and I will provide that information.

The information is out there. I encourage the local member to tell the people who he has spoken to to contact the local health district in their area. It will be only too happy to provide the information that is required. This matter requires a public health response and the Government is taking it very seriously. I encourage anyone who requires that information to ring their local health district and have a discussion so they can get that information. I also encourage every member in the Chamber to advise people to be cautious of things that are around in places like the Northern Rivers, where we have seen extreme moisture. I do not mean only Japanese encephalitis, but other things like fungal and bacterial infections that will be around with an increase in water.

COST OF LIVING SUPPORT

The Hon. SCOTT FARLOW (12:32): My question is addressed to the Minister for Finance, and Minister for Employee Relations, and the Leader of the Government. How is the New South Wales Government helping to ease the cost of living for families while helping to revitalise our cities and local communities?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:32): I thank the member for his question. I always enjoy Thursdays. It is a serious day. For people in the

public gallery who are visiting and witnessing question time, this is a period of the week that we enjoy because when everyone is tired, we need to raise the temperature. The New South Wales Government is always looking for ways to ease cost of living pressures and to help stimulate economic recovery.

For 12 days from Thursday 14 April to Tuesday 26 April, encompassing the Easter and Anzac Day long weekends, travel will be free on all Opal network services in Sydney, the Blue Mountains, the Central Coast, and the Hunter and Illawarra, including on metro, train, bus, light rail and ferry services. This creates a fantastic opportunity to enjoy quality time with family and friends during the school holidays while at the same time helping to revitalise our city centres and local communities. Make time for a long lunch in the CBD or on "eat street" in Parramatta or have an alfresco dinner at The Rocks or Wollongong Harbour.

If we get some April sun in Sydney, people could catch the bus to Bondi and swim at the beach, or take the kids to the Easter show, the zoo, the movies or a museum. Do not forget to use any remaining \$150 Dine & Discover or \$250 Parents NSW vouchers. Put on your scarves but leave your Opal card at home because no-one will need it. People can get to a stadium to cheer on the Knights against the Dragons in Wollongong or the Sea Eagles—that great team—when they crush the Titans at 4 Pines Park. Plan an overnight stay, grab your \$50 Stay NSW vouchers and tell your nearest and dearest—I do this with apologies to Eddie Money—

The Hon. Daniel Mookhey: Who?

The Hon. DAMIEN TUDEHOPE: No-one got it—Eddie Money:

Got a surprise especially for you
Something that both of us have always wanted to do
I'm gonna take you on a (free) trip so far from here
I've got two vouchers in my pocket, now baby, we're gonna disappear
We've waited so long, waited so long
We've waited so long, waited so long
I've got two vouchers to paradise
Won't you pack your bags, we'll leave tonight
I've got two vouchers to paradise
I've got two vouchers to paradise.

BUREAU OF METEOROLOGY FLOOD MONITORING

The Hon. SHAOQUETT MOSELMANE (12:35): My question without notice is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. What is the Government's response to the Hon. Catherine Cusack's statements in the House yesterday relating to the flood disaster grants process, where she called the system "awful" and suggested that the Government "should drop the means test and give grants rather than reimbursements" and further suggested that the existing COVID business support app would reduce the whole process to a few minutes?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:36): I thank the member for his question. I acknowledge the passionate manner in which the Hon. Catherine Cusack articulated her position. She has been on the ground helping her community get through an enormously difficult time. Not one but two flooding events have affected that community. In many respects, the impact on the community is best known by people like the Hon. Catherine Cusack. Her assistance to the community and the representation she makes to government cannot be overrepresented.

Regarding the issues that she raised, the grants that are being offered by the Government are for amounts of up to \$50,000 to help pay for clean-up costs, and the reinstatement of small businesses and not-for-profit operations. Funds of up to \$15,000 will be provided to eligible applications with quotes submitted with the application. Businesses in highly impacted suburbs do not need to submit quotes. If funds between \$15,000 and \$50,000 are requested then tax invoices must be supplied. The grant program opened on 9 March. I repeat what I said in the House yesterday: Of the 8,234 applications received as at 29 March 2022, 426 have been approved; 4,169 are awaiting further information, which has been requested from the applicant; 2,725 are in the process of assessment; 701 applications have been declined as ineligible; and 213 applications are under fraud review.

As with all grant programs, a balance has to be struck between getting funds out quickly to eligible applicants and preventing fraud. I repeat what I said in the House yesterday about getting the balance right with grants programs that the Government administers. There is an expectation that it does not deliver amounts up to \$50,000 on a say-so and without significant documentation, but there is an expectation that it gets money out the door. I acknowledge the contribution of the Hon. Catherine Cusack, but there is an obligation on the Government when it is administering grants to make sure that the money goes to people who are eligible.

The Hon. SHAOQUETT MOSELMANE (12:39): I ask a supplementary question. Will the Minister further elucidate his answer relating to the grants and advise the House—and the people of Lismore—when the total number of 8,538 flood-relief grants applied for after the first flood will be finalised and paid out?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:39): I thank the Hon. Shaoquett Moselmane for the supplementary question. It is difficult to say. It is easy to ask a question of when.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! I have not called any members to order yet. I ask those members on my left to be silent. They have asked the question and I ask that they listen to the answer.

The Hon. DAMIEN TUDEHOPE: I say to the member that there is an expectation we will get the money to people who are eligible for those grants. We have a very comprehensive response system in place in flood-affected areas to ensure that grants are able to be accepted and processed. However, I repeat to the member that anyone would expect us to deal with taxpayers' money in a responsible way. In fact, in many respects—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! I warn the Hon. Penny Sharpe and the Hon. Mark Buttigieg that they are the two closest Opposition members to me and the most audible. I ask them to listen to the answer. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: In respect of the manner in which we handled the bushfire inquiry, members opposite should know that after the bushfires occurred a significant number of claims were made in relation to damage and the like and certainly also for drought recovery. Claims were being made in both instances where applications were subject to significant fraud. Members opposite would know the detail of that. Rather than criticising the grant program, I ask that they work with us to make sure that we get this money out the door to the appropriate people seeking the assistance. This Government is committed to providing assistance to people in distress and it will continue to do so.

ANTI-PROTEST LAWS

Ms ABIGAIL BOYD (12:42): My question is directed to the Minister for Metropolitan Roads. What external legal advice did the New South Wales Government obtain in relation to the legality or otherwise of the draconian anti-protest laws otherwise known as the Roads Amendment (Major Bridges and Tunnels) Regulation 2022 before it was made?

The Hon. Sarah Mitchell: Point of order: I have two points of order. The first is that the question contains argument. The second is that I believe it concerns a piece of legislation that is on the *Notice Paper* today. I am not entirely sure whether it has been introduced to the House yet, but I question whether the Minister can answer a question concerning business that is before the House today because normally they cannot.

Ms Abigail Boyd: To the point of order: I will deal with the Hon. Sarah Mitchell's second point first. This question is about the regulation that has been made, not the bill that is yet to come before the House, as was made clear in the question. Secondly, to the extent it is felt that argument was contained in the question by calling those draconian anti-protest laws "draconian" and "anti-protest", I am quite happy to strike those terms from the question.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the first point of order. However, I acknowledge that Ms Abigail Boyd has withdrawn the argumentative part of the question. On the Minister's second point of order, the question does state "regulation", which was debated in the House earlier today. I also note that the bill has not been introduced in the House, so it is not up for debate. The Minister has the call.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:44): I note that in my capacity as Minister for Metropolitan Roads I signed the Roads Amendment (Major Bridges and Tunnels) Regulation 2022 to deal with the protesters who were disrupting our roads. Under section 144G of the Roads Act 1993, it was to make it an offence to disrupt or obstruct all major bridges and tunnels across Greater Sydney. The maximum penalty for breaching that section of the legislation is 200 penalty units or \$22,000, or imprisonment for two years, or both. That was the most immediate regulatory change at my disposal in my capacity as Minister for Metropolitan Roads. That is my job. That is what I am here to do. As I have stated and will state again for the benefit of the House, those protesters are selfish. The protesters are disrupting people trying to get to work—

Ms Abigail Boyd: Point of order: My point of order is no doubt obvious. The Minister has not referred to whether or not she received external legal advice before making the regulation, which is what the question asked. Therefore, she is not being directly relevant in her answer.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Minister does need to be directly relevant to the question that was asked by the member.

The Hon. NATALIE WARD: I think the honourable member took a point of order at the point at which I mentioned protesters and how much they disrupted the people of Sydney trying to get to work, to school and to hospital appointments in peak hour. Nonetheless, I will move on.

The Hon. John Graham: Point of order: Deputy President, you have directed the Minister back to the question and she has continued on regardless. I ask you to draw her back to the question.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I note the question talks about the legal advice for the regulation change. The Minister was discussing the issues around that change. As she said, she was about to be directly relevant to the question so I will allow her to continue. The Minister has the call.

The Hon. NATALIE WARD: I took the most immediate regulatory change at my disposal as Minister for Metropolitan Roads. In doing so, as members would know, the normal process was followed. Advice was sought from the department. That advice was obtained and provided. The regulation was drafted, it was signed off and there it is. We responded to the selfish protesters.

Ms ABIGAIL BOYD (12:47): I ask a supplementary question. Will the Minister elucidate on how seeking advice from the department is a response to a question on whether external legal advice was obtained?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:47): The process is very simple. I ask advice of my department. My department provides that advice to me. I take that advice from the department. The regulation was drafted and the regulation was signed off on.

WESTERN RAIL FREIGHT LINE

The Hon. SCOTT BARRETT (12:48): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the Government's work to reopen the critical western rail freight line?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:48): I thank the Hon. Scott Barrett for his question. He lives in Orange and understands the critical role that the Central Tablelands and the Central West play in exporting a lot of product. The western freight line or the Blue Mountains line is critical to that. The New South Wales Government, through Transport for NSW, has been working very closely with councils and industry to support a lot of the disaster recovery efforts, not only in the north but also in the Greater Sydney region and right through the Blue Mountains.

In fact, members opposite may be interested to know that I even sat down with the member for Blue Mountains, Trish Doyle, and spoke about the impacts of that western line on the Blue Mountains community. I provided the member with information and updates so that she could update her community. It is important that members have an idea of how significant the issue was. At Leura, the rail line fell into a 16-metre-deep hole and significant work was required to restore that piece of infrastructure. Those works have been absolutely critical to allow Transport and the Government to reopen and restore that western freight line as quickly and safely as possible.

As the Minister responsible, I can say that freight is a priority for the New South Wales Government. The freight industry underpins the success of our entire economy. The Blue Mountains rail line is a critical freight corridor linking east with west, which is why Transport for NSW and our crews worked 24/7 to get that line restored and reopened. The workers and crews have effectively rebuilt the entire section of track around where the sinkhole formed, while filling in the sinkhole and ensuring the line is stable for trains to operate. They also worked in collaboration with the Blue Mountains City Council to have new drainage fitted. More than 500 tonnes of debris in and around the track was removed. The damage was across hundreds of metres of the track. We needed more gravel, more ballast and more track bases underneath the line, where it had all washed away.

I give a big shout-out to the hardworking men and women within Transport for NSW, who got the line reopened to freight at 7.00 p.m. on Saturday 26 March. As of Monday, the XPLOER diesel-powered passenger service is restored and off to Broken Hill. The XPT service and the Bathurst Bullet restarted on Tuesday. Once the line is fully restored, some intercity services will return on Friday 8 April, which will provide critical intercity services for people in the Blue Mountains. I give a big shout-out to the 200 staff and crew on the ground who were involved in those works and worked with 53 pieces of plant and machinery, including cranes, concrete pumps, tip trucks, vacuum trucks and excavators, to restore that line.

GOVERNMENT INVESTMENTS

The Hon. DANIEL MOOKHEY (12:51): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations in his own capacity and representing the Treasurer. Has the Government divested all of the \$225 million worth of investments it made in Vladimir Putin's Russia, as promised by the Treasurer more than a month ago?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:52): This is questions without notice. The member's question is more appropriately asked as a question on notice.

The Hon. Daniel Mookhey: Point of order: The question is in line with the standing orders, and the Minister is not allowed to debate the question.

The Hon. DAMIEN TUDEHOPE: I acknowledge the point of order.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Minister has the call.

The Hon. DAMIEN TUDEHOPE: What I will say to the member is that I am happy to receive the question. I am happy to come back to the member with the details that he is seeking. I can say no more.

COAL AND GAS PROJECTS

Ms CATE FAEHRMANN (12:53): My question without notice is directed to the Minister representing the Premier, the Hon. Damien Tudehope. I ask the question on behalf of Georgia Taylor, a year 10 student from Loreto Normanhurst, who is in the Chamber gallery today as part of the Girls Takeover Parliament program. Georgia asks, "Minister, the Federal Court of Australia has accepted the evidence of experts that coal and gas projects are going to cause injury and death to me and my peers in years to come. Right now young people in the heart of Lismore in the Northern Rivers have had their school destroyed by catastrophic floods fuelled by coal. Coal and gas are killing my future. They must stay in the ground. Why is your Government still recommending the approval of coal and gas projects through the planning department? When will you take the urgent action necessary to address the climate crisis and order the planning Minister to stop supporting these projects?"

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:54): I thank Georgia for her question. I am sure she will be sitting on the other side of the Chamber one day and making a contribution.

[Members interjected.]

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! Georgia will want to hear the answer to her question. Members will remain silent. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: If Georgia was sitting in this Chamber, she would know that in December 2020 this House sat all night to pass a new renewable energy plan for this State. In fact, no other government in Australia has done more in relation to creating renewable energy zones and planning for a renewable energy State. When the member talks about the future and what we are planning for the future of this State, this is the government that Georgia ought to embrace. What she ought to understand is that this Government does stuff. We do not just talk about it.

Ms Cate Faehrmann: Point of order—

The Hon. DAMIEN TUDEHOPE: We are, in fact, creating renewable energy zones throughout the State.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Ms Cate Faehrmann has taken a point of order.

The Hon. DAMIEN TUDEHOPE: I did not think she asked the question. I thought it was Georgia.

Ms Cate Faehrmann: We have been communicating. I just know that Georgia wants the Minister to be directly relevant to the question, which was around coal and gas projects.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Minister is being directly relevant to the question. I invite the Minister to continue with his answer.

The Hon. DAMIEN TUDEHOPE: Additionally, if we follow the manner in which the planning Minister has embraced moving away from fossil fuels and we have a look what the Government did at Shenhua with petroleum exploration licences—

Ms Abigail Boyd: What are you doing in Narrabri?

The Hon. DAMIEN TUDEHOPE: —and near Narrabri, in fact, we have extinguished all those coal exploration licences. There is a process to go through. In many respects, this Government is embracing net zero for this State more than any other jurisdiction anywhere in the country. I would encourage Georgia to make an appointment and spend some time not in the office of Ms Cate Faehrmann, but in the office of a Minister like Matt Kean, who will show her what this Government is doing the purposes of making sure that we are setting goals for the rest of the world to follow. And when Ms Cate Faehrmann gets up on her ideological high horse, Georgia can say to her, "But I know the Government is already doing that."

Ms CATE FAEHRMANN (12:57): I ask a supplementary question. The Minister mentioned Shenhua. Will the Minister elucidate his answer in relation to the Government stopping Shenhua? What other coal and gas projects does the Government intend to stop so that Georgia and her peers, who are in the Parliament today, can be hopeful about their future?

The Hon. Scott Farlow: Point of order: I do not wish to disappoint Georgia, but I believe that is a new question. It is not seeking to elucidate the Minister's answer.

Ms Abigail Boyd: To the point of order—

The DEPUTY PRESIDENT (The Hon. Wes Fang): I do not need to hear further on the point of order. I note the ruling of President Mason-Cox from Tuesday about allowing a supplementary question unless it is unreasonable and well outside bounds. I invite the Minister to answer the supplementary question.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:59): I thank the Deputy President for that clear articulation of the Mason-Cox doctrine. I must have been asleep that day. A balance always has to be got right. We are moving in the direction in support of renewable energy zones. For the power supply of this State, we are moving in that direction. I am not going to shut down the economy of this State or give commitments to shut down the economy of this State. We have continuing and existing obligations around coal supply for overseas contracts that we have entered into. People who work in the coal industry—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order!

The Hon. Sarah Mitchell: Point of order: I realise it is Thursday, everybody is excited and there are guests in the gallery, but members still have to treat each other in a courteous manner, particularly because there are guests here. I welcome the students; it is lovely to have them in the House. Multiple Opposition and crossbench members are constantly interjecting while the Leader of the Government is answering the question. He should be given respect and be heard in silence, especially with student leaders in the Chamber.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I note the loudest interjection was from the member who asked the question. I would have expected the member would have wanted to hear the answer. The Minister will be heard in silence.

The Hon. DAMIEN TUDEHOPE: This Government is delivering on net zero goals and renewable energy targets, and embracing new technologies. The manner in which we are transitioning the Eraring Power Station to new opportunities in technology and battery-powered solutions for the State will assure student leaders in the House today that this Government is delivering those opportunities for the people of New South Wales. The five renewable energy zones will create a wealth of job opportunities. This Government is creating the jobs of the future. We are interested in our student leaders' jobs of the future and not the negative impact of Opposition and crossbench members, who would rather they did not have a job.

Ms ABIGAIL BOYD (13:02): I ask a second supplementary question. Will the Minister elucidate on how he can look Georgia in the eye and conflate coal-fired power with the exploration and mining of more coal and gas in this State in a way that threatens her future?

The DEPUTY PRESIDENT (The Hon. Wes Fang): Again, I note the Hon. Matthew Mason-Cox has ruled that supplementary questions are generally in order unless they are so far outside the bounds of the question they must be ruled out of order. Ms Abigail Boyd's second supplementary question is out of order.

REGIONAL YOUTH ARTS AND CULTURAL ACTIVITIES

The Hon. CATHERINE CUSACK (13:03): My question is addressed to the Minister for Regional Youth. Will the Minister update the House on the New South Wales Government's support for regional youth engaging with arts and cultural activities?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (13:03): I thank the honourable member for her question. The Government, through Create NSW, supports programs that provide access to arts and cultural activity for regional youth across the

State. The Arts and Cultural Funding Program has provided over \$600,000 in funding to projects that prioritise regional youth. That includes the work of The House That Dan Built. I was honoured to recently attend a showcase by it at the State Library. The House That Dan Built is one of Australia's most important arts and cultural organisations, empowering women and girls from diverse backgrounds and regional and remote communities in Australia. The House That Dan Built is reinforcing the message that, no matter where people live, the communities of New South Wales deserve access to enriching arts and cultural experiences.

In early March, The House That Dan Built relocated into the Registrar-General's building [RGB] within the Macquarie Street East Precinct. Create NSW and Property & Development NSW are activating the RGB with arts, screen and cultural organisations while long-term planning for the precinct is underway. In addition to The House That Dan Built, the RGB will be a home in the short-term for a range of other organisations that do valuable work in regional areas. That includes Music in the Regions, Monkey Baa Theatre Company and Sydney Youth Orchestras, which supports regional musicians with its outstanding program SYOnline in addition to live rehearsals and performances.

Supporting and ensuring access to arts and culture for regional youth is a priority of the Government. I am also delighted that Create NSW has established a partnership with the Office of Regional Youth that responds to the gaps and opportunities for children and young people participating in arts, screen and culture in regional New South Wales. The Holiday Break Partnership Program offers a school holiday program for young people across regional areas by providing activities that are free and local. The \$1.6 million program is delivered through arts and cultural organisations and individuals that deliver workshops, performing arts camps and festivals, and an intergenerational First Nations-led Marking Country Project. Importantly, those programs focus on the resilience of our newest generation being affected by the challenges of drought, bushfires, floods and COVID-19.

In addition, Create NSW supports regionally based organisations, including Mullumbimby-based Spaghetti Circus, which delivers an active program of circus training for young people across the Northern Rivers region. Impacted by the recent floods, Spaghetti Circus has commenced a recovery process, ensuring it can continue to provide its services for young people in regional New South Wales. Regional arts and culture is flourishing and I am so proud of the Government's support, ensuring that the children and young people have access to vibrant and exciting arts and cultural experiences regardless of where they live. Similarly, I am proud of the organisations showcasing regional arts in our cities and metropolitan areas, proving that great art is created throughout our State by people of diverse ages and backgrounds.

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

Supplementary Questions for Written Answers

NSW GENERATIONS FUND

The Hon. DANIEL MOOKHEY (13:07): My supplementary question for written answer is directed to the Minister for Finance. Will the Minister elucidate his answer by updating the House on the current balance of the NSW Generations Fund (Debt Retirement Fund)?

The Hon. Damien Tudehope: Point of order: I took the previous question on notice. My understanding of the standing orders is that a member cannot ask a supplementary question to a question taken on notice.

The Hon. Daniel Mookhey: To the point of order: It has been ruled multiple times that a member can seek an elucidation in a written supplementary format on questions that have been taken on notice.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I allow the question, but I note the Minister has until the first sitting day in May to provide his answer.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PENNY SHARPE: I move:

That the House take note of answers to questions.

CHILD PROTECTION

The Hon. PENNY SHARPE (13:09): I take note of the answers given by the Minister for Families and Communities, and Minister for Disability Services. The questions asked today by the Opposition are serious, longstanding matters. It is true that the system of child protection in this State has been failing vulnerable children for a long time. The issues are complicated and it is a difficult task. My remarks on this matter have nothing to do

with the caseworkers who every day get up and do their best to protect children and babies in this State. We cannot ignore that all of the numbers are going in exactly the wrong direction. We must talk about what is happening.

In September last year—which is the most recent data that we have—126,818 children were assessed as at risk of serious harm. It is not just that their parents are being mean to them or making them eat things that they do not like; they are kids who are at risk of serious harm. It is serious neglect. It is child abuse. It is sexual abuse. They come through the system and the system says that they are at risk of harm but only 36,500 children were seen, which is 29 per cent. Some 90,000 children never saw a caseworker. That is the system that we are presiding over and that the new Minister—who is not even in the Chamber for this take-note debate—is presiding over. The Minister tried to give us some numbers but she failed to say that since 2019 there has been a 20 per cent increase in the number of children who are being reported. It is a 20 per cent increase and we are still seeing less than 30 per cent of them. That is an extremely serious matter.

I only have one minute remaining, but I could speak about this for 10 minutes because I am so infuriated. We must talk about the Child Death Review Team report that was tabled in August last year. The 15 children who died in circumstances of abuse or neglect were already known to the department. Two of those families were the subject of a report and the children were screened as not at risk of serious harm. Eight of those children had been the subject of risk of harm reports within the last 12 months. For seven children the reported risk that was related to them was the subsequent circumstance of their death. The department and the system knew that those kids were at risk and did not do enough, and now those children are dead. We cannot keep saying that we are not doing enough about this. We need more resources and the Minister must take this seriously. I was disappointed with the Minister's answers today. The Minister must get on top of her brief and say more than, "I've had a report since August last year and we will get back to it in due course". That is not good enough.

WESTERN RAIL FREIGHT LINE

The Hon. SCOTT BARRETT (13:12): I take note of an answer given by the Minister for Regional Transport and Roads about the reopening of the western rail freight line. I admit that even as an adult I still get a thrill seeing trains move around the regional rail network. I clearly remember racing the XPT along March Road on the way home when I was a kid, and hearing the train in the distance around Mullion Creek and counting the wagons as they passed on their way between western New South Wales and Sydney. I still enjoy the rhythm, sounds and sight of the carriages moving alongside the road, and now I can share that joy with my kids. I also now enjoy not just the sight and sound but the knowledge that those trains are carrying important cargo, whether it be visitors to and residents of regional New South Wales or, in the case of the western rail freight line, valuable goods to and from Sydney.

When I was fresh out of college I worked at Fletcher International Exports in Dubbo, a sheep and lamb meat processor and exporter. A big part of my role was organising logistics and getting containers from Dubbo to rest of the world. A key link in that export chain was obviously the rail link between Dubbo and the ports. Without that link things stopped: Exports stopped, trade stopped and our supply of meat to those who wanted it stopped. Reliable and efficient train links are critical to Fletcher, they are critical to Dubbo and they are critical to regional New South Wales. They take our produce from the west to the rest of the world—produce such as grains and meat that feed the masses and the high-quality products for which our State can always be proud. Coming the other way we have the XPT and the Explorer bringing regional people home and bringing visitors to see and enjoy the regions. We have missed that service while it has been down. I am informed that Fletcher had 126 containers backed up in refrigeration on site in Dubbo. Now that the rail line is fixed they are on the way to port to access the rest of the world.

For that we must thank Transport for NSW and, more specifically, our freight workers. They are the unsung heroes who have done an amazing job getting this rail line up and running again in very trying conditions. Those workers and their colleagues deserve much praise for the work they do every day keeping our freight and our passengers moving around the State, particularly supporting the greatest part of the State that is western New South Wales.

PITT TOWN BYPASS

The Hon. PETER PRIMROSE (13:15): I take note of the answer provided to my question on notice about the Pitt Town bypass. The Pitt Town Progress Association and the local Federal member, Susan Templeman, have long campaigned for the bypass. The fundamental and basic premise of my question was that the community wants to know what is going on. I asked about the current status of the work, when it expected to go to tender, when the construction is expected to start and when the bypass expected is to open. That is basic and fundamental information that a community should have no difficulty finding out without a member in this place having to continually ask questions about it. Instead I received an answer that said to check out the website. When I did the latest news was from July 2020, which is almost two years ago.

The Pitt Town bypass was supposed to be part of the so-called jobs and infrastructure pipeline. Instead it seems to be stuck in no-man's-land and is still listed as "in planning". On the Transport for NSW website it states that the next steps are for Transport for NSW to consider "the best option" to deliver the project. There have been no further updates for almost two years. I can only infer that the project has stalled and will now be part of the review of the major infrastructure projects being undertaken by the State Government. It possibly will not go ahead at all. I sincerely hope that I am wrong about that. In the 2017-18 budget infrastructure statement the Pitt Town bypass project is listed as having no start or completion date with no information about the estimated total cost. Subsequently, that has been the case in the next three budget infrastructure statements. From that information alone and by comparing the Pitt Town bypass allocations for the current budget year with the estimated total expenditure of previous budget years, I can see there has been massive underspending.

I examined the 2021-22 budget infrastructure statement and, lo and behold, the Pitt Town bypass is no longer listed at all; it has simply disappeared from the Transport for NSW major works project list. Under the heading "Established Sydney Roads" under "Works in Progress", the Pitt Town bypass is not listed at all. That is where it was listed previously. The flippant answer provided by the Minister gives no information. The website gives no information. This year's budget infrastructure statement gives no information and, instead, the whole project has mysteriously disappeared. It is nonsense that public information about the project is simply not there. The Pitt Town bypass is now in the category of ephemera, a victim of spin and trumped-up media releases.

COST OF LIVING SUPPORT

The Hon. TAYLOR MARTIN (13:19): I take note of the answer given today by the Leader of the Government to the question about the ways that the New South Wales Government is easing cost of living pressures while helping stimulate the economic recovery post-COVID.

The Hon. Daniel Mookhey: Are you going to sing too?

The Hon. TAYLOR MARTIN: No, I am not. I promise members here and now I will not be singing a few bars. The 12 days of fare-free travel are coming at just the right time, with two successive long weekends and the kids back home for the school holidays. As the Minister said, we have waited for so long for this autumn holiday period where, with COVID-19 restrictions behind us and a bunch of Service NSW vouchers in our pockets, or on our phones, we can get out and, hopefully, enjoy some sunny days before winter. This is also a good time for regional seniors to get out and about and use their \$250 Regional Seniors Travel Card. For parents, this is a great time to make full use of the \$250 Parent NSW vouchers, which can be redeemed at any business throughout New South Wales that is registered for the Discover NSW or the Stay NSW vouchers.

Those vouchers have been a fantastic success already, putting extra dollars in everyone's pocket and stimulating the economy post-COVID, especially small businesses in the hospitality, tourist and entertainment sectors. The fare-free period includes Anzac Day and will provide fare-free travel to Anzac Day services, including the Dawn Service at the Cenotaph in Martin Place. It will also allow veterans and their families to get out in the afternoon to catch up with their mates for a meal or a legal game of two-up. I encourage all members of the community to make full use of the free vouchers and free fares and participate in the autumn economic recovery throughout New South Wales.

CHILD PROTECTION

The Hon. ROSE JACKSON (13:21): I take note of answers given today by the Minister for Families and Communities, and Minister for Disability Services to questions that were asked by the Leader and the Deputy Leader of the Opposition relating to children at risk of serious harm. That is a serious topic and it can be difficult to talk about. But, as my colleague the Hon. Penny Sharpe said, they are conversations we have to have because when we avoid them—and it is hard to talk about kids getting hurt—we fail to draw attention to the fact that the situation for many vulnerable children in New South Wales is getting worse.

A risk of serious harm report is taken seriously by mandatory reporters. Teachers, nurses and other health professionals do not make a report for flimsy reasons or on a whim. They are professionals who work with children and they know when someone is at risk because they see the physical harm done, mental acting out and behaviour that is not normal. They are making reports in higher numbers. More children are exhibiting serious signs that they are being physically, mentally, emotionally or sexually hurt and abused. The department is responsible for taking action but less action is being taken.

The Minister has spoken previously about the very small number of children who are seen—30 per cent or so—and made reference to "the remainder" being seen by people in the non-government sector and community organisations. When pressed on that, it was revealed it was only "some" of those children. There are 90,000 children at risk of serious harm. We asked how many of those 90,000 children at risk of serious harm are being seen by people in community organisations and non-government organisations, but we cannot get an answer to

that basic question. Therefore, 90,000 children are not being seen. Some of them are being seen by people in other organisations. Who? How many? What is happening? That information is not available.

Supplementary answers provided after the budget estimates hearing to the many questions asked said that the information is not publicly available. Of course it is not publicly available. If it was, we would get it from the internet; we know how to use Google. That is why we have budget estimates hearings and ask questions. The answers to questions asked at budget estimates hearings were not adequate and they are not adequate answers to the questions without notice that were asked today.

HOMELESSNESS

The Hon. CATHERINE CUSACK (13:24): I take note of the answer given today by the Minister for Families and Communities, and Minister for Disability Services relating to the Together Home program, which is a \$122.1 million investment by the New South Wales Government to support affordable housing, and particularly a \$35.5 million program that is targeting community housing providers to transition their tenants into fit-for-purpose, longer term social housing. I welcome the announcement. Without question, affordable housing is the biggest challenge facing State and Federal governments. Affordable housing could be for someone who is a client of the NDIS, a homeless person or a first home buyer. A wide range of people require affordable housing. I note that the Northern Rivers area has basically lost all of its affordable housing, which was situated in the flood zone.

Hollywood stars do not build uninsured palaces in flood zones. Poor people live in flood zones. First home buyers who still owe money borrowed from banks live in flood zones. For too long governments at all levels have relied on flood zones to provide cheap housing in regions like the Northern Rivers. Everybody should be thoughtful of and accountable for how this has arisen and how much of a risk we created by having all our affordable housing in the flood zones in the Northern Rivers. So this program is very welcome. The Government is now putting more money into assisting all the homeless people in the Northern Rivers. I hope that lessons will be learned and that affordable housing can still be possible in that region.

RUSSIAN INVASION OF UKRAINE

The Hon. DANIEL MOOKHEY (13:26): In just a few hours the President of Ukraine will address the Australian Parliament in order to mark the extraordinary cooperation and efforts that the Australian people and the Australian Government have provided to his nation at a time of acute stress. Such support has been provided on a bipartisan basis, as it should be and as it should continue to be. The view of members on this side of the House about the aggressive actions of autocrats who invade other countries is clear: Those people are not to be coddled; they are to be confronted. It is a mark of a democracy that that is the way we have responded, as other democracies have around the world.

I accept that when it comes to responding to the issues arising from Mr Putin's invasion of Ukraine, it is the Commonwealth that should lead. But we should not be ignorant of our power as a State. In the wake of Russia's invasion of Ukraine, governments, private sectors, organisations, corporations and free unions worldwide have all said that it is time to dump Russian currencies and Russian investments. We should withdraw from Russia and inflict financial punishment on that kleptocratic regime that is ruling from Moscow. New South Wales has a responsibility. We have \$225 million in Russian debts and equities. We have directly bought Vladimir Putin's bonds. We own about \$130 million of the debt that the Russian Government issued to build its army that is marching towards Kyiv.

The Opposition raised this issue in October last year. We said then that the choice to try to profit off the actions of regimes like that is not in keeping with the people of New South Wales. We were dismissed at that time as raising an errant issue, which is a polite way of putting it. But since then, and in the wake of the invasion, the Treasurer made the good decision to get us out. He did that on 28 February, which was the day he was due to appear at budget estimates hearings. It was a good decision, but members on this side of the House want to know if it has been achieved because it matters a great deal whether it is achieved today, tomorrow or some other time.

We are trying to apply maximum pressure to this regime at this time and to the extent that we have this power, we should be exercising it. That will probably involve us taking a bath on those investments. I accept that right now it is difficult to divest. But we need more transparency and more information from the Government when it comes to a matter this serious. The Treasurer puts out press releases and deals with the front-page problem that afflicts him. It is fine if he makes those commitments, but it is better if he sticks to them.

BUREAU OF METEOROLOGY FLOOD MONITORING

The Hon. MARK BUTTIGIEG (13:29): I take issue with the Leader of the Government's response to my colleague the Hon. Shaoquett Moselmane's question regarding the Government's response to flood relief.

I specifically note the Hon. Catherine Cusack's solutions. She said that the grant process is awful and suggested that the Government drop the means test and give grants rather than reimbursements. She further suggested that the existing COVID business support app would reduce the whole process to a few minutes. The Leader of the Government reiterated his response to questions yesterday when he said that it is largely a function of fraud. He said that we must ensure that we are responsibly handing out taxpayers' money because of fraudulent claims.

Yesterday the Minister quoted that of the 8,234 applications, 213 are under fraud review. That is 2.6 per cent of applications. That is the justification. What do we say to people who have been waiting weeks on end, had their homes destroyed, had their livelihoods destroyed and had all their equipment and personal belongings destroyed when for two days in a row the Government has said that it cannot give them the money because it has to ensure that 2.6 per cent of people are not defrauding taxpayers? The resulting fallout is that only 426 of the 8,234 applications have been approved—5 per cent. That was raised again in question time. It is ridiculous. During a major catastrophe the Government is quibbling over 2.6 per cent of fraud claims that have not even been found to be fraudulent; they are under review. That is the reason the Leader of Government has given for the unacceptable delays.

Again, what do we say to those people? If we do the math, about 70 assessors are on the ground. How do we expect those people to get a timely review when there are too few people on the ground and not enough money is going out the door because the Government is worried about people defrauding the system? The figures do not even show that it is significant. If that number was up around 20 per cent or 30 per cent, the caution would be understandable. But when people are in such perilous circumstances and are crying out for help, it is unacceptable. It is unconscionable for the Leader of the Government to try to run that cop-out two days in a row.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SHAYNE MALLARD (13:32): I conclude the take-note debate. I commend the House today because question time has been relatively constructive compared to some others that I have participated in. Questions from the Opposition, crossbench members and the Government elicited important responses that are important points for us to be aware of as members of Parliament in our communities. The issues were quite diverse. There was an important message from Minister Natalie Ward about road safety and our record reduction in fatalities on the roads last year. We would all love to achieve no lives lost on the road. That reduction in road fatalities is 270, the lowest since 1923. If it was pro rata it would be incredibly low. It is amazing. The Government led on that and we all worked together.

Minister Maclaren-Jones spoke about the Together Home program that we all care about. Addressing rough sleepers and transitioning them into permanent accommodation is an incredibly hard thing to do. As a former city councillor I know that we have done a lot of work on that. Putting a roof over a person's head is sometimes the easiest thing; the difficulty lies in the wraparound services. I congratulate her on that. Our debate went overseas to Russia and we visited Putin. I note that yesterday the women in the Parliament wore the colours of the Ukraine flag to support the campaign—

The Hon. Penny Sharpe: Colours are good, but drop the debt. Deal with the money.

The Hon. SHAYNE MALLARD: I am contributing to the take-note debate in good faith; I am not launching an attack on the honourable member.

The Hon. Penny Sharpe: You are being good; I will be quiet. My apologies.

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

The Hon. SHAYNE MALLARD: I note the discussion around the Premier's Priority target for vulnerable children. We all care deeply about that issue and want to see it resolved. That is Minister Maclaren-Jones' new area. I note that Japanese encephalitis was raised, which has us all worried. Minister Bronnie Taylor gave a comprehensive answer on that and invited members not to play politics because fearmongering is a big concern for our community. I could not end this debate without mentioning Georgia's question and her involvement in the Parliament today. Georgia and her colleagues from Loreto Normanhurst could write us more questions. Both sides of the House welcome the participation of young people in question time.

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

Motion agreed to.

