New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Thursday 12 May 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday 12 May 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.

Members

COMMISSION TO ADMINISTER THE PLEDGE OF LOYALTY OR OATH OF ALLEGIANCE

The PRESIDENT: I report receipt of a commission authorising the Hon. Wes Fang, MLC, Deputy President and Chair of Committees of the Legislative Council, to be the person, in my absence, before whom any member of the Legislative Council may take the pledge of loyalty or oath of allegiance required by law.

Documents

GIG ECONOMY

Tabling of Documents Reported to be Not Privileged

The Hon. DANIEL MOOKHEY: I move:

(1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 22 April 2022, on the disputed claim of privilege regarding Revenue NSW investigations into gig economy, this House orders that the Revenue NSW documents in the return received by the Clerk on 22 December 2021, considered by the Independent Legal Arbiter not to be privileged, be laid upon the table by the Clerk.

(2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

ANIMAL RESEARCH

Tabling of Documents Reported to be Not Privileged

The Hon. EMMA HURST: I move:

(1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 6 May 2022, on the disputed claim of privilege regarding animal research, this House orders that the Department of Regional NSW documents in the return received by the Clerk on 14 April 2022, considered by the Independent Legal Arbiter not to be privileged, be laid upon the table by the Clerk, subject to redactions of the following:

(a) private email addresses, telephone numbers and personal signatures; and

(b) names of individual researchers contained in documents numbered 1626.00000196 and 1626.00000197.

(2) That this House orders the Department of Premier and Cabinet to produce, within seven days of the passing of this resolution, versions of the documents referred to in paragraph (1) (a) and (1) (b) with redactions.

(3) That, on tabling, the redacted documents are authorised to be published.

Motion agreed to.

Motions

BIRDLIFE AUSTRALIA REPORT AND BIRDWATCHING

Mr JUSTIN FIELD (10:05): I move:

(1) That this House notes:

(a) the recent publication by BirdLife Australia of their report, *Bird and Nature Tourism in Australia,* which analysed data from the Australian Government Domestic National Visitor Survey and found outdoor and nature-based tourists contributed $35 billion to the Australian economy in 2019, with much of that being spent in regional New South Wales, and of this, $283 million was spent by birdwatchers alone;

(b) the report identified four key biodiversity areas [KBAs] across Australia which are attractive for birdwatchers due to their unique biodiversity, supportive of diverse birdlife, but are assessed as "In Danger" due to risks from threatening processes, including the Ulladulla to Merimbula Key Biodiversity Area;

(c) the report identifies ongoing native forest logging as a key threat to the security of biodiversity in the Ulladulla to Merimbula KBA, particularly for the critically endangered swift parrot;

(d) the Ulladulla to Merimbula Key Biodiversity Area extends across approximately 230 kilometres of coastal habitat and spotted gum forests, which are critically important habitat for the critically endangered swift parrot, that other drawcard species for birdwatching tourists include the little tern, hooded plover, pied oystercatcher, glossy black-cockatoo and rockwarbler—New South Wales' only endemic bird—and that regent honeyeaters have also been recorded on both sides of Jervis Bay;

(e) the area is a highly sought after holiday destination among many Australians, including but not limited to bird and nature enthusiasts, with numerous regional centres that serve as useful bases from which to explore, including Ulladulla, Batemans Bay, Moruya, Narooma, Mystery Bay, Tathra and Merimbula; and

(f) birdwatching tourists spend more than other types of tourists in Australia, and with dedicated marketing and investment the birdwatching tourism market has huge potential to grow.

(2) That this House acknowledges the significant contribution nature based tourism, including birdwatching, makes to rural and regional economies including the South Coast, and recognises this economic activity relies on healthy forests and ecosystems that support the natural values visitors travel to experience, including bird life.

Motion agreed to.

Documents

GIG ECONOMY

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of the House this day, I table documents considered not to be privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated Friday 22 April 2022, on the disputed claim of privilege on papers relating to Revenue NSW investigations into the gig economy.

ANIMAL RESEARCH

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of the House this day, I table documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated Friday 6 May 2022, on the disputed claim of privilege on papers relating to animal research.

Members

LEGISLATIVE COUNCIL VACANCY

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

[*The President left the chair at 10:15.*]

Joint Sitting

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 10:30 to elect a member of the Legislative Council in the place of Mr David Shoebridge.

The PRESIDENT: I declare the joint sitting open and call upon the Clerk of the Parliaments to read the message from the Governor convening the joint sitting.

The Clerk of the Parliaments read the message from the Governor convening the joint sitting.

The PRESIDENT: I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of Mr David Shoebridge.

Ms CATE FAEHRMANN (10:38): I propose Ms Susan Higginson as an eligible person to fill the vacant seat of Mr David Shoebridge in the Legislative Council, for which purpose this joint sitting was convened. I move that Ms Susan Higginson be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by Mr David Shoebridge. I indicate to the joint sitting that if Ms Susan Higginson were a member of the Legislative Council she would not be disqualified from sitting or voting as such a member, and that she is a member of the same party—The Greens—as Mr David Shoebridge and was publicly recognised as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the twelfth periodic Council election held on 23 March 2019. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

Ms TAMARA SMITH (Ballina) (10:39): I second the motion.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Ms Susan Higginson is elected as a member of the Legislative Council to fill the seat vacated by Mr David Shoebridge. I declare the joint sitting closed.

The joint sitting closed at 10:40.

[*The House resumed at 10:52.*]

Members

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce that at a joint sitting of the two Houses held this day, Ms Sue Higginson was elected to fill the vacant seat in the Legislative Council caused by the resignation of Mr David Shoebridge. I table the minutes of proceedings of the joint sitting.

The Hon. SAM FARRAWAY: I move:

That the document be printed.

Motion agreed to.

The Hon. SAM FARRAWAY: I move:

That the President inform Her Excellency the Governor that Ms Sue Higginson has been elected to fill the vacant seat in the Legislative Council caused by the resignation Mr David Shoebridge.

Motion agreed to.

CHAMBER COVID-SAFE ARRANGEMENTS

The PRESIDENT: We will now resume formal business.

The Hon. Mark Latham: Point of order: Mr President, a few members are concerned about your health status, given that you were in isolation with COVID earlier this week. You attended in this place on Tuesday and then went home sick. You attended here yesterday for the unveiling of the bust of old Emma Thompson, and then again you went home sick. This morning you have been wiping your nose and you sound quite hoarse. Is there not a protocol by which someone with symptoms should not be attending the Chamber under all the extensive restrictions and Hibbs reports we have been subject to?

The PRESIDENT: The member's concerns are noted.

Business of the House

POSTPONEMENT OF BUSINESS

Ms ABIGAIL BOYD: I take this opportunity to say how happy I am to see you back in the Chamber, Mr President. I understand the lingering effects after one has had COVID, so thank you for your attendance. I move:

That business of the House notices of motions Nos 1 and 2 be postponed until the next sitting day.

Motion agreed to.

The Hon. SAM FARRAWAY: On behalf of the Hon. Natasha Maclaren-Jones: I move:

That Government business notice of motion No. 1 be postponed until the next sitting day.

Motion agreed to.

Bills

MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2022

In Committee

Consideration resumed from 31 March 2022.

The CHAIR (The Hon. Wes Fang): The Committee is considering amendments to the Mining and Petroleum Legislation Amendment Bill 2022. Two sheets of amendments were tendered. Consideration of Opposition amendments were concluded on the previous sitting day. The Committee will now consider One Nation amendments on sheet GN1.

The Hon. MARK LATHAM (10:57): I move One Nation amendment No. 1.1 on sheet GN1:

1.1 Page 4, following line 31, insert new Item:

[13A] Section 20 Revocation of PEP11 Ban

Insert new Section 20:

The ban on PEP11 is revoked and offshore exploration and mining is permissible.