*Written Answers to Supplementary Questions***E-TOLL CHARGE ERRORS**

In reply to **the Hon. MARK BANASIAK** (30 March 2022).

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence)—The Minister provided the following response:

I am advised:

An update to the e-toll system resulted in the duplication of automated top up payments. Where e-toll accounts required more than one automated top up, these accounts may have experienced multiple duplicate automated top up payments.

Approximately 3,600 e-toll customers required multiple automatic top ups prior to the problem caused by the update being fixed.

Each of these payments have been refunded and customer communications sent.

NORTHERN RIVERS FLOODS

In reply to **the Hon. WALT SECORD** (30 March 2022).

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

Two hundred and fifty eight staff have been deployed at 27 Recovery Centres in flood impacted areas across New South Wales, including 14 Recovery Centres in the Northern Rivers. Staff are assisting customers with access to accommodation, lost document replacements, mental health and wellbeing services, business support, clean-up services, financial assistance, and insurance and legal support.

Sixty-two assessors are working fulltime on manual assessment of applications for the Storm and Flood Disaster Recovery Small Business Grant.

TEACHER VACCINATION RATES

In reply to **the Hon. MARK LATHAM** (30 March 2022).

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

I am advised that before 27 January 2022, only school staff that were currently being paid (and therefore considered "active") could attest in the Department of Education's VACS system. This was in line with the requirements under the Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021, which has since been extended.

From 27 January 2022, the system has been expanded to allow people to attest before any work occurs, which helps streamline the staff engagement process, particularly for new entrants.

This means that any individual with a valid DoE email address, whether they are on the payroll or not, can now attest their vaccination status in the VACS system. As such, the spreadsheet referred to in the question captures a significant number of "inactive" individuals, who are under no obligation to report their vaccination status while they are inactive.

Inactive individuals, as the name suggests, include those no longer actively working in a position such as someone who has retired but still holds a valid approval to teach. Inactive also encompasses new entrants who are preparing to work for the department and setting themselves up administratively for compliance, but are not currently working on a school site.

The number quoted by the member therefore has no relationship to the responses provided on 10 November 2021 and 22 February 2022, as these were not in relation to inactive individuals who do not fall under the PHO requirements.

The proportion of active teaching staff who are either vaccinated or have an approved medical contraindication remains at above 98 per cent. New attestations also come through the VACS system daily. For example, in the period between 18 and 25 March 2022 there were 878 new attestations.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will now leave the chair. The House will resume at 2.30 p.m.

*Bills***CONSTITUTION AMENDMENT (VIRTUAL ATTENDANCE) BILL 2021****Returned**

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

*Documents***TABLING OF PAPERS**

The Hon. SARAH MITCHELL: I table correspondence from the Attorney General relating to report No. 60 of the Standing Committee on Social Issues entitled *Crimes Amendment (Display of Nazi Symbols) Bill 2021*, tabled on 22 February 2022. I move:

That the correspondence be printed.

Motion agreed to.

*Bills***MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2022****First Reading**

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

The Hon. SARAH MITCHELL: 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. SARAH MITCHELL: 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.

*Documents***TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES****Further Return to Order**

The CLERK: According to the resolution of the House of 24 February 2022, I table additional documents relating to a further order for papers regarding the Transport Asset Holding Entity, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

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

*Bills***HOME BUILDING AMENDMENT (MEDICAL GAS LICENSING) BILL 2022****Second Reading Speech**

The Hon. TAYLOR MARTIN (14:36): On behalf of the Hon. Sam Faraway: I move:

That this bill be now read a second time.

The Home Building Amendment (Medical Gas Licensing) Bill 2022 proposes to extend the transitional arrangements of the medical gas licensing scheme under the Home Building Act 1989 from 1 May 2022 to 30 September 2022 to prevent critical shortages of eligible personnel being able to undertake certain medical gas work.

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

Leave not granted.

The Hon. TAYLOR MARTIN: In 2020 the New South Wales Government took action to deliver key reforms for medical gas work in medical facilities in the State following two tragic incidents at Bankstown-Lidcombe Hospital. Those reforms were made so that that kind of heartbreak is never again endured by another family in New South Wales. The safety of patients is vital, including in the administration of medical gases, in medical facilities such as public and private hospitals, day surgery practices and dental practices. There

are approximately 214 private hospitals, 202 public hospitals, 105 day hospitals and IVF clinics, 7,247 dentists and 722 medical centres in New South Wales. Those facilities all fit within the ambit of the legislation. Despite the significant number of medical facilities, as of 18 March 2022 only 143 people are licensed to do medical gas work across New South Wales. I refer members to the Minister's second reading speech given in the other place.

Second Reading Debate

The Hon. COURTNEY HOUSSOS (14:38): On behalf of the Opposition I contribute to debate on the Home Building Amendment (Medical Gas Licensing) Bill 2022, which Labor will not oppose. The bill is very brief and will extend the deadline for transitional arrangements from 30 April 2022 to 30 September 2022 to allow for the introduction of the requirement to hold a specific licence to install or maintain medical gas. That is the second extension of the deadline. The bill may be brief, but it addresses an incredibly important issue. If enacted, the legislation is designed to prevent a repeat of the terrible events at Bankstown-Lidcombe Hospital in 2016 when two newborn babies were administered nitrous oxide instead of oxygen, killing one child and leaving the other with lifelong physical and cognitive impairments. As it stands, there is still no requirement in New South Wales to have a qualification to work with medical gas in both installation and maintenance. Anyone can legally perform this work, which can be highly dangerous.

I pay tribute to the Khan family. I can only imagine their pain. I have spoken to Amelia's father, Daniel, and I place my sincere thanks on the record for the important role their family has played in the introduction of the requirement of a specific licence for medical gas installation and maintenance. From incredibly tragic circumstances they have found the strength to continue campaigning to ensure that no other family has to go through what they went through.

I also thank the Plumbing Trades Employees Union and its secretary, Theo Samartzopolous, who has been campaigning on this issue for years. The union raised the issue in the upper House inquiry into building regulation in June 2019. I have to say that I remember, when they first raised it with me during meetings in the lead-up to that inquiry, I actually did not believe that there would be a loophole so wide in existence in the legislation. I checked it myself because I just could not believe that this had not been addressed. I also acknowledge the work of my Labor colleague the Hon. Mark Buttigieg, who introduced a private member's bill on this very issue two years ago. That bill passed this House but was defeated in the lower House. It was through Labor's amendment to a Government bill that this important change was finally introduced.

Medical and mechanical gas installation and maintenance are highly specialised forms of plumbing work which involve a great deal of complexity and require extensive technical training to be performed safely. When done incorrectly, it can expose the community to a deadly legionella outbreak, as air-conditioning systems in large buildings, hospitals and shopping centres can transmit the disease through water droplets sprayed from their exhausts, and consequently can be inhaled by individuals. As I mentioned earlier the main risks associated with medical gas work include the contamination of pipelines and the cross-connection of gas delivery outlets. Catastrophically, this is what occurred at the Bankstown-Lidcombe Hospital in 2016 when those two newborn children were administered nitrous oxide instead of oxygen.

One of the children, Amelia Khan, has been left with irreversible brain damage. She is vision impaired and is unlikely to be able to use her hands. Amelia will have lifelong quadriplegic cerebral palsy and intellectual disabilities. It is doubtful she will be able to develop speech, and she will be dependent on others for all aspects of her care. Another family, the Ghanem family, also suffered tragedy a month later. After Sonya Ghanem was awakened following an emergency caesarean section, she was told that her baby son, John, had died. In a direct response to these tragic events, the Queensland Government passed legislation to ensure that individuals responsible for the installation and maintenance of medical gas pipes are licensed. The Victorian Government also has legislated for mechanical services and medical gas licensing. In 2019 the New South Wales Labor Opposition committed to the establishment of a mechanical services and medical gas occupational licence.

There are serious concerns that, if there is a failure to take action to address the absence of appropriate licensing in this State, those horrible tragedies could be repeated. I place on the record that within existing New South Wales legislation prior to the passing of the bill that will enact this legislation, plumbing work was permitted to be carried out only by licensed and trained individuals. Even in this House yesterday we heard about another gap where there is a need for licensing of people in the building industry. This proposal, once enacted, will see the creation of the mechanical services and medical gas occupational licence, because establishing a licence for this trade is the best way to ensure that there are only trained and skilled individuals working on these incredibly high risk installations. Licensing is the most effective method of mitigating risks to public safety. It makes certain that hospitals and health facilities have skilled and qualified individuals for carrying out vital services.

Earlier I noted that this is the second extension. The original amendments allowed an extension to April 2021. That has been extended to April 2022. This will be the third extension of the deadline. I indicate, as I have privately indicated to the Government, that this will be the final extension that the New South Wales Labor Opposition will entertain. We on this side accept that the Government says that there are only 143 licensed plumbers to carry out this work at the moment. We accept that a large numbers of private hospitals, public hospitals, day hospitals, IVF clinics, dental clinics and medical centres require this work. But this is an incredibly important licence. This is an incredibly important loophole to close. We cannot just blame COVID and keep putting it off to the never-never. We are prepared to work cooperatively with the Government to develop a plan but we cannot keep putting it off. This is the undertaking that I have given to the Khan family and it is the undertaking that I would like to place on the record today. With those comments, I indicate that the Labor Opposition does not oppose the bill, but there must be a plan for how it is implemented.

Ms ABIGAIL BOYD (14:45): On behalf of The Greens I indicate that, similarly to Labor, we will not oppose the Home Building Amendment (Medical Gas Licensing) Bill 2022 but note our serious concerns about the way that the bill has come to us and what it represents. We all participated in the first private member's bill that was put forward by the Hon. Mark Buttigieg and we all sat through the Government's response to that. We all learned of the tragic consequences that can occur when this work is not done to the required standards. I note that in the contribution to debate on the Government bill by the Hon. Mark Buttigieg when it was first introduced, he made the very good point that the courses required to bring people up to the level of skill required for licensing at that point were not readily available; but nobody was delivering them because there was no demand; and there was no demand for it because there was no licensing system. Of course the hope was that by introducing this legislation, which is necessary to protect lives, we would then end up with the necessary steps being taken to ensure that we would have enough fitters who were appropriately licensed for this work.

By continually delaying the effective implementation of this bill, we are taking away that pressure for people to become licensed. It has not been just once that the extension has occurred: As the Hon. Courtney Houssos said, it has been extended three times. That is a really shocking reflection on this Government's lack of focus on secondary training, on funding TAFE and on ensuring that the community has sufficient training opportunities to produce a nimble workforce that can go where the jobs are required to be performed. A law was put in place to address a very significant loophole, which had led to a tragic death and tragic circumstances. The law was introduced and enacted by this Government only because of the efforts of the Opposition in this place to ensure that that loophole was closed.

Kicking and screaming, this Government came to the table on this issue but now we see that, effectively, the Government has delayed the implementation of this extremely vital reform for at least an additional year, and not for any reason other than the Government's own failure to ensure that sufficient numbers of fitters were trained for the work. The Greens do not approve of the bill lightly. It is not a model that could be used for future legislation. The idea that for every piece of legislation that the Government does not like it can introduce a bill to delay or make sure that it does not take the necessary actions behind the scenes to make sure that a bill will work demonstrates incredible bad faith on the part of the Government, and that causes us huge concern. More importantly, that is a reflection on the systematic gutting of the TAFE system and a devaluing of the very important skills that we need tradespeople in our State to have—in particular, the incredibly technical work relating to medical gas fitting.

I conclude by saying that The Greens will not oppose the bill. We endorse wholeheartedly the comments of the Hon. Courtney Houssos and thank the Hon. Mark Buttigieg for his work on this issue.

The Hon. MARK BUTTIGIEG (14:50): I make a contribution to debate on the Home Building Amendment (Medical Gas Licensing) Bill 2022. We all remember the heartbreaking tragedies at Bankstown-Lidcombe Hospital in 2016, where two newborn babies were administered nitrous oxide instead of oxygen. Tragically, John Ghanem died as a result. Amelia Khan has been left with irreversible brain damage, is vision impaired and will unlikely be able to use her hands. Amelia will have lifelong quadriplegic cerebral palsy and intellectual disabilities. It is doubtful that she will be able to develop speech and she will be dependent on others for all aspects of her care. As members will know, I have spent time with this wonderful family, who have been very passionate about taking something out of this horrendous tragedy. They hope that it never happens again to another family, and they have always wanted to ensure that the legal framework is fixed to make that certain. Unfortunately, notwithstanding the heartbreaking impact on the Khan and Ghanem families, and despite pleas from industry experts like the NSW Plumbers Union, the Liberal-Nationals Government failed to take action for over four years.

In October 2019 I raised the issue of the lack of licensing for such high-risk medical gas work, and the horrific consequences emanating therefrom, in Parliament. When *The Sydney Morning Herald* covered my speech, the Liberal-Nationals Government's response was that the industry did not require licensing or regulation. At the

time anyone in New South Wales was permitted to legally perform medical gas and mechanical services work. I issued warnings about how people with no trade qualifications or no training, and without any adequate knowledge of medical gas, were undertaking this extremely high-risk work, and even bakers were undertaking the work in our hospitals, and still it went ignored. After engaging with stakeholders, including training experts and the NSW Plumbers Union, in June 2020 I introduced the Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020 to Parliament. It was designed as a robust measure to prevent a repeat of the tragic events that took place at the Bankstown-Lidcombe Hospital in 2016.

Medical gas fitting is extremely high-risk work. The main risks associated with the work include contamination of pipelines and the cross-connections of gas delivery outlets. One objective of the bill was to ensure that those who undertake medical gas and mechanical services work would be required to be qualified and licensed, as the work can have life-and-death consequences—as we saw with John Ghanem and Amelia Khan. Establishing licensing for complicated trade work is the best way to ensure that there are only trained and skilled individuals working on high-risk installations. Licensing is the most effective method to mitigate risks to public safety. Another objective of the bill was to make certain that hospitals and health facilities have skilled and qualified individuals carrying out vital services. It received an overwhelming amount of public support and passed through this House. However, the Government did not vote for it in the lower House.

As a result of my Labor private member's bill and the attention that it received, the Government conceded finally that it would look at addressing the lack of licensing in the industry, which subsequently led to the Government introducing its own legislation: the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. This bill was inconsistent with how the trade, the industry and its training functioned. Therefore, it fell well short on key safety measures. Industry experts made lengthy warnings to the Government about the dangerous ramifications of crucial safety issues, but it disregarded those concerns at the time. Amongst the problems in the Government's unamended bill were that it did not require any qualifications at all, including trade qualifications for the category of workers who undertake the crucial testing, certification and maintenance of medical gas work.

Mechanical services, which is the overall trade that medical gas sits within nationally, would have been left unlicensed, which would have been an enormous safety concern as it would divert from education, training and industry practice in other States. I drafted a set of 29 robust Opposition amendments that were designed to completely reconfigure the Government's bill and ensure that the Government could not pass watered-down legislation that would not keep the people of New South Wales safe. All 29 of the amendments that I drafted were passed successfully in both Houses of Parliament. Consequently, Labor's amendments made up the substance of the legislation as the majority of the bill was formed by them. They ensured that the Government was prevented from allowing unqualified individuals to undertake any work whatsoever in medical gas and mechanical services.

Under the Home Building Amendment (Medical Gas Licensing) Bill, all individuals who undertake any medical gas or mechanical services work would need specific qualifications and extensive experience, including for maintenance and for the vital testing and certification components of medical gas work. Trade qualifications and experience requirements are set out in the bill to prevent any watering down of the qualification. The bill includes a robust penalties regime for unlicensed work, including the requirement for vigorous supervision of apprentices. Supervisors need to ensure personally that the work is completed correctly. Mechanical services would also be licensed, ensuring that New South Wales finally has a safe industry for extremely high-risk work, bringing us into line with Queensland and Victoria. All high-risk medical gas installations and work would need to be carried out in accordance with Australian standards.

The Gas Legislation Amendment (Medical Gas Systems) Bill 2020 passed through the Parliament on 6 August 2020. It included a transitional period relating to requirements for medical gas fitting work and medical gas technician work that was meant to conclude on 30 April 2021, about nine months after its passing through the Parliament. This was agreed so that workers could transition to ensure they had the correct qualifications and so that the department could ensure that they did the work to make certain there was a seamless transition. Due to issues caused by COVID, last year the Government introduced the COVID-19 Recovery Bill 2021 to extend that transitional period until 30 April 2022. Labor members supported the bill because we recognise that COVID forestalled the ability to get the adequate training done. This is now almost two years down the track.

A few weeks ago I was informed by the Government that the transitional period would need to be extended once again until September 2022, as the department has said that it is not ready. As my honourable colleague and shadow Minister the Hon. Courtney Houssos said, Labor will be supporting the bill, which seeks to extend the transitional period in which medical gas-related work is exempt from certain licence requirements from 30 April to 30 September 2022. Although Labor will support this, an effort by the Government is needed to ensure that the transition period can happen. Let us remember that this legislation has now been in place for almost two years and the Government has come to us again with a third extension of the transitional arrangements. We have not had any education campaign to tell industry members that they need to get up to speed and get the training and

qualifications, which has a lot to do with why we do not have the supply of qualified labour available. The Government has had since 6 August 2020 to undertake the necessary work to ensure the laws can come into effect and protect our residents.

We do not support any watering down of the qualifications needed to undertake the work. This work needs to be carried out by highly skilled individuals as it can have life-and-death consequences. It is important because the lack of strong qualifications and training in New South Wales led to those tragedies at Bankstown-Lidcombe Hospital, where John and Amelia were administered nitrous oxide instead of oxygen. As I have already mentioned, I have been extremely fortunate to get to know the beautiful Khan family and I have spent time hearing how completely devastated Benish and Danial were when they found out that their newborn baby girl was given poisonous gas.

We must ensure this does not happen to another family, as the impact is devastating. To do so, the Parliament has an obligation to make certain New South Wales has as strong a legislative framework in place as Queensland and Victoria have. Those States legislated and changed their laws after the tragedies occurred to ensure only highly qualified and trained individuals with tradespersons' qualifications could undertake the work. We cannot lower the threshold qualification for any part of the work, as even performing testing, maintenance and commissioning work for an installation requires an extremely high skill set and educational requirements. If I can use the analogy of an electrician, you would not get a person who is unqualified, untrained or inexperienced with electrical installations in a house to come and wire up yours.

The Government has not conducted a sufficient education campaign or gone out to the industry and said, "These things kick in on a certain date. You need to get up to speed. You need to go and get your qualification because after this time it will actually be illegal for you to perform medical gas work." The idea that it would then approach the Opposition for yet another extension, which we readily agreed to, but then on top of that say, "Look, we might have to water down the qualification because we do not think there will be enough people coming on board to do it," is unacceptable to the Opposition. We had this debate up hill and down dale in the House back in August 2020, when the legislation was introduced. We debated the qualifications and the licensing at length. We are more than happy to give the extension, conditional upon the Government being proactive, getting out there and telling industry what the requirements are, but we will not be giving in on the qualification for the reasons I have outlined.

The analogy I used of the electrician is similar to what is going on in this industry. If you were going to get your house wired up and someone comes to you and says, "I've got a degree in electrical engineering but I've never wired up a house before," you are not going to feel very comfortable with them touching your house. It is the same with medical gas. The people who do the work of the installation and the testing of it need to be the ones to do all the follow-up work as well. That is how it is specified in the legislation. It is very specific for those reasons. Lowering the threshold for medical gas work would result in people without adequate experience and qualifications performing medical gas commissioning, testing and maintenance of a medical gas reticulated network of which they have no adequate knowledge. It would risk the safety of the residents of our State.

The qualifications needed to carry out the work need to be as strong as the ones required in Queensland and Victoria. Further to that, those jurisdictions have had to face exactly the same problem over which the Government is now coming cap in hand to the Opposition. If a new threshold of training and qualification is introduced that requires the industry to skill up, train and get the licence, there will obviously be a transition period where those people have to be trained up. Industry members in those jurisdictions came up to speed, did the necessary training, got the qualifications and now those States have the supply of labour. It is doable.

These things can be done. But if a government introduces legislation there is a quid pro quo: It has to follow up on that legislation and educate both the community and the industry about what needs to be done. That is all the Opposition is asking for. I will conclude my comments there. I reiterate that the Labor Opposition has been very generous with these several extensions of time. The next six months are crucial. We can no longer afford to sit on our hands. We need to get out there to educate the industry and get it to participate in the training and qualification. In doing so, both that family and the legislation that this Parliament introduced will be given the respect they deserve.

The Hon. WALT SECORD (15:06): As the shadow Minister in the Legislative Council representing the shadow Minister for Health, I briefly speak on the Home Building Amendment (Medical Gas Licensing) Bill 2022. I associate myself with the matter due to my previous shadow ministerial experience and involvement in this area. Firstly, I wish to support the Hon. Courtney Houssos, MLC, shadow Minister for Better Regulation and Innovation, for her diligence in this policy area. I note that this is a highly technical field. Labor will not be opposing the bill. The Home Building Amendment (Medical Gas Licensing) Bill 2022 was read a second time in the Legislative Assembly on 23 March 2022 by the Minister for Small Business, and Minister for Fair Trading. The long title of the bill states:

A Bill for

An Act to amend the *Home Building Act 1989* to extend the transitional period relating to certain licence requirements for medical gas related work.

The bill seeks to extend the deadline from 30 April 2022 to 30 September 2022 for the introduction of the requirement to hold a specific licence to install or maintain medical gas. I note that this is the third extension of the deadline. This was one of the tragic matters that came to my attention when I was previously the shadow health Minister. It was heart-wrenching for the families. Their grief was extraordinary and unimaginable. It was every parent's nightmare. At the time, I told the Sydney media:

The government's handling of this has been extremely disappointing. I think they've treated both families unfairly.

As background, in 2016 two newborn babies were administered nitrous oxide instead of oxygen, killing one baby, John Ghanem, and causing lifelong physical and cognitive impairments in another baby, Amelia Khan. This occurred at Bankstown-Lidcombe Hospital. I understand that Ms Khan will have lifelong permanent injuries. A report to NSW Health, released in August 2016, pointed to "a series of tragic errors" at the hospital, including incorrect installations of gas pipelines, flawed testing, and significant clinical and management failures. The then Liberal health Minister, Jillian Skinner, faced criticism over her handling of the gas scandal before she was dumped from Cabinet by Gladys Berejiklian when she became Premier.

At the time when the gassing mix-up occurred, there was no requirement in New South Wales to have a qualification to work with medical gas in both installation and maintenance. As an aside, the matter was put into the national spotlight by Channel 9 journalist Chris O'Keefe and his cameraman, Robert Hopkins. In December 2016 Mr O'Keefe won a Walkley Award for his investigation into the baby oxygen mix-up at Bankstown hospital. It was an incredible story. He handled it with sensitivity. I cannot say he got justice for the family, but he made the Government listen.

The Hon. Mark Latham: He got to the truth.

The Hon. WALT SECORD: He got to the truth. I thank the Hon. Mark Latham for that interjection. Unfortunately, currently anyone can legally perform gas work, which can be highly dangerous. NSW Labor led the campaign for the introduction of licensing requirements. In fact, it was part of Labor's 2019 election campaign. In 2020 the Hon. Mark Buttigieg worked closely with the Khan family and proposed a private member's bill that passed the Legislative Council. I acknowledge the Hon. Mark Buttigieg's tireless, extraordinary work in this area, particularly in drawing public attention to the lack of licensing and to the fact that anyone can perform medical gas work without a licence. I also acknowledge the Plumbing Trades Employees Union and its secretary, Theo Samartzopoulos, with whom I personally met to discuss this issue, for his support in this area.

Most importantly, I acknowledge the bravery of Danial and Benish Khan, whose daughter Amelia sustained lifelong physical and cognitive impairments after receiving nitrous oxide instead of oxygen. Labor was successful in bringing in a licensing requirement framework by amending the Government's Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I note that both Victoria and Queensland require people to be licensed to carry out similar work. New South Wales lags behind those jurisdictions. The deadline for the introduction of the licensing requirements has been extended several times—now a third time. The Government says that is due to the COVID-19 pandemic and the low number of licensed plumbers to carry out the work. As of 18 March 2022 the Government says there are only 143 licensed plumbers to carry out work on about 214 private hospitals, 202 public hospitals, 105 day hospitals, as well as 7,247 dental practices and 722 medical centres across New South Wales. I thank the House for its consideration. Labor does not oppose the bill.

Reverend the Hon. FRED NILE (15:11): I put on record my strong support for the Home Building Amendment (Medical Gas Licensing) Bill 2022. It is long overdue, and it is still in the process of finally getting added to our legislation that has been passed by the House. The delay is due to the attempts to get clarification on the process for the licensing. I urge the Government and the Ministers in charge to make this a priority issue and ensure that the bill is not just passed but all the processes behind it get implemented. The medical gas licensing procedures are all in place. They are genuine procedures that will work. I urge the Government to have an inspector to follow up on the issue and to check that hospitals and other places have qualified people working on the medical gas systems. We do not want to see any more children permanently injured through errors. We must prevent errors. I do not think it is impossible to do that, and that must be a priority for this Government.

The Hon. TAYLOR MARTIN (15:13): On behalf of the Hon. Sam Faraway: In reply: I acknowledge the Minister for Fair Trading and the Minister for Health for working collaboratively with all sides of politics to expedite the Home Building Amendment (Medical Gas Licensing) Bill 2022. As with many of the bills that come before this place, cooperation and communication are key in ensuring the best outcomes for the people of New South Wales. This bill is no different. It ensures that patients in our hospitals, medical clinics and dental practices can be confident that the treatment they receive is delivered safely and to the right standard. The bill

reinforces the licensing framework that this Parliament approved in 2020 to provide much-needed oversight of work that ensures patient safety. The bill allows only competent people to undertake the installation, commissioning and servicing of medical gas systems. It acknowledges the dangerous and significant nature of this work and its importance in providing adequate treatment to patients safely.

The transitional provisions assist in ensuring that competent people have time to complete the mandatory licensing and qualification requirements to continue to do this important work and do it safely. The extension of the provisions in the transitional bill will allow a lead time for persons without putting an additional burden on our health system. It removes the unnecessary risk of shortages of medical gas practitioners and the consequential impacts on operating theatres, intensive care wards and private services, particularly in regional or remote areas. The bill also does not in any way dilute the obligation for work to be done in accordance with the Australian standards, something that will be rigorously enforced by NSW Fair Trading. The bill does not reduce the obligations on those running medical facilities to ensure that the people who commission, install and maintain those installations are competent to do so, and that installations are properly maintained.

I thank Opposition and crossbench members for their input and cooperation with the relevant Ministers on the bill. I particularly thank members in this House who contributed to debate on the bill: the Hon. Courtney Houssos, Ms Abigail Boyd, the Hon. Mark Buttigieg, the Hon. Walt Secord and Reverend the Hon. Fred Nile. The bill ensures the safety of all individuals in health facilities within New South Wales. We seek to ensure that those tragedies never happen again. The bill ensures that those receiving vital medical gas treatment have the benefit of safe and properly functioning medical gas systems, while also ensuring that our medical health facilities are equipped with the proper systems to deliver those treatments. I trust that the House can continue to work together to ensure that our medical facilities are able to provide safe and reliable care for the people of our State. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. TAYLOR MARTIN: On behalf of the Hon. Sam Faraway: I move:

That this bill be now read a third time.

Motion agreed to.

ROADS AND CRIMES LEGISLATION AMENDMENT BILL 2022

First Reading

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

The Hon. NATALIE WARD: According to sessional order, I declare the bill to be an urgent bill.

The PRESIDENT: The question is that the bill be considered an urgent bill.

The House divided.

Ayes35

Noes4

Majority.....31

AYES

Amato
Banasiak
Barrett (teller)
Borsak
Buttigieg
Cusack
D'Adam
Donnelly
Fang
Farlow (teller)
Faraway

Graham
Houssos
Jackson
Latham
Maclaren-Jones
Mallard
Martin
Mitchell
Mookhey
Moriarty
Moselmane

Poulos
Primrose
Rath
Roberts
Searle
Secord
Sharpe
Taylor
Tudehope
Veitch
Ward

AYES

Franklin

Nile

NOES

Boyd
Faehrmann

Hurst (teller)

Shoebridge (teller)

Declaration of urgency agreed to.**Second Reading Speech****The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (15:28):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Roads and Crimes Legislation Amendment Bill 2022. Members in this House would be aware of recent events staged at various locations where illegal protesters participated in activities that caused major disruptions to the New South Wales transport network. Two incidents in which men suspended themselves from structures to block access to Port Botany resulted in significant traffic delays around Port Botany and the Sydney Airport area, with several road closures and traffic diversions. These activities followed numerous illegal protests on the Spit Bridge which halted all city-bound travel on each occasion.

In addition, these incidents are causing significant inconvenience to the New South Wales community with severe financial impacts. The cost of recent protest activities is estimated to run into the millions of dollars through direct economic loss and lost productivity. The New South Wales Government supports the rights of all individuals to participate in lawful protest. Freedom of assembly and speech have long been recognised by the Australian courts as important rights that are integral to a democratic system of government. However, the right to protest must be weighed against the right of other members of the public to move freely and not be obstructed in public places.

Part 4 of the Summary Offences Act 1988 contains a scheme to facilitate lawful protest under which the Commissioner of Police, Supreme Court or District Court can authorise a protest. The scheme encourages cooperation between police and protest organisers and strikes a balance between the freedom of assembly and speech of protesters and the rights of other members of the public not to be impeded. Protests such as those that occurred in Port Botany that were not authorised under the Summary Offences Act 1988 and appear to have had the explicit goal of undermining the rights of other New South Wales citizens to make normal use of the roads can and should be deterred. Media reports indicate that in one of the Port Botany incidents emergency services were required to abseil to the protester to end the disruption. Consequently, the protester's actions not only caused significant traffic delays and economic loss but also unnecessarily endangered the lives of emergency services personnel, alongside his own.

While there are existing offences which capture such conduct, the actions of these protesters make it clear that the penalties available for these offences are not sufficient to deter illegal protests that disrupt the lives of the people of New South Wales. Existing offences relating to the obstruction of traffic under the Summary Offences Act 1988 and Road Rules 2014 carry maximum fines of \$440 and \$2,200 respectively. Higher penalties are available under section 144G of the Roads Act 1993. That Act makes it an offence for a person to enter, remain on, climb, jump from or otherwise trespass on the Sydney Harbour Bridge and any other major bridge or tunnel prescribed by the regulations if that conduct causes damage to the bridge or tunnel or seriously disrupts or obstructs vehicles or pedestrians. The offence is punishable by a fine of up to \$22,000, two years' imprisonment or both. Until last week no other bridges or tunnels had been prescribed under the regulations. Consequently, the offence was limited in application to the Sydney Harbour Bridge.

The New South Wales Government took swift action to amend the regulations, ensuring that every major bridge or tunnel in Greater Sydney is now captured by the offence. However, the offence still does not apply to thoroughfares or places other than at major bridges or tunnels. In order to address these shortcomings the Roads and Crimes Legislation Amendment Bill 2022 amends the existing offence under section 144G of the Roads Act 1993 to ensure that the offence can be applied to major roads prescribed by the regulations, alongside major bridges and tunnels. The bill also amends the Crimes Act 1900 to create an equivalent offence which will ensure that conduct which causes damage or destruction to major facilities other than major bridges, tunnels and roads is also prohibited.

I seek leave to have the Attorney General's second reading speech incorporated into *Hansard*.

Leave not granted.

The Hon. NATALIE WARD: I refer members to the Attorney General's second reading speech regarding the Roads and Crimes Legislation Amendment Bill 2022 last night in the other place.

The Hon. Damien Tudehope: Strike two.

The Hon. NATALIE WARD: Yes, strike two. The Government has a responsibility. It is our job to ensure that freedoms of assembly and protest are not unduly impinged upon but also that protest activity does not unduly impede the rights of other members of the public and does not evolve into the form of economic vandalism that we are currently seeing. It is not a laughing matter. These matters impede people's lives: getting to work and school, getting to hospital, getting to do the things that they need to do, and getting home to their families. This bill will ensure that the conduct which causes damage or serious disruptions at major facilities on roads and in tunnels can be appropriately deterred and punished. The community is calling for this and we are responding. I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (15:34): I speak for the Opposition in debate on the Roads and Crimes Legislation Amendment Bill 2022. The Opposition was first shown a copy of this bill yesterday afternoon. It has rapidly moved through the other place and now sits before us in this Chamber. The form in which it was introduced in the lower House was significantly different to the bill that was put in front of us the first time. The first bill really was in terrible shape in terms of our expectations of the ordinary practice of legislating. I will talk a little bit about the changes and what the Opposition will seek to do in this debate.

Labor does have concerns about the way this has been dealt with, but we are here in this debate now and we will deal with the bill as we find it. As I said in the disallowance debate, we are clear whose side we are on. The Opposition will make its case about the issues it is pursuing today, tomorrow and at the election in 2023. One of our key concerns is that it is increasingly difficult for people to get around the city to live their ordinary lives. It is clear that Labor will back this bill, but I will raise some concerns about the way it has been dealt with, and the Opposition will move amendments.

The Opposition will support the approach that the Government has outlined today. It is part of the approach that the Opposition has tried to take generally. The Opposition has been criticised for trying to be relatively positive and responsible. It is rapidly earning the badge as the most responsible Opposition around the country. We back the bill today despite the way the Government has tackled it and despite the obvious problems the Government is having running the transport system in the City of Sydney and New South Wales. Despite the problems with the trains and the roads, the Opposition is open to backing in this bill.

The most significant change to the bill eventually placed before the Legislative Assembly was the removal of any instances where industrial action might get caught up in these provisions. Members would understand why the Labor Party would advocate for those changes. Small protests causing significant disruptions that stop people getting to work is one thing, and we will support change in the law there. But legitimate strike activity and industrial activity is what we have been about for more than 100 years, and we will not see that dragged into this approach. That change was very significant. I am grateful to the Government for backing that approach, and I place on record our thanks for that. We will seek to further clarify in the House today exactly what the protections mean. Obviously, it is a detailed area.

The second change to the bill in the other place was that the Government will indicate to which of the roads and facilities the regulation will apply, rather than it applying to all facilities. That is welcome. It makes it a more targeted approach with parliamentary oversight. In addition, a review of this legislation at the two-year mark has been agreed to. Again, we welcome the Government's change of heart on that. Lastly, the Attorney General in the second reading speech last night, and the Minister again today, indicated the scope of what the Government intends this bill to do. It is quite broad legislation, but the Government has been quite narrow when it has described how it will use it. The Opposition trusts that is the case, given the Government's assurances. We will hold the Government to them. That is the approach that we intend to take given the commitments made. The Attorney General in the other place was keen to say the provisions will be used for these protests and not protests across the board. It will not and could not be used for the nurses that we heard out the front of the building this morning, nor should it be.

We will seek to make further amendments and I will speak to those in the Committee stage. But I indicate, as my colleague did in the lower House, that the key thrust of the Opposition's amendments is to make sure that all instances of industrial activity are covered. I have raised our concerns about the process: it was very late to be receiving a bill in the afternoon. We are in this position as a result of how the Government handled the situation. The Opposition was handed the final bill as our shadow Minister walked into the other place. It is not how we

would like to have that sort of legislation brought forward because that is how mistakes are made. We offer to work with the Government in future to avoid those sorts of issues.

Earlier today in debate on the disallowance motion—in what I might refer to as the dress rehearsal for this debate—I indicated some of the principles we will bring to the table. First, we will try to be responsible. We will support peaceful protests. The Labor Party came out of a protest movement and we have backed and participated in protests ever since. We support peaceful protests. We do not support violent protests. Repeatedly over the decades—over more than 100 years—the Labor parliamentary party has put that view and I put it here again today: We support peaceful protests. We have joined in them before and we will do it again and we do not seek to constrain that view. We will be on the side of people getting to work and moving round Sydney. It is getting harder to do that because Sydney is getting bigger. It is getting harder because Sydney is getting more congested. It is getting harder because some of the Ministers in the Government are not doing their job. We will continue to be critical of that, but we will not stand in the way of the bill today.

I now turn to the bill. There are questions about the case that the Minister has put before the House. I do not feel that the Minister has explained why it is that those penalties and powers are needed when no government up until now has had to rely on them. Until now governments of either stripe have been able to use the significant powers, prestige and authority of the police and the existing laws to deal with what are small but still very disruptive protests. But this Government has not been able to deal with them. We are here to help. We will support the bill, but we want to know why governments of either stripe have been able to manage them yet this Government is struggling. We ask the Government to answer when those laws will apply, and this will become important in the Committee stage.