I move this amendment to end the nimbyism by which members for the electorates of Manly, Pittwater and Terrigal have collaborated against the best economic interests of New South Wales. In a world where reliable energy and resources are becoming scarce, why is it that Australia is turning its back on legitimate exploration of oil and gas? The nimby attitude from this Government has left New South Wales on gas at only 5 per cent self-sufficiency. We only have to look at Europe and what has happened with Russian gas and what has happened in Ukraine. When Ukraine asked for Australia's help, it did not ask for solar panels; it asked for coal. If we had a gas pipeline to Ukraine, it would have asked for that. Why is it that in Commonwealth waters, a substantial distance off the immediate coast of New South Wales, there is a ban on Petroleum Exploration Permit 11 [PEP-11]? In December 2010 the first offshore petroleum exploration, well off the coast of New South Wales, was drilled in PEP-11. This was located primarily in Commonwealth waters 61 kilometres east of Newcastle.

The member for Pittwater, Rob Stokes, who has mainly driven this position, is concerned about how it will look from Palm Beach. Using a telescope, it would be a speck 61 kilometres offshore in Commonwealth waters. How nimby can one be? The member for Pittwater's attitude on fossil fuel use is that people should pay more for their petrol, they should be subject to a congestion tax, they should have to buy a $70,000 electric vehicle and, whatever they drive, to park at the Sydney Cricket Ground, they have to go into the back streets of Surry Hills for that inconvenience. On top of that, the member says that the best solution for the people at Campbelltown, Penrith or Blacktown is to use a walkway or cycleway to get to work. This is snobbery and elitism from the member for Pittwater, Rob Stokes, the likes of which we would rarely see in public life.

On top of that, as to making New South Wales more self-sufficient in gas and potentially oil through PEP-11, the member says, "No, no, no, at Palm Beach, so well heeled and affluent, if we see a speck on the horizon out there in Commonwealth waters, a well that has been sunk, we will complain, and all those grubby, grimy western Sydney and Hunter Valley people who drive those terrible petrol cars and use gas appliances can be stuck with 5 per cent gas self-sufficiency for New South Wales." It is a disgrace. In a world where these resources are desperately sought, it is a disgrace to ban the opportunity for this economic development and resource self-reliance in New South Wales.

It is a Government that only ever places bans on the resource sector: Keep the ban on uranium; there is a ban in the bill on mercury; and ban PEP-11 in a world that is looking for these resources. It is an act of self-harm. It is driven by nimbyism. It is driven by members who represent the electorates of Manly, Pittwater and Terrigal, who do not understand the reality of the bigger public interest. There are compelling arguments for lifting the ban on PEP-11, to end the nimbyism and to develop our resources as we should. One of Australia's great competitive advantages is the resource sector. So why do we have so many bans on exploring for resources? The new member the Hon. Chris Rath, in his inaugural speech, spoke about economic rationalism. Economic rationalism at its core is the efficient use of economic resources. It is not rent-seeking in the renewable energy sector. It is not funding the arts, where wealthy people would fund it anyway. It is the efficient use of economic resources.

If we do not use our resources, we will never know if they are efficiently used. Why not allow, at no damage to anyone, the PEP-11 some 60 kilometres off the coast of New South Wales in Commonwealth waters? Instead, we have the proposition that is entertained in this bill and in other quarters from lunatics like the Hunter Job Alliance, who want floating windmills in Newcastle Harbour and off Bar Beach. If people are worried about property values at Palm Beach in the Pittwater electorate and their views across the ocean, they will have a much bigger problem with floating windmills than with an oil well 60 kilometres off the coast. The proposition is just common sense. At every level decision-makers should be saying that these oil wells do not cause harm to anyone; they cannot be seen from the coast. In that context, why would people embrace floating windmills, which would wreck property values and the scenic view in coastal areas?

The ultimate insult for those of us in New South Wales who do not have a coastal or water view, or who have a petrol car or gas appliances in their home, is to think that we are being short-changed by a Government that will not efficiently use our natural resources because it bans the use of those natural resources—they cannot even be explored. The insult to western Sydney and the Hunter Valley is manifest. This Parliament should at least be consistent. If members support floating windmills in Newcastle Harbour, off Bar Beach, down on the Central Coast or off Palm Beach, they should support something that is far less intrusive and visible, something that can be seen through a telescope as a speck on the horizon—the PEP-11. The hypocrisy and contradiction in this bill is disgusting. Some members of this Parliament like the idea of floating windmills. If they are worried about amenity on the coast, they would much prefer PEP-11.

For those who live inland without any of these coastal views, the big interest for them is to use their car without Rob Stokes' congestion tax and without a Rob Stokes increase in the fuel excise tax, to park their car in front of the Sydney Cricket Ground conveniently, and to use their gas appliances in their home without the prospect—a real prospect, which has been reported—of running out of gas. Imagine Australia and New South Wales running out of gas. We closed the coal seam gas industry—that is another one banned by this Government, another folly of Mike Baird—and we face the prospect of running out of gas. The lunacy is obvious. We have to lift all these restrictions. One Nation will continue to argue for lifting restrictions. Some will say, "What about the environment?" We have environmental planning laws in New South Wales and they are there to get the balance right between environmental issues and job creation. There is certainly no job creation if coal seam gas, PEP-11, uranium and mercury are banned.

The creeping banning of resources is headed towards coal, of course. If we listened to Matt Kean, he would ban it tomorrow and The Greens of course would ban it yesterday. The threat to all our resources is obvious. One Nation will continue to argue for working people having jobs—not the suggestion from The Nationals that the real answer is community halls in regional areas. It must be job creation—not unemployed people sitting in freshly built community halls playing cards and talking to each other and then nicking down to the Centrelink office to collect their dole. It must be working people having the dignity of jobs and work. That is what One Nation stands for and we will continue to argue that case on behalf of the many millions of workers in New South Wales under threat from a lot of this lunacy.

Ms ABIGAIL BOYD (11:06): I speak in debate on the Mining and Petroleum Legislation Amendment Bill 2022. I will not take up too much time of the Committee. Obviously The Greens do not support the amendment, which is a little bit absurd anyway. There is no ban on PEP-11. It has just been ruled out, it is just not being approved or renewed, and fundamentally it is a Federal decision. The way the amendment is framed is silly but also the whole notion is a little bit absurd. I often wonder what planet the former Labor leader and now member of Pauline Hanson's One Nation party lives on. On the planet I live on, for as long as there are alternatives to destroying and digging it up, to threatening our marine life, to polluting our waters and to all of the other things, The Greens will take those alternatives, and I believe that the vast majority of people are on board with that.

The campaign to prevent PEP-11 going ahead was run primarily by Save Our Coast but then it was joined by a huge alliance of community groups across political interests because it is clear that having oil or gas fields off our coast, with the threat to our pristine beaches and marine life, is something that we do not need anymore. I have heard the arguments put by the Hon. Mark Latham many times. They do not accord with reality. We do not need more oil and gas. We do not need more coal. We have the technology and the capabilities to move away from them. If we are concerned about the amount of gas we have or the price of gas, we should look at the export market, which of course stuffed up the east coast gas market. There is absolutely no need to have these oil and gas fields off the coast. To say that there is some sort of nimbyism is a little bit funny but also fundamentally misguided when trying to present the matter as political and class related. Of course it is not.

I often show my children pictures of a coalmine. We look at those great pictures taken from drones that show the massive destruction caused by coalmines. I say to them that this was once necessary, but it is not anymore. My children get that. They are nine and 12 and they understand that although that was once necessary, it is no longer. If we do not have to make big, dirty holes in our planet, why would we? It is exactly the same with PEP-11. Why would we build something that will threaten our marine life, lead to more greenhouse gas emissions and threaten the climate when we do not have to? The Greens reject the amendment.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (11:09): The Government opposes One Nation amendment 1.1. The Government published a new policy on offshore exploration and mining in February 2022. PEP-11 is an application for a petroleum exploration permit off the coast of New South Wales between Newcastle and Wollongong under Commonwealth legislation. The ultimate decision on the application is a matter for the Commonwealth Government.

The Hon. MICK VEITCH (11:10): The Labor Party position at a State and Federal level on this issue is well known. I will not traverse the reasons. The Opposition opposes the amendment.

Mr JUSTIN FIELD (11:10): The Government is right that the approval of a PEP-11 application is a Commonwealth decision. This amendment is about the Hon. Mark Latham being able to get up on *Sky News* and in the right-wing press and attack Rob Stokes and the moderate Liberals to try to create a point of division. He thinks every time he is closer to coal and gas it is good for him and his party's chances in the Hunter Valley. I warn him, because I have been up in that community and part of this debate since it started—it has been going on for well over a decade—that he should talk to the fishermen about the seismic exploration testing in the area. For months and months after the testing they pulled up the most foul-smelling, gross stuff from the bottom of the ocean where there used to be a sustainable fishery resource. It totally destroyed the benthic environment and access to the fish resource. The fishers had to move well away from the exploration activities.

I urge the member to talk to the tourism businesses up there about the risks that the offshore petroleum exploration industry presents to them. The economic opportunities of it for the Hunter are dwarfed by the tourism and fisheries potential. The lived experience of people not only on the northern beaches of Sydney but also all the way to Newcastle and beyond shows that the industry offers very little economic opportunity for the community up there. Proceeding with offshore petroleum exploration will cost decades in gestation. There are far cheaper, more readily available and less damaging energy options for the people of New South Wales. The industry is demonstrably destructive; the community up there knows it and they have seen it. The Hon. Mark Latham is on the wrong side of this issue.

The Hon. MARK LATHAM (11:12): I am glad that the deputy leader of The Greens has raised the question of alternative job creation, because they say that under the banner of transition without any specifics. That goes to the point that Mr Justin Field made yesterday about the alternatives. The alternatives proposed by the Hunter Jobs Alliance, endorsed by the deputy leader of The Greens and the former unelected member of The Greens—

Ms Abigail Boyd: Point of order: My point of order is the same one that we often take. Members in this place must be referred to by their proper titles. There is no leader or deputy leader of The Greens, as the Hon. Mark Latham knows. However, he remains a member of Pauline Hanson's One Nation party.

The Hon. MARK LATHAM: To the point of order: Clearly parties in this place have leaders and deputy leaders, some of them formally and some of them informally. Clearly, given that the new Greens member, Ms Sue Higginson, was announced by Ms Cate Faehrmann, she is the new leader of the party. Ms Abigail Boyd is the only one left so she must be the deputy. Never in the history of politics has a party that has needed leadership objected so much to someone saying it has a leader. That is the problem with The Greens. They desperately need leadership and they should take the advice of someone at least playing that role, because otherwise they are leaderless and wandering in the bush.

The CHAIR (The Hon. Wes Fang): I will make an observation and a ruling. I should have made this observation before debate on this amendment, and it is something that also occurred during the last sitting of the House when I was in the chair during Committee of the Whole. When I am in the chair during Committee of the Whole, debate will be confined to the leave of the amendment. There is not wide latitude, as is the case during second reading debates. Having not made this observation before debate on this first amendment, I have allowed more latitude. However, remaining debate on this and subsequent amendments will be tightly kept to the leave of the amendment. Regarding the point of order that was taken by Ms Abigail Boyd, it is acknowledged by the House that The Greens do not have leaders. Members will observe proper titles when referring to other members.

The Hon. MARK LATHAM: As the leaderless Green pointed out in the debate—seemingly they are happy to be leaderless; I suppose that is what they are, so at least it is accurate—alternatives have been presented by the Hunter Jobs Alliance. This amendment says that real economic activity, which is viable and backed by corporate investment, is needed, such as PEP-11. Wacky alternative schemes, which are a fraud and a deception on the working people of the Hunter, are not needed. The idea that unemployment will be solved with floating windmills in Newcastle Harbour is a fantasy. The idea of filling the disused coal pits with water for water sport employment in the Hunter Valley is a fraud on the people. It is cruel of Mr Justin Field and the leaderless Greens to say to these working people, "We're doing you out of your job", and present a mirage as an alternative.

The workers know the truth of the coal reliance in the Hunter Valley, where three out of five homes in places like Muswellbrook are reliant on income from coal. The industry supports 15,000 jobs directly and 60,000 jobs indirectly. It is cruel to say to those people that those jobs can be replaced with water-filled former coal pits or floating windmills in the Hunter Valley. What is worse, yesterday Mr Justin Field suggested that the alternative to running baseload power at the Tomago aluminium smelter was solar panels and windmills. That is nonsense. Reliable, 24/7 baseload power is needed for the simple reason that the pots freeze and become disabled. How would someone who is unelected to this place and formerly of The Greens know anything about an industry that he despises and would close down?

Mr Justin Field: Have a look at where I come from, mate.

The Hon. MARK LATHAM: Every single spur, whether it is forestry, fishing or mining—

The CHAIR (The Hon. Wes Fang): Order!

Mr Justin Field: My whole family works at Queensland Alumina.

The Hon. MARK LATHAM: He has never seen a job that he liked.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham will resume his seat. I have made an observation on the way that I will conduct the Committee of the Whole today and in the future. I will not tolerate

interjections from any member while another member is making a contribution. While a member has time on the clock and is being relevant to the amendment, they will be allowed to make their contribution. Interjections are disorderly, but responding to interjections is also disorderly. Members will remain civil so that we can get through Committee of the Whole stages as easily and as civilly as possible.

Mr Justin Field: Point of order: I ask that you ask the Hon. Mark Latham to direct his comments through the Chair.

The Hon. MARK LATHAM: I have.

The CHAIR (The Hon. Wes Fang): All comments will be directed through the Chair. That is a general observation; it is not a ruling against the Hon. Mark Latham.

The Hon. MARK LATHAM: I support the workers of the Hunter Valley with viable and realistic employment projects that are in their best interests, not the cruelty of someone who is unelected to this place on $200,000 a year saying to working people, "I'm abolishing your job, sending you down to Centrelink and depriving your family of an income," His alternative is to fill a coal pit with water and pretend that they will get a job in water sports. He pretends to and deceives those people by saying that floating windmills will be put in Newcastle Harbour and they will get a job there, and that there can be employment in aluminium smelting with solar panels and windmills that do not provide 24/7 power. This is a cruel trick on the people of the Hunter that must always be exposed. Someone like Mr Justin Field, who has never supported any job creation project, will be against fishing, mining, timber and every single industry for as long as he is here. The only thing he favours is unemployment. The only thing he would build in the Hunter Valley is extra Centrelink offices. That is just the plain truth.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendment No. 1.1 on sheet GN1. The question is that the amendment be agreed to.

The Committee divided.

Ayes 4
Noes 33
Majority.....29

AYES

Banasiak	Latham (teller)	Roberts (teller)
Borsak		

NOES

Amato	Graham	Moselmane
Boyd	Houssos	Pearson
Buttigieg (teller)	Hurst	Poulos
Cusack	Jackson	Primrose
D'Adam	Maclaren-Jones	Rath
Donnelly	Mallard	Secord
Faehrmann	Martin	Sharpe
Farlow (teller)	Mason-Cox	Taylor
Farraway	Mitchell	Tudehope
Field	Mookhey	Veitch
Franklin	Moriarty	Ward

Amendment negatived.