It was very confusing when the Attorney General gave us a detailed description of the common or garden dictionary definition of infrastructure facility in his second reading speech, but then he went on to contemplate using those powers to protect Parliament House. We did not see Parliament House as an infrastructure facility. We did not know it was captured in the dictionary that the Attorney General of New South Wales had sitting on his bookshelf. That is starting to get into a controversial use of those laws. We strongly support the right of people to peacefully protest, including about politics. If people want to come here and tell us we are wrong, the Opposition's view is that people should be able to do that. People protesting should not be violent and they should not be disrupting people getting to work; they should be able to come to this place and put their views. I ask Minister Ward to clarify the Attorney General's comments because in his second reading speech that she has just referred to, and in the debate that followed it, the Attorney General defended strongly the narrow definition of an infrastructure facility and then contemplated applying those laws to this building.

Lastly, I return to the question I raised before: Who will this law apply to? The Attorney General and Minister Ward have been very clear. The Government says that it is a limited case but an important case for Sydney. While Labor will vote to back the bill, as I said, we will then hold the Government to account. We do not want to see those laws used in a haphazard manner. I do not want to be too critical of the other issue that distinguishes us from the Government in the disallowance motion, but I will return to it now. One difference in our approach is that we ask the question why this amendment to the legislation is required when other governments have been able to deal with the issue. We say that there is a competency issue in the administration of this Government when it comes to getting people to work, making the trains run on time and ensuring that traffic on the roads is running freely. Many people have stopped using trains and are now driving, which is contributing to the problem.

We are happy to back the bill today, given the way the Government has brought it on, but why can the Government not keep traffic on the roads running so that ordinary people can live their lives? A little bit of effort in that would help and it would make this issue easier. When it comes to the competence of Government Ministers and their ability to administrate, why can they not take the time to answer the phone? Why are Government Ministers not giving their phone numbers to their departmental secretaries so they can meet with department staff when it is urgently requested to discuss issues that are affecting the same commuters that we are talking about now? I commend some of the Ministers in this House for being two of the more active transport Ministers when it comes to picking up the phone or dealing with department staff. But other Ministers have made the lives of commuters harder because they have made it harder for people to get around the city. That is part of the problem. If we are coming to the table to back the bill, will someone tell the transport Minister to talk to his agency to get the trains running? I raise that serious point because we are happy to be responsible, we will do our job, but we expect the Government and the Ministers to do their job.

Finally, I refer to some of our key principles in our approach to the bill. We genuinely support peaceful protests. The Labor Party has been involved in protests right from its very beginnings. Important waves of protest movements have swept across this city, this State and this country and we do not want to see these laws applied to peaceful protesters making a political point. We do not want to see these laws applied to climate protesters. We

understand why they are concerned about this Government's or the Federal Government's approach to climate change. They have a right to protest. For example, we would not have wanted these laws to be used against the participants of the first Mardi Gras in 1978. Labor MPs who have served in this Parliament and in this Chamber were there in 1978.

We do not want to see these laws used against anti-war protesters. We have had MPs at those protests in the past and they will be there in the future. We certainly do not want these laws used for industrial disputes, including the industrial disputes at the wharves. Thousands of people participated in those important disputes that have defined where we are now as a society, but they were divisive at the time. We do not want to see these laws used for protests on human rights, Indigenous rights or women's rights. We will be critical if there are violent protests, but we want people to get to work on time. The Government has made commitments about how the laws will be used and we intend to hold the Government to those commitments; that is deep within the DNA of the approach of the Opposition. We intend to assert that approach today but tomorrow we will hold the Government to account on how it uses those laws.

The Hon. ROD ROBERTS (15:48): I will make a very brief contribution to debate on the Roads and Crimes Legislation Amendment Bill 2022 because a lot of issues were ventilated this morning. One Nation supports the bill but we put on record that, as usual, this Government is just too late. They always seem to be playing catch-up. I acknowledge that the Minister is new to the portfolio and she appears to have quickly taken this step forward. I congratulate her. But her predecessors and the Attorney General himself have been asleep at the wheel. Those protests started some time ago with Extinction Rebellion in Brisbane and people gluing themselves to the roadway.

We should have been aware of it when it started happening then. It has since crept further south. There have been incidents in the Hunter, like people pushing cars onto the train lines and blocking the train lines. The Government did nothing then. Government members were still sitting on their hands doing nothing and not being proactive. Then there was the Spit Bridge incident a couple of weeks ago and the incident at Port Botany. Of course, there was not much done by the Government then either. To my question yesterday in question time Government members all of a sudden said, "Oh, we've got legislation. We're going to introduce it later on today."

The Hon. Damien Tudehope: That is a stretch.

The Hon. ROD ROBERTS: I do not think it is a stretch at all. If we peruse the minutes of the proceedings from yesterday, we will see what order things actually happened in. Notwithstanding the interjections of the Minister—

The DEPUTY PRESIDENT (The Hon. Adam Searle): I remind members that interjections are disorderly, as is responding to them.

The Hon. ROD ROBERTS: I know. I should know better. I admonish myself. The Government is playing catch-up, as usual. It is not a proactive government at all. It is completely reactive and, as usual, it is too late. Lawful protest is okay. We as a party have no problem with lawful protests. In fact, there was a lawful protest by nurses today out the front of Parliament House. There was not a murmur from any member of our party about that protest. It was completely lawful and acceptable.

Protesting is an important part of democracy and should not be stifled. The Greens say that these activists need to be heard, but the place for people to be heard is the ballot box. If you do not like what a government is doing or a particular policy or platform of a government, you exercise your right at the ballot box to vote that government out. Guess what? It might be an unusual concept for The Greens but, if enough people agree with you, that government will be removed. That is how you interact in democracy in Australia. You do not take it upon yourself to block vital infrastructure to make a point.

I will not speak for very long because a lot was ventilated this morning. As my colleague the Hon. Mark Latham mentioned, we are concerned that those irresponsible criminals—and that is what they are; they are thumbing their nose at society and at the laws of the land in this State—will continue to look for other ways and other locations to wreak their havoc on others. They will look for other targets. When those loopholes are closed, they will exploit other avenues, such as manufacturing facilities. BlueScope Steel and the Tomago Aluminium smelter are some examples that we foresee as target areas for those activist groups.

Instead of waiting for that to happen, I will be moving an amendment in the Committee stage for the definition of "major facility" to include industrial premises. The Government is reactive and One Nation is proactive. We can nip this in the bud and prevent those people from moving from one location to another. We can prevent the Government from playing catch-up and amending legislation later to keep up. The Government will not keep up with activists, because they are determined to wreak havoc. Let us close the loopholes before they find them. I will address that further in the Committee stage.

Ms ABIGAIL BOYD (15:53): On behalf of The Greens I oppose the Roads and Crimes Legislation Amendment Bill 2022. The Greens are a united party on the right to peaceful protest. The bill is an extraordinary encroachment on the rights of political speech. It was concocted in the 2GB recording studios and ushered through by the Government without any scrutiny from human rights groups, legal experts or other political parties. Make no mistake, the bill—like the regulation we debated this morning—was formulated with the express purpose of stifling dissent.

I am getting a little tired of hearing the phrase "lawful protest". I am trying to remember a television show—I do not know if it was *Schitt's Creek* or something else—with a great scene where someone goes to join in a protest and they end up only being allowed to protest within a certain cage. The protesters are all put into a little cage; they have their little banners and they are away from all the activity. I cannot remember what they were protesting. It was a comedy show. Perhaps they were protesting against people chopping down trees. But the legal protest was within a little cage away from anywhere they could actually cause inconvenience. When I hear Government members talk about the concept of "legal protest", I am convinced that they do not understand the point of a protest. A protest that does not cause any inconvenience is not a protest. That is something entirely different.

It is telling that a bill like this, which seeks to curb the freedoms of people in our society, would come here in the first place. I found that extraordinary, given how broad it is. It is telling that members who were going to bring in a draconian bill that has such an impact on people's lives and their ability to express their political views and participate in our democracy would not at least do it in accordance with the normal procedures for bringing in legislation. Yesterday the Attorney General shared a draft copy of the legislation with the Opposition only, not with the crossbench. I do not know if the Hon. Mark Latham saw a copy of it yesterday.

The Hon. Mark Latham: I wrote it.

Ms ABIGAIL BOYD: You wrote it. That does not surprise me at all. It is extraordinary that the draft was dreamt up yesterday and shared with a limited group of people, presumably in order to secure its success and presumably with the idea that it could be rammed through last night and rammed through today instead of following the ordinary process of review. The legislation is broad and wide reaching. It would really benefit from an inquiry where we could hear from people. There are real concerns over the constitutional validity of the bill that can be fleshed out. At the end of the ordinary process that the Legislative Council goes through to bring in legislation, perhaps we could come up with better legislation than what the Attorney General dreamt up yesterday. It is not a stretch to assert that this legislation would benefit from the review of this House in its ordinary functions and in the ordinary way.

That this Government sought to ram the bill through so quickly in the last two sitting days of this month, knowing that we will not sit again until May, indicates one of two things. It indicates an arrogance that this Government knows best and will tell the people what to do, thanks very much. Perhaps that is why people are protesting. It could be sheer arrogance, entitlement and privilege. Or it indicates that the Government knows it is wrong and it would rather we did not have the chance to make it that little bit better.

It would rather have the option to look at it afresh in a little while and think, "Oh, gosh, that could apply to this situation too. It would be great if we could get those pesky protesters who are holding up the Voluntary Assisted Dying Bill signs off the pathway outside," and, "Oh, it's very inconvenient to have to walk around them. We could just ask the police to do that." That is the type of thing that is covered by the bill at the moment. People can be fined \$22,000 for causing someone to be redirected around them. Government members might say, "We will make sure that, for now, this is not misused. It is very targeted. We are only looking at," as the Hon. Natalie Ward said, "those protesters who cause children to get to school three minutes late." They might say that now but—

The Hon. Natalie Ward: Where is the arrogance now?

Ms ABIGAIL BOYD: That is not arrogance.

The Hon. Natalie Ward: It is. Three minutes is not accurate. Withdraw that.

Ms ABIGAIL BOYD: Well, we can have a dictionary argument about arrogance. I will not withdraw.

The DEPUTY PRESIDENT (The Hon. Adam Searle): I remind honourable members that interjections and responses to interjections are disorderly.

Ms ABIGAIL BOYD: Thank you. You are absolutely correct, Mr Deputy President. Regarding the declaration of urgency to the bill, there are rules for a reason. I find it interesting that the Government is still trying to justify pushing the bill through the Parliament urgently under the circumstances. But it is also extraordinary that the Opposition has agreed with that declaration of urgency. A number of members of the Labor Party in

contribution to debate on the bill spoke about their proud history of activism in the union movement, during the green bans, alongside the 78ers and in other quite admirable political movements in the past. Yet, without scrutinising the bill in the ordinary way, those members are quite happy to let the bill pass through both Houses of Parliament urgently. I would love to think that it is because they have painted themselves into a corner on the bill—I do not know. But members in this place must reflect on that.

The Greens have a very proud history of standing up for the right to protest as a fundamental and legitimate part of the democratic system. To protest peacefully, to take to the streets and raise your voice, is to engage in politics. Contrary to the contribution from the Hon. Natalie Ward, democracy is not about going to the ballot box once every four years. Democracy is an ongoing, everyday process. The people who are appointed to represent the people of New South Wales are expected to consult with and represent those people and their views, changing as they may—or may not—over the period of time for which they are elected. The idea that that is not understood by some members in the Chamber is also incredibly concerning. On nonviolent direct action, making someone late for school is not violent—let us be very clear about that.

To describe protesters as terrorists is incredibly offensive to people who have had to deal with terrorism. Making someone late for school is not terrorism. Nonviolent direct action does not exist in a world separate from politics; it is a manifestation of a population in communion with politics, with the machinery of government and with society. Those people understand that when they lobby for change for a long time and consistently enough—whether it be on marriage equality or hopefully on climate action one day—they create social change. Make no mistake, despite the Government's protestations that it encourages political activism, protests and political speech, this is a politically motivated crackdown on dissenting opinion and it should send shivers down the spine of every person in this State.

It is extraordinary that I must defend our democracy in this way. However, I draw real hope and strength from the discussions that I have had with many of the young girls who are here at Parliament House today, shadowing politicians. Every single one of them who I have spoken to is on board with the right to protest and they all believe the Government is entirely out of touch. Those girls give me hope and for that I thank them. A freedom of political speech that is curtailed to accommodate the political ideology of the ruling party is no freedom at all. To suggest otherwise is at best a dangerous misunderstanding of a foundational principle of our society, and it should cause elected representatives in this place to hang their heads in shame for believing that.

At worst—and unfortunately in this instance I am forced to think the worst of the Government—it is a wilful mistruth aimed at perpetuating a false narrative to the people of this State, leaving them disoriented and ignorant of the true, insidious nature of the way that our lives are being governed. Protest movements are a vital pillar and force in a democracy, and the Government does not get to say when and where people can exercise their democratic rights. That is exactly what the Government is attempting to do. It is no coincidence that the Government has acted now to stamp the boot down on political dissent; it is only weeks until a Federal election and the Coalition is teetering on the precipice of electoral oblivion—based in no small part on its pigheaded climate recalcitrance. And it is fewer than 12 months before the voters of New South Wales have the opportunity to do the same to this Government.

I encourage Labor to truly consider whose interests it is serving by marching in lockstep with the Coalition and by permitting this draconian overreach before a Federal election. The political arrogance underpinning the bill is worth pausing to properly consider. The bill will create an offence that prevents people from doing all sorts of very ordinary things. Proposed section 214A (1) (d) amends the Crimes Act and states:

- (1) A person must not enter, remain on or near, climb, jump from or otherwise trespass on or block entry to any part of a major facility if that conduct—

A major facility is yet to be defined in the regulation, so who knows what that means? The Government has six weeks to make that regulation and leave it outstanding, until which time members will have a chance to disallow the regulation, though the Government will probably block the right of the Chamber to move a disallowance motion. So it states:

... any part of a major facility if that conduct—

...

- (d) causes persons attempting to use the major facility to be redirected.

It does not say "redirected, causing them inconvenience" or "redirected, causing some risk to life or limb". It does not say any kind of major redirection—just a redirection. Again, the example that was used before is that people could be peacefully demonstrating out on the footpath but they may technically be near a major facility, such as Parliament House, and if somebody says to people using the footpath, "Excuse me, do you mind walking around on the other bit of the footpath?" then the people who are peacefully protesting could be put in jail for two years.

That is the extent of the legislation before the House. When I use the words "draconian" and "overreach" to describe this legislation, I am not making it up—that is what the bill states.

The legislation is extraordinarily broad and does not maintain the status quo. Government members have spoken about the legality of protests and they have said that people must simply do what is allowed under the Summary Offences Act, but that is not what the bill says. The Summary Offences Act allows protesters to lodge a notification with the police in order to have a protest. However, in order to not be put in jail for two years, the bill before the House requires for the police or the authority to "approve" a protest—that is very different. I turn now to the inconvenience that has been caused to some honourable members in this place through the exercise of people's right to protest and I ask: Why do people feel the need to protest? They are protesting because they feel that the Government is not listening to them.

The climate science is undeniable and the time for action is now. My colleagues and I have said that over and over again in this place, but it has not made any difference to Government policy. It is not surprising that people are protesting against the Government's climate inaction. The Government is approving new coalmines, gas fields and land clearing at an extraordinary rate of knots, exacerbating the problem that has been allowed to carry on unabated for far too long. When action from the Government fails to materialise, it is no wonder that rational, reasonable, everyday people have been driven to the point of desperation such that they will tie, glue or suspend themselves on or over whatever they think will garner the most attention in the desperate hope that maybe this time the major political parties will snap back to reality and recognise the terrible climate crimes they are committing.

Again, I point out the rhetoric that was put forward earlier about those people being selfish. They are not being selfish. They are concerned not only for their own generation or their children's generations but also for future generations. It does not matter what penalties we give them, if the Government threatens them with two years in jail or 20 years in jail, because those people are dedicated to turning our world around, to putting it back on a course where we may actually avoid over 1.5 degrees of global warming. They will do anything—I repeat: anything—to try to get the Government to take notice. They are not selfish people. They are certainly not terrorists. They are the ones who are standing up for our future.

The Hon. Mark Latham: They are trots.

Ms ABIGAIL BOYD: I acknowledge that interjection. I do not think that the Hon. Mark Latham knows what he is talking about.

The Hon. Mark Latham: They are smelly and feral trots.

Ms ABIGAIL BOYD: If he wants to say the word "trots" over and over, there will be another opportunity when the House considers racing amendments in the near future. There will be time aplenty to make other contributions to the bill as we go through it bit by bit when we consider amendments during the Committee stage. But I place on record that there is significant concern, not just from human rights groups but also from unions, in relation to not just the way in which this legislation has been carried out and put through but also what it represents when it comes to the attitude of Government and the real erosion of democracy—not just in this State but in the country as a whole.

As members know, The Greens have a bill that will be debated later this year to lower the voting age to 16 years. One of the reasons for that is overseas research has shown that when the age of voting is lowered, young people go on to be far more politically engaged in later life. They tend to spread that political engagement to their parents and others with whom they live who may not have been as politically active as themselves. They basically energise and activate democracy. That is extra important at the moment because we are seeing societies across the world, particularly in Australia, that are fed up with politicians not listening to them. They are fed up with the lack of democracy and they are withdrawing from and no longer engaging with the political process. That is a huge shame.

Government members in this Chamber may think that that is very convenient because what is better than having a populace that is not really engaged with all of the terrible policies that the Government is trying to enact? When we look at the health of our democracy and our ability to harness new ideas and new ways of doing things, we realise we need more people involved in our democracy who have a diversity of views so we can have lively and educated discussions about how we are an innovative nation and how we can move forward in a decarbonised economy. If we fail to engage people, we are not only cutting out their voices but also failing to harness their great ideas. I will speak more about that. The Greens oppose the bill.

Reverend the Hon. FRED NILE (16:13): On behalf of the Christian Democratic Party I indicate support for the Roads and Crimes Legislation Amendment Bill 2022. I congratulate the Minister on her competence in introducing this legislation that deals with serious issues that confront our society when protesters carry out illegal

actions that are disruptive. As members know, I have taken part in many protests, even protests outside Parliament House, in relation to various moral issues. I have used to the right to protest in a democratic society, but I always did that within the law by advising the Commissioner of Police of the plans, the times and locations, and having the cooperation of the NSW Police Force rather than being disruptive.

Protests must not be in violation of the law and should not disrupt the people of New South Wales going about their business. Society can only function in an ordered way. Unauthorised protesters who cause damage to infrastructure or disrupt major roads or facilities only succeed in creating chaos. Like other members, I am fully in support of peaceful protests. As I have said, I have organised many of them over the past 40 years. However, the disruptive, illegal protesters who chained themselves to Government buildings, glued themselves to roads and suspended themselves in front of oncoming trains should not be supported. That is why I congratulate the Minister for introducing this legislation. Those people should be prosecuted to the full extent of the law. I am very supportive of any legislative measures that will assist the NSW Police Force taking action against illegal protesters.

The people of New South Wales must be able to go about their daily business—going to work or going out with their families—and not be disrupted by these individuals. The few who wish to break the law and hinder commuters who are going to work not only put themselves and others at risk but also grind down the flow of production and reduce economic activity in society. For those reasons, on behalf of the Christian Democratic Party, I warmly support and commend this bill to the Chamber.

Mr DAVID SHOEBRIDGE (16:17): I indicate my strong opposition to the Roads and Crimes Legislation Amendment Bill 2022. I support the contribution to this debate of my colleague Ms Abigail Boyd. I appreciate that this is the second time The Greens have been staring down the legal efforts by the government of the day, supported by the Opposition, to criminalise protesters in this State—twice in one day. The irony of a majority of the members of Parliament being in this House trying to make it a crime—despite The Greens trying to prevent it from being a crime—for people to come together in civil society and protest on the streets. That is what the Coalition and Labor are trying to do on the exact same day that the better part of 10,000 nurses were protesting on the street outside Parliament. They were protesting about this Government's failure to legislate for nurse-to-patient ratios and the Opposition's refusal to make that commitment as well.

The nurses were out there on the street. Perhaps some of it was industrial action, but I can tell members that a hell of a lot of it was political protest. I am glad the nurses were out on the street. I am glad it is the second time they have been out on the street. I have been glad every time the teachers have come out on the street. I have been glad every time the climate protesters and the students have been out on the street—occupying the street in front of this Parliament and occupying streets out the front of the Prime Minister's residence at Kirribilli—to exercise what is still, at 4.19 p.m. today, a lawful, legitimate and powerful exercise of their political rights in this country.

I heard the contribution of the Hon. John Graham. Many times have I agreed with his contributions in the House, and many times we have worked together, but it was plain offensive to hear a Labor member support the criminalisation of protest while making reference to Labor's proud track record of supporting civil disobedience and protests. Labor members cannot walk both sides on the road on this—actually, they cannot walk on either side of the road on this. They cannot say that their party has a proud history of supporting protest, and that it is a viable part of politics, and then in the same breath say that they will support Coalition laws to make protesting a crime punishable by two years in jail or a \$22,000 fine. They cannot say those two things and have any kind of political credibility in this place.

Reverend the Hon. Fred Nile: That is according to The Greens.

Mr DAVID SHOEBRIDGE: I say to Reverend the Hon. Fred Nile that you cannot do that according to any sense of political decency. The bill is still hot off the photocopier. It was rushed through in the early evening in the Legislative Assembly with no notice and rammed through just before midnight. Nobody in the rest of the State had even had the chance to read the bill, while this Government, which pretends to care about democracy, was ramming it through the lower House at around 10 minutes to midnight last night—still warm from the photocopier. If that is democracy then we are in a hell of a lot of trouble. Not only did the Government ram it through downstairs, this House, the house of review, which has a proud tradition of taking its role of review seriously, this morning voted meekly by majority to allow the same thing to happen and ram it through without the usual five days' notice.

That cuts out entirely the millions of citizens across the State who should have had the chance to look at legislation like this, which will impact significantly on their right to protest, occupy the street and engage in political exchanges in public places. It also cuts out lawyers groups, human rights groups and the unions. I do not know if Labor members have realised, but a bloody lot of union members are wondering right now what the Labor

Party stands for while it rams through laws to make it a crime to protest in this State. Maybe it is convenient for Labor to ram the bill through in less than 24 hours so that those voices do not have the chance to organise, and so that the unions do not have the chance to demand something better from the representatives they had a fair hand in voting into this place.

From my conversations with union members and officials in the past 24 hours, there is white-hot anger about what Labor is doing—and quite rightly. Unions in this State have a great and proud tradition of not only protesting in the form of industrial action but also protesting for social and environmental change. Has Labor forgotten that the Builders Labourers Federation, led by Jack Mundey, joined civil society, public housing tenants and environmental activists across the State and stood on the streets in front of job sites to stop the demolition of critical parts of our heritage, both natural and built?

They protected The Rocks, Centennial Park and Kelly's Bush by standing on the streets in front of those places and staring down the police and the developers, who were going to bulldoze public housing and destroy remnant bushland in the heart of this city. They also protected Centennial Park from a massive sports stadium. Have Labor members forgotten how important the green bans were and how important that kind of civil disobedience is? The bill will make that a crime punishable by two years in jail. Labor wants to put the memory of Jack Mundey in jail for two years. It is an outright disgrace.

The Hon. Penny Sharpe: That's disgusting.

Mr DAVID SHOEBRIDGE: It is disgusting what Labor members are doing today, and it is disgusting that they are joining the Coalition. They pretend that they are the Opposition in this place because their leader made a captain's call to 2GB and said that he would support this legislation, but Labor members are lining up and backing in whatever the hell the Coalition wants to do in this space. The Opposition leader has given a blank cheque to the Coalition to ride roughshod over centuries of political traditions and freedoms. I know that is awkward and uncomfortable for Labor. I know there are good people in the Labor Party in this Chamber and in the other place who find this deeply distressing, and I feel for them. It must be awful having to vote for the bill. Nevertheless, the Labor Party has found itself playing cat's fiddle to the Coalition to criminalise protests across New South Wales. I genuinely feel for members of good conscience in the Labor Party who are wondering how the hell it came to this.

Not only is the bill offensive to politics but its scope would allow any protest on any road, bridge or tunnel anywhere across New South Wales to be a criminal offence subject to a maximum of two years' imprisonment. There is a fair likelihood that this kind of broad, sweeping law that criminalises the long-held tradition of protest in this State goes too far in the eyes of the High Court and would impinge upon the implied political freedom of communication that is found in the Constitution. We know from a series of High Court cases that that implied freedom of political communication applies every bit as much to what a State Government does as to what a Commonwealth Government does.

Maybe one reason that the Government wants to rush through this legislation is that it does not want the kind of scrutiny that would normally be applied. It does not want to hear from constitutional lawyers and human rights advocates about the likely legal challenges and potential unconstitutionality of the bill. It may survive a constitutional challenge, but it is a pretty extreme Act that is being proposed—to crack down and criminalise protest in circumstances where there is already a suite of existing laws available to the police to remove anyone who is obstructing a road or a railway line. What is remarkable about the bill is that it does not give the police a single new power. The police do not need any additional powers to remove people from a road.

The police have already got every power they need to remove someone who is blocking a road or a railway line. The bill does not give them new powers. All it does, and all it is intended to do, is have a chilling effect on anybody who might think to exercise their right to protest. In her contribution the Minister said, "Let me be clear: An imprisonment sentence or large and substantial fine is what these people deserve." Why do they deserve it? They deserve it for protesting. We have heard this abusive language about so-called violent protests. The bill has nothing to do with violence. Any protest, whether it is about climate, politics, fairness or environmental matters—any disruption for any reason—can now be criminalised if this legislation gets through. There is a reasonable likelihood that goes miles too far in terms of restricting the right of people to have political communication in this State. In fact, it is intended to have that chilling effect on political communication.

We have heard from the Government and Opposition that the bill is directed at a subset of protesters: those who are calling for action on climate change to prevent the planet from going to hell in a handbasket because of the amount of coal and gas you guys want to extract. It is directed at a subset of protesters for a political purpose; the Government and the Opposition have made that clear. I say to the Opposition: Be careful what you ask for because this legislation is not limited to climate change protesters. There might be a narrow exemption for industrial action but quite often industrial action bleeds into political action and protest. If the Opposition wants

to engage in any other kind of political activity on the streets it is giving the government of the day and the police the powers to put its members in jail. As The Greens fundamentally believe that this legislation should not be rammed through, I will move an amendment to the proposed second reading of the bill. I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 6 -Transport for inquiry and report by 9 May 2022."

That is called due process. That is called scrutinising laws. That is called not making a stupid mistake. I commend the amendment to the House. I turn to the content of the bill. Clauses 1 to 5 of schedule 1 to the bill basically extend the scope of what used to be an extraordinary provision that applied only to a narrow set of major bridges in the State. Those clauses extend the definition of "major bridge or tunnel" to now read "major bridge, tunnel or road", and to define that as meaning "a bridge, tunnel or road prescribed by the regulations for the purposes of this section". The Government wants members to believe that regulation-making power and the expansion of those criminal sanctions by regulation will somehow allow members to scrutinise the future activities of the Government.

The lie was put to that this morning when The Greens sought to disallow a regulation that the Government promulgated only a few short days ago, using what it now says it can do in the future if it makes an offensive regulation under the bill. We tried to exercise that power this morning and the same Government that says that is the democratic check on overreach by a government tried to prevent that coming on for a debate. It tried to use its numbers in this House to prevent members from having a debate on disallowing the regulation. We cannot trust a word this Government says. What it said last night at 11 o'clock in the Legislative Assembly was proven to be a lie by 11 o'clock this morning in the Legislative Council. We just cannot trust the Government. We do not believe that is anything like an adequate check. The new section 214A of the Crimes Act 1900 provides:

214A Damage or disruption to major facility

- (1) A person must not enter, remain on or near, climb, jump from or otherwise trespass on or block entry to any part of a major facility—

a "major facility" now includes a road under this proposed Orwellian law—

if that conduct—

- (a) causes damage to the major facility, or
- (b) seriously disrupts or obstructs persons attempting to use the major facility, or
- (c) causes the major facility, or part of the major facility, to be closed, or
- (d) causes persons attempting to use the major facility to be redirected.

In fact, we do not need to be on the road in question. If people are protesting a kilometre away from a road or bridge that is prescribed under this new Orwellian power—maybe we could call it Putin-style power rather than Orwellian power—but by doing that they cause people to be redirected so as they do not go on that road, those people can still be whacked with a criminal prosecution under these laws and face two years in jail. Welcome to Putin-style politics in New South Wales. I thought that the takeaway lesson from the images I saw of Vladimir Putin sending in his riot squad to arrest protesters in Moscow was that we did not want that here. That is what I thought when I saw Russian police arresting people for the crime of protest. However, it turns out that the takeaway lesson for the Coalition was that it wants a bit of that here. It wants to send the police in to arrest people for the crime of protest in New South Wales. Well, we are not going to let that happen quietly. The Greens oppose the bill. It is a shameful overreach from the Government and it is a disgrace to watch the Australian Labor Party back it in.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:36): As the Minister for Regional Transport and Roads, and a member of the National Party, I support the Roads and Crimes Legislation Amendment Bill 2022. It amends the Roads Act 1993 and the Crimes Act 1900 to strengthen the penalties applying to protesters engaged in activity that causes damage or serious disruption to the road network, our major public transport facilities and other major infrastructure facilities in our State. I preface this speech by saying that I believe this Government does that lightly. However, the reality is that the tactics being employed by professional protesters has made the bill an absolute necessity.

The Government understands the unseen impacts that protests are having on our regional communities, our farmers, our primary producers, our businesses and, in particular, our freight operators across the State. It is for those people that we must also govern, not just those who are protesting. It is for the people that move our critical freight, stock our shelves and move essential goods across this State. They are significantly disrupted, which in turn significantly disrupts communities. The bill is necessary because of the substantial financial and economic impacts of such behaviour. It is also required because of the safety risks protesters pose to themselves, which I do not think Mr David Shoebridge highlighted. The protesters are putting not only themselves at huge

risk but also the broader community, the police and other emergency service personnel at risk. New South Wales has been through some significant tough times over the past few years, especially during the ongoing COVID-19 pandemic with its different strains and what it has done to communities. We have had to do much as a State, a country and as communities to get through those challenging times.

We have seen the impacts of this pandemic on our communities and industries, on employment of people in this State and on the broader supply chains. The disruptions caused by those protests is the last thing we need after the past two or three years of drought, bushfires, COVID-19 and the recent flooding.

Ms Cate Faehrmann: Join the dots.

The Hon. SAM FARRAWAY: Well, live in reality maybe. It is entirely possible to have a constructive debate around ways in which we can be more environmentally conscious—and we are. However, professional protesters with little or no regard for the impacts of their actions on others should never be what defines the overall climate change debate, as put by crossbench members, particularly The Greens. It is not about stripping the rights of people to exercise their freedom of speech and assembly, nor is it intended to silence industrial action. Both play an important role in our democracy.

The New South Wales Government will always support the rights of individuals to participate in lawful and peaceful protests. However, we must ensure that protests do not impede, obstruct or endanger other members of the public and, in particular, as we have discussed and as I mentioned earlier today, our frontline responders. We need our frontline responders and our frontline services delivering for members of the community who need them the most, and right now they are the ones being impacted by a natural disaster. There must be a balance, and the bill strikes that balance. Whether people live in the bush, on the coast or in Sydney, nobody wants their commute to work, school or medical appointments disrupted, nor should our first responders be put at unnecessary risk. I commend the bill to the House.

The Hon. MARK BANASIAK (16:41): I indicate that the Shooters, Fishers and Farmers Party supports the Roads and Crimes Legislation Amendment Bill 2022. I have been listening to the debate intently. I put on record that it is not about protesting but the methodology of those protests. It is about setting a standard that says, "This is what the community thinks is an acceptable way of getting your message across." There have been some fantastic examples over the past few years of protesters successfully doing that without suspending themselves from the Opera House or the Sydney Harbour Bridge, or supergluing themselves to a crossing.

I do not care what the issue of protest is. If protesters superglue themselves to a crossing, they will not achieve what they hope to achieve. They will not endear themselves to members of the community who have to stop and go around the protest, or police officers who have to scrape them off the crossing or risk their lives by going up the Sydney Harbour Bridge to rescue them. They will not endear themselves to the community they want to convince that they are right about their issue of protest. In the classic example of the marine park lockout protests a couple of years ago, 10,000 people gathered outside Parliament House. Did they chain themselves to Parliament House? Did they suspend themselves from buildings? Did they superglue themselves to the ground? No. Did they get the Government to change its mind? Yes. There are ways to go about doing it.

Picking up on how Mr David Shoebridge compared us to Putin's Russia, I draw his attention to examples from overseas jurisdictions where people protest legitimately but others within their ranks take things too far. It then becomes about destruction of public property rather than the issue. A classic example is what has been occurring in the United States of late. Some people in groups protesting for legitimate purposes are doing it in what would be seen as a respectful way, but other elements within those groups take it too far. The bill is about dealing with the people who take it too far. I ask members whether we want to go down that track of allowing a set of behaviours to become acceptable. The end should not justify the means. That would lead us down a dark path of accepting any level of behaviour because someone firmly believes in a certain issue.

For the Shooters, Fishers and Farmers Party it is not about the issue of protest. Ms Abigail Boyd tried to draw parallels with targeting climate change protesters. That may be the case at the moment because those protesters are the ones gluing themselves to crossings and suspending themselves from the Sydney Harbour Bridge. But down the track it may not be. It may be a different subset or a different issue being protested. It is not about the issue; it is about the methodology. The bill draws a line in the sand that stipulates what we as a society accept as respectful protest in a respectful democracy. The Shooters, Fishers and Farmers Party supports the bill. We note that the Opposition has foreshadowed a series of amendments that deal with industrial action. As with the right to farm legislation, when amendments were moved to deal with concerns about similar issues, we will support the majority of the Opposition's amendments.

The Hon. MARK BUTTIGIEG (16:46): I make a brief contribution to debate on the Roads and Crimes Legislation Amendment Bill 2022 in the lead-up to what should be a fairly extensive set of proposed amendments.

I draw on some of my industrial experience, having been an official with the Electrical Trades Union for seven years. The problem with the legislation is that it is a broadbrush bill that does not achieve the outcomes specified in the objectives. If we are trying to foreclose protests of a nature that disrupt the public and are unnecessary to make the point of the protest, the legislation must be a lot more surgical and targeted. It should not have any unintended consequences for what should be people's ability to associate freely and make a point about whatever issue they are protesting on.

I particularly focus on unions, because they are highly relevant. Unions that participate in activity sometimes on a weekly or monthly basis would be caught up in the legislation in its current form. In the real world a trade union does not always go cap in hand to the police with a nice little form asking, "Can we please do this between such and such a time on such and such a road because we'd like to make a point?" It sometimes works that way, yes, but often it does not. I was involved in many protests where we would have a snap rally or march to Hyde Park to make a point. I remember one time we marched there with a coffin when we were protesting about mesothelioma, without any permission whatsoever. But we were able to make our point without getting arrested. The legislation in its current form would penalise unions for doing that.

I flag that the Opposition will be putting forward a set of amendments to the House in the Committee of the Whole. The amendments will fix the issues that I have outlined. I urge the House to consider them carefully. If the Government was serious about genuinely trying to stop one-off events that disrupt the public for hours on end, and which are not necessary for the protesters to make their point, then it would have thought of those issues up-front before introducing such a bill. It is disingenuous of the Government to come into this place and drop a piece of legislation on the table with all those unintended consequences.

I urge the House to consider the Opposition's amendments carefully because they are sensible. They will essentially carve out unions for things like industrial activity, industrial action and industrial campaigns. Further, the nature of people associating under the banner of a union to make a political or industrial point should be a valid form of protest and workers should not be arrested for getting together and making that point. I will speak to the amendments in the Committee stage, but it is important that the House takes note of the Opposition's amendments.

The Hon. SCOTT BARRETT (16:49): I speak in favour of the Roads and Crimes Legislation Amendment Bill 2022, but not in the hope that it sees people go to jail for two years or get fined \$22,000 for their actions. My motivation is not to stop them from protesting at all. Rather, if people feel the need to protest, they should do so in a way that does not cause unnecessary and unacceptable risk and inconvenience to others. Unfortunately, the risks and consequences of some protest actions are real. The legislation is aimed at discouraging behaviour that causes damage or disruption to major roads or major public facilities. That behaviour, regardless of its intent, will hurt and seriously inconvenience people through financial loss, time loss and unacceptable risks. The ramifications can be huge for individuals, businesses and the economy.

This is not a Sydney bill; it will not just affect people who live in Sydney. People who live in the regions could be seriously affected by the actions the legislation is trying to stop. For example, a chilled container of lamb could be blocked or delayed on its way to Sydney and could spoil. It could also miss its flight or ship. That then has further impacts, with agreements broken, relationships damaged and markets possibly lost. So many of our regional businesses rely on efficient transport in and out of Sydney, and they could be affected by the attacks the bill is trying to discourage, such as an orchardist trying to get their apples to market, factories that are dependent on parts being delivered from Sydney or a specialist travelling to the regions to see regional clients.