The Hon. MARK LATHAM (11:29): I will not move One Nation amendment No. 1.2 on sheet GN1. I seek leave to amend One Nation amendment No. 2 on sheet GN1 by adding at the end of paragraph 2 (a), "as per Treasury guidelines".

Leave granted.

The Hon. MARK LATHAM: Accordingly, I move One Nation amendment No. 2 on sheet GN1:

2. Page 12, following line 36, insert new Item:

[59A] Section 172 Benefit Cost Study for Projects Funded under Royalties for Rejuvenation Fund

Insert new Section 172:

(a) Any project funded under a Royalties for Rejuvenation fund, that project must pass a benefit cost study which is approved and verified by Treasury as per Treasury guidelines.

(b) If the minister funds a project under a Royalties for Rejuvenation fund contrary to the recommendation of the benefit cost study, the minister must publish the reasons for his decision on his website.

This amendment is a protection measure against the world-class pork-barrelling of The Nationals. Whatever you say about the Nats and their lurch to the left and wokeness, they still have an ingrained psychic attachment to pork-barrelling. They have never seen a boondoggle that they did not like. They have made boondoggles a work of art. If you look through any of their social media feeds—

[*An Opposition member interjected.*]

The economic rationalists in the Liberal Party, of course, despise the boondoggles. How irrational.

The CHAIR (The Hon. Wes Fang): Order! I remind members of my previous ruling that all comments will be directed through the Chair.

The Hon. MARK LATHAM: How many unique moments are there in Australian politics when Rose Jackson and Mark Latham agree? We cannot let that pass in this Chamber. Aren't we here to make history?

The CHAIR (The Hon. Wes Fang): History aside, I remind members that all comments will be directed through the Chair and contributions will be relevant to the amendments. That is the last warning I will give on the matter.

The Hon. MARK LATHAM: I apologise. I was overwhelmed by a flush of history that will not be repeated. But it is an important principle. The serious point is that there should be cost-benefit studies for these projects. In large part, the Royalties for Rejuvenation Fund did start in the Upper Hunter by-election to fulfil an election commitment there. So many royalties go out of the Hunter Valley region but not much is coming back in, and everyone noticed the neglect in that electorate. We know there is also employment pressure in the region because of the debate about coal and climate change. It makes sense to say that something is not a community slush fund but a project with economic rigour that will create jobs. Undoubtedly, in the Hunter the need is not so much for gold-plating community halls and other facilities; it is for creating jobs. To have a cost-benefit study outlined under the fund and have that approved and verified by Treasury as per the guidelines is economic common sense.

The people of the Hunter certainly need support. The number one priority overwhelmingly, wherever you go, is employment. Everyone talks about the loss of coal jobs. Some will say that is hard to stop, but what are the replacement jobs? Some of the proposals I have outlined from the Hunter Jobs Alliance are not viable. At least the ones that come out of this new fund should be subject to some economic analysis to say that here are the jobs created and to give them a ranking. The Hon. Sam Farraway has a concern that not every project has a positive benefit-cost ratio, and that may be the case. But there should be a ranking of what the economic benefits look like and go for the projects that in total create the most number of jobs in the Hunter Valley. The economic analysis is that the benefit-cost ratio is the natural-born enemy of pork-barrelling. If there had been a BCR on Matt Kean's quarry pits in Hornsby—where the documents were shredded—I am sure that it would have been feeble.

If we had a proper BCR about any of the Daryl Maguire scams, they would have been feeble as well. Even when they do an analysis under this Government it is favouritism, crony capitalism, pork-barrelling and personal relationships that drive the allocation of huge amounts of money. I have raised in this Chamber consistently the problem of the Badgerys Creek to St Marys metro, which is an $11 billion project. Let that sink in. It is an $11 billion project that has a benefit-cost ratio of 0.75 and, for public transport, of 0.17.

The CHAIR (The Hon. Wes Fang): The member will return to the leave of the amendment.

The Hon. MARK LATHAM: I am talking about benefit-cost studies, but I respect the ruling of the Chair. The second part of the amendment is about transparency. It states:

(b) If the minister funds a project under a Royalties for Rejuvenation fund contrary to the recommendation of the benefit cost study, the minister must publish the reasons for his decision on his website.

That is a direct replication of the new report from Peter Achterstraat and Michael Coutts-Trotter. It is about transparency. We have had this debate many times. The Hon. Penny Sharpe, the Hon. John Graham and the Hon. Daniel Mookhey have outlined the extent of pork-barrelling under this Government. The new Premier came in and said, "Oh no, we don't want pork-barrelling." You can say that, but for the National Party it is a disease in the system. They just cannot help themselves. It is an addiction. There needs to be put in place rational economic boundaries and analysis by which the public knows which project is going to create the most jobs in Singleton, the most jobs in Muswellbrook and the most jobs in Cessnock.

The community will know if the Minister deviates from that. If he has the local member in his ear or someone in the Upper Hunter says, "We have some community interests here," or if a branch member or someone who was at a dinner wants money funnelled somewhere for a certain project, at least it is transparent and the Minister will have to give reasons on the website as to why the rational economic assessment was discarded. These protections are needed at every level. I will not be super harsh on the National Party. I will say in their defence that their members do get around and work hard and travel long distances. They wear their little vests and trot around and do their best.

The Hon. Sarah Mitchell: Yellow.

The Hon. MARK LATHAM: They have yellow T-shirts and little vests and race around. Hunter Valley tourism is enhanced by the perpetual visits of Matt Canavan from Queensland.

The CHAIR (The Hon. Wes Fang): The member is straying from the amendment.

The Hon. MARK LATHAM: The Nationals do all sorts of wonderful things. You can't praise some people!

The CHAIR (The Hon. Wes Fang): I will be strict in my rulings and enforce them without fear or favour.

The Hon. MARK LATHAM: I am trying to praise you. I cannot win. Whether I agree with the Hon. Rose Jackson or I praise the National Party, I am out of order. We have been through the debate about pork-barrelling and I do not think that anyone can say that the case has not been made. There has been pork-barrelling on steroids in this State over the past 10 years and it is getting worse. At least for this fund, which primarily must be about employment creation, we have to have benefit-cost analyses.

[*A Government member interjected*.]

I hear the Minister murmuring discontent about it. Why is the Minister scared of a benefit-cost study that lets him know the employment projects that matter?

The CHAIR (The Hon. Wes Fang): The member is straying again from the amendment.

The Hon. Sam Farraway: He is straying. Call him to order.

The CHAIR (The Hon. Wes Fang): I will not call the member to order. I will suggest—

The Hon. MARK LATHAM: I am responding to the Minister's interjection.

The CHAIR (The Hon. Wes Fang): The Minister has not yet made a contribution to the debate. I ask the Hon. Mark Latham to retain his focus on the amendment before the Committee.

The Hon. MARK LATHAM: I am. I am saying that we need these amendments to place boundaries around The Nationals to stop their addiction to pork-barrelling in order to give the people of the Hunter, Lithgow, the north-west and the Illawarra an assurance that projects stack up and can create jobs. They need to know in resource-rich regions, where others want to destroy jobs, that something will be a good project that is more about economics than politics.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (11:37): The Government will oppose the amendment. What the Hon. Mark Latham is calling for is mostly already part of the criteria of the bill. The program eligibility criteria as it is defined will be made public by the secretary and it will require infrastructure to provide a benefit to cost ratio analysis using a Treasury-endorsed template. I do not know how much clearer we can be than that. I spent many a day with the Hon. Mark Latham during the Upper Hunter by-election. As a Minister and member of the National Party, I will not defend our win in the Upper Hunter by-election just because One Nation and the Labor Party did not win. As to the member's gripe about some disease or condition that the National Party has, we had a fantastic candidate in David Layzell, who is now a member of this Parliament.