There are also many personal risks. I think of a father driving from Forbes to Sydney to take their child to a specialist appointment that they might have waited six months to get. That five or six hours in the car could be for nothing if some of the actions the bill is trying to stop mean they are late or delayed. The time lost for that father and child can never be replaced and would be unbearable for them. Personally, we had a few issues in the birth of our child, and while they were not major, we were lucky we got to the hospital when we did. If we were delayed by half an hour because of some sort of protest action, we could have had a very different story. I am not sure whether the people deliberately disrupting our roads consider that; it is a huge risk to have on one's conscience. If a kid travels to Sydney for a job interview and misses it, that is life changing. Imagine being cut off from seeing a dying relative and arriving too late. Emergency services could also be blocked. Many members have spoken about the ability to get to work or to school and even the right to not miss a child's assembly. That could all occur because of deliberate disruptions, and that is why I support the bill.

To close, I reiterate that I do not support the bill because I want to see more people go to jail for protesting. I do not want people to stop protesting. The protests out the front of Parliament House over the past few days are part of the colour of Parliament. They are part of the colour of our democratic system. I do not want people to go to jail for that. I want them to come up with more inventive ways of protesting. They are clever people; they can come up with better ways than blocking our major arterial roads. I want the bill to encourage protesters to think

of ways to get their message across that do not place unnecessary and unacceptable risks or inconveniences on the good people of New South Wales. Finally, whatever the cause, if someone tries to stop me getting home to my wife and kids tomorrow, that cause will be lost to me forever.

The Hon. ANTHONY D'ADAM (16:54): I contribute to debate on the Roads and Crimes Legislation Amendment Bill 2022. I come to the debate having engaged in direct action throughout my time in the labour movement. I was on picket lines, even a picket line around the New South Wales Parliament, which some members might remember, protesting against a Labor government. I have put my body in front of cars and I have obstructed traffic, and so I feel the legislation is a profound challenge to the rights I have exercised in my political life. I am concerned about the narrative the House has adopted in the debate. Direct action is an old form of protest. Suffragettes chained themselves to Parliament House in a form of direct action not dissimilar to the kinds of direct action the bill is trying to criminalise.

I am also concerned about the language being used in the debate and the characterisation of the protesters. As far as I can tell, the protesters who disrupted traffic recently were not violent, and to characterise them in that way is not right. It is not an accurate portrayal of what occurred. I am concerned about the Parliament's approach to this legislation. In the past the Hon. Mark Latham has been a strong advocate of having a thorough process when controversial legislation is before the House, including referring bills to committees. That is a sound way to proceed. It enables the Parliament to discharge its obligations to apply due diligence to the legislation, and look at it in a thorough way to make appropriate, sensible and well-considered amendments. Unfortunately, members are being denied that opportunity and that is problematic. In closing, I refer to the comments I made during the disallowance debate. I am concerned about the proportionality of the approach in the bill. I hope we can improve the bill, which I think is deeply flawed, with a number of amendments, and I encourage the House to consider them.

The Hon. EMMA HURST (16:57): On behalf of the Animal Justice Party, I strongly oppose the Roads and Crimes Legislation Amendment Bill 2022. This deeply concerning piece of legislation will amend the Roads Act 1993 and the Crimes Act 1900 to introduce new offences with draconian penalties and jail sentences, which will have a chilling effect on protest activities in New South Wales. That is precisely what the Government is seeking to achieve. The bill is a blatant attack on protesters, in particular climate protesters, and it is an attempt to silence free speech from those who criticise the Government. The freedom to protest is fundamental to a democratic society and it is a critical part of so many causes that have brought many members in this place to their roles, from the union movement for the Labor Party to the environmental movement for The Greens and the animal protection movement for the Animal Justice Party.

As someone who has been part of the animal protection movement for a long time, I have participated in my fair share of protests. I have attended and spoken at more protests than I can remember on issues such as live exports, puppy farming and the continued use of battery cages in the egg industry. I have protested outside greyhound and horse racing events and outside circuses. While I may be biased I think protests for animals are some of the most important protests, because animals cannot speak for themselves to the media or to politicians; they rely on us to be their advocates. It is a deep concern of mine that under the New South Wales Liberal-Nationals Government the ability to conduct protest activity is increasingly under threat. Before I delve into the provisions of this bill, I take a step back to talk about the underhanded manner in which it has arrived before the House. Twenty-four hours ago we did not know that this bill existed. Nobody had seen a copy of it and crossbench members were not even given the courtesy of a heads-up or a forewarning that it was on its way.

Then all of a sudden late last night, after apparent backroom deals between the Government and the Opposition, this bill was rushed through the lower House and brought to us today with standing and sessional orders suspended to allow it to be passed in a single day. There has been no public consultation, no inquiry and no time for MPs to consider the legislation or to consult with stakeholder groups. This bill has been nothing short of an ambush. It is despicable behaviour from both the Government and the Labor Party. I echo the comments that were made by my colleague Mr David Shoebridge earlier. It goes against all basic principles of transparency and democracy. We are meant to be a House of review and yet today we are being shut out from performing that role in any true sense because of the rushed manner with which this bill has been presented to us.

It is not how good laws are made and everybody in this place knows that. It is particularly disappointing that the Labor Party has not used the power that it has in opposition and has instead joined the Government, not only to support this bill but also to rush it through without due process and procedure. I will take a moment to contrast the urgency with which this bill has been treated as compared to other bills before this House. The one that obviously comes to mind is voluntary assisted dying. That is a bill with real consequences—literally life-or-death consequences—that will affect the way in which some people will spend their last days and weeks on this earth. The community is begging for that bill to be moved, debated and passed, yet it has been delayed

time and again while this draconian bill that is not at all urgent is sped through at night. It is truly baffling to me what this Government is choosing to prioritise.

While we are debating this bill northern New South Wales is facing floods once again. The suffering of the community and what they are going through is truly unimaginable. No doubt we will see the loss of even more human and animal lives and even more environmental damage as the climate emergency expands and worsens. Instead of focusing on legislation and policy measures that could provide some brief relief to this community or addressing the ever-worsening climate emergency that is causing these disasters to happen in the first place, the Government has decided that its number one priority is to target environmental protesters highlighting the climate emergency and to silence dissent from those who do not agree with it in the lead-up to the Federal election. Unfortunately, this is a well-worn path for the New South Wales Government.

As I mentioned earlier today, only a few years ago we were here—in fact, it was probably one of the first bills that I debated in this House—debating the Right to Farm Bill 2019. That was another disgusting, draconian piece of legislation that imposed excessive penalties and jail time in a blatant attempt to silence the voices and activities of animal advocates seeking to expose animal cruelty and protect animals from harm. Today we have a bill before us that does almost the exact same thing, except this time environment and climate activists are the target. These passionate, well-meaning people have been driven to desperate measures to get this Government and the Federal Government to wake up and to do something about the looming climate emergency because their voices continue to be ignored.

Instead of listening the New South Wales Government responds by simply trying to shut them down. Just as with the Right to Farm Bill, the Government and the Opposition have been incredibly short-sighted. This bill will not just criminalise the activity of climate activists; it will put anyone and everyone who seeks to exercise their democratic right to protest at risk. While the narrative is that this bill will be about climate protesters, when we look at the content of the bill we see that it goes well beyond trying to silence people wanting to protect the environment. It will silence nurses and animal advocates. It will silence anyone who wishes to protest against this Government and anyone who disagrees with laws or failed action from this Government. A major concern that I have with this bill is that the provisions are incredibly broad. That puts a huge amount of power into the hands of the NSW Police Force to interpret the provisions as they see fit. We will have plenty of time to examine these provisions when we get to the Committee stage. Let me give an example. The new provision in the Crimes Act makes it an offence—as Ms Abigail Boyd highlighted in her speech—to be "near" a major facility.

Being near a major facility could be in breach of the provision. What does "near" mean? Does it mean outside a building? Does it mean across the road? Does it mean 50 metres away or one kilometre away? If I found out that beagles are being used in a cigarette smoking experiment—one example that was exposed some years ago—and people protest outside the facility that is doing the smoking experiments, how far away from that facility would they need to be? If it is a major facility and they are one kilometre away from the facility, which is in a rural or regional area, is that considered near that facility? It is entirely unclear from the bill.

A well-meaning protester could potentially fall foul of this vaguely worded law and face up to two years in jail. The Hon. Scott Barrett said that he did not want people to face two years in jail but that is exactly what this bill will do, because those are the penalties that have been imposed. We do not know until it goes through the courts what "near" a facility will mean. We do not know what these major facilities will be. The Government has left all of that to regulations that were supported by the Labor Party. The Government has made this decision, again without the scrutiny and oversight of both Houses of Parliament. Members will be voting on a bill when they do not know what some of the terms mean or how far they will go.

The exemptions in the bill are also woefully inadequate. I understand that at the last minute the exemption for industrial action was included in this bill, perhaps to ensure that the Labor Party would support it. We should protect industrial action—I agree with the Labor Party on that. It is essential. Why is that the only legitimate form of protest under this bill? Why are protests on roads or relating to human rights violations not worthy of protest? Why are protests around voluntary assisted dying, live exports, puppy farming or environmental protection not worthy of protection?

The last-minute inclusion of this exemption highlights the very issue with the laws to begin with. Once we allow some protests why would we not allow others? If this bill is truly about ensuring people can make sure they are not five minutes late to work, then why are some protests allowed to cause a delay and others are not? It would depend entirely on the topic that the protesters are choosing to dissent on. The exemption exposes political plays and puts a spotlight on the true intent of this bill—to silence protesters who are campaigning on human rights issues, animal protection issues or environmental concerns that the major parties do not want to hear about.

I conclude by thanking all honourable members and advocacy groups who have rallied together with absolutely no notice to oppose this bill and to stand up for the rights of protesters. I particularly acknowledge the

work of The Greens members in this place and in the other place, particularly the member for Newtown, and thank them for their contributions. I also thank my friend Alex Greenwich in the other place, the Independent member for Sydney, for his powerful speech opposing the bill last night. Mr Greenwich said that this bill and debate will be looked back on in shame in years to come, and he is absolutely right. I also quote briefly from the member for Sydney's contribution about the motivations behind this bill. He said:

We know the bill is not going to have the desired impact. So who exactly are we appeasing? We are dealing with this bill because of shock jocks and tabloid newspapers. We are dealing with this bill because political leaders gave quick grabs at press conferences that they are now trying to back up. We are not dealing with this bill because we are trying to have a real impact. For those new members in the Chamber, tonight is New South Wales Parliament at its worst. It is when *The Daily Telegraph* and 2GB form our policy, policy that we will regret down the track.

I thank Mr Greenwich for those comments. I also reflect on some of the comments that have been made during this debate as well. The Hon. Mark Banasiak spoke about people supergluing themselves to crossings and he said that this bill is targeting those people. If that is the real issue here, then make that the legislation. But that is not the bill we are debating today. If members in this place think that that is the context of this bill, then I highly encourage them to read the bill before they vote on it. I am also deeply concerned about the use of the words "terrorism" and "terrorists". "Terrorism" is a word that has been bastardised at its worst; it is abused as a word. "Terrorism" is not a word that we should be throwing around lightly.

Terrorism is political violence that is designed to induce terror and fear in people, and to use the word out of context is highly disrespectful to anybody who has been a genuine victim of terrorism. Currently, we have a war in Ukraine and we have got genuine victims of terrorism. To use the word "terrorism" to describe people who are fighting to try to protect the environment, or to use the word "terrorism" to describe people who want to see animal protection laws passed through State parliaments is highly offensive, not only to the people who are having those words thrown at them but also to people who are genuine victims of terrorism. I highly encourage everybody in this place to think about that before they use those words. I also note that in the short time this bill has been publicly available, 39 environmentalist and human rights organisations, including Amnesty International, the Aboriginal Legal Service and the Australian Council of Social Service, have come together to call for this legislation to be blocked. They said:

Protest marchers on city roads and union groups taking action at industrial sites could come under the umbrella of these draconian laws. Everyone from school kids marching for climate action to anti-war protesters would run the risk of incurring these penalties when they set out on a march.

Such laws are incompatible with the democratic right to protest and our fundamental civil liberties.

This is a fundamentally bad law and it should not be supported by this House. I foreshadow that the Animal Justice Party will move a number of amendments in the Committee stage to try to improve the bill. But, to be honest, the only way to fix this bill is to put it in the bin. I urge honourable members to think carefully about the serious consequences of this bill and to join with the Animal Justice Party and The Greens in opposing this bill in its entirety. But I look forward to hearing other people's amendments in a very small attempt to try to make this bill in some way slightly less damaging than it is in its current form.

The Hon. PETER PRIMROSE (17:14): As the New South Wales Labor caucus has voted to support the second reading of the Roads and Crimes Legislation Amendment Bill 2022, I will vote to support it. I am grateful for the amendments that the Opposition has already obtained to the original bill. However, there has been no public consultation on the bill and no inquiry by a parliamentary committee. I can only hope that the Government has done its due diligence and is able to answer a number of questions that I will propose. Can the Government say with confidence, for example, that an appeal to the High Court on constitutional grounds would likely not be upheld? In particular, I note the advice by highly reputable legal specialists, including Michael Bradley, managing partner at Marque Lawyers, who said today, "At first blush, the bill looks appalling and probably unconstitutional."

I recall the last time that this Government introduced legislation that was tested by Unions NSW in the High Court. That legislation was in relation to an attempt by the Government to effectively exclude unions from participation in our democracy. The decision of the High Court was clear: It did not support the Government. Of course, this same Government is now seeking again to do what it can to exclude working people and their unions from our democracy by threatening crippling fines and prison for those who take to the streets to express their political views. In addition to the issues of constitutionality, other issues arise in relation to the existing legislation. Members will be aware that there are already legislation and penalties available to deal with people who cause damage to property, harm individuals, are involved in street protests without police permission or breach their visa conditions. In fact, all of these legislative provisions and penalties have apparently been invoked against those people involved in the recent actions by Blockade Australia. As reported in *The Sydney Morning Herald*:

Transport Minister David Elliott called on the judiciary to "reflect the community's outrage" when sentencing climate change activists who have been causing disruption around Port Botany. He denied his words were encroaching upon the independence of judges.

"I'm not encroaching on any independence," he said at a press conference on Saturday.

"I'm saying to the judiciary, 'Just look at what the democratically elected Parliament has allowed you to do and reflect on the community outrage'," he said on Saturday.

So there is already legislation in place at the State and Commonwealth levels that is regarded as proportionate to the alleged offences of the people concerned in these recent protests. The question is: Given the very short period of time taken to draft this new proposed legislation, what are the implications for people who are currently impacted by current legislation and penalties? I will elaborate. If a group of school students applies for police permission to march through the city for action on climate change, or members of the community apply to march through the city to mark International Women's Day, what are the new conditions they will need to meet and what are the likely outcomes for them if they do not? I am particularly interested in any proposals relating to subsequent subordinate legislation that might evolve out of this legislation. What are the regulations that the Government is proposing? The Minister should tell us what will be in the regulations subsequent to this legislation, if any.

The Deputy Premier, as I mentioned, has been quoted in the media a number of times this week saying that New South Wales police will also establish a strike force dedicated to addressing the climate protesters, targeted at the Port Botany region, with mounted police, dogs and aviation at its disposal. It is unclear why this particular protest is worthy of its own strike force given the range of protests, including violent protests, that we have seen across the State, including by a number of far right groups who not only cause property damage and inconvenience to the public but also engage in outright violence against the police and other emergency services personnel and other members of the public.

Can the Government say with confidence how those laws will be implemented for children who attend protest rallies, particularly those associated with climate change and environmental vandalism? For example, just last week many school students were involved in the global student climate strike. As a generation of people most likely to inherit a dying planet unless there is a real change in policy by this State Government and their Federal climate-vandalising colleagues, what will happen to them when they take to the streets to show their rage and despair about what our generation has left them?

Will we end up with a patchwork quilt of laws that will be applied according to the Minister's discretion? Those involved in protests that offend the Minister will have the full extent of the law imposed, while those that are less offensive will continue to have the protections afforded by the current legislation, including the Summary Offences Act. Will the proposed laws apply only to those climate groups to which the Minister referred in his comments in *The Sydney Morning Herald*? Or is this proposed legislation intended to replace all of those laws that currently apply to marches, rallies, protests, obstruction, property damage, breach of visa conditions, civil disobedience and all the other offences that are potentially captured by this legislation? Will existing laws be amended, jettisoned or replaced? How do they interplay and how will they relate to each other? They are reasonable questions.

What are the amendments and changes being proposed and what is the range of offences and penalties in the current legislation that will be affected? Will the Government assure us what action will be taken to provide clear and meaningful advice and support to the police so that they do not find themselves caught between the stitching in this patchwork quilt of laws and what seems to be very subjective application? I do not support people causing property damage. I certainly do not support violence, by anyone for any purpose. I ask that the Minister in her reply provides a considered answer to those questions. This is the Government's legislation. It was introduced in the other place only yesterday and has been put through all stages to become law in this House today after less than 24 hours. I cannot conceive that the Government would even consider doing so if it could not at least answer the questions that I have raised today.

Ms CATE FAEHRMANN (17:22): I contribute to debate on the Roads and Crimes Legislation Amendment Bill 2022. I support my Greens colleagues in this place and the other place and speak strongly against this draconian, anti-protest piece of legislation that has been disgracefully rushed through both Houses of Parliament in just 24 hours. The object of the bill is to create offences for certain behaviour that causes damage or disruption to major roads or facilities. I listened to supporters of the bill talk about the terrible disruption that climate protesters have caused over the past few days and weeks. There was no mention of the terrible disruption that extreme climate-fuelled weather events are causing for people across this State. There was no mention of the terrible disruption that the Black Summer bushfires caused for thousands of people on the South Coast, not to mention they killed some people. There was no mention of the extreme disruption that is happening right now in the Northern Rivers—for the second time in one month—as a result of climate-fuelled floods that are absolutely unprecedented in their fury and size. There was no mention that those floods tore into roads in the Northern Rivers and they have still not been fixed.

If Government members want to talk about disruption, they should look at what is happening in the Northern Rivers. That crisis was caused by climate change, which is fuelled by coal and gas. Members talk about

disruption. Yes, there is a lot of disruption at the moment. On 23 March, 17 senior retired Australian defence leaders signed an open letter to Australia's political leaders in which they described "climate disruption". They described it as an existential threat and a clear and present danger. They called for accelerating action with the 2030 decarbonisation goal. When I say that former defence personnel signed it, I mean signatories including Admiral Chris Barrie, the former chair of the Australian Defence Force, and Air Vice-Marshal John Blackburn, the former deputy chief of the Royal Australian Air Force. Those former defence personnel are joining with climate protesters who are saying that climate disruption is real. But the Government is not acting. The open letter states:

Climate change imperils the health, well-being and livelihoods of Australia's people. Hotter and more extreme weather, floods, bushfires, cyclones, heatwaves, together with coastal inundation, are threatening water, transport, food and other critical infrastructure systems—

it sounds familiar—

disrupting supply chains and undermining our resilience as a nation.

That is what is disrupting our infrastructure and our supply chains. Those defence personnel, including Admiral Chris Barrie, have said that is what climate disruption is. Let us take a step back and think about what those protesters are doing. I acknowledge the contributions of members in this place who have said they support action on climate change and the right for people to protest. They do not want to stop people protesting in the street or gathering for protests, but people have protested for decades on climate action. For decades people have taken to the streets to protest. In 2004 and 2005 massive rallies calling for action on climate change were organised in New South Wales, across the country and around the world. Tens of thousands of people took to the streets in 2004 and 2005, but nothing has happened since then.

Those people who are hanging themselves from cranes and disrupting ports and rail lines are seeing that the climate science is unequivocally saying that 1.3 degrees is locked in already. They are seeing that the Great Barrier Reef just had its sixth bleaching event since 1998. There were no bleaching events before then. That is why they are doing everything they can to get the Government's attention. But the Government is not listening. Members are saying that the bill is designed to stop protesters from disrupting businesses, people going to work, and families and kids going to school. What about the people in Lismore who are facing catastrophic flooding that is caused by coal and gas? How are children there getting to school? How are people working when their businesses were destroyed by floods? Lismore is not the first place to experience a climate crisis and it will not be the last. That is what those protesters are thinking about when they protest. They know that climate change will disrupt everybody's daily lives. Proceedings can be interrupted.

The PRESIDENT: The motion says that the member must not be interrupted. The member may continue her contribution.

Ms CATE FAEHRMANN: Members have talked about the types of people who protest. People have been protesting and trying to stop coal trains from reaching the port for some time. Back in May 2016 Sydney Catholic Mary Ann Hensley was arrested for standing up against coal and other fossil fuels. Mrs Hensley was one of 66 protesters arrested for blockading the main railway bridge in Newcastle's coal port, the biggest in the world. She was joined by an Anglican minister and grandmother from Canberra as well as an academic from Monash University. Protesters come from all walks of life and they will continue to come from all walks of life. I will have a lot more to say in my contribution to debate on amendments to the bill. I will stop my contribution to debate on the bill because we are under pressure from the gallery, which is filling up to hear another very important issue. I join my Greens colleague in strongly opposing the bill.

The PRESIDENT: According to the resolution of the House of Wednesday 23 March 2022, proceedings are interrupted to enable Mr David Shoebridge to make his valedictory speech without any question before the Chair.

Members

VALEDICTORY SPEECHES

The PRESIDENT: I welcome into my gallery some very special people: Family members of Mr David Shoebridge, namely his wife, Patricia Tsang; his daughters, Jessica and Hannah; his father-in-law, Lik Hang Tsang; and his mother-in-law, Sin Chee Wong. I am also pleased to welcome back into the Chamber former members Lee Rhiannon and Sylvia Hale, and also Lynne Joslyn, partner of Dr John Kaye, who are all here in the House for the member's valedictory speech. With those few words, it is my great pleasure to call for the final time Mr David Shoebridge.

Mr DAVID SHOEBRIDGE (17:32): I start by acknowledging that this Parliament is on Gadigal land over which sovereignty has never been ceded. There is still no treaty, no justice and no truth to underpin the

relationship between this Parliament and First Nations peoples in this State. In my inaugural speech I quoted from Jack Patten, Aboriginal activist and first president of the Aborigines Progressive Association, and William Ferguson, a trade unionist and Aboriginal politician, who over 80 years ago co-authored the pamphlet *Aborigines Claim Citizen Rights!* They stood up to expose the lies that Australia was telling itself about the impact of invasion and this country's treatment of First Nations peoples. Over the last 11½ years I have tried to be honest to that history and to do whatever I can as a member of Parliament to work alongside First Nations communities and be an ally in their struggle for justice.

I have been changed fundamentally by these years of work with First Nations communities and the generosity and integrity of the Elders and activists who fight tirelessly for their families, for their lands and waters, for equality and justice. I have seen even more clearly that the fight for justice for First Nations peoples—the proud, generations-long struggle for truth, treaty and voice—is not only our first responsibility; it is also a powerful political compass. First Nations ongoing resistance after centuries of colonisation is powerful and irrepressible. Seeing up close those racist impacts of the justice system has opened my eyes. It is an undeniable fact that the colonial project continues, and it plays out every day in this State's jails, courts, parliaments and public places. It is with this knowledge that I say that this land always was and always will be Aboriginal land. This is a truth that this Parliament still does all it can to deny, but it is a truth whose time has come.

When I first stepped into this place, I will be honest, I had no idea how I could make it work for change. I saw it as a platform, maybe a megaphone and maybe a place where we could persuade people. It can be all of that, and now I realise a fair bit more. But it is also just one piece in a complex social puzzle where power, decency and survival are all at play. Sometimes when we see laws rammed through to criminalise protests—and I know that could never happen—or to refuse to deal with the climate crisis while our own communities reel from catastrophic fires and floods, which is made worse by that very climate change, it is easy to lose hope. Time after time in this very place I have seen an economic and political system reinforce rules that exploit workers and the planet for profit while concentrating wealth and power in the hands of the few. You can literally trace the flow of money that buys those votes, buys those decisions and buys that power. Faced with that, it is sometimes tempting to just step away. But I have come to realise something about change: Just when you think it can't happen, it does.

There is hope, and it is found when people come together and it is proven by the change that we have already made happen. Our power comes from the grassroots, and The Greens have a special role in Parliament as the party that brings those voices into this Chamber and this place. As a movement, our work is as much about standing up against the forces of corruption, injustice and the abuse of power in Parliament as it is about standing shoulder to shoulder with activists who are locking themselves onto railway lines to block coal exports—they are doing that today—with people right now who are sweeping the debris from their flooded homes and asking for things to change and with forest protectors who climb into trees to save forests from logging. It is with young people on the front lines of the climate justice movement, and it is with Aboriginal grandmothers marching out in the streets protesting against the systemic racism in the child protection system to try to get their grandkids back with family and on Country.

Backed by those movements, I think we have had incredibly important wins that have changed lives and protected our precious natural world. We secured compensation for frontline workers who contract COVID, we got rid of targets that incentivised police to use oppressive powers, we fixed laws around child sexual abuse, we held the line on our gun laws and we stopped shooting in national parks. We knocked off dodgy planning laws, we saved councils from forced amalgamation, we helped save the Powerhouse, we protected forests from logging and we delivered the first funding for green hydrogen. We have forced this place to listen to the voices of Aboriginal mothers, grandmothers and communities, who continue to demand justice. We have also had key political wins that have helped to define New South Wales politics—our part in exposing a quarter of a billion dollars of pork-barrelling grants—and the reform process that we have engaged in collectively in Parliament now means that this upper House serves as a genuine and legitimate House of review.

So change is possible, and it comes down to doing the work, building the movement and being ready for that moment when the demand for justice becomes undeniable. More than a decade ago, when survivors of historical child sexual abuse in the Catholic Church approached our office, their need for justice was clear: The church was using the law and its power to deny them anything like fair compensation. There was even a name for it, the "Ellis defence", coined after the case where John Ellis—who is with us today—took them to the High Court seeking justice. John did not get justice because the law was broken. Remember, back in 2011 and 2012 there had been no royal commission, there was little media coverage of the pain and injustice felt by victims and survivors and the likes of Archbishop George Pell seemed to have unassailable political power. But I also remember the moment when this changed. I co-sponsored an event in Newcastle with the *Newcastle Herald* to speak with survivors and their families about the need for justice for victims.

I remember Joanne McCarthy, an extraordinarily brave journalist from the *Newcastle Herald*, who is with us today as well. Together, she and I had no idea how many people would turn up to this meeting. We put it in the paper. We put it on what was then social media and we put a few seats out in this hall. As we stood on stage in that hall, people just kept coming. Hundreds of people took every available seat and then more seats until every inch of the hall was filled. It became clear to everyone that something extraordinary was happening.

When we came to questions, Detective Chief Inspector Peter Fox stood up in the crowd and talked about his experience investigating abuse cases. He said that he knew from his experience that we bloody well did need a royal commission. It was an extraordinary thing to do. The New South Wales Government shamefully launched an inquiry not into sexual abuse but targeting DCI Fox. History, though, has thoroughly vindicated Peter. It is no exaggeration to say that his contribution added to the advocacy of thousands of victims, and a final moment of political courage from Prime Minister Julia Gillard is what gave us the royal commission.

But for me the thing that sticks in my heart is how, a few short days after that Newcastle meeting we had organised—and there was a media storm brewing across the country on this issue—I got a call from a man in his seventies. He told me that he had been married for 50 years and how it was only after coming to that meeting that he had finally been able to tell his wife what had happened to him as a kid. He also told her—and this almost broke my heart—why it never felt right having his grandkids on his knee. It was after that meeting that he was able to break the silence and the shame. Since then we have abolished the Ellis defence, we have removed unfair time limits and we have delivered meaningful justice for victims, and we have done it right here. That is why we do what we do here.

You don't find out about the need for First Nations justice in this Chamber. You learn it bit by bit from speaking to First Nations mums whose babies have been taken from their arms in the hospital literally hours after their birth. You learn it standing alongside the families of young men who have been killed in prisons. One of the first protests I spoke to after becoming an MP was at the coronial hearing following the death of Veronica Baxter, who died alone in a male prison in 2009. Since then we have lost Tane Chatfield, David Dungay, Rebecca Maher, Bailey Mackander and too many more to mention. We say their names, though, because we must be a part of their fight for justice. When the families of Colleen Walker, Evelyn Greenup and Clinton Speedy-Duroux, who were murdered in Bowraville 30 years ago, asked for my help, it would have been so easy to put it in the too-hard basket.

What can a single MP do about a wicked problem like that? But those families fought so hard, and I have been proud to fight alongside them since. In fact, working alongside Detective Gary Jubelin—and, Gary, thank you for coming tonight—and Larissa Behrendt and the team from Jumbunna at the University of Technology Sydney, we got closer to justice than ever before. We forced this Parliament to really contend with what happens when Aboriginal children are murdered and the police say, "Well, maybe they just went walkabout." That is what the families were told: "Maybe they just went walkabout". We trained MPs on Aboriginal English and cultural sensitivity. We brought the committee to Bowraville instead of forcing families to come inside this institution, which has inflicted so much pain on them, their families and their communities. The raw courage of the families changed hearts and minds. I saw it happen.

But it is still a colonial justice system and there is still no justice. So I promise to Rebecca, to Thomas, to Muriel, to Lulu, to Craig, to Paula, to Ronella, to Elijah, to Gavin—to all of you—to walk beside you for as long as you will have me, until there is justice. When I first met First Nations grandmothers Aunty Hazel Collins and Aunty Veronica Saunders—two brave, powerful women, both with long histories as nurses; amazing women—they told me how the child protection system was, "Taking all our kids," including their grandkids, and how the Stolen Generations never ended. It was impossible to believe; it didn't seem right. And I thought we'd said sorry.

But then they took me out into community—to meetings in Gunnedah, Moree and Tamworth—and I heard those stories again and again and again. I saw the figures of Aboriginal kids being taken 11, 12, 15 times more often by the child protection systems. I was talking to families who run in fear and hide their kids when a white car drives into town. That still happens today. Being even a small part of setting up Grandmothers Against Removal and to see that group—those amazing women—force real change, first within DOCS, then FACS and now DCJ, I can tell you, Mr President, that has been a great privilege. The Family is Culture bill that this House supported just a few short weeks ago—and I thank all members who voted—is right now in the other place, having had its first and second reading. It is a direct response and testimony to these brave women. We must make that law. My office has been deeply honoured by the trust of First Nations people in the work that we do. Many of those who call about police brutality, mistreatment in prisons, housing or the brutal child protection system say they were told by a community member that we would help, and I hope we held up our end of that promise.

I take transparency pretty seriously and I have always enjoyed the challenge of shining a light on the inner workings of the government of the day. In fact, I vividly remember my first day on the job. Being a good little Greens MP, I remember catching the train up to the Blue Mountains to meet with a bunch of community in the

morning, and trying to catch the train back to do an afternoon session of budget estimates. Just as an aside, the train on the way back broke down. I remember going and seeing the driver. I think we were at second valley or happy valley up in the mountains. I remember trotting along, you know, with rising anxiety, and saying to him, "Mate, what's happening with the train?" He said, "Mate, this train's not goin' anywhere." Deeply anxious, I won't tell you how much that taxi cost to get to my first day at the office!

But I also remember coming into the budget estimates hearing in the afternoon. It was a hearing on Corrections. It was a pretty short afternoon session. We had shorter sessions in estimates back then because we hadn't fixed it yet. The key witness was the Commissioner for Corrections, a bloke named Ron Woodham. If you remember Ron, he was a bullfrog of a man, and he had a reputation as being the last great feudal lord in New South Wales with an iron grip on New South Wales prisons—an absolute iron grip. What he said was law in prisons. Fair to say, he wasn't much impressed by this bloke who'd just come into Parliament. I was questioning him and he got increasingly irate during the session—really cranky.

At the end of it he left with a storm cloud following, and didn't stay around for Parliament's then post-hearing tea and biscuits, like everybody else. Then another witness came up to me, also a senior Corrections official. He looked at me with a bit of a grin and he said to me, "That was a very interesting exchange, Mr Shoebridge. I hope you don't ever have to go to bloody jail." I thought to myself, welcome to New South Wales Parliament! I've had plenty of estimates hearings since and plenty of other feisty exchanges with Premiers, Ministers and bureaucrats. New South Wales police have also gone out of their way to try to send me to jail to test what would happen—bless them! So far, no joy for them. But maybe after today's proceedings they'll give it another go.

Sometimes change happens because someone gets a niggling feeling that something isn't quite right, and they start asking questions. I recall getting a phone call from a resident we had worked with before, who didn't understand why her council in Hunters Hill had received a million-dollar grant to upgrade a perfectly good oval. She said it was "... something to do with this Stronger Communities grants". I said I would look into it and I started asking questions. I remember asking in estimates if the Government had any documents, and they reluctantly gave us a bunch of deeds that showed exactly how much money the councils had got. With the help of Bella, a super intern in our office, we calculated that that previously unknown grants scheme ran to a quarter of a billion dollars and pretty much all of it went to councils in Coalition electorates.

When we tried to find out why those council projects were chosen and who made the decisions, we hit a brick wall. The Government outright refused to produce any documents to show how they'd approved that \$250 million in grants. In fact, they said there were none. Finally, I remember in the hearing we were forced to call a staff member from the Premier's office, who had sent a series of emails about the grants, and we asked her, "Where are the documents?" I think I remember you, John, asking the question. It turns out there were written recommendations and they went to the Premier about the grants. When we asked what happened to those documents we were told, in this moment of remarkable honesty and decency from that witness, I have to say—remarkable honesty, and credit to her—we were told they "would have been shredded".

It turned out the electronic copies were also deleted in accordance with the Premier's standard document handling procedures. That is okay, it was just \$250 million. That started something. Friends and colleagues, since then if you have not uncovered a major scandal involving millions of dollars being pork-barrelled to Coalition electorates through sports or bushfire grants, or through arts or COVID support, can you seriously say that you have worked in New South Wales politics? Because that has been the story since. It is true that we do this collaboratively.

Politics can make for very strange bedfellows. The work that we have done in the past three years in this parliamentary term with a loose alliance of Greens; Labor; Shooters, Fishers and Farmers Party; and Animal Justice Party MPs to foster a culture of transparency in this place is something that I am very proud of. We disagree on a lot, but we have all come together to agree on backing each other in on calls for papers and a new and expanded committee system, including the now well-established Public Accountability Committee. Mr President, I give you credit for coming up with that idea in the previous parliamentary term as an important step—not that you should tell your party.

I put on the record how important it is to have colleagues who stick to their word when those changes are made. It is right to acknowledge the work of my Greens colleagues but also to acknowledge the work of the Hon. Adam Searle, the Hon. Emma Hurst and the Hon. Robert Borsak to produce that outcome. It was produced through trust and it has changed politics in New South Wales. Together we have used the power of the House to call for government papers to produce thousands of documents and expose scandal after scandal about the Government's use of public money, from politicised grants to the billions wasted in icare that should go to injured workers, or the multimillion dollar budget scam that some people call TAHE. They are all proudly on display in

the Mookhey wing of the Clerk's office. Election willing, I look forward to opening a fresh wing in the Senate in Canberra.

On this cultural change, I knew my work was done changing the culture and practice of this place when yesterday Reverend the Hon. Fred Nile moved his first Standing Order 52, seeking documents on brumbies. Job done, I thought. The culture of transparency in this place is now fully entrenched. Of course, so much remains unfinished. New South Wales is still granting new coalmine approvals, our laws still disrespect First Nations cultural heritage, and we still have private certifiers and rotten planning and building laws. When it comes to dodgy building laws, one of the reasons I know I need to make the change and leave this place is that if my team hears me talk about flammable cladding or building standards again then The Greens' fourth pillar of peace and nonviolence risks being challenged—sorry, Alison.

I thank the parliamentary staff for their support. We have created a lot of precedents together, which makes for exciting but, I acknowledge, at times frustrating work. Legislative Council Clerk David Blunt leads a team who have the utmost integrity, professionalism and discretion. The people of New South Wales are so very lucky to have them. I thank all of them for what they do. I also thank the cleaners, who keep our workplace habitable; the special constables, who do their job with such good humour and deserve a pay rise; and all the staff in catering, IT and parliamentary services. You keep this place running and we value you.

I take a moment to remember Dr John Kaye, who was an incredibly effective MP and my very dear friend and mentor. After he passed away far too soon I remember a number of colleagues, some of whom are here, coming to me in the corridor. It was so distressing. They offered their condolences and they made a point of telling me that John was their favourite Greens MP. Do you know what? I was not offended because he was mine too. I wish he was here and I am so very glad that his partner, Lynne, is.