The Hon. Penny Sharpe: Point of order: Members should speak to the amendments or this will be a long day. Some of us want to get home at a reasonable hour tonight. As I have been listening to debate this morning, everyone has been straying from the leave of the amendments but I have not intervened. I ask that members be directed to remain relevant to the amendments as they are dealt with. I note for members that I will take this point of order more often if we have to sit here for hours to work through these amendments.

The CHAIR (The Hon. Wes Fang): I uphold the point of order taken by the Hon. Penny Sharpe. I was allowing the Minister to address some of the comments made by the previous member to contribute, which is appropriate. The Minister has the call.

The Hon. SAM FARRAWAY: I confirm that the Government will not be supporting the One Nation amendment. As I said, the program eligibility criteria are to be made public by the secretary and will require infrastructure to provide benefit-cost ratio analysis using the Treasury-endorsed template. For the benefit of the Hon. Mark Latham, I note that there is no disease in the National Party. We just win by-elections.

The Hon. MICK VEITCH (11:39): I respond to, in the Hon. Mark Latham's character assessment, the "woke" Minister Farraway. I am still trying to get across the fact that the Hon. Rose Jackson and the Hon. Mark Latham have come to a landing on something in this Chamber. The Opposition will support the amendment proposed by the Hon. Mark Latham as amended on the floor with those additional words. The Coutts-Trotter and Achterstraat report highlights that there has been an issue with the way in which funds and grants have been allocated. This amendment essentially comes out of that report. We find it difficult to appreciate why the Government would not support it. It is a measure of transparency.

I say this about the benefit-cost ratio. These are my cautionary words for those of us members who are in regional New South Wales. Worthy projects have gone unfunded because they did not get to the BCR. There have been issues with the way in which the BCR has been applied in the past, particularly by some senior public servants. I will give an example of what this amendment talks about. I note the Minister for Regional Transport and Roads is at the table. The way it currently works is if you have a series of road projects that in their totality benefit a region, the BCR is applied to each of the individual phases or sections of that particular road. Individually, they do not stack up—they do not get to 1.0—but if you were to do the BCR for the entire link, they would get up. The Hon. John Graham and I have been prosecuting a case around BCRs for quite some time. I know the Hon. Taylor Martin has sat in on some of our questioning on this in committee hearings.

The BCR is a good measure to ensure accountability and a good spend of taxpayers' funds. I am concerned about how it has been applied in the past. I appreciate that what has been phrased as "pork-barrelling on steroids" was, in essence, an attempt to circumvent the BCR process. I do not think that was the way to do it. I think the BCR process provides rigour, but we have to look at how it was applied to some of those projects. I know all members could talk about projects that we thought worthy that missed out because they did not get 1.0 on BCR. In my view this amendment, particularly as it is now amended to be consistent with Treasury guidelines, goes a long way to ensuring the Coutts-Trotter and Achterstraat report sentiments are accommodated in the bill. I do not want projects wiped out because they do not get to a BCR of 1.0 due to the way the BCR is being applied.

Ms ABIGAIL BOYD (11:43): The Greens will not be supporting this amendment. Similarly to many of Labor's proposed amendments that members dealt with earlier, I believe that this amendment fundamentally misunderstands what the Royalties for Rejuvenation Fund is. It is not a grants program. New section 292W states:

> (2) The object of the Rejuvenation Fund is to alleviate economic impacts in affected coal mining regions caused by a move away from coal mining by supporting other economic diversification in those regions, including by the funding of infrastructure, services, programs and other activities.

Many of those will necessarily be small. Some sort of cost-benefit analysis would cost more than the activity or project itself. It would significantly slow down what is sorely needed in these communities, which is community-led decisions and the thing that The Greens support about the rejuvenation fund. Previously we have stated that, yes, it is not very much and we would like it to be a lot more. But the fundamental concept of community-led panels made up of individuals representing the interests of people within that community is very important. Each community will need different things, but for them to come together and work out what they need as a community and then be able to spend that money is a ground-up approach we have not seen from the Government before.

This is what we have been calling for when talking about encouraging economic diversification in the regions. This amendment and those from Labor that were considered earlier are about a top-down approach, which we would see in a grants program. We would see it in something that was about having to beg for every dollar and justify every spend in order to get a particular project in a region. That is not what this fund is about. For that reason, we reject the amendment.

The Hon. ROBERT BORSAK (11:45): The Shooters, Fishers and Farmers Party will support the amendment. I note with interest that the Minister said—I think I am quoting him correctly—that it is already in the bill. I have just had a look at the bill and cannot see a mention of cost-benefit analysis in there. The Hon. Mark Latham has just checked: Apparently, it is a set of guidelines on a website. This is nothing more than an exercise in setting up another big pork-barrel for the National Party in the Upper Hunter and the Hunter Valley in general. If the Government is fair dinkum about having a cost-benefit analysis to justify the investments it believes should be there, firstly the Minister should not be misleading the House. Secondly, the Minister should be backing this amendment to make sure it gets in the bill rather than telling members in this place a complete lie that it is already in there. It is not there. It is not even good enough to go into a regulation; it is standing on the website as a guideline. How does that work? It is a guideline that can be ignored. At the end of the day the Minister can ignore

the advice from the panel and make up his own mind as to what he wants to do. Guess what? That will be what the local member wants. Guess what? The local member is a National. There is an election coming up. This is another nice big pork barrel.

The CHAIR (The Hon. Wes Fang): Mr Borsak—

The Hon. ROBERT BORSAK: Minister, would you like to clarify your comments in your reply?

The CHAIR (The Hon. Wes Fang): The Hon. Robert Borsak will direct his comments through the Chair.

The Hon. ROBERT BORSAK: All my comments are through the Chair to the Minister.

The CHAIR (The Hon. Wes Fang): I have not finished speaking. The Hon. Robert Borsak will resume his seat. I reiterate what I said earlier: I want contributions to remain tight to the amendments before the Committee. I ask members to address their comments in that way and through the Chair. The Hon. Robert Borsak has the call.

The Hon. ROBERT BORSAK: Thank you, Chair. I address my comments through you to the Minister and ask him to clarify his previous comments on this matter. Nothing could be more specific to this debate than the points I am addressing about this amendment.

The Hon. MARK LATHAM (11:47): A vital point has been made by the Hon. Robert Borsak. The reference to benefit-cost study that was read out by the Minister is in the guidelines published by the secretary on the website. If the Government truly supports the benefit-cost approach, why not put it in the bill? The website can be changed tomorrow. New section 292W (3) clearly states:

> (3) The Rejuvenation Fund is to be administered by the Secretary.

The secretary will act under ministerial direction. New section 292X (5) states:

> (5) Advice given by a Panel is non-binding.

Even the expert panel can be wiped and set aside. The Government has not even got its benefit-cost approach in a regulation or the draft bill. What it has got is a website that can be deleted at any time. New section 292W states the clear object of the fund as follows:

> … to alleviate economic impacts in affected coal mining regions caused by a move away from coal mining by supporting other economic diversification in those regions, including by the funding of infrastructure, services …

The purpose of the bill is correct. It is not to fund community projects just for the sake of community halls and other services. It is to create jobs to alleviate the economic impact in affected coalmining regions. The purpose of the bill is sound. It is not about community projects that might be seen as worthwhile if they keep people occupied. The purpose of the bill is to ensure that there is economic growth and employment creation.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham will address the amendment directly.