I also acknowledge and thank former Greens MPs Lee Rhiannon and Sylvia Hale. Thank you for coming tonight, Lee and Sylvia, and for your generosity, guidance, support and friendship on this 11-year journey. They have both been proven right about so many things, from the need for system change to standing up for Palestine, their challenge to corporate power and even Sylvia's call on a now infamous Sydney murder. Yes, Mr Medich, you did do it, it turns out. One note of unease I have as I leave this place is Lee's campaign against parliamentary pensions. That seemed like a good idea 11 years ago, Lee, but I am leaving and right now you have got rid of it. I thank her for her work and courage, and for changing a boys' club into a genuine Chamber of Parliament.

Over the past three years I have had the good fortune to work alongside my colleagues Ms Cate Faehrmann and Ms Abigail Boyd. I thank them for their solidarity and friendship. I have really appreciated the team that we have built amongst the Greens in this House over this parliamentary term. We have backed each other in when we have needed it and worked collaboratively on joint projects, including parliamentary reform, and I think we have the results to show for it. I am pleased to say that it is now many years since that old bottle of "senior Greens sauce" last got squeezed for public comment. I tell you, that is a bloody good thing. I wish our new Greens MLC, Sue Higginson, the very best of luck. She will be an amazing asset to this place. Sue is, of course, my upgrade.

I also thank my lower House colleagues, Ms Tamara Smith, Ms Jenny Leong and Mr Jamie Parker, for their constant hard work and commitment to keep the flame burning in the other place, whose name I shall not mention. I give special thanks to Jamie, who today took The Greens Constitution Amendment (Virtual Attendance) Bill 2021 to a successful vote downstairs. Late last year we got it through this Chamber with a rainbow coalition of support of everybody but the Government. The good news is that it is now law. It allows Parliament to meet virtually in an emergency—whether it is a public health emergency, floods or fires. That is proof positive that we now have a minority Parliament in New South Wales, and proof too of how effective we can be as Greens and get things done. We will not let democracy die in the next crisis. Changing the Constitution despite fierce Government opposition—that is not a bad last day in the office.

I thank the other former and current members of this House and of the other place who I have worked with across party lines. I will not name them all because it would be damaging to their careers and to mine, but they know who they are. I am grateful for their friendship and the chances that we have had to put politics aside to do good. When it comes to the Legislative Council, a senior Government staffer has described the Chamber as a somewhat dysfunctional group therapy session. Do not worry, Sam, I will not name you. I have learned that the great bulk of us, regardless of our political colours, come here to do good. I have found that when we focus on what we can agree on, we can make real change, and I thank all members for teaching me that.

I have been extremely blessed with the staff that I have had in the time that I have worked here. First I acknowledge Kym Chapple, who has been with me for over a decade, and her incredible capacity for work and her ability to digest complex policy issues. If I have looked good in the past 10 years it has been, in large part, because of the intelligence, perseverance, capacity and friendship of Kym Chapple. Thank you, Kym, for everything you have done. I thank Nicky Grieve, who I was originally a councillor with on Woollahra Municipal

Council and who was a friend well before then. The fact that I have not been on the front page of a paper for a scandal about my parliamentary resources is thanks to Nicky. I thank her for her work throughout the team.

I thank Alison Martin and Olivia Barlow as well. The Family is Culture bill was hard work for me as an MP, but Alison showed professionalism and capacity to take its complexity and work with me and Parliamentary Counsel to turn it into a bill. Alison, I know it will change lives, and thank you for the work that you have done on that. To Olivia Barlow—if you want to know why Sniff Off still works, it is because of Olivia's enormously funny sense of humour and intelligent commentary on police overreach. Thank you, Olivia. To my former staffers Aish Cowgill and Chandi Bates, who are also here, it was a privilege working with both of you. Your sense of fun, humour and vivacity really makes the office an extraordinary place to be.

If you want proof that politics screws around with your family life, well, here it is: Patricia, happy twenty-second anniversary, sweetheart. Patricia is my fiercest critic. When I finish this speech she will say, "David, that was okay, but there were no facts and figures. What the hell were you doing?" But Patricia is also an unflagging support for me. When I come home exhausted and wake Patricia up she gives me love; she gives me care; she tells me to shut up and go back to sleep. Patricia, I love you. I am so blessed to have had the last 22 years married to you. You make this work bearable and you fill my heart with love. To Jessica and Hannah, my two beautiful daughters, you are the joint project that Patricia and I have that puts this whole thing in perspective. You are generous and empathetic. You are intelligent and you take no nonsense. I am so proud to have you two young women as my daughters. As I said, girls, you put this whole thing in context.

To Dr and Mrs Tsang, thank you so much for coming today. Mrs Tsang, the reason I have not starved at different times over the last 11 years is because of your cooking. The reason our kids have got to ballet and sport and done all of those things while Patricia and I have been working full time is that they have the best unpaid Uber service in the country, run by Dr Tsang. Thank you, Dr Tsang. I cannot tell you what an enormous pleasure and privilege it has been to share these years with you and see your love for your granddaughters. Thank you so much.

My brother Michael, his wife, Margaret, and their three kids, Gabrielle, Leah and Dominic, were literally getting into the car this morning to drive here from Canberra and two of the kids tested positive for COVID. I think they are listening to the broadcast. Michael, I love you. Thank you for all your support, and for being there when I call you late at night and want somebody outside the bubble to give a bit of perspective. I thank you for all your love and all your support through my life. To Gabrielle, Leah and Dominic, you are amazing. It is wonderful that you are part of our family. I am so sorry you could not be here.

To finish, I am proud of what my team and I have done. I know better now than when I stepped into this place that politics is a collective endeavour and that "we" is a far, far more powerful word than "I". We have so many challenges before us, whether it is climate-driven floods and fires, threats of war or a public health crisis. At times like these we can all feel disempowered and overcome by the scale of it all. But I believe that together we can meet those challenges, for the many and not the few and, indeed, for the planet and not for profit. We have to believe that another world is possible because the alternative is intolerable. I am leaving here to campaign as the lead Greens Senate candidate in the very soon to be called Federal election. After today I have two paths in front of me. One leads to Canberra and one leads to a lot more hiking with Patricia—and, if they will come with us, the girls. If you ask me, that is a win-win. I thank you all for being part of the ride.

Members and officers stood in their places and applauded.

The PRESIDENT: I shall now leave the chair. The House will resume at 7.00 p.m.

Committees

PARLIAMENTARY COMMITTEES

Message

The DEPUTY PRESIDENT (The Hon. Wes Fang): I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (a) Pursuant to clause 2 of Schedule 2 of the Advocate for Children and Young People Act 2014, Stephen Bruce Bromhead be appointed to serve on the Committee on Children and Young People in place of Leslie Gladys Williams.

- (b) Pursuant to section 68 of the Health Care Complaints Act 1993, Timothy Charles James be appointed to serve on the Committee on the Health Care Complaints Commission in place of Leslie Gladys Williams.
- (c) Pursuant to section 66 of the Independent Commission Against Corruption Act 1988, Wendy Elizabeth Lindsay and Nichole Lorraine Overall be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Peter Bryan Sidgreaves and David Robert Layzell.
- (d) Pursuant to section 6 of the Legislation Review Act 1987, Peter Bryan Sidgreaves be appointed to serve on the Legislation Review Committee in place of Leslie Gladys Williams.
- (e) Gabrielle Cecelia Upton be appointed to serve on the Joint Standing Committee on Electoral Matters in place of Felicity Lesley Wilson, discharged.
- (f) Shelley Elizabeth Hancock and Nathaniel Gerard Smith be appointed to serve on the Joint Standing Committee on Road Safety in place of Wendy Elizabeth Lindsay and Robyn Anne Preston, discharged.
- (g) Felicity Lesley Wilson be appointed to serve on the Joint Standing Committee on the Office of the Valuer-General in place of Nathaniel Gerard Smith, discharged.
- (h) A message be sent informing the Legislative Council.

Legislative Assembly
31 March 2022

JONATHAN O'DEA
Speaker

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Reference

The DEPUTY PRESIDENT (The Hon. Wes Fang): I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that it has this day agreed to the following resolution:

That, following on from points (3) and (4) of its resolution of 24 March 2022 regarding the suspension of a member, this House provide the Standing Committee on Parliamentary Privilege and Ethics with the following terms of reference:

- (1) That the Standing Committee on Parliamentary Privilege and Ethics inquire into and report on:
 - (a) the options available to the House regarding the withholding of remuneration and all other entitlements of a member suspended from the service of the House; and
 - (b) any other related matter.
- (2) That the Committee report by 12 May 2022.
- (3) That a message be sent to the Legislative Council informing them of the referral.

Legislative Assembly
31 March 2022

JONATHAN O'DEA
Speaker

Documents

SOUTHERN HIGHLANDS REGIONAL SHOOTING COMPLEX

ADVERSE WEATHER AND FLOODING EVENTS

FRIENDLYJORDIES YOUTUBE CHANNEL

COVID-19 EXPENDITURE

Variation of Order

The DEPUTY PRESIDENT (The Hon. Wes Fang): I inform the House that according to sessional order the Clerk received correspondence, dated Wednesday 30 March 2022, from the Deputy Secretary, General Counsel, of the Department of Premier and Cabinet requesting that the scope of orders for papers be varied. I inform the House that in relation to the following orders the relevant members who moved the motion for the orders for papers and the Department of Premier and Cabinet have agreed to the following:

- (1) Southern Highlands Regional Shooting Complex – Further order, that the due date be 29 April 2022.
- (2) Friendlyjordies, that the due date be 27 April 2022.

I further inform the House that the relevant member who moved the motion for the order for papers had not agreed to vary the order as requested by the Department of Premier and Cabinet:

- (3) COVID-19 cost centres and expenditure, that the due date be 20 April 2022.

I further inform the House that the relevant member who moved the motion for the order for papers had not agreed to vary the order as requested by the Department of Premier and Cabinet but agreed to the following variation:

- (4) Potential or actual adverse weather or flooding events, instead of the requested due date of 31 July 2022, that the due date be 18 May 2022.

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

Motion agreed to.

Bills

ROADS AND CRIMES LEGISLATION AMENDMENT BILL 2022

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. SHAOQUETT MOSELMANE (19:04): My colleague the Hon. John Graham has carriage of the Roads and Crimes Legislation Amendment Bill 2022. He has earlier expressed some of our concerns, and I understand that he and others will move a number of amendments to make the bill a little more agreeable. At the outset, I express my concerns that the bill is being pushed through as an urgent bill. Rushing through bills of this nature can have dire consequences for our civil liberties as enshrined in our constitution—namely, the rights to free speech, to congregate and to protest. Freedom to protest is fundamental to any democracy. It allows people to express themselves within the bounds of the law.

I particularly object to the penalties within the bill, which, I believe, could mean locking up citizens for 24 months simply for exercising their democratic right to protest. An outsider looking in could argue that the real intent of the bill is to silence opposition and block protesters. If you restrict the rules then people are bound to break them, intentionally or unintentionally. That is not what we want to happen. If that is the intention, many members in the House will oppose the bill. I know that some amendments are being negotiated and that some restrictive aspects or definitions will be relaxed somewhat. I trust that the outcome will give us enough comfort to support the bill. I hope that the amendments will mitigate or reduce the adverse impacts intended or unintended in the bill.

We have all been involved in some form of protest in one way or another. I have been involved in many anti-war rallies and many student protests, whether as a university student protesting against higher education charges or cuts to student union services, or as a university faculty of law representative when we conducted sit-ins because of the various faculty cuts. There are many ways within the law that members of Parliament and members of society can protest and express their displeasure with certain things. My main concern is the potential for members of our multicultural communities to fall foul of this law when protesting. Some may not understand the law and some cannot express their concerns through letter writing. One thing they understand in this democratic country of ours is the right to protest. I do not want them to protest against low wages or unfair work, for instance, and be caught in this net under the bill and be jailed for two years. We must tread carefully here. I hope the Government will take these issues into consideration when dealing with the proposed amendments.

The Hon. MARK LATHAM (19:07): I contribute to debate on the Roads and Crimes Legislation Amendment Bill 2022 to support the bill. I will take a few moments to rebut the proposition that has been put by The Greens because it is an act of fantasy. They would have us believe that the protests from Blockade Australia are random miscellaneous protests that are designed to save the planet. That is clearly not the case. The only reason they blockaded the Spit Bridge was to maximise traffic chaos and keep people locked in a traffic jam for hours on end. The only reason they pushed cars onto the rail line at Scone and caused other disruptions in the Hunter Valley was to disrupt the jobs and the movement of working people in that region. The only reason they blockaded Port Botany was to harm the small businesses that wanted to get their freight in and out of the port and the surrounding traffic made up of working people who just wanted to get to work.

It is a targeted campaign. There is nothing random about it. They are not people who wake up in the morning and see a good cause they want to support, notify police and get a permit to do that. They are Trots and ferals who target certain locations to maximise harm to their fellow citizens. That is why these State laws are justified. You cannot allow people on the extreme of our society to target certain locations to hurt people and maximise economic harm. As I said in the earlier debate, I regard that as theft. They are stealing people's time and economic opportunities. Many people in Sydney travel a long way on their commute. The idea of a meaningless protest targeted at holding people up in traffic is abhorrent. They will do it on suburban trains and anywhere to maximise harm. They will hold commuters up for hours on end.

On the question of convenience and harm to others, you only have to listen to The Greens to understand the hypocrisy. Ms Abigail Boyd was in a huff earlier today because of the inconvenience that her disallowance

motion might be debated after the bill. That was her big problem. Try being locked in traffic for hours on end. Try getting to work when you are obstructed for hours from your simple task of a working day. Those are the pressures and First World problems of The Greens, the bourgeois left. The member was greatly inconvenienced because her motion was going to be delayed in this House. Try sitting in a traffic jam for hours on end because some ferals blocked a bridge or a road or pushed a car onto a rail line. That is the real inconvenience that real people face. The great inconvenience to the leader of The Greens, Mr Shoebridge, was the gutter dispute at his home. Apparently a neighbour had the gutter—

Ms Abigail Boyd: Point of order: I have made the same point a number of times. The Hon. Mark Latham knows better. If he is to refer to Mr David Shoebridge, he is to refer to him by his name. The honourable member knows full well that The Greens do not have a leader.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: We know one thing: They need a leader for some of the rubbish they advance. They could not make all of that stuff up and be so misguided, could they? That psychobabble from Ms Abigail Boyd must be orchestrated. Someone must have written the script. Some form of leadership must have directed her in that fashion.

The Hon. Anthony D'Adam: Point of order: The member has drifted away from the subject matter. He is not debating the bill. Now is not the time to discuss The Greens or its internal politics. The member must focus on the bill before the House. He should be drawn back to the bill.

The Hon. Natalie Ward: To the point of order: Other members have drifted off to other matters and they have not been drawn back to the contents of the bill. That is an outrageous allegation to make by point of order. The Hon. Mark Latham should be allowed to continue his contribution.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I have given members wide latitude in their contributions to debate on the bill. A number of contributions have strayed from the contents of the bill. I do not believe the Hon. Mark Latham has strayed any further than other members.

The Hon. MARK LATHAM: I am engaged in compare and contrast, which is a valid form of debate. Ms Abigail Boyd tried to trivialise the nature of the Trots blockading certain bridges and roads by saying that schoolkids were three minutes late for school. That is fundamentally untrue. Schoolkids were hours late for school, workers were hours late for work and small business owners were hours late to open their businesses. It was not a matter of three minutes. Attempts to trivialise the matter and say that there is no inconvenience to a blockade is false. The member said that the Spit Bridge can be closed because yachts sail through anyway. That bridge opens so that the boats can go through. The argument that closing the Spit Bridge inconvenienced people by three minutes is untrue. The inconvenience of closing down Port Botany is manifest. The inconvenience in the Hunter Valley was dreadful. That shows the geographic pattern.

The protests started in the Hunter Valley four or five months ago. The cops caught those protesters, as they should have done. The protesters then moved to the Spit Bridge. When that gig was up, the protesters moved to Port Botany. If the bill was limited to closing down those three venues, they would simply move somewhere else. That is why my colleague the Hon. Rod Roberts will move an amendment to anticipate where those ferals will go next. Members should use the bill to arrest and jail those characters who protest on industrial estates. One of the vulnerable locations in this targeted campaign would be to close down Tomago or BlueScope Steel at Port Kembla. Just as this law would apply to roads, bridges, rail lines and ports, it should also apply to industrial estates where that targeted disruptive campaign will inevitably move.

The question is where those Trots will go next. Their disruption to society and their harm to others is unlimited. The bill must be as broad as possible. The core question is one of convenience. The Greens obviously live in a bubble. The First World inconvenience for Ms Abigail Boyd is to have her disallowance motion delayed and for Mr David Shoebridge it is to have a dispute about a gutter. After having sent many emails, Mr Shoebridge's neighbour knocked on his door and wanted to have a cup of tea but was told, "Don't waste my time." When The Greens are inconvenienced about a motion or a gutter, it is a crisis; it is a big, blown-up problem. Yet they have the hide to defend the Trots and the ferals who would close down major parts of Sydney and the Hunter Valley and cause hours of disruption and real-life inconvenience to people who are not on six-figure salaries—these are working people who are trying to make ends meet and get to their place of employment on time.

Those are the real-life circumstances that the bill will attempt to defend. Those are the real-life working people the bill will attempt to defend. For the Hon. Anthony D'Adam and others to be blatantly anti-worker and to be in favour of people who would stop workers from getting to their job is abhorrent to a fair society. The Hon. Anthony D'Adam has said that he does not support the bill but that he was caucused into it. The truth is that

the Labor caucus has made the right decision because at least it is saying that workers must have the basic freedom and dignity of getting to their work.

If you do not stand for that, what do you stand for? You are hanging around with the worst elements: the Trots, the ferals and the great unwashed. Those disgusting people want to punish workers who are just trying to make a living. There cannot be anything worse in our society. The bill is not without fault. It must be broadened by amendment to cover those industrial estates. But at least the bill defends freedom of movement and the freedom of working people to get to their job and it closes down the real inconvenience—not a disallowance motion or a gutter in Woollahra—of a targeted campaign to really hurt working people and stop them from getting to their job.

The Hon. ROSE JACKSON (19:16): In debate on matters like this, the Roads and Crimes Legislation Amendment Bill, I sometimes think, "This is why the left cannot have nice things." At its heart, we are debating the right to protest on issues like more action on climate change. The community wants more action on climate change, there is no doubt about that. Poll after poll shows clearly that people want more action on climate change and they want more to be done to protect the planet. They see the fires and the floods and they know that those extreme and frequent weather events are caused by erratic climate conditions, and they want more to be done. But instead of building a meaningful coalition around those issues—which may include mass protests, parliamentary action on government organisations and politicians working with unions—we are distracted by people who do absolutely nothing to help the cause. In fact they take us backwards.

That is why we are not winning. We are on a complete wedge—let us call it what it is for the Government—and on a complete distraction. Instead of doing the hard work—and it is hard work to change minds and build a better world, because people do not automatically agree with you when you are a progressive—people are trying to defend activity that makes life harder for other people. To participate in behaviour that makes life hard for others is not helping us. We want those people to be on our side; we do not want to make their lives harder. Ruth Bader Ginsburg says—and I try to live by her words, though I do not always succeed—"Fight like hell for what you believe in but do it in a way that brings other people with you." I do not always live up to her wise words but I try to, and that is why I am in the Labor Party, a party that actually tries to make change. We know what we believe in and we are passionate about it, but we must do it in a way that brings people with us.

Labor has a clear position on this. I do not accept the argument that Labor is trying to walk on both sides of the street. Those of us in the Opposition have a clear position; we know what we believe in. We believe that you should be able to protest—that is obviously essential—but there are limits on that. We have always supported limits on that. It is clear that we are the party that, from my amazing colleague the Hon. Penny Sharpe, introduced legislation around safe access zones. We have had a consistent position in favour of protests but we had limits, where appropriate. It is not something new. It is completely consistent with our history as a movement that brings the industrial wing and the political wing together. Protest is central to what we believe in but there are limits and those limits include rogue individuals who are going out there and doing things that are so unbelievably destructive not only to our society generally, obviously, and our economic productivity, but also to the causes that we believe in.

We also think that there are limits on punishment, though. I do want to put on the record that the creeping incrementalism of higher punishments for behaviour that is intended as protest is something that we need to keep our eye on. We are not for public floggings; we are not. There is a limit on punishment: There is a limit on protest and there is a limit on punishment. Those things are completely consistent with how Labor has approached these matters for a long time. I want to be clear: This is not criminalising protest; it is just not. It is really unhelpful to put things like that on the public record. It is really unhelpful. It is completely disingenuous to suggest that this legislation does anything to change the framework around how protest activity can be engaged in in this State. I reject the suggestion that that is the case. It is an unhelpful contribution.

Having said that, the original draft of the bill was completely unacceptable and raised serious concerns among people. There is no doubt that under the original framing of this bill I would have been subject to two years' imprisonment for sit-ins that I participated in as a student activist on George Street against voluntary student unionism. There is no doubt in my mind. But that is not just about me not wanting to go to jail for two years. It is about the fact that no-one—no student or environmental activist or feminist or climate change protester—should be criminalised for behaviour such as that. The original draft of the bill was completely unacceptable and would have rightfully been rejected by Labor in its original form as not consistent with our approach. However, we have been able to secure some essential amendments, some critical amendments, to rein in the operation of a bill that was completely unacceptable and unworkable to make it more in line with the types of things that we think are reasonable. It is still not in a form that I think is perfect; but, hey, nothing in this world is perfect.

It is much more consistent now with the framework that I have outlined, which I think characterises Labor's approach to these issues. I think we need to be clear about what the bill is not, which is a criminalisation of

protests. Protest will remain legal in this State in the way that it has been, but I also think it is important to be clear about the serious reservations that we have had about the original drafting and the way the Government has approached this as well as how important it has been to us to secure some of the amendments we have secured. One of the most important for me is the two-year review because I remain concerned about unintended consequences. I want to put on the record right now: If this bill is used to arrest and charge unionists, environmentalists, students, feminists or anti-war activists, engaged in completely nonviolent mass street meetings, even if they are on George Street or Macquarie Street, that is utterly unacceptable and these laws should be trashed. If that is the way that they are operating, that is not acceptable and they should not go ahead. There will be an essential review to assess that.

If they are being used to target rogue individuals who completely disrupt peak hour traffic on the Spit Bridge, on our ports, while endangering not only themselves but also the workers who have to try to get them down and deal with these situations, it is an absolutely valid point to say it is extremely dangerous not only for them but also for the people who are trying to respond to it, and if these laws are being used to target that behaviour, I think that is acceptable.

Finally I reiterate my plea to the protesters who are engaged in blockade rebellion by Fireproof Australia: Please do not do what you are doing. It is not helping. I want to see action on climate change as much as you do and your behaviour is not helping. If you want to do something helpful, find five or 10 or 15 people who are unsure about how they are going to vote in the next election and have a conversation with them about voting for a party that wants action on climate change. Do that; change a mind; persuade someone. It is not easy. I am not going to tell you that is an easy thing to do. But it is probably easier to glue yourself to a road, much as I am sure that messes up your hands. Eventually, with some hand cream, your skin might heal. Actually, that is the easy thing to do.

The hard thing to do is to find someone who is unsure or does not agree and talk to them and convince them about why action on climate change is necessary. My plea to those protesters is this: Please, we can win. We can win the things that you care about and that I care about, but we cannot win if everyone is annoyed with us; if everyone is frustrated with us; if everyone is going, "God, these guys are really annoying me." Do not do that to the community who we want to come along on this journey with us. That is my plea to you. Think about the consequences of your behaviour for those of us who are trying to use our democratic system to achieve those outcomes. How distracted we are with these debates and talking about these things because of what you are doing. That is what I want to finish on—that plea. Thank you.

The Hon. ADAM SEARLE (19:26): I will not delay the House too long. This is an extremely important debate. The right of people to protest peacefully has been part of our social and political landscape for centuries. It does not seem that long ago, for example, that we debated in this Chamber—on 15 March 2016, in fact—a panoply of new laws to crack down on people's rights to protest in connection with mining. On that occasion we took a different view. We took the view that the legislation was unnecessary because many of the evils it was directed at were already dealt with in existing laws. Of course, that is the case with the Roads and Crimes Legislation Amendment Bill that we are debating today. Much of what it seeks to do, and the evil that it seeks to prevent, are in fact covered by different aspects of the existing law.

Nevertheless there is a serious public policy issue that the bill seeks to grapple with. As a responsible alternative government, the Labor Party has come to grips with that legislation. We support it but we do not think it is fit for purpose. The member who preceded me in this debate, the Hon. Rose Jackson, indicated—and it was quite clear—that in its initial draft this legislation went far beyond the reasonable objectives claimed for it by the Government. It did not just seek to deal with what the Hon. Mark Latham refers to dismissively as "Trots"; it went significantly further into the realms of people's right to protest, to bargain, to pursue better wages and conditions and safer workplaces. That was a real peril presented by the legislation.

But of course on the non-Government side of the House, students of history know that unions now have many industrial rights and working people rightly have those rights to bargain and to make their voices heard in their workplaces. But it was not always so. It was not that long ago that trade unions were unlawful combinations, when unions seeking to bargain for better rights with employers were accused and taken to the common law courts for the tort of inducing breach of contract. So a lot of what is now accepted in our community as reasonable and lawful action, to protest and to be heard, was once unlawful. We should remember when we are discussing these issues that today it can seem all very cut and dried and all very black and white about good protest and bad protest, but many of the social games—environmental or industrial—have come from people who pushed the boundaries and at that time sometimes what they did was not lawful.

Members should remember that and respect the gains and improvements to our society that have come from that place. We should treat this debate with the seriousness that it deserves when changing the balance of people's rights and responsibilities in the compact of society. People have the right to protest and be heard, but

those rights must be reasonably circumscribed to ensure public safety and people's right to get to and from work. We must ensure that protesters do not unreasonably put themselves at serious risk of harm and, perhaps equally, if not more importantly, that other persons not involved in those activities are not put at risk of harm. In our sober deliberations on these matters members must make sure that we do not fall into the easy pattern of caricaturing the people we are seeking to target in the legislation while, in the same breath, demonising the legislation by saying that it has no value.

It is clear that the bill was seriously wanting at its inception. It had all the hallmarks of a government rushing to cobble together something in a desperate attempt to distract people and avoid talking about its obvious failings: the broken health system, rising tolls and chaos in the transport system. On one level the bill has all the hallmarks of a stunt that has been cobbled together, but the Opposition takes seriously all legislation before the House. We have made a sober evaluation and, as a responsible party—both in this place and in the other place—we have engaged with the bill and proposed reasonable amendments. Through dialogue with the Government we have secured the beginnings of a carve-out to protect working people so that industrial action would not be caught by the provisions of the bill. That is a good change and we thank the Government for adopting it. We also pushed for a sunset clause in the bill due to its serious and far-reaching nature. The significant \$22,000 fines or two years in jail for an individual are not to be trifled with; they are serious matters. We thought a sunset clause appropriate to see how and whether or not the provisions in the bill are used.

Another hallmark of many terrorism, police powers or serious criminal offender control order laws is that they are ultimately not needed or not used by law enforcement. I think all members earnestly hope that the matters caught by the bill will not ever be needed. The Opposition did not get a sunset clause but it did get a review, which is an important matter. As the Hon. Rose Jackson has said, after two years of operation we will be able to see whether the legislation has been used. If it has not and if there is a real question mark about whether it was ever needed, or if it has been misused, then obviously that would call for reform. However, the Opposition did not get all its measures included in the bill. One of the flaws in the drafting of the bill, which is perhaps reflective of the Government's haste, relates to what it defines as a major facility in new section 214A (5) (c) on page 4:

- (c) an infrastructure facility, including a facility providing water, sewerage, energy or other services to the public, prescribed by the regulations.

That definition is very broad and imprecise. The Government's regulation-making powers would enable it to give an ambulatory effect to that new section to widen the scope of its catchment, which is why the Opposition proposed an amendment in the other place to tighten it to focus on the matters that the Government said the bill is designed for. Another hallmark of government legislation over the past 10 years is that governments say legislation is needed to do A, B and C, yet the legislation they dish up has other provisions that allow that government to enlarge its own power. Legislation is subject to supervision by both Houses of Parliament, so if this part of the bill is not changed then supervision by this House to ensure that legislative provisions are deployed sensibly and reasonably will be an important obligation on all members.

We have started the journey of moulding the legislation into much better shape. The industrial rights carve-out—if I can call it that—was good, and it was achieved in a short space of time. However, overnight and through the course of the day further examination of the bill revealed it to be more flawed than the Opposition was sensibly able to deal with in the time available in the other place. Of course, the arrangement of the other place is slightly different to this House. I hope and believe that the Labor Party will propose additional amendments to ensure that all aspects of working life and people's rights in and out of the workplace to make their voices heard as citizens on workplace matters are not prescribed, caught up or in any way suppressed by this legislation. A range of other considerations has also been ventilated in the debate, but we cannot let the perfect be the enemy of the good. We must make improvements to the legislation that can be reasonably obtained during the course of this debate.

The bill may not be to everyone's flavour—and, in an ideal world, it probably would not be to mine—but this is where we are. It is our obligation as legislators not to spit the dummy, throw in the towel or say it is too hard, but to engage with the subject matter, to make the case for reform and to persuade members of this House to adopt reasonable measures to make this legislation work. The Government says that it intends to achieve those aims. In 2016 the government of the day clearly sought to intimidate the community into not engaging in public discourse and dialogue on anti-protest laws. This bill does not offend in the same way as that legislation, which was ultimately passed, in no small measure because there was significant community disquiet about those laws, even though they eventually passed through the Parliament. I do not know how often they have been used but it is probably not very much. I thank honourable members for their attention and I look forward to the Committee stage of the bill, where we can improve upon where it stands today.

The Hon. DANIEL MOOKHEY (19:37): I make a contribution to debate on the Roads and Crimes Legislation Amendment Bill 2022. The object of the bill is:

... to create offences for certain behaviour that causes damage or disruption to major roads or major facilities ...

The bill arises out of the special circumstances that led to massive disruption for lots of working people and to the operations of the Port Botany. I have a lot of sympathy for people who want fast action on climate change, but those who cause disruption at Port Botany are targeting that facility in an aggressive way.

Prior to being voted into this Parliament, I had the honour of representing the many truck drivers who used the land site off Port Botany. I recall fighting very hard for the most basic facilities for those truck drivers. They did not have toilets because back then none were provided. Each time there was a land site delay—that is, any disruption to a truck accessing the port—there were many cascading consequences for those categories of workers, two of which I draw particular attention to. The first is long-haul owner-drivers who use the port. Any delay at Port Botany has a cascading impact and jeopardises workers' ability to comply with fatigue laws. Those laws are unique to truck drivers because they restrict the amount of time they can work, which then restricts the amount of income that they can earn as well.

A one-hour delay at Port Botany can lead to an owner-driver—or for that matter, an employee driver—losing four to five hours of income later in the week. A delay on a Monday will affect a truck driver on a Saturday when it comes to fatigue laws. That is why the Transport Workers' Union and others have agitated so hard for reform for the landside of Port Botany, especially because the way the ports work is they always privilege the needs of the ships ahead of the needs of the trucks. Those fatigue laws are crucial to safety in the road transport industry. With any disruption at Port Botany—whether it is caused by mismanagement at Port Botany by various operators and stevedores, which is often the case, or whether it is caused by various shipping delays—the risk is internalised by the landside, especially the truck drivers. That is a huge issue for those working people as well. I would urge any person who targets the port as part of a protest to consider the consequences of their actions for the working people who use the port, especially those truck drivers.

That brings me to the second consequence when it comes to landside disruptions at Port Botany, which is the ability of an owner-driver or otherwise to recover the costs of a delay. For those who say, "Well, this is just the price people have to pay as we make a point of disruption," to some extent that is a privilege point. Some people can afford that sacrifice while others cannot. An owner-driver who is leveraged and who is picking up a container has usually borrowed half a million dollars for the truck. They have interest payments. They have debt repayments. They put their mortgage on the line for that as well. The amount of income they earn is seriously important to them. To lose hours at work, particularly if they are paid on piece rates—they are not paid for all time worked; they are not paid for every minute that they are sitting at the port—is a serious problem.

What we know, and what the Government and the conservative side of politics denies, is that those owner-drivers do not have the power to recover the cost from their clients. They cannot pass the cost on. It comes out of their bottom line. That is why they are always so agitated when it comes to reform at Port Botany. Having witnessed the actions which took place at that port last week, my immediate thoughts went to a lot of those owner-drivers, employee drivers and businesses that will suffer the loss of income and cannot pass that cost on to the retailers.

That port is a container port. It is not a coal port or a bulk goods port, although there are some aspects of bulk goods. The people who use that port are overwhelmingly the big retailers. I do not particularly have much sympathy for Woolworths, Coles, Wesfarmers and others that control those facilities because they exercise massive amounts of power over supply chains. But when protesters disrupt Port Botany randomly without notice—certainly not without demands—it is the case that the people who actually pay for it are many of the people on the landside part of these things. It is necessary that the Parliament make it clear that those people matter and their interests matter as well.

That brings me to the other point I will make in this second reading debate. The other irony in this particular debate is that the people who have aggressively campaigned on our roads for reforms are actually our truck drivers. When my colleagues the Hon. Adam Searle, the Hon. Penny Sharpe and the Hon. Rose Jackson talk about carving out the rights and protections of working people to protest on roads it is not an abstract demand. It has been seized upon by truck drivers in this State since Razorback in '79, which got us the owner-driver legislation in this State. In fact, when they blocked the Hume Highway travelling south to Canberra it caused this Parliament to establish chapter 6, which has provided baseline conditions. My point is that protests can work and people should have the right to them, and working people need those rights as part of their industrial campaigns.

I will tell a couple of other stories about various times where working people have blockaded roads as part of industrial campaigns and the type of changes that has led to. I have to talk about two fantastic campaigns I had the honour of being involved with. The first was the campaign to protect \$4.5 billion worth of goodwill that owner-drivers depended upon. It took place in 2006 when the Howard Government was trying to eliminate chapter 6 by passing the Independent Contractors Act. Along with perhaps the spouses of certain other members

of the House, and seeking to defend the rights of those small businesses and the investments that they made, I organised a brief stoppage of approximately 20 minutes on the M4. That was part of the Your Rights at Work campaign. I recall very vividly the huge impact that had at the time and how crucially important it was in drawing the attention of the Howard Government, which had absolute power in the Senate, to exempt this part of the law in New South Wales from the operation of the Federal Act.

It was a years-long campaign. I am sure the Hon. Rose Jackson would recall many a convoy over the Anzac Bridge and over the Harbour Bridge, all safe, peaceful, notified to the police and done in compliance with the laws as they applied at the time—except for the stoppage of the M4. They were crucial in drawing attention to the plight of people who were otherwise not identified as ordinary constituents of a trade union. They were small business owners. At the time there was \$4 billion of goodwill invested in their businesses that they felt they had to take to the road to defend. When my colleagues in the Chamber talk about how crucial it is that we secure amendments that protect the rights of working people—as constituted by owner-drivers, small business owners or otherwise—to take protest actions in defence of their rights, that is the first use case that I point the House to.

I would hate to feel that another conservative government could try to knock off chapter 6 through the Senate and destroy billions of dollars of goodwill, and that this House would have passed laws that do not provide adequate protections for the rights of those small businesses to act collectively in their own defence. That is why it is such an important step, when we get to the amendments stage, that we ensure that owner-drivers or others who participate in industrial campaigns, industrial actions or industrial disputes are unaffected by the operation of this law. That is the first use case that I point to when it comes to particular reasons that I have blocked roads.

The second is the Safe Rates campaign, which is a radical reimagining of supply chains and how we regulate conditions. I am prepared to accept that of all members of this House and, dare I say, the Parliament—it might be a contested record by some—I have blocked my share of roads. I have probably blocked more than any other member. It is not typical that a member of the right of the New South Wales Labor Party is accused of that, but we Transport Workers' Union ex-officials have that as a source of pride. I recall vividly the particular trigger point that I had with the Safe Rates campaign, and that was when I met with an employee long-distance driver who told me that he was under immense pressure to meet deadlines.

It was common practice in his workplace for his employer to distribute amphetamines to keep truck drivers awake. He felt he had to take them, as did his other workmates, otherwise he would lose his job. He did take them, and he was involved in an accident. He nearly killed people, and it devastated him. It caused him to leave the industry. He came back and told his story. The immense courage that he showed in accepting that he did the wrong thing, but equally accepting that conditions had to change, was one of the sparks that caused the TWU to launch the Safe Rates campaign as aggressively as it did. That campaign was all about rebalancing the power, not between employee and employer but between the buyer of transport services and the seller—clients and the industry.

That campaign required aggressive actions on our public roads. I willingly confess that I sat down on James Ruse Drive a few times. I was part of a convoy that went to Canberra to circle our Parliament. I did that as part of an effort to persuade the then Labor Government to use its power. It took multiple actions on our roads; I vividly recall a few convoys across the Harbour Bridge. I would hate to think that a law like this could stop a campaign like that. There is a real risk it could. That is why I again say to the House that, as we move to the next stage of debate, it is so important to ensure that working people have the right to act collectively in public spaces, including on our roads, in pursuit of their rights at work, be that through industrial action, industrial disputes or other industrial campaigns. I look forward to the Committee stage, where we will have the power to make those changes to the bill. I hope the House will support our amendments.

The Hon. PENNY SHARPE (19:49): I speak in debate on the Roads and Crimes Legislation Amendment Bill. I will not go through the bits and pieces of the bill. We are about to do that very extensively in the Committee stage. But I will make a few points in relation to the bill. It is a very important and challenging bill, because members on this side of the House absolutely support the right to protest. It is fundamental to who we are. Most of us have had a lot of skin in the game when it comes to protests, whether we have been student activists, feminist activists, queer activists or forest activists. In my case I have been all of those at various points. I have participated in protest that has been allowed and I have also, spontaneously, been involved in protest that has not been allowed.

Protest is important, because it is a fundamental right of every citizen to be able to demonstrate when they disagree with what their governments are doing and what the community is doing. It is fundamental to who we are and to our democracy. It is something that we have to hold onto very dearly. I say that in response to earlier comments that I believe were extremely inflammatory, extremely unhelpful and, frankly, very disappointing. Because I think that we can draw different lines. Of course there is an absolute right to protest. But there is not an absolute right to do whatever we think is reasonable, no matter what the consequences are to others, to ourselves and to the cause that we are trying to fight for. That is just not the case. I remind the House that, when the

Hon. Trevor Khan and I were debating the safe access zone bill, we spent hours in the Chamber talking about free speech, about the right to protest and about whether silent prayer was the right to protest.

The House collectively—not everyone agreed with this—made the final decision that was it was okay to draw a line that said that women or staff that work at reproductive health clinics cannot and should not be harassed, intimidated or blockaded from going to seek medical treatment or going to work. We drew that line. I was very frustrated earlier in the debate with some of the comments from our friends in The Greens. I agree with a lot of what they said. I do not agree with some of the self-righteous attacks on the Labor Party and its members—people who have been very involved in protest and who will defend the right to the protest until the day they die—and the suggestion that it is not reasonable to draw some lines. Because we have drawn those lines and The Greens have agreed with those lines. Some members on the other side of the House, by the way, almost died in a ditch and did not support safe access zones but they are very happy to support this bill. I will leave that for them. They can sit with that comfortably or uncomfortably.

The Hon. Ben Franklin: Some of us supported it.

The Hon. PENNY SHARPE: Yes, a majority did, but some did not. We have to understand that that is what we are talking about. The Hon. Rose Jackson said a lot of what I was going to say in her speech. She also made the point about the difficulty of protest and why it is so important. It is not just to disagree. It is fundamentally about change. Those of us that are honest in this place know that politicians rarely want to make change on their own. We do it because it is part of the democratic push, whether it is through the ballot box, through campaigns or through changes to law. The reason we are all here is that we want to make change in our own ways. We do not always agree about that. We definitely do not always agree about the change. But it is extremely important.

I also make some comments about where we have come in the last 24 hours. I accept that it is unacceptable that the Government has decided to bung this in this way. This is not the way we like to make legislation. Unfortunately, it is not unusual and it happens quite a bit. While sometimes I would like that to be different, sometimes we must play the hand that we are dealt, and here we are. Labor has been doing that in the past 24 hours. The bill that was put forward yesterday was completely unacceptable. It was a massive attack on the right to protest; it was not only about capturing the behaviour we are concerned about, such as people locking on and blocking access. The Hon. Daniel Mookhey talked about the real consequences of that for good working people who cannot afford to lose four hours of work when they are paid by the hour or by the piece. The Hon. Daniel Mookhey covered the real consequences well.

We must decide how we can make these things better. Labor has engaged extremely strongly in the past 24 hours with its union colleagues, who are very worried about this bill, as they should be. All of the industrial rights we take for granted, such as holidays, sick leave, penalty rates, basic rates of pay and safety in the workplace, have been won by unions. No employer has just given them to workers. They were won because of protest and campaigns. Sometimes the campaigns have been very difficult. I do not know but, given our ages, I suspect that about half of us on this side of the Chamber were on the docks at Patrick's in 1998. We were there for weeks. If it had been dealt with in this way, people would have been arrested. That is a real problem for us. So I think we must take seriously what we are trying to do.

The amendments we have so far are important. They are in the bill as we speak. We will be pursuing some more a little later. It is important to understand the changes that have been made. There is a clear carve-out in relation to industrial action. We on this side of the Chamber believe that should be broader, and we will have more discussions about that, but it is an important recognition the Government has accepted, which we are very pleased about. There is also the two-year review. The Hon. Adam Searle said that we originally talked about sunset clauses, but sometimes we must have an actual discussion and come to an agreement and compromise. The two-year review is extremely important. We need to see how this works and what it really means.

The other change is fundamental. The original draft of this bill essentially meant that the Government could say that every road and every facility could be considered and activated under this bill. That was very problematic. What has been built into this bill now, which makes me much happier than I was 24 hours ago, is that whether it is a facility or a road, it must be gazetted. There has to be a regulation. We have the opportunity to challenge that and to discuss whether that is reasonable. We cannot have a broad-brush approach that pretty much sterilises half the State from legitimate protest. That is a really important thing.

Labor has a set of amendments that will be moved in the Committee stage. I will foreshadow one amendment. We want a clause in the bill that says we support the right to peaceful protest. We believe we can do what the Government is saying this bill does and also actively, openly and clearly respect that right. That is extremely important and goes to the heart of Labor's position in relation to these things. We want young people to have the right to protest about anything—whether it is animals, climate change, forests, feminism, trans rights or any of the issues about which young people feel passionate and want to change, and we want them to be able

to do it safely. We want them to be able to do that and not be threatened with jail or with large fines. There are real problems with this and we accept that but we want that to be clear. The other group that I wish to talk about are the Knitting Nannas.

The Knitting Nannas are some of the most fantastic people I have ever met and had the privilege to spend time with. They are quiet, persistent, caring, demanding and tenacious in their approach to getting action on climate change. They do not take no for an answer. Similarly, if they decided to sit down in middle of the road because they were protesting—as they protest almost every week in Martin Place—no one believes that they should in any way be threatened with jail or fines. We have to be clear about what this bill is and what this bill is not and why that matters. There are a few other amendments that I will talk about. Labor will make absolutely clear in relation to industrial protest that where a person works they will be able to protest. It is basically extending what has already been accepted by the Government, and we will talk about this in the Committee stage. The amendment will make it very clear that people are allowed to protest at their work. If you look at the Maritime Union of Australia and the work that dockworkers and maritime workers do, they protest at the port and we must make sure that is protected.

I find the Attorney General to be someone who is careful in the way he speaks on matters in the House and is fairly precise with the words that he uses, as all of the lawyers are. Members in the House know that I am not a lawyer, so I am often less precise. What shocked me last night during the debate, and what I am concerned about, is that we could somehow make Parliament House a facility where the provision would be turned on. I am gobsmacked by that and obviously Labor absolutely rejects that. We will present an amendment that makes it absolutely clear. I go back to the safe access argument. One of the biggest points that the Opposition wants to make is that if someone wants to protest against abortion, the best place to do it is out the front of this building, in front of the people who make the decisions.

Every citizen should be able to protest out the front of this Parliament, as the nurses did today. Thousands of people have done so, including the fishers and the people who did not support abortion law reform—members will remember there were 10,000 people out there. I do not care whether I agree with someone or not; they are able to be there and they should absolutely be there. If there is any idea or suggestion from this Government that somehow it would contemplate trying to regulate the area, it would be pretty silly because I do not think it would survive a disallowance motion. I would be very confident that it would be knocked out pretty quickly by this House. Having said that, we need to be absolutely clear about this. There is no room for hedging our bets in relation to this. Parliament House has to be absolutely clear that, if people want to protest out the front to the people in the Parliament who are making the decisions and the laws that we are asking everyone else to live by, they are welcome any time and they need to do that.

There is a lot more debate to come but I want to place on the record that the right to protest is important, but we should be able to have a debate that does not abuse people or suggest that people have poor motives for the reason that they come to their decision. I want to place that on the record, particularly for Labor members in the House. The right to protest is fundamental to our party. It is in our DNA. All of us have been involved in protests. I am going to challenge the Hon. Daniel Mookhey—he is probably right on the roads but, between the Hon. Rose Jackson and me, I reckon there is a fair number of us that have been in a bit of trouble. Having said that, it is part of what being young is about, it is part of pushing for change, it is part of our democratic rights, it is a part of being a citizen of this State and it is something that Labor will always defend. This bill does not change that.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (20:04): I am pleased to be speaking after the Leader of the Opposition on the Roads and Crimes Legislation Amendment Bill 2022 because we vociferously agree on this matter, and that is that the right to protest is critical, is paramount in any democracy. The thing that I found challenging is that members have contributed to this debate who say the bill is about the capacity and the ability to protest or not. It is not. What it is about and what it must be about is balancing societal obligations. The right to protest is indeed an appropriate and important right, one with which the Leader of the Opposition and I profoundly agree, and I would hope that every member of this Chamber agrees. It is an appropriate and reasonable way to achieve political action and reform and to get your views known. But that must be balanced against the rights of a society to function effectively. This is not a referendum.

The question is not is protest good or bad. Protest is good but other things are important too, and we have to balance them. We have to look at the impact that one has on the other and work out how we as a society can function effectively. That is why we have traffic lights. Some people's liberty will be necessarily inconvenienced to achieve the greater good for society. That is a compact that has been made, not just with traffic lights, but with a whole range of issues and laws. That is what we are debating. For individuals to say that the bill is about whether we are allowed, and should be allowed, to protest is simplistic in the extreme. That is the first point I make.

The second point is that I want to refer to two speeches that were very different but which summed up significant parts of the debate, which crystallised it for me. The first was from a new member of this House, the Hon. Scott Barrett. I thought he incredibly and effectively talked about the practical implications for families and individuals if this law was not brought in, if we did not have limitations and if we did not achieve the appropriate balance. Frankly, the Hon. Daniel Mookhey did exactly the same thing. The Hon. Scott Barrett talked about the importance of families being able to get to doctors' appointments, to get to legal appointments and to do critical shopping. So many issues in life are challenging for families and individuals. We find it difficult to get everything done during the day, but protests drag down society and stop people being able to do the basic fundamentals like get to work.

The Hon. Mark Latham talked about people from western Sydney taking longer hours to get to work and the impact protests would have on them, on their pay packets and their family lives. He is absolutely right. I have not heard a scintilla of a suggestion about those issues from those opposing the bill. It is having an understanding of what real-life consequences will be if we do not pass this legislation, particularly as we are seeing a targeted and increased focus on exactly these tactics to make the maximum disruption possible for society. That was the first speech—I have referred to a number of them, but nonetheless it was the Hon. Scott Barrett.

The second was from the Hon. Rose Jackson, who gave a very different speech. Frankly, it was an outstanding speech, which was lauded across the Chamber, even by members who profoundly disagreed with her position. Her position, which was echoed by the Leader of the Opposition, was that if people want to achieve the outcomes they are striving for, protesting in the manner they do is not the way to do it. They have to take the community along with them. Sticking yourself to a pedestrian crossing with super glue is not the way to take the community with you.

I am a passionate believer, as this Chamber knows, in the transition to renewable energies, for example. I think I proved that when I stood up hour after hour debating the legislation. But we have got to do this in the right way. We have got to take people, like me frankly, along for the ride. And the way that we lose people like me, and so many of my colleagues who have voted in favour of this, is when society grinds to a halt, when we stop the fundamental supply chains, when we stop people being able to get to work, when we stop people being able to get to their doctors' appointments. We have to understand how important it is for society to function and yet be able to achieve the causes that we want to achieve at the same time.

So while I probably disagree with the Hon. Rose Jackson—and I suspect I am not in the same activist camp as the Hon. Rose Jackson and we would profoundly disagree, I suspect, on a range of ideological issues—we agree on a fundamental point; that is, for people to achieve their ideological aims they have to do it in a way that takes society along with them. They have to carry the community, and they are not carrying the community by doing what they are doing now. And, for me, as a democrat, as someone who believes passionately in democracy and liberalism, that is profoundly offensive and should not be tolerated. I understand that people are concerned and that people should be asking questions about whether this bill poses risks to civil liberties or to authorised peaceful protests. I understand that; it is a valid question and it should be asked. But amendments within this bill have been carefully drafted, and they have been referred to by a range of members here, and the answer to that question is a profound and clear no.

The amendments will in no way prevent authorised and peaceful protests from taking place, because we all agree—I am sure every member would agree—such protests, such public expressions of differing points of view are critical for an underlying functioning democracy. We can look around the world at when democracy is threatened. We have seen what will happen when another country, or sometimes organisations and individuals within a country, seek to undermine that democracy. We should be doing in this Chamber everything we possibly can to preserve and to support the underlying foundations of our democracy. But that means ensuring that the community supports any democratic, peaceful political action. The community must support it because when the community starts opposing what people are doing in a democracy, that is when we start down the slippery slope.

Under this bill, no changes are proposed to the current provisions of the Summary Offences Act 1988, which both guarantees under law and provides the mechanism for people to participate in lawful protests. The mechanism provided under the Summary Offences Act allows protest organisers to conduct public assemblies by providing a notice to the commissioner of police of their intention to protest and relevant details about that protest. These details are to include the proposed location and/or the route of the protest, how many people are expected to attend and the duration of the protest—all utterly reasonable questions so that we can organise and focus on what logistics are required so that society can continue to function. In this way, a public protest is an authorised public assembly if a notice has been served on the commissioner by protest organisers and certain criteria are met.

Under this bill, the proposed amendments will only apply penalties to those who seek to exploit the provisions of the Summary Offences Act. Importantly, New South Wales courts will also retain the discretion to impose penalties based on the individual circumstances of a case. The bill makes amendments to two pieces of

New South Wales legislation: the Roads Act 1993 and the Crimes Act 1900. I will limit my comments and speak solely about the proposed amendments to the Roads Act, which will expand the current provisions of section 144G of the Roads Act to also make it an offence if a person's actions damage or disrupt a major road in New South Wales. The proposed new offence will carry a maximum court fine of \$22,000 or two years' imprisonment, or both, which is the current penalty under the existing provisions for an offence of causing damage, disruption or obstruction on the Sydney Harbour Bridge or other major bridges or tunnels as prescribed under the regulations, which members have discussed at some depth today.

A person participating in a lawful protest under the current Summary Offences Act will not be guilty of any offence under the proposed amendments to the Roads Act in the bill. I could not be clearer than that. During the drafting of the new provisions, it came to my attention that any offence under the Summary Offences Act could render a person liable for the maximum penalties under section 144G of the Roads Act. That was an unintended consequence of the 2018 legislation, and the opportunity is appropriately being taken at this time to address that anomaly.

With respect to the new offence of damaging or disrupting a major road, the Roads Act currently provides reasonable excuses such as mechanical fault or breakdown of a vehicle to ensure that only those who intentionally seek to damage or disrupt a major road will be liable to be prosecuted for the offence. That once again goes to the appropriate societal compact that we are looking to achieve here. It is a give-and-take; it is about ensuring that people who are going about their daily lives or their daily business are able to do so in an unobstructed way, while preserving our democratic rights at the same time. As well as ensuring that our citizens' civil rights continue to be protected, an additional benefit of the bill is the protection of citizens' safety when participating in protests, including ensuring safety on our roads. A haphazard and illegal gathering of any number of people, whether only a few or a large crowd, on a major road can create serious dangers both to those gathering on the road and to other road users, which has not been touched on much in this debate.

Major roads are designed to allow for the movement of all types of vehicles—including heavy, freight-laden trucks—as efficiently and as quickly as possible. They are not designed for a few individuals or a crowd of people to camp on them or to stroll along them. Protests can be held in other places; public roads, the arteries of our nation, are not the place. People who have blocked major roads have caused serious network disruptions and economic losses. However, thankfully—very fortunately—the potential disaster of a car or a truck colliding with protestors on a major road has so far been avoided, but I worry. We will all carry significant guilt on our conscience if that does happen and we do not pass the bill, which will also help to ensure that such a tragedy does not occur.

Upon first impression, perhaps the bill does not look like something that goes to the fundamental nature of the democratic structures in this State. But it does, and we have seen the seriousness of the contributions to this debate. The bill goes to the heart of who we are as a society. How do we want to live as a society? What are our expectations of our citizenry? Our expectations are that citizens have rights but that citizens also have responsibilities, and that both of those things must be balanced. That is the sensible, moderate and reasonable outcome that the bill is proposing. I acknowledge the amendments that have been moved by the Opposition, which mean that the bill lands in a place that preserves exactly the balance that I am talking about. I commend the bill to the House.

The Hon. SCOTT FARLOW (20:19): I contribute to debate on the Roads and Crimes Legislation Amendment Bill 2022. Like the majority of members in the Chamber, I support the bill before the House. The COVID-19 pandemic has caused much disruption in our society over the past two years. Businesses have been forced to close their doors to customers and people have been huddled in their homes. That disruption continues with the protests that have been rolling throughout the city. I have heard the claims from members opposite that it is only three minutes of disruption and "The poor kid is three minutes late to school. The poor inconvenienced motorists. These protests are for the greater good." But it is not about the three minutes of delay. It is about the people who decide to turn around and go home because they are not going to put up with the challenge of getting into the city.

Ms Abigail Boyd: They get the day off.

The Hon. SCOTT FARLOW: I note the interjection by The Greens that it is a day off. But guess what? It is a day off for businesses in the city that are just getting back on their feet and that are able to trade again and customers are not frequenting their stores. After two years of torture and trying to get back on their feet, every time that they think they have caught a break, it is taken away from them. The Greens are there cheering them on, for those closed businesses. That is the difference it makes when people do not have the confidence to get around the city. I saw it a couple of weeks ago when I got in the car to come to a committee meeting at Parliament House and an individual was on the Sydney Harbour Bridge. I saw cars turning into side streets and people going back home—people who were not confident about going to the city or to work in their office.

Those protests are crippling our city and our State. They are taking away confidence and they are sending people back home because they do not want to venture out and deal with the traffic. They do not want to deal with the gridlock, so they turn around and go home. It means that another business loses more money, and they have lost enough over the past two years. Fewer and fewer people have the faith and confidence to go back to the city. The bill is not just about main arterial roads and that extension; it is also about major infrastructure items, like ports. The freight and logistics task force has faced enough trouble over the past two years.

[A Government member interjected.]

I note the interjection of the Minister for Regional Transport, who deals with that industry on a daily basis. We are both going to the Road Freight NSW conference next week. That industry has done amazingly well in times when it should have been crippled. It has been resilient and it has had to innovate because of workforces shutdown during COVID, special geographical restrictions for workers in certain local government areas, testing requirements, and global supply chain problems. Nothing is more crippling than holding up the business at Port Botany and not allowing critical freight to leave the port. It means that goods cannot get to stores or to warehouses and distribution centres and our freight task is completely crippled.

When it comes to this legislation we should look not only at the interruption to major arterial roads but also at the interruption to our supply chains and our infrastructure across New South Wales—the things that keep the State moving and society going. As members on this side of the House have said and as I said in debate earlier today, we do not in any way, shape or form disagree with the right to protest. We uphold that right but we disagree with the actions of one individual or small group of individuals who, because of their choice, take it upon themselves to cripple our society and our infrastructure, and to inconvenience the people of this city and this State.

However noble the aims may be, there are other ways to express it—for example, through an organised protest like the one that took place today in Macquarie Street. Nobody would have any qualms with that. Today's protest was organised with the police and had a huge impact. It attracted media attention and was heard in this building. But, as many members opposite have remarked—members with whom I may not agree—and, as the Hon. Rose Jackson said, this is why the left cannot have nice things, and it is true. Because it is in fact detrimental to the causes that they seek to promote or protest about. As the Hon. Ben Franklin said, it is necessary to consider people like him. Now, maybe I am a little more stuck in my ways than the Hon. Ben Franklin.

The Hon. Adam Searle: Almost certainly.

The Hon. SCOTT FARLOW: Almost certainly, I think. I would concede that. But the people that have to be brought along on the journey turn off—the people whom protesters want to have listen to them. They turn off when society is crippled, when they have to turn their cars around and are inconvenienced. That is when people become fringe and not mainstream. That is what The Greens seem to want to entrench. I commend the Opposition for being wise enough to understand that that is not the right approach. Certain criticisms have been levelled at the right wing on this issue with regard to no control of protests. The Hon. Natalie Ward may have remarked on this. We talk about Ministers being considerate of all angles with respect to legislation such as this. The Attorney General and the Hon. Natalie Ward have drafted this legislation. They are people who will certainly give consideration to all angles, and that is evident in the bill. There is no overreach. I am sure the Hon. Natalie Ward will be happy to hear me call it "moderate legislation".

The Hon. Shayne Mallard: Hear, hear!

The Hon. SCOTT FARLOW: There are a few others who are happy to cheer that on. This proposed legislation is tempered and considerate. Assertions have been made in this debate about people standing on the pavement having to move if they are inconveniencing somebody. That is patently untrue. That is not what this bill is about. We are talking about major infrastructure, main arterial roads, and the organs of our society in New South Wales that people need to get around. We are not talking about some side pavement or somebody standing outside Parliament House. That is not what the bill is about. It is about things like the Spit Bridge.

I heard the arguments of Ms Abigail Boyd about the disruption caused by opening of the Spit Bridge for the boats to go through. Having lived on the northern beaches in the past, I know about the slight inconvenience of that, as does everybody. It does not cripple for hours on end the main thoroughfare into town. The Spit Bridge opening runs to a timetable. People cannot simply toot along in a yacht, demand the Spit Bridge to open and have everything stop. That is not what happens. It is an orderly passage. That is what we want during protests—an orderly passage. We want people to get about their lives and not be inconvenienced. But we also want people to be able to have their say. We want people to be able to protest in the right way.

Of course, this is not new, earth-shattering or groundbreaking legislation. The same principle has been applied to the Harbour Bridge. This bill is an extension of that. People do not travel through this city only from north to south or vice versa across the Harbour Bridge. We need to be sure every crossing through the city is

accessible, whether it be Camden Valley Way or the Harbour Bridge or Sid Einfeld Drive—the Hon. Shayne Mallard likes us to consider that occasionally—or the M5. We must make sure that infrastructure across our State is also supported, like Port Botany and the freight corridor in the Hunter. That is why legislation like this is important. We have all witnessed the impacts of the protests on our city and economy, as I have mentioned before, particularly when transport across our city grinds to a halt. Laws that relate to protests are not made lightly, nor do they limit our citizens' right to freedom of speech; they are targeted at illegal demonstrations and protests that put the participants at risk of significant injury. I heard reports on the radio of commuters dodging protesters on the Sydney Harbour Bridge. That is not safe for motorists or protesters. It is important to discuss community safety, which the bill seeks to achieve.

The bill allows the same protections that apply to our major bridges and tunnels to our major arterial roads, which is essential. If we maintain loopholes in our laws that protect our road system from trespassers, incidents like these will extend beyond Sydney and into other parts of the State. In his contribution the Hon. Mark Latham talked about what happened in Newcastle when one magistrate decided to deal with those protesters because of the crippling impact they were having on freight in the Hunter. Those protesters moved south to the Spit Bridge and blocked off the major corridor to the northern beaches, which has only two other corridors via Mona Vale Road through Terrey Hills or over the Roseville Bridge, and that is a longer journey.

I turn to the proposed amendments that relate to the Roads Act 1993 and allow for the protection of major road corridors and ensure that the movement of vehicles, goods and people across the city is not disrupted by the actions of a small number of individuals. Why should the law-abiding citizens of our State be inconvenienced by the behaviour of certain individuals—sometimes one; sometimes a small group—whose intent is to inflict major disruption across our transport network? These laws are designed to actively discourage illegal behaviour through the introduction of fines of up to \$22,000 or two years' imprisonment or both, if the circumstances warrant it. Of course, those are large penalties, but large penalties are obviously needed to dissuade people from undertaking that activity, which causes millions of dollars of economic damage to our State as well as inconvenience to people across New South Wales.

By extending the current legislation to allow penalties to apply equally to major roads and to areas like Port Botany, the Government is not only minimising our community from inconvenience in traffic, but also ensuring that their goods are delivered as well. It will help retailers and suppliers not only in New South Wales but also across our country. Over the past two years we have seen the interconnectedness of our supply chain, particularly during the border closures. The New South Wales freight network is very interconnected; indeed, it is globally connected as well. It is important that we prevent further economic loss. Our port at Botany and the nearby Sydney Kingsford Smith Airport are essential gateways for goods entering the country. No doubt the Hon. Shayne Mallard looks forward to the aerotropolis becoming part of that gateway as well.

In 2018 legislation was passed by the Parliament making it an offence to remain on or otherwise trespass on any part of the Sydney Harbour Bridge or any other major bridge or tunnel prescribed by the regulations if that conduct seriously disrupts or obstructs vehicles or pedestrians or if that conduct is an offence under the Summary Offences Act 1988. The offences contained within section 144G of the Roads Act are punishable by a fine of up to \$22,000 or imprisonment for two years or both. The bill before the House expands those offence provisions by inserting a reference to a major road that is prescribed under the regulations. That will make it an offence for a person who causes damage or disruption to a major road—be it a main road, highway or freeway. Like the existing offences under section 144G, the offence will be punishable by a maximum court penalty of \$22,000 or two years' imprisonment or both.

A consequential amendment will also be made to section 144G to correct an anomaly that was identified during the drafting of the bill—it is good to see that Parliamentary Counsel is on top of that. It was noted that, as section 144G is currently worded, any person who commits an offence under the Summary Offences Act, for example by using offensive language, could be subject to the harsher penalty of two years' jail if the offence was to occur on a bridge or in a tunnel. I do not think people swearing on the Sydney Harbour Bridge is a two-year offence, nor worth a \$22,000 fine, so it is good to see that this anomaly is being corrected. The original intention of the 2018 change was only intended to apply to illegal actions that caused damage or disruption to the transport network, so that is of course being clarified under the bill. The bill removes the relevant subsection to remedy the situation—of which I am sure we are all very glad.

Without these changes, the types of illegal protest that we have seen occurring will likely continue to occur. The Greens are a cheer squad for these illegal protests to continue. They want to see more of it. That is the choice we face in this Chamber—we can either support the bill and preserve the right to protest in an orderly manner that does not debilitate the city, or we can take the path of opposing the bill or amending it so severely that it will be of no effect. That is a path for more disruption, more protest and our city grinding to a halt. We need to put an end to it now. I was pleased that the Minister for Metropolitan Roads took such quick and decisive action. I think most

of our city was impressed and relieved to see action was being taken on this area. The Hon. Rod Roberts said earlier today that it was action prompted by his question in question time. I suspect that the Minister for Metropolitan Roads had turned her mind to this a little earlier than that, but she was quick. She was quick in seeing the problem and taking the corrective action to solve it, and that is commendable. It is commendable for Ministers to take such decisive action and to do it so quickly.

I have heard in this debate that certain members would have liked to have had more time to consider the bill. It is not extensive or complex legislation. But it is urgently needed, which is why we are still here on a Thursday night, most likely until Friday morning, debating this. I think all members of this House know that the decision we make tonight on the bill will be fundamentally important to whether or not this kind of activity that disrupts, that holds our city hostage, will continue. Of course, it is disruption that moves on and will then hold the rest of our State hostage. So this House faces a significant choice tonight—one which it often faces. It is the choice of whether we want order, whether we want certainty, whether we want to respect the right to protest but in an orderly way where our city keeps moving and our citizens are not inconvenienced—that is the choice of supporting the bill and making sure that it can pass tonight—or the alternative of more protests, more disruption, a city that grinds to a halt, a city that is held to ransom due to the wills of one, two, a few people—

The Hon. John Graham: Why are you attacking David Elliott? Leave David Elliott alone.

The Hon. SCOTT FARLOW: Maybe the Hon. John Graham should have a chat to his friends at the Rail, Tram and Bus Union. Maybe they can get on board as well. The Government wants to ensure that this House makes the right choice tonight. We want to make sure that this House makes the choice that our city will continue functioning, that our State will continue moving and that as we progress through this COVID recovery—where, as we are reminded constantly, New South Wales is in many ways the envy of the world with a 3.7 per cent unemployment rate and an economy that is moving forward—we keep this State growing. We want to keep this State bouncing back. We want to see that roaring twenties that the Premier has talked about when it comes to our economic recovery here in New South Wales. We want to see businesses open and people back to work in this State. That is a choice that we make tonight in this House. That is a choice I am confident that this House will make, despite the intent of some to try to stop it. It is the choice the people of New South Wales want us to make, because they want to get on with their lives and they do not want to be held to ransom by a fringe few.

The Hon. SHAYNE MALLARD (20:39): I support the Roads and Crimes Legislation Amendment Bill 2022. I do so having been in the Chamber or in my office paying attention to the diverse range of contributions to debate on this legislation. I have been interested to hear that some members have been quite critical but are supportive and others are supportive. There have been quite a diverse range of views. Of course, The Greens and their colleagues have very strong views on this matter. It will shock the House, not, and my colleagues, not, and the non-Government side of the House, probably not, that I have indeed protested on the street myself.

The Hon. Natalie Ward: Oh, Shayne, I am shocked.

The Hon. SHAYNE MALLARD: Indeed, lock me up. Members may well remember the heat around the gay marriage campaign. I participated in a number of protest campaigns comprising huge numbers of people. I spoke at rallies with big crowds who protested from Town Hall all the way up to Elizabeth Street, and then all the way down Oxford Street, ultimately ending at Taylor Square. They were huge protests that closed all of that road infrastructure. But that was with the authorisation of the police and the council. There was a huge media contingent. They were big protests. And guess what? They helped to achieve the outcome. I was involved in a number of those protest rallies. I also spoke at a very angry public meeting in Harmony Park at Surry Hills.

The Hon. Daniel Mookhey: Were they protesting you?

The Hon. SHAYNE MALLARD: They were protesting a much more serious matter than me. The rally was after some police violence 10 or 15 years ago towards participants in the Mardi Gras. I must say that it really changed the culture of the approach by police to Mardi Gras. It was an angry crowd at that protest rally. The rally was meant to stay in the park, then it was authorised to go on the footpath of Oxford Street to Taylor Square. But the crowd was so angry and so big that without authority they went onto Oxford Street, just like the 1978ers did. They invoked that passion. They marched up Oxford Street, and half of Oxford Street was closed by the police for probably an hour on a Saturday afternoon. Indeed, I joined them on the street and I think Alex Greenwich and others were there at that time. It achieved change because the police established a much stronger dialogue around the policing of Mardi Gras and identifying police officers who had empathy and understanding of the issues of the inner-city community. I was tossing it over in my mind today, would that road closure trigger this legislation, if the police were angry about it?

I am interested in an amendment about gazetting, I think, or perhaps it is in the Government legislation, and the notion that not every street is covered by this bill unless it is identified and the nature of the protest is not

one that is premeditated to cause massive disruption to the community, such as the spontaneous Mardi Gras protest. I think that such an amendment would pick up some of the concerns expressed by The Greens in relation to spontaneous protests. One would hope that those enforcing this legislation would understand that the nature of this legislation does not pick up a spontaneous protest that might intrude upon the public domain. I had considered going through the various amendments in this bill, but I just wanted to share that life experience.

The Hon. Daniel Mookhey: Share some more, about 15 minutes more.

The Hon. SHAYNE MALLARD: I will share some more. I hope it is understood that a spontaneous protest—and I am thinking about quite a few protests at Victoria Park relating to Aboriginal rights during my 20 years on council—would not trigger this legislation. A spontaneous protest may go on the road and it may cause disruption, but the protesters do not have calculated intent, they are not Aralditing themselves to the road or DynaBolting themselves to infrastructure. It is not calculated to cause massive disruption to the nature of our enterprise as a State.

The Hon. Daniel Mookhey and other members, on both sides, talked about how innocent people with no real interest in what is going on in those protests are getting caught up in quite serious ways and experiencing disruption to their day-to-day lives. They may say that climate change or whatever the protest is about is much bigger than that inconvenience, but it causes many hours of disruption. We heard about supply chains being affected and small businesses being impacted. Those issues need to be taken into account when those planned protests intrude upon people's day-to-day lives.

I will talk about some of the offences and why the Government has drawn to this point in the legislation. It may have been mentioned before but different offences are in place for different ranges of activities that are unauthorised and cause public nuisance. The ultimate one is the one we are talking about tonight. A number of existing offences can be applied where a protest results in the unauthorised obstruction of traffic. Under section 6 of the Summary Offences Act 1988, wilfully preventing the free passage of a person or vehicle in a public place without reasonable excuse is an offence punishable by a fine of \$440. Similar offences that carry higher monetary penalties are also available under the Road Rules 2014. Under rule 125 drivers are not to unreasonably obstruct the path of any other driver or pedestrian.

The Hon. Natalie Ward: I am convinced.

The Hon. SHAYNE MALLARD: The Minister is convinced. That is good. With those few words, the legislation has clear support from me, as well as the two-year review, which is important. I strongly support the right to protest. I have protested before and I will protest again. I heard Alex Greenwich talk about the '78ers being arrested for their protest in 1978, but I do not think that would happen today in terms of what this legislation is aiming at. I commend the bill to the House.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:46): In reply: I thank all honourable members for their contributions to debate on the Roads and Crimes Legislation Amendment Bill 2022, for their passion for this matter and for getting on their feet. I will attempt to be brief. I thank the Hon. John Graham, the Hon. Rod Roberts, Ms Abigail Boyd, Reverend the Hon. Fred Nile, Mr David Shoebridge, the Hon. Sam Faraway, the Hon. Mark Banasiak, the Hon. Mark Buttigieg, the Hon. Scott Barrett, the Hon. Antony D'Adam, the Hon. Emma Hurst, the Hon. Peter Primrose, Ms Cate Faehrmann, the Hon. Shaoquett Moselmane, the Hon. Mark Latham, the Hon. Rose Jackson, the Hon. Adam Searle, the Hon. Penny Sharpe, the Hon. Daniel Mookhey, the Hon. Scott Farlow and the Hon. Shayne Mallard.

I will address some of the matters I have been asked to address in Committee of the Whole. I thank the Attorney General for all of his work in this matter and refer members to his second reading speech in the other place. It is fair to say that it has grown an existence of its own, and I appreciate his constructive work. We have sought to work with everyone in this place, as the Attorney General did in the other place, and I place on record my thanks to members for doing so. A number of amendments were made to the bill in the other place through those discussions and I am pleased about those. Additional amendments will be moved in this place that we are pleased to work on, but they are going further. The Hon. John Graham talked about us struggling. I do not think we are struggling. We are acting swiftly. The entire tenor of this debate is to get this done so we can get on with business and people can stay on the roads. The Hon. John Graham mentioned that the trains can run but it is best they run safely. We do not apologise for putting safety first and making it a priority to ensure that people are safe on our trains.

I thank the Hon. Rod Roberts for his contribution. He has been very proactive in this space and I thank him and his party for that. I need to correct one slight issue for the record. He mentioned rail incidents occurring and being asleep at the wheel. I note that serious offences already exist in the Crimes Act covering that incident, which

is being prosecuted. Two tourists have been deported to Germany and one person has been arrested. There is provision for those incidents already. Ms Abigail Boyd was quite passionate in her contribution. I respect her for that, as always. However, I have to correct her. She said, "You don't understand." Respectfully, I do understand. When you live in a community you have civilised rules to live together. They are the rules that keep us organised. She also said that you cannot have a protest without disruption. I disagree. Protesters do not need to disrupt people; that entirely defeats the point of a protest. People do not listen to a protester's message if they are simply annoying them.

The contribution of The Greens is an example of them being out of touch with their communities. It is unfair to say that the Government is ramming anything through. We are responding to community concerns, which is our job and what you do when you govern. I reject the claim that we are an arrogant government. We are a government that puts the people of New South Wales at the centre of everything that we do, which is the point of the bill.

Mr David Shoebridge: Say "arrogant government" again.

The Hon. NATALIE WARD: I reject that entirely, Mr David Shoebridge, because this Government puts people at the centre. The measures in the bill are necessary. The Greens in this place are proud of their history of protest, and they should also be proud of their history of being all care and no responsibility. The Greens are simply running a scare campaign. There are provisions in the bill for people to protest. The Government supports those. Government members are all supportive of extra work on climate change. I am a member of the Liberal Party because we have actually done something about it. I acknowledge the Hon. Ben Franklin, who stood in this Chamber for 30 hours on that issue.