The Hon. MARK LATHAM: The Government's website says "benefit-cost approach", so put that in the bill. The legitimate fear in this Parliament is that the approach will be wiped off the website. The advice given by a panel is declared to be non-binding and that will be wiped, and then we will go back to the old pork-barrelling boondoggles of which we have seen thousands in New South Wales over the past 10 years.

The CHAIR (The Hon. Wes Fang): The member is drifting from the amendment again. He will address the amendment directly.

The Hon. MARK LATHAM: This very good amendment does nothing more than write in new government policy as recommended by Mr Achterstraat and Mr Coutts-Trotter. What more can we do to help the Government than to implement their own policy from the report that was commissioned? Sometimes you cannot help members in this game. You try your hardest, you come in dedicated, you do your research, you are up all night studying and trying to help and it is still not sufficient. This is a great amendment.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (11:50): To be abundantly clear, the guidelines are not yet published because the funding program is not yet legislated. As I said, once this is legislated, the funding guidelines and the eligibility criteria will be made public by the secretary. Infrastructure will be required to provide a benefit to cost ratio analysis using the Treasury-endorsed template, which will be posted and published online. To the Hon. Robert Borsak's comments that were clearly directed at me and The Nationals, The Nationals do not hold electorates in the Hunter or the Illawarra. At the end of the day, this is about getting the policy framework right. I have made it abundantly clear when the guidelines will be published.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet GN1. The question is that the amendment be agreed to.

The Committee divided.

Ayes 17
Noes 19
Majority.....2

AYES

Banasiak	Jackson	Primrose
Borsak	Latham (teller)	Roberts
Buttigieg (teller)	Mookhey	Secord
D'Adam	Moriarty	Sharpe
Donnelly	Moselmane	Veitch
Graham	Nile	

NOES

Amato	Franklin	Pearson
Boyd	Hurst	Poulos
Cusack	Maclaren-Jones	Rath
Faehrmann	Mallard (teller)	Taylor
Farlow (teller)	Martin	Tudehope
Farraway	Mitchell	Ward
Field		

PAIRS

Houssos	Mason-Cox
Searle	Barrett

Amendment negatived.

The CHAIR (The Hon. Wes Fang): According to sessional order, it being after 12 noon, I will now leave the chair and report progress.

The PRESIDENT: The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for a later hour. According to sessional order, business is now interrupted for questions.

Questions Without Notice

STATE ECONOMY

The Hon. PENNY SHARPE (12:04): I direct my question without notice to the Leader of the Government in this place. What is the Minister's response to community concerns that the highest taxing State government in Australia has failed to make New South Wales the number one State like he promised, given the Commonwealth Bank recently stated that New South Wales has the worst performing State economy in the Federation?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:04): What an interesting question. I thank the honourable member for her question, which demonstrates a fundamental misunderstanding of how the CommSec *State of the States* figures are actually—

[*Opposition members interjected.*]

The strongest economy can in fact become the worst performing because it comes off such a high tax base. The Hon. Penny Sharpe is holding up the CommSec *State of the States* report. If you come off a very high base—

[*Opposition members interjected.*]

Well, which is the highest performing State? Tasmania! Tasmania is the highest performing State. Anyone who believes that the strongest economy in this country is Tasmania is absolutely kidding themselves. You only go to Tasmania for a holiday; no-one goes to Tasmania to do anything. Doesn't it go to show that the Opposition

wants us to become like Tasmania, where people go for a holiday? People come to New South Wales because we do stuff. Labor members are saying that the Tasmanian economy is the epitome of where we should be.

[*Opposition members interjected.*]

Listen to them go! They do not understand that the real reason Tasmania is on top of the CommSec ratings is because it has come off a very low base, and guess what—all of a sudden it got a little bit better. New South Wales is coming off the highest base, and we have been number one for many years. Of course, the opportunities in New South Wales are such that anyone who wants to do business in this country comes to New South Wales. Labor knows it and the Government knows it because the opportunities in New South Wales are there.

The Hon. Penny Sharpe: New South Wales is no longer number one, though it is number one in tax. It is ranked number seven in the State economies.

The Hon. DAMIEN TUDEHOPE: Well, let's talk about tax—highest taxing State. What members opposite do not understand is this—

The Hon. Daniel Mookhey: Guilty!

The Hon. DAMIEN TUDEHOPE: That is the allegation. Let's talk about it. On a per capita basis I agree that we are the highest taxing State and that is because New South Wales funds every other State. They get a bigger GST contribution from the other States, and Labor knows it. We fund all of those other States, so your taxes are funding the people of Queensland and Western Australia, which receive royalties from mining that far outstrips anything we get in New South Wales. [*Time expired.*]

The Hon. PENNY SHARPE (12:07): I ask a supplementary question. Will the Minister elucidate his answer—which was quite extraordinary—and explain why, in relation to GST, this is the first time in history that we are getting a transfer to us?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:07): Perhaps they went missing, perhaps they are still in isolation or perhaps they did not realise there was a pandemic but, in terms of policymaking, Labor is still in isolation. We have not seen any policies from Labor. After all that time they were at home, you would have thought they would have at least thought about how they were going to work.

The Hon. Penny Sharpe: Point of order: I take a point of order under Standing Order 65 (5) on direct relevance. I asked for elucidation on the point that New South Wales is now getting GST transferred to it on the basis of our number seven economic ranking. Will the Minister please direct his answer to the substance of the question?

The PRESIDENT: It is the Thursday after a couple of late nights, so I will take the Minister's comments as introductory, but perhaps he could move to the substance of the question.

The Hon. DAMIEN TUDEHOPE: I did start by saying that the real reason why potentially there was—

The Hon. Daniel Mookhey: Not potentially!

The Hon. DAMIEN TUDEHOPE: Please, listen up. The member might learn something. What I want those opposite to understand in relation to GST contributions, and it is really important to do so, is that New South Wales has the highest tax per capita but receives the second lowest per capita value of Commonwealth grants. New South Wales' current grants and subsidies—

The Hon. Daniel Mookhey: Now we're on the grants because you agreed to bad contracts with Morrison.

The Hon. DAMIEN TUDEHOPE: Listen up! Per capita it was $4,736 in 2021-22, compared to $5,736 per capita in Commonwealth funding for the citizens of Victoria, which the members opposite and all of us are paying for because of the strength of the New South Wales economy.

The Hon. Penny Sharpe: Number one in tax and number seven in the economies.

The Hon. DAMIEN TUDEHOPE: We are paying for them, and you know it. New South Wales is also less reliant on royalties compared to lower taxing jurisdictions. In New South Wales in 2020-21 royalty income per capita in New South Wales was $199, compared to $619 in Queensland and $245 in South Australia, and guess what? Western Australia got royalties of $5,649 per capita. That is the reason. The reason is that New South Wales funds those lesser performing Labor States.

The Hon. DANIEL MOOKHEY (12:10): I ask a second supplementary question. Will the Minister elucidate that part of his answer when he made reference to transfer payments from the GST? As the finance

Minister in the highest taxing State government in the country, when he learnt that Queensland was transferring money to New South Wales in GST, did he send a thankyou card to the Premier of Queensland?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:10): Maybe we would when they pay us the quarantine fees they owe us. Maybe we would send them a thankyou card then because we have been asking them to pay back the money they owe us for quarantine fees. We would be very happy to say thank you when they have paid those debts. They should pay back the money they owe us. If you ever want to know which State actually carried the burden of the pandemic in this country, it was New South Wales. This is the State that kept the economy running. This is the State that offered hospitality to all those other States who refused to allow people to come into their States. Guess what? We did, and they will not even pay us for it. If ever there was a shameful performance by a Labor Premier, it is the failure to pay the quarantine fees that are owed by the citizens of Queensland. What we have to do is say with one voice, "Shame on every one of them."