I thank Reverend the Hon. Fred Nile. He was spot on in what he said. As always, he puts people at the centre of his considerations. I thank Reverend the Hon. Fred Nile for saying that society can only operate in an orderly way. My colleague the Hon. Sam Faraway spoke about the safety of protesters and the impact of their protests on freight. I also thank him for his consideration of the emergency services. The Hon. Mark Banasiak nailed it when he said, "It's not what you're saying, it's the method by which you're saying it." That is right; the message is lost when people are interrupted.

I sat on the Spit Bridge that morning and I felt it like every other commuter around me. I saw people sitting in their cars with their schoolchildren trying to get to school. These protests are a real issue, not a trite or three-minute matter. The Hon. Mark Latham summed that up perfectly. They have been repeated, and we are on notice that those protesters will continue to repeat their disruptive protests. Their actions are unnecessary and unfair, and the bill addresses that, which the Hon. Rose Jackson summed up well. I thank members of the House for their support.

It was interesting to hear members' stories of their protests. For the record, I have not attended a protest. However, in his first university year my son professed to me that he joined a protest on climate change. Almost every speaker referred to the speed with which the bill has been introduced. It is regrettable that the Government has had to introduce the bill quickly, but it is genuinely urgent. A lot of these issues were exhausted in the disallowance motion this morning, so I will not touch on those any further. I look forward to consideration of the bill in Committee of the Whole. I also thank honourable members who have worked with my office and with the Attorney General on the bill over the past few days.

The PRESIDENT: The question is that this bill be now read a second time, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes4
Noes31
Majority.....27

AYES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

NOES

Amato
Banasiak
Barrett (teller)

Franklin
Graham
Jackson

Nile
Poulos
Primrose

NOES

Borsak	Latham	Rath
Buttigieg	Maclaren-Jones	Roberts
Cusack	Mallard	Searle
D'Adam	Martin	Sharpe
Donnelly	Mookhey	Tudehope
Fang	Moriarty	Veitch
Farlow (teller)	Moselmane	Ward
Farraway		

Amendment negatived.

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

Leave not granted.

The House divided.

Ayes31
 Noes4
 Majority.....27

AYES

Amato	Franklin	Nile
Banasiak	Graham	Poulos
Barrett (teller)	Jackson	Primrose
Borsak	Latham	Rath
Buttigieg	Maclaren-Jones	Roberts
Cusack	Mallard	Searle
D'Adam	Martin	Sharpe
Donnelly	Mookhey	Tudehope
Fang	Moriarty	Veitch
Farlow (teller)	Moselmane	Ward
Farraway		

NOES

Boyd (teller)	Hurst	Shoebridge (teller)
Fachrmann		

Motion agreed to.

Instruction to Committee of the Whole

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:13): According to sessional order, I move:

That it be an instruction to the Committee of the Whole that, notwithstanding anything to the contrary in the standing orders, in relation to the Roads and Crimes Legislation Amendment Bill 2022:

- (1) Any amendment that seeks to omit all words in a clause or schedule is to be dealt with in the traditional form by putting the question "that the clause/schedule stand a clause/schedule of the bill".
- (2) Amendments circulated by the Opposition on sheets c2022-053C, c2022-057, and c2022-058 will be considered in the following order:
 - (a) Opposition amendments Nos 1 and 6 on sheet c2022-053C are to be moved and debated in globo, and are to be put together by the Chair as one question;
 - (b) Opposition amendments Nos 2 and 7 on sheet c2022-053C are to be moved and debated in globo, and are to be put together by the Chair as one question;
 - (c) Opposition amendments Nos 3 and 8 on sheet c2022-053C are to be moved and debated in globo, and are to be put together by the Chair as one question;
 - (d) Opposition amendments Nos 1 and 2 on sheet c2022-058 are to be moved and debated in globo, and are to be put together by the Chair as one question; and

(e) Opposition amendment No. 1 on sheet c2022-057 and Pauline Hanson's One Nation amendment No. 1 on sheet c2022-059 will be moved and debated concurrently.

(3) After the amendments in paragraph (2) have been resolved, all other amendments will be considered in the usual form.

Mr DAVID SHOEBRIDGE (21:15): I speak to the amendment but it is not clear why the amendments are being privileged in the manner put forward by the Government because the Minister has given no rationale for it. The very real concern is that the Government wants to limit the debate on amendments by grouping them as the Government chooses and therefore preventing separate debates and votes on the amendments, effectively gagging debate on the amendments. The other concern we have is that, in doing it in this manner, the Government intends at some later point to move another conduct motion to do a job on the remaining amendments. By doing that, it will allow debate on these amendments to be in a slightly truncated form. Moving another motion to group the amendments together without the consent of those who have put them forward—in this case, The Greens and the Animal Justice Party—would be an attack on the traditions of this House to allow individual amendments to be put and properly debated.

The absence of any explanation from the Government about why it is going down this path can only lead to the conclusion that it is being done for a poor purpose, which is to gag debate so the Government can try to ram this bill through, less than 36 hours after it was first introduced in the other House. The fact that the Minister cannot explain to the House the rationale behind this can only lead us to that one conclusion. The Government wants one set of rules for these amendments because the Opposition and the Coalition have come to some arrangement between them about the amendments and then they will deal with those with some kind of charade of democracy, a gloss of democracy. Then, having cut the deal between the Government and the Opposition, members will come in with a sledge hammer to knock over the balance of the amendments from a minority of MPs, which would be an anathema to the traditions of this House.

Let us be clear. This debate is not like the debate we had more than 12 months ago on the renewable energy legislation, when weeks of notice had been given about it. That legislation was circulated to everybody and we all had a chance to look at the merits of it. That has not occurred in this debate. As I said earlier, the Government has put on legislation that was literally hot off the photocopier when it got voted through in the other House and without showing any respect for the parliamentary traditions in this State, which require, unless there is some kind of absolute compelling urgency, a minimum of five days between the introduction of legislation and its eventual adoption. The Government is flouting centuries of democratic traditions because it wants to get a headline in *The Daily Telegraph* tomorrow and have Ray Hadley sing a little sonnet in the morning about how great it is to have smashed climate change protesters. It is about the Ray Hadley sonnet and *The Daily Telegraph* headlines and it does not care about the traditions of democracy in this House.

The Hon. Natalie Ward: We care about commuters.

Mr DAVID SHOEBRIDGE: I note the interjection; it is probably true. That is probably why the Government wants Ray Hadley to sing a little sonnet tomorrow. The Government wants to claw back its position. I ask the Minister, "Why are you doing this? How is it that you move a very unusual—novel on the face of it—motion that is contrary to the practice of this House? How is it that you are bringing this legislation forward and privileging a handful of Opposition amendments in the manner that you are doing? Is it because, as soon as this legislation gets through, you have a plan to move another motion to gag debate on the balance of the amendments in order to get legislation through within 36 hours of it being the brain fart of Minister Elliott? Is that the plan that you have? Is that how democracy is going to be done in the Legislative Council and the New South Wales Parliament?"

The Greens will not accept the flouting of all the traditions in this House and the breach of those democratic principles, go quietly into the night and accept that the deal the Government has cut with the Opposition will be quietly and politely agreed to. It is wrong in principle and it is in breach of our democratic traditions, and the Minister knows it. The Minister cannot explain to us why she is doing it. She should at least be honest about it and tell members that she is going to do a job on the traditions of the House and she is going to do a job on democratic norms by smashing through the balance of the amendments without any fair debate. She should at least say it upfront. She should not come forward with this proposal without any rationale and pretend that what she is doing is anything other than an attack on democracy. That is what this is.

The Government is pushing legislation through within 36 hours of it first being introduced to the Parliament in order to crack down on the tradition of protest and civil disobedience and to criminalise its political opponents. The Government is using the criminal law to criminalise its political opponents. The Government wants to send the police in to arrest its political opponents and it is willing to break the traditions of this House to get the laws to send the police in to arrest its political opponents. I say to the other crossbench members, "They are coming for us and climate change supporters now but they will be coming for you next." That is how they do it.

The Hon. Damien Tudehope: Point of order—

The PRESIDENT: Order! I will hear the Minister's point of order.

The Hon. Damien Tudehope: Standing Order 94 has a clear reference to tedious repetition. The member has clearly articulated his objection to what he suggests is the trouncing of democracy. It has been repeated over and over in many different forms and guises. We all know what the member is trying to do and what this is all about. The member is trying to flout the will of the Parliament. The member should not be allowed to continue in this form.

Ms Abigail Boyd: To the point of order: The term "tedious" is perhaps a subjective term. The contribution of my colleague Mr David Shoebridge was not tedious at all. In fact I thought it was quite riveting. I ask that Mr Shoebridge be allowed to continue and for his contribution not to be gagged.

The PRESIDENT: I am willing to hear more from Mr David Shoebridge, but I note if there is continuous repetition I will draw the member back to the leave of the motion. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: There is a degree of irony in this day, is there not? On the same day that 10,000 nurses protest on the street, the Coalition and Labor want to criminalise that—

[Members interjected.]

Sorry, maybe they will have a carve-out for unions.

The Hon. Damien Tudehope: Point of order: The member should be directed to speak to the ordering of the amendments for debate. He is stretching well beyond that in the submission which he is now making. He should be directed to speak only to the motion moved by the Minister and to not make any other submissions.

The PRESIDENT: Mr David Shoebridge will direct his remarks to the instruction to the Committee of the Whole that has been moved. He will direct his contribution in that regard and be relevant to that. Extraneous material will be allowed to a point, but I think he has made full use of that to date. I ask Mr David Shoebridge to direct his comments to the strict instruction of the Committee of the Whole.

Mr DAVID SHOEBRIDGE: If it is good for the Opposition amendments to be done in that way, I have a couple of Greens amendments that might also benefit from being added to that proposal. I move:

That the question be amended by inserting after paragraph (2):

- (3) Greens amendments Nos 1 and 5 on sheet c2022-052 are to be moved and debated in globo, and are to be put together by the Chair as one question.

I do that because we are trying to be helpful and, as I said before, we have a very real concern that, unless we get the amendments onto this sheet, they will be gagged by the Government and the Opposition moving together to breach the traditions of this House. I look at the amendments that the motion proposes be moved together, starting with the first two, amendments Nos 1 and 6 on sheet c2022-052. They should not go together because they deal with two distinct elements of the bill.

Amendment No. 1 seeks to insert new section 144G (4A) on page 3 of schedule 1 to the Roads and Crimes Legislation Amendment Bill 2022, which deals with provisions in relation to tunnels and roads where there is a separate offence considered. That amendment is proposed to be grouped together with amendment No. 6, which deals with new section 214A, which is a distinct part of the bill. New section 214A is, perhaps, one of the main offence provisions, which carries with it a distinct two-year imprisonment term and 200 penalty units. They are distinct matters and the House should be able to consider them separately and vote on them separately.

Amendments Nos 2 and 7 on sheet c2022-053C are quite distinct matters. Amendment No. 2 seeks to put a new subsection (4B) into section 144G, and that subsection (4B) proposes some additional form of defence, which would have to be proved by the defendant, found within section 144G. Yet amendment No. 7 is putting a distinct provision into new section 214A, a separate offence provision. Those matters should be dealt with and considered separately by the House. I could say the same in relation to the proposal for amendments Nos 3 and 8, which again deal with those provisions: They should be put separately.

One of the difficulties we have with Opposition amendments Nos 1 and 2 on sheet c2022-058, which, again, are proposed in this amendment to be put together, is that those amendments do not appear to have been circulated. It is clearly next to impossible for us to agree to the grouping of those two amendments when we have not been given the courtesy, or I would say the democratic precondition, of being provided with a copy of them. Amendments Nos 1 and 2 deal with quite distinct provisions in schedules 1 and schedules 2 to the road crimes legislation. They seek to have some extended definition, but it has quite separate impacts and they should be put separately. We do not support this form of pre-emptive gag motion being put by the Government and, I say again,

if the Government wants to persuade us to go down this novel course of action, at least have the decency of saying why it is doing it. And I say to the Minister: Why are you doing this?

The Hon. JOHN GRAHAM (21:32): I put a couple of things on the record. There have been some discussions about proceeding with debate. I understand the member may not have been consulted. For the Opposition, I simply say there is no agreement to gag debate here, none at all. We are keen to get going on this, but I can explicitly rule that out. We will make a judgement about the process of this debate once it starts. We hope to deal with it in an orderly fashion. I simply place that on the record.

The Hon. MARK LATHAM (21:33): When I heard those words read out about the instruction to the Committee of the Whole, I was reminded of the great Yogi Berra, "It's like déjà vu all over again." They are the sorts of words that were directed to the Committee of the Whole in the electricity road map, and their author is sitting right there in the corner. The author of the gag and the guillotine and the instructions to the Committee was Mr David Shoebridge.

The Hon. Adam Searle: I think it was Mr Matt Kean, but anyway.

The Hon. MARK LATHAM: Well, and in Mr David Shoebridge's presentation he said the big, principal difference here is that if he sits in his office with Matt Kean long enough, devising the policy and devising the restriction on debate, that is okay, but if not too many people tell him about the item, that is an atrocity and a complete betrayal of the traditions of this Chamber. This is the author of the gag coming back to complain about himself.

The Hon. Anthony D'Adam: It is not a gag. That is a nonsense.

The Hon. MARK LATHAM: They are the same types of restrictions and instructions to the Committee of the Whole that Mr David Shoebridge authored on the electricity road map. The hide, the hypocrisy—talk about no shame! He is complaining against his own tactic and leaving the Chamber, saying it is a betrayal of democracy—which he authored. If the tradition has been lost, he is the one who kicked it down the road and said, "We'll see you later." Never again—the hypocrisy of this person should not be allowed to stand.

The Hon. EMMA HURST (21:34): As my colleague Mr David Shoebridge just highlighted, it is not really clear why the motion has been moved. It seems to drop certain groups down, and that raises concern. The way the whole bill has been treated has already created mistrust, and the motion just re-emphasises that. It seems to be a way to silence smaller parties' amendments in an attempt at a procedural abuse to restrict debate from parties that have indicated great concern about the bill. The motion creates a dangerous precedent in this place, and it will also be used against other crossbench members at some point. I support the comments made by the Hon. Mark Latham that the motion is a gag. He has said quite clearly that the motion is a gag, and I agree. But if the motion is truly about procedure then my amendment makes perfect procedural sense to include as well. I move:

That the question be amended by inserting after paragraph (2):

- (3) Animal Justice Party amendments Nos 4 and 5 on sheet c2022-050A are to be moved and debated in globo, and are to be put together by the Chair as one question.

I also support the amendment moved by Mr David Shoebridge, which similarly moves two Greens amendments in globo. Mr David Shoebridge highlighted concerns about other aspects of the motion combining distinct matters, and I have the same concerns. However, the amendments that have been moved by the Animal Justice Party are not distinct matters and do not need to be put separately. It makes perfect sense for the Animal Justice Party amendment No. 4 to be moved in globo with Animal Justice Party amendment No. 5. They read respectively:

No. 4 Page 3, Schedule 1[9], proposed section 144H(2), line 28. Omit "2 years". Insert instead "1 year" ...

No. 5 Page 3, Schedule 1[9], proposed section 144H(3), line 32. Omit "2 years". Insert instead "1 year".

It makes sense to consider the amendments together, and it is not really clear why they have been previously excluded from the motion that has been moved by the Government. Animal Justice Party members do not support the motion, but we encourage members in this place to support the amendments put forward by The Greens and the Animal Justice Party.

Ms ABIGAIL BOYD (21:37): This is a peculiar motion. For all of the mock outrage that we are seeing from members opposite, I have been in the Chamber the entire time and watched people come and go. There was a distinct moment when the Government came up with this idea. They all came in smiling, winking and thinking that they had come up with something really clever—and that was very cute. But this unusual motion has been moved without explanation and without talking to the parties that have put up the vast majority of the amendments. If this is just a simple procedural motion and not a pre-emptive motion for a gag, why did the Government not ask The Greens for our views on the motion?

The Hon. Shayne Mallard: Your behaviour was pretty obvious.

Ms ABIGAIL BOYD: It is really obvious. It is obvious because this was a stitch-up. I absolutely respect and accept the comments made in debate on the motion by the Hon. John Graham that the idea of this being a pre-emptive gag was not something the Opposition was aware of or anticipating. But this is an unusual motion and, as far as I am aware, it—or anything similar to it—has only been put once before in this term of Parliament. As the Hon. Mark Latham said in a clear attempt at the time to hurry a debate that had gone on for several days by that stage—

The Hon. Damien Tudehope: Days!

The Hon. Ben Franklin: It had gone on for six days. That is quite true.

Ms ABIGAIL BOYD: I could measure it by how many times I went up and down the internal steps for each division. It was a long time before that motion was put. I remind members that we had plenty of notice about that bill. That bill was not rushed through this Parliament and it was put forward in the ordinary course. That bill was debated and discussed. The Government had the respect to come and discuss that bill with crossbench members. A lot of work was put into that bill before it came to the House and there was a lot of discussion with stakeholders and other people. In that context, and in the context that the Hon. Mark Latham had been putting up so many amendments—which perhaps inspired and gave the rest of us great ideas—the gag or the attempted procedural motion that is or is not a gag was put up. But we are now dealing with a bill that was put up yesterday and was not discussed. At no point has anybody come to talk to The Greens about it.

We have moved a series of amendments in good faith to try to make this hastily drafted bill just that little bit better. In the context of those 70-odd amendments that the Animal Justice Party and The Greens have moved, rather than come and talk to us about the procedural motion, it has been put together and then launched upon us. In that context, we call this out for the pre-emptive gag that it is. I would love to hear why the Minister thought this was a sensible amendment to move or if there was any other reason for moving such an amendment. The motion groups particular amendments in preference. I suspect that the amendments that are preferred to be debated on first are already agreed upon between the Government and the Opposition. Then we will move to the amendments from the crossbench that the Government has not had the slightest amount of respect for. It did not come and debate with us.

As for the motion before us, on the one hand, it is good to see that perhaps there has been some movement from the Government towards perfecting the bill. Perhaps it gave the Government pause for thought. Perhaps it made it think again before rushing such an important bill through the legislative process. This is not just any bill; this bill includes extraordinarily severe penalties for people going about their day-to-day activities and trying to express their political views. This is not a bill that would ordinarily be rushed through Parliament. There are standard legislation-making principles that clearly point the Parliament towards not including penalties or offences that are punishable by more than a minor fine by regulation because it is a matter of such import that this Parliament should scrutinise in full and in detail any provision of that kind.

I hope the debate on the bill in the Legislative Assembly, and the amendments to the draft version that were agreed, cause the Government to think again before hastily pushing through another poorly drafted bill. Perhaps it will make it produce better drafts next time and seek the input of, at least, external lawyers or possibly human rights organisations or others. If it does not do that, at least we can take comfort that by attempting to debate the bill in a more long-form manner, the amendments that were agreed between the Opposition and the Government make this—

The PRESIDENT: Order! I have given the member a fair degree of latitude to make general comments relating to the instruction to the Committee of the Whole. I ask the member to address her comments directly to that instruction or to the amendments to that instruction that have been moved.

Ms ABIGAIL BOYD: Returning to the motion before the House, which, with respect, I was just about to do, if the amendments show that there has been some good-faith agreement—or any kind of agreement, to be honest—to make this bill slightly better, and if we can take it that these amendments might progress through this place to make the bill even slightly better, then I for one am very glad we have taken a longer period of time to debate the bill. That said, I support the amendments to the motion that have been put by my colleagues Mr David Shoebridge and the Hon. Emma Hurst to improve what the Government has put forward for our consideration. Obviously, The Greens support the two amendments, but we oppose the bill for all the reasons that my colleagues have stated. I repeat that if the Government puts up such an unusual procedural motion, which it does not want us to consider to be a pre-emptive gag, it might want to come and talk to us about it and explain its reasons because we are very reasonable individuals.

Ms CATE FAEHRMANN (21:47): The Government member's motion seeks to do something that is, in fact, a new low for this place. In any debate in this place, it is quite extraordinary for the Government to suggest that a set of Opposition amendments to a bill that are in lock step with the Government's position are the amendments that it will prioritise because of a little backroom conversation—or more likely a big backroom conversation—between the Government and the Opposition for the purpose of getting that bill through. That is the reason for the motion. That is why I have described it as a new low for this Parliament. This motion is a new low, and it is incredibly disappointing to be discussing it. Let us remember that the bill before the House was introduced—

The Hon. Damien Tudehope: Point of order: It is clear that The Greens would like to debate the bill all night. The President has ruled twice that members must direct their comments to the motion before the House and not to the substance of the bill.

The PRESIDENT: I have allowed some latitude because I am reluctant to not let members be heard on general points on the motion and the amendments. However, the member must now be specific to the motion or the amendments.

Ms CATE FAEHRMANN: My remarks on the motion before the House, in terms of grouping the amendments, was that it was a new low. I did not digress from that. In fact, this goes against the spirit of debate in the House. Discussion on a bill that was introduced in the other place only yesterday has taken place in the corridors and not in the Chamber. That is important to the motion. We cannot talk about what is happening right now without talking about the bill that we are debating. That is why The Greens strongly oppose the motion. Dirty deals have been done to bring forward Labor's amendments before the amendments of the Animal Justice Party and The Greens, as if to say, "Let's get it all stitched up." Members must be able to voice dissent to the motion because, after the deal that has been done, the bill will allow for two years' jail time. That is what we are talking about.

The PRESIDENT: Order! The member has moved to the substantive provisions of the bill. The member must make her comments directly relevant to the motion that has been moved or to the amendments. If she does not, she must resume her seat.

Ms CATE FAEHRMANN: It is because it is two years' jail that members need to consider these amendments so carefully. That is why members need to consider what The Greens amendments do, because they have been carefully constructed to make this very bad bill slightly better. That is if we in fact get to consider the amendments, which I am extremely concerned may not happen because a deal has been done, as evidenced by the motion before the House. It is a very bad bill. Members need to be able to consider every single amendment from the Animal Justice Party and every single amendment from The Greens, because this is an extraordinary piece of legislation that has been rushed in at the last minute.

The Government is trying to move the bill through Parliament before it adjourns for a five-week break, and members know what will happen during that five-week break. I support my colleagues who have made contributions to debate on the motion as to why it is an absolutely outrageous move by this Government—it is the lowest of the low, in fact—as low as I have seen in my time in this Parliament, for such an extraordinary bill with such wideranging implications. They will impact not only on individuals but also on the very fabric of our democratic society. Let's see what happens next. The Greens absolutely oppose what the Government is suggesting it wants to do. Honestly, that is it from me.

Mr David Shoebridge: Mr President—

The PRESIDENT: My advice is that members may only speak once on the motion.

Mr David Shoebridge: Point of order: My point of order is that this debate is not governed by a sessional order that limits the contributions to the debate and I seek to be heard again. If there is a sessional order, could that be made clear to members of the House because there is a distinct contribution that I wish to make on this matter.

The PRESIDENT: You are able to speak to the amendments that you have not spoken to. The advice I have received is that you cannot speak to the motion that you have already spoken to, but you can speak to the amendments that have been moved. If you have a contribution, you are welcome to make it. You have the call.

Mr DAVID SHOEBRIDGE (21:54): The amendments being moved by the Hon. Emma Hurst are amendments that The Greens believe should be given equal billing to the amendments being proposed by the Opposition and Pauline Hanson's One Nation, which are being privileged in this motion. It is still unclear to The Greens why it is that the Opposition and the Government think it is appropriate to have Opposition amendment

No. 1 on sheet c2022-057 together with Pauline Hanson's One Nation amendment No. 1 on sheet c2022-059 to be dealt with together because one narrows and one expands the exact same provision.

The Hon. Damien Tudehope: Point of order: You have already given a direction to Mr David Shoebridge that he may speak to the amendment moved by the Hon. Emma Hurst, but he is now flouting that and speaking entirely to the motion generally. I ask that you direct the member to speak directly to the amendment.

The PRESIDENT: I ask the member to direct his contribution to the amendment that he has not spoken to, which is the amendment of the Hon. Emma Hurst. The member should confine his remarks to that. He has spoken to his own amendment and to the substantive motion.

Mr DAVID SHOEBRIDGE: I appreciate your ruling, Mr President. The amendment being moved by the Hon. Emma Hurst, these two amendments Nos 4 and 5, have the critical impact of reducing the maximum criminal penalty from two years of imprisonment to one year of imprisonment. When we are talking about laws criminalising protest—

The Hon. Damien Tudehope: Point of order: Mr David Shoebridge should not be directing his remarks to the substance of the amendment but why the amendment ought to be included as part of this motion. This is what I understand has been moved. If the member is suggesting that the amendments should be heard in conjunction with other provisions of this motion, then he should identify the other component of the motion and how it aligns with this motion, but not canvas the substance of the motion as part of this debate.

Mr DAVID SHOEBRIDGE: To the point of order: I have to be able to describe the amendments. This point of order has been taken just as I am simply at the process of describing the amendments. If I cannot describe the amendments, it is next to impossible to speak to how they should or should not be dealt with in this compendium motion.

The PRESIDENT: I am willing to hear more from Mr David Shoebridge, but I caution him in regard to how he puts his contribution so far as it relates to the instruction of the whole and, indeed, the amendment of the Hon. Emma Hurst, which is primarily what the member should be dealing with.

Mr DAVID SHOEBRIDGE: I appreciate and respect your ruling, Mr President. Amendments Nos 4 and 5 go to the heart of the bill and need to have the same procedural respect as is being given to the amendment being put forward by Pauline Hanson's One Nation to also rope in any road that is located out the front of a manufacturing facility. These amendments go to the very heart of the bill. We know what is coming after this motion, as sure as right-wing members gather together in this House to do a job on democracy, as sure as that is happening.

The Hon. Damien Tudehope: Point of order: Mr President, I am sure you know what I am about to say in relation to where Mr David Shoebridge is now going. The comments of Mr David Shoebridge do not conform to the direction you have given as to why this amendment should be included as part of the motion.

The PRESIDENT: I uphold the point of order. I warn Mr David Shoebridge and I ask him to make his contribution directly relevant to the amendment moved by the Hon. Emma Hurst. Mr David Shoebridge has the call.

The Hon. Damien Tudehope: Mr President, I draw your attention to the time.

The PRESIDENT: According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

Mr DAVID SHOEBRIDGE: I want to be clear that The Greens are running under the assumption that after this motion comes the gag motion. I think that is close to certain. When the House is asking why we are trying to include amendments Nos 4 and 5 in this in globo motion, it is because we know that if we do not get them in, as sure as night follows day we will be hit with a gag motion and we will not be able to debate them with any kind of substance. That is almost certain. So if it is good enough for amendments Nos 1 and 6 on Opposition sheet c2022-053C, then it should be equally applicable to these amendments Nos 4 and 5 on sheet c2022-050A. It is for those reasons that we endorse and support the motion moved by the Hon. Emma Hurst.

Ms CATE FAEHRMANN (22:02): I, too, will speak briefly.

The PRESIDENT: Order! I have conferred with the Clerk. I believe that Ms Cate Faehrmann spoke after the amendments had been moved by the Hon. Emma Hurst. Ms Cate Faehrmann has spoken in relation to those amendments and the substantive motion.

Mr David Shoebridge: Point of order: The test is not the time at which a member spoke. The test is whether or not the member addressed the motion. From my recollection, Ms Cate Faehrmann did not address the amendment being put by the Hon. Emma Hurst.

The Hon. Damien Tudehope: To the point of order: Ms Cate Faehrmann indicated she supported it.

The PRESIDENT: My recollection is that Ms Cate Faehrmann addressed the amendment of the Hon. Emma Hurst and showed support in that contribution.

Mr David Shoebridge: Mr President, if that is your memory, I accept that.

The Hon. ANTHONY D'ADAM (22:03): Under Standing Order 93, I request that the Clerk read the motion in full.

The PRESIDENT: Is the Hon. Anthony D'Adam taking a point of order or seeking advice?

The Hon. ANTHONY D'ADAM: I make a request under Standing Order 93 that the Clerk read the motion before the House. I am not sure what we are dealing with nor the text of the various amendments that are being moved.

The Clerk read the motion and amendments.

The PRESIDENT: The Hon. Natalie Ward has moved a motion, to which Mr David Shoebridge and the Hon. Emma Hurst have moved amendments. The question is that the amendment of Mr David Shoebridge be agreed to.

Amendment of Mr David Shoebridge agreed to.

The PRESIDENT: The question is that the amendment of the Hon. Emma Hurst be agreed to.

Amendment of the Hon. Emma Hurst agreed to.

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

The House divided.

Ayes32
Noes4
Majority.....28

AYES

Amato
Banasiak
Barrett (teller)
Borsak
Buttigieg
Cusack
D'Adam
Donnelly
Fang
Farlow (teller)
Farraway

Franklin
Graham
Latham
Maclaren-Jones
Mallard
Martin
Mitchell
Mookhey
Moriarty
Moselmane
Nile

Poulos
Primrose
Rath
Roberts
Searle
Sharpe
Taylor
Tudehope
Veitch
Ward

NOES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

Motion as amended agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): Is leave granted to take the bill as a whole?

Leave not granted.

The CHAIR (The Hon. Wes Fang): I confirm that we have Animal Justice Party amendments Nos 1 to 10 on sheet c2022-050A and Nos 1 to 3 on sheet c2022-056; The Greens amendments Nos 1 to 8 on sheet

c2022-052, Nos 1 to 4 on sheet c2022-055A, Nos 1 to 48 on sheet c2022-051A and No. 1 on sheet c2022-060; Opposition amendments Nos 1 to 8 on sheet c2022-053C, No. 1 on sheet c2022-057 and Nos 1 and 2 on sheet c2022-058; and One Nation amendment No. 1 on sheet c2022-059. The Committee will deal with clause 1 of the bill. The first amendments we will deal with are The Greens amendments Nos 1 to 3 on sheet c2022-051A.

Ms ABIGAIL BOYD (22:21): I move The Greens amendment No. 1 on sheet c2022-051A:

No. 1 **Name of Act—Anti-Democracy**

Page 2, clause 1, line 3. Insert "(Anti-Democracy)" after "Amendment".

This is a pretty straightforward amendment. It seeks to change the name of the Act, if enacted, to instead become the "Roads and Crimes Legislation Amendment (Anti-Democracy) Amendment Act 2022". I think the—

The Hon. Damien Tudehope: Point of order—

Ms ABIGAIL BOYD: —reason for this particular proposal is quite clear.

The CHAIR (The Hon. Wes Fang): The Minister has taken a point of order.

The Hon. Damien Tudehope: There was an instruction to the Committee of the Whole adopted by the House as to the manner in which the amendments would be dealt with. I suggest to you that the Committee is now governed by the determination of that resolution.

Ms ABIGAIL BOYD: To the point of order: My understanding of the correct procedure in this circumstance is in fact that the denial of leave to consider the bill as a whole actually takes precedence over the motion that was just agreed to by the House. The effect of that is the Committee will consider the amendments in the form that has been circulated by the Clerks, where the priority that was put forward in the last motion will only apply to amendments being considered in relation to a particular clause of the bill. Where there is not one of those priority amendments in relation to a particular clause of the bill, the amendments that have been circulated in order in relation to the bill will instead apply.

Mr David Shoebridge: To the point of order: I think it is unfortunate that the Leader of the Government has failed to read the Government's own motion. I assume he is talking about paragraph (2) of the motion. The motion commences with the preamble according to sessional order:

That it be an instruction to the Committee of the Whole that, notwithstanding anything to the contrary in the standing orders, in relation to the Roads and Crimes Legislation Amendment Bill 2022:

- (1) Any amendment that seeks to omit all words in a clause or schedule is to be dealt with in the traditional form by putting the question "that the clause/schedule stand a clause/schedule of the bill".

That does not in any way prioritise any amendment. Then we have paragraph (2). It states:

- (2) Amendments circulated by the Opposition on sheets c2022-053C, c2022-057, and c2022-058 and will be considered in the following order:

And then there is an order for those amendments. Where does it say that Greens amendments Nos 1 to 3 will not be dealt with when they arise as the House considers the bill clause by clause? That is not what paragraph (2) says. Paragraph (2) does not say that at all. Paragraph (2) is silent. Indeed, paragraph (2) does not give any priority to those amendments. Maybe the Government wishes it had drafted something different, but that is what we have.

The Hon. Damien Tudehope: To the point of order: It is reasonably clear according to the sessional order that it be an instruction to the Committee of the Whole that, notwithstanding anything to the contrary in the standing orders, this is the manner in which the amendments are to be dealt with. I suggest that it is clear that the House adopted a process for the manner in which the amendments were going to be considered, and the whole of the debate was predicated on that understanding. I suggest that the amendments referred to in paragraph (2) are to be considered in priority.

Mr David Shoebridge: Further to the point of order: It cannot seriously be the Government's proposition that including the words "notwithstanding anything to the contrary in the standing orders" in a preamble suspends the standing orders. That is plainly not what it does, yet that is the import of the Leader of the Government's proposal. It is plainly wrong. Apart from that, we have now heard from the Government that, notwithstanding what the actual motion says, the Chair should be ruling on the vibe, because it has a certain vibe about it. Somewhere in the Leader of the Government's waters, he feels like the motion says something different than it does. Well, we rather think we should be governed by the words on the paper.

[*Members interjected.*]

The CHAIR (The Hon. Wes Fang): Order! It is late and we are dealing with a complex set of circumstances. I am trying to listen to all contributions to the point of order. It does not assist anybody when the

Chamber is unruly. Members will maintain order for however long we deal with the bill tonight. One person will speak at a time. Mr David Shoebridge is speaking to the point of order; I will hear him in silence.

Mr David Shoebridge: Thank you, Mr Chair. At the highest, the proposition put by the Leader of the Government is that there was a certain vibe, a certain feel—

The CHAIR (The Hon. Wes Fang): The member is starting to move away from the point of order.

Mr David Shoebridge: I accept that, Mr Chair. I have endeavoured to understand the proposition put on this point of order by the Leader of the Government. He said that, notwithstanding what is written in the motion, that there was a certain vibe in the debate. Mr Chair, you are a servant of the House governed by the words adopted by the House.

The CHAIR (The Hon. Wes Fang): I will seek advice, which is probably the wisest thing I can do at the moment. Having had the opportunity to seek some advice from people in the Chamber who are smarter than me, I make the following ruling. The first paragraph of the instruction to the Committee of the Whole states "notwithstanding anything to the contrary", as the Minister has indicated. However, paragraph (3) of the instruction states:

After the amendments in paragraph (2) have been resolved, all other amendments will be considered in the usual form.

Because leave was not granted to take the bill as a whole, the "usual form" is to go through the bill clause by clause. When we get to the amendments that are mentioned in paragraph 2, they will be grouped according to the instruction to the Committee of the Whole. At this stage, we will consider the bill as I have indicated. The Committee will now consider clause 1 of the bill and the amendments on The Greens sheet c2022-051A.

The Hon. DAMIEN TUDEHOPE: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Question put.

The Committee divided.

Ayes32
Noes4
Majority.....28

AYES

Amato
Banasiak
Barrett (teller)
Borsak
Buttigieg
Cusack
D'Adam
Donnelly
Farlow (teller)
Farroway
Franklin

Graham
Latham
Maclaren-Jones
Mallard
Martin
Mason-Cox
Mitchell
Mookhey
Moriarty
Moselmane
Nile

Poulos
Primrose
Rath
Roberts
Searle
Sharpe
Taylor
Tudehope
Veitch
Ward

NOES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

Motion agreed to.

Instruction to Committee of the Whole

The Hon. DAMIEN TUDEHOPE: I move:

That it be an instruction to the Committee of the Whole that, notwithstanding anything to the contrary in the standing orders, in relation to the Roads and Crimes Legislation Amendment Bill 2022:

- (a) the bill be taken as a whole; and
- (b) only a Minister may move that the Chair report progress and seek leave to sit again.

Ms ABIGAIL BOYD (22:41): We again have an unusual motion. I will make a note of what we have just heard.

The PRESIDENT: Order! Ms Abigail Boyd has the call.

Ms ABIGAIL BOYD: The first paragraph states that the powers of the Committee of the Whole will be restricted so that it cannot consider the bill clause by clause. Secondly, that only a Minister may move that the Chair report and seek leave to sit again. It is a doubling down of the anti-democratic vibe that we have seen today from this Government. The Government debated its previous motion for half an hour or more and got that wrong, as it had been drafted in a hurry. As we know, if one drafts things in a hurry one tends to get them wrong. It is again a lesson as to why the Government might do things in a more orderly manner when it is dealing with new legislation and the procedure around dealing with new legislation. It is why we have sessional orders and the rules of this House, to ensure that these things do not happen.