VULNERABLE GROUPS FREE RAPID ANTIGEN TESTS

The Hon. CATHERINE CUSACK (12:12): My question is addressed to the Minister for Families and Communities, and Minister for Disability Services. Will the Minister please update the House on how the New South Wales Government is supporting vulnerable groups, including people with disability, with rapid antigen tests?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:12): I thank the Hon. Catherine Cusack for her question. I am pleased to advise the House that the New South Wales Government is continuing to invest in our community by providing millions of free rapid antigen tests for vulnerable people, who include people with disability and their carers, children and young people in out-of-home care, vulnerable multicultural communities and Aboriginal communities, to support early identification and treatment of COVID-19. Up to 7.9 million rapid antigen tests are now available to ensure that we are protecting some of the most vulnerable people in our community.

We know that there are higher risks for some cohorts of contracting COVID-19, which includes people with disability and those who are immunocompromised. It is vital that we ensure that diagnosis and treatment can occur as soon as possible. We also recognise it is critical to take a person-centric, individualised approach to this distribution, which is why we are ensuring that there are multiple distribution methods to support this rollout. People with disability, immunocompromised individuals and their carers are able to access their free rapid antigen tests [RATs] through their disability service providers, through community non-government organisations and charities, or directly through over 200 community neighbourhood centres throughout New South Wales.

Importantly, access to these tests is not tied to NDIS eligibility or funding. They are available to every single person in New South Wales with disability. If a person would prefer that a family member or carer could pick up the RATs on their behalf from their community neighbourhood centre, we are also accommodating that. Non-government organisations and registered charities that provide services to people with disability and those who are immunocompromised can order rapid antigen tests from the New South Wales Government's website.

We also know that, particularly for people with disability, everyone's needs and requirements can be different, which is why we are providing millions of tests across New South Wales. Some people may prefer to undertake a rapid antigen test if they have symptoms; others may wish to ask their carers to take a test before they provide care services; and others may want their families or friends to take tests before visiting, or otherwise if they are out in the community. We recognise their individual needs and the New South Wales Government is supporting people by providing tests to meet their individual situations. The New South Wales Government is continuing to support individuals and families whilst we invest in our community by ensuring we are doing everything we can to protect those most at risk.

ROAD TOLLS AND CHARGES

The Hon. JOHN GRAHAM (12:15): My question without notice is directed to the Minister for Metropolitan Roads. Minister, do you accept that on 1 July tolls will rise by more than double the usual amount on six Sydney toll roads? Given that, is it really the time for your Government to be floating more than a dozen new ways to charge motorists in your leaked Future Transport Strategy?

The PRESIDENT: Order! 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) (12:15): I thank the Hon. John Graham for his interest in this issue, surprising as that is, and note that this is a Government that takes very seriously its approach to large infrastructure, such as our $110 billion infrastructure pipeline. Not only do we announce it but we deliver it, and

we do that in a measured, considered and calm way. The Government's tolling approach enables motorways to be delivered years and even decades ahead of time, with the private sector absorbing the biggest initial cost. That is how you build big infrastructure. After you set up the press release, you actually build it. This lowers the overall burden on taxpayers, freeing up capacity to invest in other essential services, such as hospitals, schools, roads, public transport and police. That is what you do.

This Government is conscious of rolling out large infrastructure and cost-of-living measures. As I have said and I will say again—I have said it so many times in this House—the Government has over 70 cost-of-living rebates, together with those specifically relating to tolling. It is pleasing that in the other place yesterday members supported a motion about cost of living and this Government's support for people impacted by the increased cost of living. But what did Labor do? Labor members opposed the motion about the cost of living for families in New South Wales. They do not care.

The Hon. John Graham: Point of order: My point of order is direct relevance. The Minister is entitled to introductory remarks but, Mr President, I would ask that you draw the Minister back to the very specific question about Sydney tolls and 1 July.

The PRESIDENT: The Minister has very carefully skated through some introductory remarks, but I point out that the question creates some scope because it mentions "is it really the time". Obviously, wider issues are relevant, but I ask the Minister to draw her comments back to the direct nature of the question.

The Hon. NATALIE WARD: It is absolutely the time to consider how we can best address cost-of-living issues. I thank members in the other place for their motion congratulating the Government on our cost-of-living rebates. We know that members opposite do not care. They do not have a plan. It is a policy-free zone on the Opposition side of the House. They are all searching in the cupboard—which is bare because they have not had to come up with a policy for a long, long, long time. But Government members are clear about our cost-of-living measures.

The Hon. John Graham: You are just avoiding the question.

The Hon. NATALIE WARD: Not at all. I am very happy to answer it.

The Hon. John Graham: You are absolutely avoiding it. You just will not say it. Do you accept that these tolls are going up by more than double?

The PRESIDENT: Order!

The Hon. Bronnie Taylor: Point of order: As I have said numerous times in this House, when this Minister is speaking, there are constant interjections and raised voices.

The Hon. Rose Jackson: Oh, yes, because we give Damien such an easy time.

The Hon. Bronnie Taylor: Members opposite are now interjecting during a point of order.

The PRESIDENT: Order! The Minister has the call on the point of order.

The Hon. Bronnie Taylor: Mr President, I ask that you call members opposite to order for constantly interjecting and raising their voices at the Minister.

The PRESIDENT: It being Thursday, members should be cognisant of these issues. I ask members to my left, in particular—and, indeed, the odd person on my right—to respect Ministers who are providing answers and give them the latitude they require to do so in as close to silence as they can possibly muster. The Minister has the call.

The Hon. NATALIE WARD: I am pleased to inform the House of the work that this Government is doing. This is a government that is addressing cost of living and tolling. Tolling contracts have been in place for years, in some cases decades.

The Hon. Penny Sharpe: Point of order: This Minister is a serial offender in relation to this. Ministers are required to directly answer the question, not give us a list. If they want to do a dixer, they have plenty of time to do so. During the Opposition's questions is not the time.

The PRESIDENT: I uphold the point of order. In her remaining time I ask that the Minister be directly relevant to the question in her answer and in anything further she wishes to add.

The Hon. NATALIE WARD: This Government is aware of the challenges for tolling contracts. They have been in place for years, in some cases decades, under the Labor Government that signed and put those contracts in place. Some of the long concessions of all of the contracts were signed up by Labor. The contracts have those increases built into them, either CPI or 4 per cent. The Hon. John Graham wanted to lock in CPI so

that those increases would be higher than the 4 per cent; he wanted to make sure that families had to pay the most possible. We are a government committed to delivering programs to reduce the cost of living, including more than 70 rebates and savings programs. We are exploring options as a government for reviewing the toll charges in a calm and considered way. That tolling review is led by Treasury and supported by Transport for NSW. [*Time expired.*]

BUILT ENVIRONMENT AND NET ZERO CARBON EMISSIONS

Mr JUSTIN FIELD (12:21): My question without notice is directed to the Hon. Damien Tudehope, representing the Treasurer and Minister responsible for climate change and emissions reduction. The Design and Place State Environmental Planning Policy [SEPP] was described by previous Minister Stokes as the planning system's biggest lever for ensuring sustainable buildings and achieving the New South Wales Government's target of net zero emissions by 2050. With the Design and Place SEPP dumped by new planning Minister Roberts, how will the Government fulfil its net zero commitments in the built environment, including the urgently needed increases in energy efficiency requirements in both residential and commercial buildings?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:21): What a good question. That is how you should ask questions about really pertinent issues. I thank the member for his question. I am advised that while the Design and Place SEPP will not be going ahead, the Department of Planning and Environment and the Office of Energy and Climate Change are continuing to build on work undertaken to develop the policy. While some proposals under the broader Design and Place SEPP had mixed feedback from industry, specific provisions for decarbonising buildings were strongly supported in the public consultation process. Minister Roberts has indicated his ongoing support for the upgrade of the Building Sustainability Index [BASIX] tool, which rates the sustainability standards for energy and water use, and thermal performance for all homes and renovations over $50,000. The Minister has also indicated his support for progressing the design of net zero requirements for commercial buildings.