We have a motion that is not particularly well thought out, that could be stymied by one member of the House denying leave to consider the bill as a whole. We have now gone through this ridiculous scenario of another unusual motion put to members at the last minute to take away the powers of the House of legislative review entrusted by the people of New South Wales to hold the Executive accountable, to hold the Government accountable and to uphold the democratic principles of the system—

The Hon. Mark Latham: It is not even a good filibuster.

The PRESIDENT: Order! Ms Abigail Boyd has the call. The member has had latitude to make a few general comments and observations. I now bring her back to the motion moved by the Minister.

Ms ABIGAIL BOYD: I acknowledge the interjection by the Hon. Mark Latham. Perhaps my contribution is not very good at whatever time of night it is, but this is not a very good motion and has not been very good process to a bill that is not very good. I think it is fitting that my contribution is not very good either. The motion has been moved at the last minute and we have had no time to take a good look at it, but we do not agree that the bill should be taken as a whole. We have said at length throughout the debate today that the bill was rushed. The bill was put to us just over 24 hours ago in circumstances that are very unusual for a bill of this kind.

It is the responsibility of this House, which I take very seriously, to review the legislation that comes to it in great detail. That is why we should be considering the bill clause by clause. Again, we have an attempt by this Government to subvert democracy. It is attempting to ram the bill through in the most disgraceful manner. Then we have paragraph (b), which is that only a Minister can move that the Chair report progress. This Government is determined to tell people what to do rather than listen to what people want. This Government is determined to subvert the will of the House. For the past three years this Government has not understood that it does not have a majority of members in this House and it cannot tell this House what to do. I move:

That the question be amended by omitting paragraph (b).

Even for the Opposition paragraph (b) is taking things a little bit too far. I assume it has been put in as some pre-emptive move. I do not know what it is that they think might be coming. The idea that we would somehow empower the Government to be the only ones to take on certain powers of this House is pretty disgraceful. I expect the crossbench and the Opposition to vote in favour of that amendment on the basis that they have the majority of numbers in this place, not the Government.

To move that only a Minister could move such a motion is an unfortunate precedent to set and we should reject it. Paragraph (b) is going a step too far. It is within the powers of the House to consider the bill as a whole. If that is the majority will of the House then I respect that and by all means we will go ahead. I implore the Opposition not to agree to paragraph (b) because it sets a very dangerous precedent that the Government somehow has power over this House. We all know that this House is a representative of the broader New South Wales community and should be always empowered to act as a House of review and hold the Executive to account.

The Hon. EMMA HURST (22:48): This further amendment to the motion is poor form. It is also embarrassing for the Government to pull the House out of the Committee stage to amend its own motion, which now has the potential to further gag members and disrupt the process of the bill. Ms Abigail Boyd was only moments into speaking to her amendment. This motion and the further amendment to this motion that has been proposed by the Government will push her amendment to later in the discussions, at the Committee stage of the bill. But the Government has given no indication as to why we would now look at amending this motion further and why we would push the clauses not to be considered first, as is the usual process. I suspect the Government wants to ensure that only a Minister can have those powers in the House to gag other members and it will stop us from being able to follow that proper process.

The Animal Justice Party supports the amendment that has been put forward by Ms Abigail Boyd to strike out paragraph (b) from the motion. That amendment makes a lot of sense and I thank Ms Abigail Boyd for that amendment. We will definitely be supporting it. The amendment ensures that the motion does not go too far and ensures that we can go back to the Committee stage and further hear the aspects of those clauses, because, as I said, we have only just begun. We had only heard a couple of sentences from the member in her debate on that clause before we were suddenly pulled out. I support The Greens amendment to strike out paragraph (b). However, the Animal Justice Party does not support the Government's further amendments to this motion.

Ms CATE FAEHRMANN (22:51): A short time ago I said that it was a new low for the Government to move the motion that it moved before. In fact, it is a new low now.

The Hon. Mark Latham: It is an old low.

Ms CATE FAEHRMANN: This one that has just been moved is the new low for this place. I support the amendment moved by my colleague Ms Abigail Boyd to strike out paragraph (b), that only a Minister may move that the Chair report progress and seek leave to sit again. It is quite extraordinary that we were just about to get into amendments, just about to debate The Greens amendment No. 1, which was to insert "(Anti-Democracy)" after "Amendment", and what was then decided was to move out of Committee and here we are debating this right now. It is a new low for this place.

Considering once again the importance of this bill, the importance of the amendments that we are moving, The Greens feel very strongly, as does the Animal Justice Party, that we should be able to move through this clause by clause, and that is what we are still seeking to do. We do not support this instruction to the Committee of the Whole. We do not support this motion hastily drawn up, again, in the middle of the night, in little secret conversations that are happening in the corridors, in a desperate bid to get through this draconian bill literally before the strike of midnight. We do not support that. It is a crying shame that here we are. This is the lowest of the low.

The Hon. MARK LATHAM (22:53): We have heard a lot about the lowest of the low and new lows. I want to bring some clarity to that point. This is, in fact, a very old low, because exactly the same procedural motion was moved by the Hon. Damien Tudehope in this place, recorded in the Legislative Council minutes of Tuesday 24 November 2020, and it was voted for by The Greens and the Animal Justice Party. There is nothing new about this low; it is an old low. Referring to The Greens' memory fade, one can only assume the Shoebridge farewell party has got them quite lightheaded.

Mr DAVID SHOEBRIDGE (22:54): The reason the motion is grossly inappropriate to the bill is that tonight is unlike the prior occasion, where the legislation had weeks of being laid on the table and seen by all and where the motions were moved on day three of consideration of a series of hundreds of amendments—which, to be clear, had been drafted by a coal baron. To compare the coal baron amendment scenario to what we are seeing tonight—which is literally legislation that has had no public discussion or review, which was hot off the photocopier at three o'clock, four o'clock or five o'clock yesterday afternoon and which the Government is trying to ram through an hour before midnight—is just plainly false. The bill deserves close and careful scrutiny, clause by clause, and that is why The Greens object to the proposal by the Government, literally four minutes into the consideration of the bill by the Committee. The Government pulled it out of Committee to come up with yet another plan, not three days but four minutes after it went into Committee.

The PRESIDENT: The Hon. Damien Tudehope has moved a motion, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes4
Noes32
Majority.....28

AYES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

NOES

Amato
Banasiak
Barrett (teller)

Franklin
Graham
Latham

Poulos
Primrose
Rath

NOES

Borsak	Maclaren-Jones	Roberts
Buttigieg	Mallard	Searle
Cusack	Martin	Sharpe
D'Adam	Mitchell	Taylor
Donnelly	Mookhey	Tudehope
Fang	Moriarty	Veitch
Farlow (teller)	Moselmane	Ward
Farraway	Nile	

Amendment negatived.

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

The House divided.

Ayes32
 Noes4
 Majority.....28

AYES

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

NOES

Boyd (teller)	Hurst	Shoebridge (teller)
Faehrmann		

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): The Committee will deal with the bill as a whole. The first amendments to be dealt with are circulated on Opposition sheets c2022-053C, c2022-057 and c2022-058. We come first to Opposition amendments Nos 1 and 6 on sheet c2022-053C to be moved in globo.

The Hon. JOHN GRAHAM (23:19): By leave: I move Opposition amendments Nos 1 and 6 on sheet c2022-053C in globo:

No. 1 Exemptions from offence

Page 3, Schedule 1. Insert after line 13—

[6A] Section 144G(4A)

Insert after section 144G(4)—

(4A) A person does not commit an offence under this section if the conduct occurs—

- (a) at the place at which the person works, or
- (b) at a place owned, occupied, operated or used by an employer of the person.

No. 6 Exemptions from offence

Page 4, Schedule 2, proposed section 214A. Insert after line 17—

(3A) A person does not commit an offence under this section if the conduct occurs—

- (a) at the place at which the person works, or
- (b) at a place owned, occupied, operated or used by an employer of the person.

Opposition members have made no secret of their agenda with these amendments and with many other amendments to the bill that we have sought to have driven in. We want to ensure that legitimate industrial activity is not constrained by the bill. We have had strong assurances in the lower House from the Attorney General. I recognise Labor's shadow Attorney General in the gallery, who put that case strongly in the other place and was successful in having the Government commit to significant changes to the bill that make it clear that action taken and authorised under this legislation will not be about unions going about the ordinary business of representing workers. It will not be about workers banding together to go about their ordinary business of defending their workplace rights. That is now clear in the bill.

Members would know that this is a complex area and that is why the amendments seek to put that out of doubt altogether. The amendments will ensure that an offence is not committed if the conduct occurs in the workplace—"at the place at which a person works" or "at a place owned, occupied, operated or used by an employer of the person." The goal is to capture workplaces that may not be in one fixed spot to deal with the nature of modern work. That will ensure that it is further out of question. In some ways that approach is agreed on philosophically between the Government and the Opposition—and I think all parties—after the case we put in the other place. As a number of Labor members have already made strong remarks in their contributions about exactly why that is, I will not seek to repeat those comments.

I acknowledge that The Greens in the other place moved similar amendments. At that time the Opposition was unable to accept that approach. The concern at that point was about how those amendments interacted with the gains that had been made on industrial relations in the bill that were to be incorporated. That was one of the reasons why that was not successful. The Opposition amendments are not the same as those of The Greens in the other place. We have taken our own approach. Our amendments sit well with what was discussed with the Government and incorporated in the bill. They now greatly strengthen the approach in the other place.

The Hon. MARK LATHAM (23:19): I move:

That Opposition amendments Nos 1 and 6 be amended by omitting "place" and inserting instead "workplace" wherever occurring.

One Nation's concern was that the Labor amendments would exempt a blockade "at a place owned, occupied, operated or used by an employer of the person". That could include the employer's home, which is undesirable. Changing those words to "workplace" clearly carves out legitimate industrial action. We are not often persuaded by speeches in this place, but I pay tribute to the Labor members who pointed out the heavy significance of the Ted "Mad Dog" Stevens blockade at Razorback Mountain, where there is a wonderful memorial to what was important industrial action. Mention was also made of the Patrick dispute in 1998. On the flipside, no-one mentioned Chifley calling in the Army on the coalminers; Hawke calling in the Air Force on the pilots; or, in 1995, Paul Keating, in response to the timberworker blockade phoning his defence Minister to call in an air strike, which did not actually happen.

The Hon. Adam Searle: That is a Federal issue.

The Hon. MARK LATHAM: We will set aside those Federal issues and stick to Patrick and "Mad Dog" Stevens—and leave "Mad Dog" Keating out of it.

The Hon. JOHN GRAHAM (23:24): If it is of assistance to the House, I indicate that the One Nation amendments are acceptable to the Opposition. They sit well with the intention of our amendments. This is about capturing workplaces, but diverse workplaces. As to the other matters the Hon. Mark Latham raised, I indicated that these matters were complex and he has certainly made that point.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (23:24): We do not oppose the amendments. We welcome the clarification by the Hon. Mark Latham.

Ms ABIGAIL BOYD (23:24): I make a contribution on behalf of The Greens, although I foreshadow that my Greens colleagues will also be making contributions on this very important set of amendments. I note that Opposition amendments Nos 1 and 6 are substantially the same as the ones that my colleague the member for Newtown moved in the other place. I refer the Opposition to the amendments that unfortunately we are not able to consider at the same time, as would ordinarily be the case, because of the motion that was moved prior to the Committee of the Whole being formed—The Greens amendments Nos 2 and 4 on sheet c2022-055A. In our amendment—which is in our view a better amendment—there is an additional paragraph. Opposition amendment No. 1 provides:

Insert after section 144G(4)—

- (4A) A person does not commit an offence under this section if the conduct occurs—
- (a) at the place at which the person works, or
 - (b) at a place owned, occupied, operated or used by an employer of the person.

Clearly that is to capture the relationship between an employer and employee and the ability for an employee to be able to assert their rights against or perhaps in opposition to their employer at times. We added an additional paragraph to say:

... or ... the conduct occurs in relation to an action or campaign involving a workers' organisation or other group of workers.

We believe this paragraph, particularly the addition of "in relation to", is very important. If, for example, an action is occurring at a workplace and an individual goes to show solidarity with those workers and they are not themselves at a place owned or occupied by their employer, they would otherwise be caught by this draconian legislation and subject to potentially being thrown in jail for two years or getting a fine of \$22,000. By adding "in relation to an action or campaign" we catch, for example, any of us who might show solidarity for a union action or for workers taking action to draw attention to the need for better pay and conditions or a number of other things. I wish I could have an entire list at this moment. I refer to the comments that my colleague the member of Newtown made in this regard in one moment.

The Hon. Mark Latham: Just table them.

Ms ABIGAIL BOYD: I will not be tabling them. I thank the Hon. Mark Latham for that suggestion. Instead I believe it would be more appropriate for me perhaps to take each statement and consider it. In any event, I will return to the point, which is that if any member went down and stood with workers who are expressing opposition to their employer and took a selfie—

The CHAIR (The Hon. Wes Fang): I am loath to interrupt. I say pre-emptively that the second reading debate has occurred and we are now considering amendments in Committee. Contributions made during the Committee stage must be focused tightly on the amendments at hand. I am not suggesting that Ms Abigail Boyd has strayed from that path, but I want to ensure that members keep focused on the amendments.

Ms ABIGAIL BOYD: I assure you, Mr Chair, I have not yet strayed from that path, but I appreciate being warned in advance. I am talking about how The Greens amendments—which we have not been able to move at the same time—are more beneficial than the Opposition amendments that would not give protection to a person if they showed their solidarity with a protest and perhaps took a selfie.

The CHAIR (The Hon. Wes Fang): I point out that the Committee is considering the Opposition amendments.

Ms ABIGAIL BOYD: Yes, that is right.

The CHAIR (The Hon. Wes Fang): Detailed discussion on The Greens amendments will occur when the Committee considers them. Ms Abigail Boyd will refer to the Opposition amendments.

Ms ABIGAIL BOYD: I absolutely respect your ruling, Mr Chair. However, I am reflecting on, and explaining why, The Greens will not actively support the Opposition amendments, although we will not oppose them. In our view, they do not go far enough to give cover to a person who has gone to show solidarity with workers, or to a family member who has taken some lunch to people who are demonstrating in an action. Because of that, it is difficult for The Greens to support wholeheartedly the Opposition amendments.

As slightly different versions of the Opposition amendments were first moved by The Greens in the lower House, I will reflect on some of the comments made by my colleague and friend the member for Newtown, Ms Jenny Leong. She said that The Greens were very concerned that previously there were no references to, or protections for, industrial action in the bill. The protection of people's ability to take industrial action is, of course, absolutely essential. It is a cornerstone of our democracy, as any protest is. She noted that it would be far from ideal and completely inappropriate to call for the nurses and midwives who protested outside the Parliament today to be put in jail simply for engaging in their right to strike and take collective action. She continued:

The Greens, though, believe that it is important to recognise that industrial action defines one type of workplace or collective action but that in some cases there are types of actions that workers can take in their workplace or that are directed at their employer that would not be described as industrial action. Therefore, we believe that it needs to be broadened slightly.

The amendments will provide that a person does not commit an offence if the facility damaged, disrupted or obstructed is the place at which the person works or if the facility is owned or occupied by the employer of the person.

...

We can think of a number of examples where someone may engage in an action that may disrupt a major facility.

I further reflect on the words of my colleague the member for Newtown, who also said:

We have heard a lot of people talk about the actions at Port Botany. We also know that often workers who are members of the Maritime Union of Australia will urgently take actions in the interests of their safety. That is the case of the famous recent picket at Port Botany in relation to the Hutchison dispute. Workers were sent a text message in the middle of the night and then they engaged in action at Port Botany.

Although it might otherwise be defined as an industrial action, it cannot be determined as such in this case because of the speed with which those workers responded. In the view of The Greens, it is important to make it absolutely clear that workers have the right to collectively organise. That is why we moved amendments in the lower House to state that a worker does not commit an offence if the facility damaged, disrupted or obstructed the place of work.

The Hon. Catherine Cusack: Point of order: The member is talking about an amendment from the other House. I ask that she be drawn back to the amendments that we have before us.

Ms ABIGAIL BOYD: To the point of order: For the clarification and benefit of members, the amendments that we are discussing, which were moved by the Opposition, are in almost identical terms to the ones that The Greens moved in the lower House. I am referring to the Opposition's amendments that are in front of us today and reflecting on how important it is that those amendments be agreed to.

The CHAIR (The Hon. Wes Fang): I allow the contribution to continue. Instead of referencing the amendments in the other place I ask that you reference the amendments before the Committee.

Ms ABIGAIL BOYD: It is the view of The Greens that it is important to make it clear that workers have the right to collectively organise and that a worker does not commit an offence if the facility damaged, disrupted or obstructed. I refer directly to Opposition amendment No. 1 on sheet c2022-053C, which states:

- (a) at the place at which the person works, or
- (b) at a place owned, occupied, operated or used by an employer of the person.

Let us be very clear. It is absolutely critical that people are allowed the right to take collective action at work. We have heard a number of members in this place reflect on that during today's debate.

The CHAIR (The Hon. Wes Fang): Order! There is too much audible noise in the Chamber. The member will be heard in silence.

Ms ABIGAIL BOYD: In conclusion, The Greens will not oppose the amendments, but they are not quite as good as The Greens amendments.

The Hon. DAMIEN TUDEHOPE: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. DAMIEN TUDEHOPE: I move:

That the report be adopted.

Motion agreed to.

Special Adjournment

SPECIAL ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House at its rising today do adjourn until Friday 1 April 2022 at 10.00 a.m.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

CHILD DEATH REVIEW TEAM BIENNIAL REPORT

The Hon. PENNY SHARPE (23:39): In August last year the biennial report of the NSW Child Death Review team was released by the NSW Ombudsman. This incredibly important report reviews the death of every child in New South Wales in 2018 and 2019. The foreword from Ombudsman Paul Miller states:

A core tenet of the NSW Child Death Review Team (CDRT) is that we can, and indeed have a responsibility to, learn from the deaths of children and to use that knowledge to prevent and reduce the risk of deaths in the future.

The report examines the deaths of 989 children who died in New South Wales in 2018 and 2019. The report also examines the longer term trends in child mortality in New South Wales. The loss of each of these children was a tragedy, and I express my support and sorrow for the families of each child who died during that time. Their loss is unimaginable. It not just a loss to that family, it is a loss to our entire community and the promise of that young life in our future.

After reading the very sobering report, tonight I draw the attention of the House to the dire situation for vulnerable children and young people in this State. As a society we collectively take responsibility for the health and wellbeing of every child through our child protection system. The trends in this report tell us that many of the deaths of these children were preventable and that things are getting worse for so many. The mortality rate amongst children from disadvantaged backgrounds is disproportionately high amongst almost all causes of child death. The appalling truth is that Aboriginal and Torres Strait Islander children in New South Wales are significantly more likely to die than non-Indigenous children.

The Child Death Review Team report also tells us that almost one-quarter of the children who died were from families with a child protection history. This means that these children were known to the department because they had been reported to the department by someone that knew them, someone who was worried about their safety and someone who was asking for help for that child in the time before they died. Some 15 of the babies who died were first reported to the department before they were born. For all but two families, reports led to these babies being screened as meeting the threshold of being at risk of significant harm. Two infants were reported to the department three or more times. One-third of the families subject to a prenatal report received no casework response. That means they never saw a caseworker. These cases were either closed because of "current competing priorities" or because they were screened as not needing a response.

Some 15 of the 18 children who died in circumstances of family abuse or neglect were from families that were known to the department. Eight of those children died after being subject to a risk of significant harm [ROSH] report in the 12 months before they died, and for almost all of those children—seven—the subject of the report related to the circumstances of their death. These were children who were murdered, abused or neglected to death. The department knew about it, our system knew about it and we failed them. Only three of those eight children had even seen a caseworker before they died. In four cases, the ROSH reports the child had received in the year before they died were not prioritised for a casework response, which means no-one went and saw that child. Again, it means that they had been identified as being in danger and no matter what happened, for whatever reason, no-one went and saw them.

For one of these children, which was a horrific case, there were multiple ROSH reports made which were closed as the reports came in for the worst of reasons: "competing priorities". Competing priorities means our caseworkers are too busy, and they do an intake meeting where they have to decide which child they go to see or do not. They often just decide to close the case and the child is never seen. One of these children had multiple reports—and they died. "Competing priorities" is something hidden by the department. When I was the shadow Minister for Family and Community Services, we spent a lot of time trying to get the figures regarding how many of these cases are actually closed. The best we have been able to get—and it is not made available—is the suggestion that up to 41 per cent of those not seen are not seen because of competing priorities. I remind members that 70 per cent of kids are never seen, and 41 per cent of those are not seen because of competing priorities. I ask members to think about that for a moment.

Finally, tonight I say this: This is horrific and it can be sensationalised, but the truth is that we need a child protection system that works. I know Minister Maclaren-Jones is new and is just getting across the portfolio, but we need her to be good. We need her to do better than her predecessors have been able to do, because all of the numbers are going in the wrong direction. I say to the Minister that Labor will support her to get the resources that she needs to make the reforms that she needs to ensure that fewer children are dying and more children are getting the support they need when they suffer abuse and neglect in this State.

MEDICAL RESEARCH

The Hon. PETER POULOS (23:44): The St George and Sutherland Medical Research Foundation continues to support the outstanding work of the medical researchers at St George and Sutherland hospitals. Their

research work is indeed world leading and critical. This vitally important, lifesaving research benefits from the funding support provided by the St George and Sutherland Medical Research Foundation to local researchers and doctors attached to both hospitals. This is a unique and localised funding model. Make no mistake, this is world-class medical research at its best. It reinforces how privileged we are to have such distinguished medical research based in New South Wales.

If anything, it is most certain that during these tumultuous past two years, the pandemic has encouraged a greater level of awareness and admiration for the role that researchers and clinicians perform each and every day in treating diseases, finding cures and keeping us safe. The foundation plays a pivotal role in advancing medical research and delivering world-class medical research facilities. It also ensures that New South Wales retains that level of expertise. Late last year I had the privilege of attending the medical research foundation's end-of-year event. I met with a number of the foundation's board members, including Cathy Yuncken, chair of the foundation, and the very diligent chief executive officer, Jill Deering. Collectively, the foundation strives to fund a selection of both research projects and scholarships. Unsurprisingly, requests for funding exceed what is available.

Since its inception in 2007, it should be noted that the St George and Sutherland Medical Research Foundation has raised nearly \$9 million in funding and ensured that some 70 projects have been financed. The medical research foundation supplements the research funding component at St George and Sutherland hospitals. This is a highly commendable initiative and very much appreciated because we all benefit. One example, as demonstrated through the strategic foresight of the foundation, was the establishment of the Microbiome Research Centre, which helped cement a quality research institution within southern Sydney. The centre reinforces important collaboration with the University of New South Wales and the South Eastern Sydney Local Health District in addition to forging national and international partnerships.

Visionary scientific research is applied within the Microbiome Research Centre, specifically aimed at tackling diseases through the study of microbiota. Medical research is the cornerstone for finding cures and uplifting our overall wellbeing. It is something that we all rely on, and it is worth remembering. The St George and Sutherland Medical Research Foundation excels in delivering the type of support that ensures an important medical hub flourishes around two local and well-regarded hospitals as a result of its talented and passionate medical research fraternity.

SURGICAL ARTIFICIAL INSEMINATION AND DOG BREEDING

The Hon. EMMA HURST (23:48): During budget estimates earlier this month I questioned the Minister for Agriculture about the surprise removal of surgical artificial insemination procedures from the list of banned procedures in the draft Animal Welfare Bill. This surgical procedure, which is entirely unnecessary and causes significant pain to female dogs—particularly dogs used in the greyhound racing industry—was going to be banned under the draft Animal Welfare Bill until, just a few weeks into his role, the Minister for Agriculture suddenly intervened. The Minister's decision first came to my attention through a greyhound racing industry publication. On 4 February *The Greyhound Recorder* reported on a meeting between the agriculture Minister and Greyhound Racing NSW. It stated:

Saunders gave the gathering his undivided assurance that Frozen Semen procedures would be removed from the banned procedures noted in the proposed bill ...

This news came as a complete shock to animal protection groups and animal welfare advocates because they had not been consulted before this undertaking was given to the greyhound racing industry. The Minister did not consult with the RSPCA, which described this surgical procedure as "highly invasive" and which says that it causes significant pain to female dogs. He did not consult with the Coalition for the Protection of Greyhounds. He did not consult with the Australian Veterinary Association. When questioned at budget estimates, the agriculture Minister was quite happy to defend his decision to unilaterally amend the bill after a single meeting with the greyhound industry and nobody else. I even asked the Minister if knowing that the procedure is banned in other countries because it is considered "ethically unacceptable" would change his position, and he still said no.

To add insult to injury—literally, in the case of the dogs who have to undergo this procedure—the Coalition for the Protection of Greyhounds' submission to the inquiry on the draft New South Wales Animal Welfare Bill 2022 exposes that surgical artificial insemination procedures are not only painful and unethical but also completely unnecessary because an alternative procedure, known as transcervical artificial insemination, is able to achieve the same results without the same pain and suffering to the animal involved. The agriculture Minister is clearly acting against the recommendations of animal welfare experts despite the existence of better alternatives and solely in the interests of the greyhound racing industry.

He has shown that he is only willing to listen the contributions of people with a vested interest in using animals for profit and not those who protect animals. In doing so, he has failed in his role as the Minister

overseeing animal protection laws. It boils down to this: The agriculture Minister is going to allow greyhound breeders to keep conducting a procedure that was going to be banned because it causes dogs pain just because the industry wants him to. The lack of consultation and consideration on animal welfare exposes what we already know: The agriculture Minister has a major conflict of interest and, until it is fixed, animal protection laws in this State are doomed to fail.

The problem is that the agriculture Minister must simultaneously promote animal protection and the interests of the industries that use and abuse animals for profit. It is a hopeless situation for animals, made worse by the powerful influence of wealthy industry lobby groups. It could not be more obvious. Having an agriculture Minister in charge of animal protection is like having a mining Minister in charge of the environment. We need a Minister responsible for animal protection who will not neglect major issues of animal protection and animal suffering and who is genuinely independent from animal-use industries. And, Minister, we need that now.

STATE INFRASTRUCTURE

The Hon. JOHN GRAHAM (23:53): If there is a list of words that are recorded most in this place, the word "infrastructure" would be right up there. It can easily be mentioned dozens of times a day in this Chamber alone. It was originally used in the mid-nineteenth century to refer only to the hard bed of material that needed to be laid before railway track or road was built on top. It later had a narrow military meaning, but today we recognise how "infrastructure"—the buildings and physical networks that connect us and meet our essential needs— influences our quality of life in so many ways. Because it is such a broad, catch-all term, we are sometimes in danger of missing what lies behind the bulldozers: the profound influence infrastructure provision—or lack of provision—has on the fundamental drivers of social inequality. It is this aspect of infrastructure that the McKell Institute report entitled *Funding the Infrastructure of Tomorrow*, which was released this week, prompts us to consider.

I welcome this report. It is a timely contribution. I commend it to members. Many thought-provoking facts about the connection between infrastructure and inequality are in the report, but I will concentrate on a major theme: Socioeconomic disadvantage is often a place-based phenomenon and places of concentrated socioeconomic disadvantage are highly correlated with areas that do not have that infrastructure. One example that has been heavily debated in New South Wales is public transport. The report says:

Of the 33 Sydney Local Government Areas (LGAs), the third with the best access to public transport are all in the East or North districts as determined by the Greater Sydney Commission. Meanwhile all eight Western Sydney LGAs are located in the bottom third.

Another example is education. The list of areas where this Government has failed to build schools despite massive increases in population is very long. It has been often debated here at question time. In western Sydney they are Marsden Park, Gregory Hills and Jordan Springs, which are just three places where promised and desperately needed schools have not been delivered or are late and already too small. This is a matter not only of convenience but also of fundamentally addressing educational disadvantage. Crowded schools full of demountables, schools without proper ventilation and without cooling at the height of summer in a heating climate are textbook examples of infrastructure disadvantage entrenching educational disadvantage and lifelong economic disadvantage.

In launching the report this week, the Leader of the Opposition made a telling point in light of the Minister for Infrastructure finally coming clean this week on the delay of major infrastructure projects, including stage two of the Parramatta Light Rail. The Leader of the Opposition said, "It would be sad if the music is about to stop on Sydney's infrastructure boom right when it was western Sydney's turn to get its share of infrastructure." The pipeline has become a pipe dream and left too many of our communities—not only but importantly in rural, regional and outer-suburban areas—behind. Some 1.4 million people will move into western Sydney over the next 20 years, but that enormous human and economic potential as it stands is shackled by infrastructure that is badly allocated or not allocated, promised and not delivered, trumpeted in a press release but delayed and delayed and delayed.

This report gives us the facts and figures behind that story: The more rural the area, the lower the presence of infrastructure and essential services, and disadvantage—lower wages and lower economic growth—follows. The McKell report reminds us of another iron law of economics that applies: Scarcity, such as housing near scarce schools and scarce transport, creates competition and competition pushes up prices, which further excludes those experiencing disadvantage, pushing them into areas that are even less well served. People with resources can buy themselves out of government failures. But scarcity of essential infrastructure creates a vicious cycle. Out-of-control infrastructure blowouts such as the ones we are seeing are bad not only because of the impact on the balance sheet for the State. Every dollar not spent on well-allocated infrastructure is a dollar not spent on unlocking the creative and economic potential of the people of New South Wales and a dollar not spent on reducing inequality of access to essential resources. I commend the report.

ENERGY SECURITY

The Hon. SCOTT FARLOW (23:58): Energy security in a decarbonising world is a core policy challenge and will have significant consequences for the future of our economy in New South Wales over both the medium and the long term. The geopolitical challenges of the present and future will centre around energy, and reliance on any single source will leave gaping vulnerabilities in national security. Last week in the Chamber I spoke about trade diversification and the dangers of being reliant on a single economy for any critical good or service. At the forefront of my mind when I made those comments was energy policy. My friend in the United Kingdom House of Commons, the Rt Hon. Liam Fox, MP, who is a former trade and defence secretary, eloquently made this point about the path forward in the geopolitics of energy policy. He said:

In the years ahead energy security, economic security and national security will be inextricably linked.

Mr Fox provides a crucial message to implement strategies to broaden our sourcing of energy, ensure the transportation of energy cannot be halted through conflict and develop effective and tested contingency planning for unforeseen crises. The sooner the better, I say. Mr Fox's assertions about the link between energy and economic security are profound. Cheap, reliable and abundant energy is essential to positive economic development. Every small business and every household has a growing requirement for energy and the provision of this essential resource is vital to our businesses and households recovering from the pandemic. Luckily for New South Wales, we have many opportunities. As the economy decarbonises, we cannot be vulnerable with shortfalls in our energy capacity. We are not in the same position, for instance, as Germany, which was forced to turn to Russian gas following the closure of its coal-fired power stations and the regrettable closure of its nuclear power plants because zero emissions technology and storage was not able to yet provide the capacity as a sole replacement.

Reliance on any one source is a perilous exercise. In the last week the German government has announced economic relief measures in light of increased power prices due to the Russian invasion of Ukraine. With a diverse energy source, these measures can be avoided in New South Wales in a similar scenario, but we must be alive to the fact that we do have a transition. Here in New South Wales the Government is implementing the Electricity Infrastructure Roadmap. It has three values at its core: cheap, clean and reliable power. As the economy is decarbonised over the next 30 years, renewable energy is part of the equation to address our increasing need for abundant and reliable energy sources.

As New South Wales embarks on this journey with the rest of the world our success will be pinned on maximising our comparative advantages to leverage our ability to export our knowledge and products. To allow New South Wales to be more competitive than the rest of Australia and the world in the renewable energy space means enhancing regional New South Wales as proven using renewable energy zones and maximising the economies of scale by connecting multiple generators such as solar and wind farms in the same location with storage. The use of effective renewable energy sources reduces our reliance on imported energy sources and our exposure to the impacts of geopolitical challenges upon supply chains. By creating this energy at home, if we are further isolated by an unforeseen challenge restricting these supply chains, New South Wales will have an appropriate contingency measure in response.

Diversifying our energy sources in New South Wales does not just apply to the energy itself. It applies to the sourcing of the materials used in energy production and usage. A global semiconductor shortage has exacerbated the supply of goods. It is a grave concern rare earth metals is headed for a similar fate, with far greater impacts beyond those of playing the latest edition of FIFA on a PS5. According to *Trading Economics*, the price of lithium carbonate has grown exponentially by 565 per cent from 1 April 2021 to 31 March 2022. This has caused global concern, with the Biden administration identifying rare earth production in wider supply chain vulnerability policies. Investment is needed in both the mining and processing capacity of rare earth metals and presents a compelling opportunity for Australia for both our domestic use and potential exports.

With a single nation in our region having control of over 80 per cent of the global rare earth market—you can guess which one—it is imperative Australia works with like-minded nations to expand diversity in the market and our exploration capacity. The Federal Government has outlined the processing of critical minerals, including lithium and cobalt in its 2019 Resources Technology and Critical Minerals Processing National Manufacturing Priority road map. Australia has the sixth largest reserves of rare earth materials and is the second largest producer in the world, but our reserves are largely untapped. I would hope the Commonwealth will continue to investigate these opportunities because of the necessity for these resources in the development of renewable energy technologies here in New South Wales and internationally. The planning and action must be done now. Supported by the New South Wales Government, we must ensure a diversified energy mix for our economy to strengthen our energy security and reduce our dependence on global supply chains in the years ahead. There is also an opportunity for New South Wales to play its part as an exporter in this area and to help our allies globally with their own energy dependence issues.

SHOALHAVEN AND SHELLHARBOUR COUNCILS OUTSOURCING

The Hon. MARK BUTTIGIEG (00:03): I support the United Services Union in its call for council services to be done by council workers. It is extremely important for our local communities in New South Wales, as keeping council workers doing council services boosts the local economy of an area. Local government is often the largest employer in regional communities, where it is vital that we have secure jobs. Over the years, outsourcing jobs has become an increasing problem in certain councils. The misuse of contract labour is a risk to and an attack on secure employment for locals and it undermines proper paying employment in our communities.

Disgracefully, on Monday 28 March Shoalhaven City Council deserted its local workers by tendering out public amenities cleaning, which will take local jobs away. There have been issues at the council with previous attempts to undermine decent paying jobs for local public amenities workers by trying to move them out of the workforce. The decision to contract out this work is absolutely shameful, as it has traditionally been undertaken by local council workers who have had secure and decent jobs. Contracting out these jobs to a private contractor ensures that the Shoalhaven community loses out too. It sends ratepayer dollars out of the community to a private contractor and not to local workers or the area.

When local workers have well-paying jobs it ensures the money goes back into the local economy not into the hands of a private contractor who will pay workers a lower amount than the State award. It is also appalling that the services will now be compromised for the Shoalhaven community. The community wants stable and well-paying jobs. The area needs further secure employment and, by the council slashing those jobs, it is undermining the local economy. This decision sets a precedent that for the Shoalhaven City Council local jobs are dispensable and it will make way for broader job losses. Shoalhaven City Council should be ensuring council workers carry out these jobs and it should be engaging further local workers for secure employment.

Local jobs are also on the line in Shellharbour, as the council is attacking workers. Mayor Homer has demonstrated that under his direction the council will undermine local workers from the Shellharbour community. On 22 March local workers were attacked in motions confirming that council is looking to undermine their jobs by contracting out council services. The council supported a motion for the review of waste services and to engage with Bioelektra Australia. Council documents revealed that this could impact jobs and it is assessing "incorporating staffing arrangements and the related industrial considerations, such as potential restructuring/redundancies and industrial disputation".

Essentially, the council wants to outsource to a private contractor in Nowra, which will lead to the Dunmore facility being put at risk and that could lead to a number of people losing their jobs in council waste services. Losing full-time secure jobs for workers in Shellharbour is terrible for the local economy. It impacts spending in the area as workers at Dunmore waste facility are locals to the Shellharbour community. If we want secure jobs for local workers in the future these councils should not be outsourcing when council workers can reasonably undertake that work. It is unnecessary for this work to be outsourced. Council workers deliver quality services.

Shoalhaven and Shellharbour councils should be following in the footsteps of the City of Canterbury-Bankstown. Under the leadership of Mayor Khal Asfour the council has focused on the ongoing need to protect the future of council worker jobs, which has ensured further permanent jobs creation and the stimulation of the local economy. This has made certain there is a strong workforce that has delivered better services for ratepayers. Shoalhaven and Shellharbour councils need to support local employment and secure jobs within their community and industry. Ratepayers' money should not be taken away from the local economies of these areas and put into the profits of private businesses elsewhere. I will continue to stand with the United Services Union in its fight to protect secure jobs in the Shoalhaven and Shellharbour councils and across New South Wales.

The PRESIDENT: I hope this is not an April Fool's joke. I wish the Hon. Ben Franklin a happy birthday. It is a special birthday, I understand. I wish him all the very best. The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 00:08 until Friday 1 April 2022 at 10:00.