This Government will undertake BASIX standards for homes where they make sense and save people money, and in line with our support of a net zero trajectory for the National Construction Code. Improved BASIX standards will help drive down emissions by another 150,000 tonnes of greenhouse gas a year. The Government is still progressing the intent of the net zero provisions of the Design and Place SEPP, which will make New South Wales buildings more energy efficient and reduce carbon emissions from building materials. The Office of Energy and Climate Change is working with the Department of Planning and Environment to consider all the building sustainability feedback received in the Design and Place SEPP consultation and to find the right policy mechanisms to implement the widely supported proposals to decarbonise buildings.

This work, along with the Government's leadership role in developing NABERS—pronounced "neighbours"—the National Australian Built Environment Rating System, has helped spark a revolution in sustainable buildings in Australia for the past two decades. The Government will continue to take a leadership role nationally in delivering energy efficiency and emissions reduction in residential and commercial buildings.

DUBBO BRIDGE

The Hon. WES FANG (12:24): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the Government's plans for the new Dubbo Bridge?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:24): I thank the honourable member for his fantastic question. Last month I visited the fantastic and booming regional city of Dubbo and joined the Minister for Western New South Wales and hardworking local member for Dubbo, Dugald Saunders, in launching tenders for the new Dubbo Bridge. Tenders are now open until June, and work is expected to commence in early 2023. The new bridge is a major investment by this Liberal-Nationals Government, in conjunction with the Commonwealth Government, into western New South Wales and the western plains of this State and into the local Dubbo community. We are securing a brighter future for our regional communities and Dubbo locals, and they will benefit from the $220 million joint Australian Government and New South Wales Government investment. Thanks to this Government's strong economic management, we are building a better Dubbo for the future.

The new 660-metre bridge over the Macquarie River will ensure locals and visitors have the very best infrastructure to travel safely within the local community and around Dubbo as a service destination. The New South Wales Liberal-Nationals Government knows how important it is to invest in infrastructure that will deliver real benefits for locals, the regions and the State economy. The new bridge will greatly improve connectivity for Dubbo locals, visitors and freight operators, in particular, across regional New South Wales. It is about futureproofing our regional communities, and locals can take comfort in the fact that this Government will ensure we build the infrastructure that makes the difference to their lives. The new Dubbo Bridge will provide a

one-in-100 year flood immunity, with upgraded roads on either side of the bridge that will provide a one-in-50 year flood immunity.

The Hon. Penny Sharpe: Most people ride their bikes.

The Hon. John Graham: Is this a bike bridge? Have you run this past Rob?

The Hon. SAM FARRAWAY: We have done our homework on this project.

The PRESIDENT: Order! Opposition members are pushing it a little far. I will start calling members to order if they continue with the level of interjection currently apparent in the Chamber. The Minister has the call.

The Hon. SAM FARRAWAY: Members opposite obviously do not like this fantastic news of investment in the regions. They obviously do not like Dubbo, which is why they will never win that electorate. The Government has done the work on this project. We know that the investment will complement the work on the Newell Highway, and it will be a massive win for freight operators. That is why we have announced River Street as the preferred option. The design will reduce the intersection of the Newell Highway route to just two intersections, making it even easier for people getting into and travelling around the Dubbo region. It is a major investment into western New South Wales by this Liberal-Nationals Government, in conjunction with the Commonwealth, and it represents our commitment to the people and the communities of regional and western New South Wales.

BIRD AND ANIMAL WELFARE

The Hon. EMMA HURST (12:28): My question is directed to the Minister for Regional Transport and Roads, representing the Minister for Agriculture. Currently the Prevention of Cruelty to Animals Act requires motorists to take reasonable steps to alleviate pain if they accidentally hit an animal, unless that animal is a bird. During the inquiry into animal welfare policy in New South Wales, a number of stakeholders raised concerns about the exclusion of birds, which are sentient animals capable of feeling pain. The Department of Primary Industry [DPI] has indicated that it would look further into this issue. Will the Minister provide an update on the DPI's review into the exclusion of birds in this provision?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:28): I thank the Hon. Emma Hurst for her question. Roadkill is an unfortunate and often confronting part of living and working in regional Australia and in this State. Human safety should always be the first consideration when driving on our regional and remote roads. As a sideline, this Government has invested significantly through the Safer Roads Program to ensure that those roads are safe.

I will come back to the honourable member's question. Section 29 of the draft Animal Welfare Bill 2022 is a carryover from section 14 of the Prevention of Cruelty to Animals Act 1979. That provision, including the exemption for birds, has been in place since 1979. We have been unable to identify the historical reasons for that exemption. At this stage the New South Wales Government is not considering changes to section 14 of the Prevention of Cruelty to Animals Act to remove the phrase "other than birds" from the legislation. The Government is committed to considering all feedback on the draft bill and welcomes the committee's views on that provision.

POWERHOUSE FASHION WEEK

The Hon. WALT SECORD (12:30): My question without notice is directed to the Minister for the Arts. Given the 2018 controversy over the Mercedes-Benz Fashion Week at the Powerhouse Museum, which resulted in the resignation of the CEO and the New South Wales taxpayer being forced to foot a $140,000 bill, what will be the total New South Wales taxpayers' contribution to last night's invitation-only black-tie runway event?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:30): I thank the Hon. Walt Secord for his question. I am delighted that the Powerhouse hosted a highly anticipated runway show for Afterpay Australian Fashion Week 2022. The unique collaboration transformed the Powerhouse's iconic boiler hall for the first AAFW runway show in the museum's 142-year history, celebrating young designer Jordan Gogos, whose creative practice celebrated inclusivity, diversity and community. The show was presented alongside a curated Powerhouse—

The Hon. Penny Sharpe: Point of order: My point of order is taken under Standing Order 65 (5) on direct relevance. I suspect that the Minister may have a dixer. If he does, he should use his dixer to answer it in this way. This is a direct question about how much this event cost.

The PRESIDENT: I will take the Minister's comments as introductory. I draw the Minister back to the nub of the question. The Minister has the call.

The Hon. BEN FRANKLIN: I think it is very sad that the Opposition obviously hates fashion, except for the Hon. Rose Jackson, who is the clear exception on that side of the House. It is wonderful and inspiring to see the Powerhouse partnering with this fashion event. Frankly, this is exactly what should happen across the sector. We support Australian fashion.

The Hon. Walt Secord: Point of order: My point of order goes to direct relevance. The question was very direct. Taxpayers and I want to know the New South Wales taxpayers' contribution last night. Leaked material tells me it is north of $100,000.

The PRESIDENT: I uphold the point of order. The Minister has the call.

The Hon. BEN FRANKLIN: I am delighted to come—

The Hon. Penny Sharpe: Take the question on notice if you don't know.

The Hon. BEN FRANKLIN: I am coming specifically to the question. I am delighted that nearly 60 collaborators worked on this extremely important project, which demonstrates the key role that cultural institutions play in supporting our sector, particularly at a time when creative industries have suffered the brunt of COVID-19. In direct answer to the question, the Microcars and 100 Climate Conversations exhibits in the transport hall will be reinstated straightaway following the event. There was no afterparty. There were no free drinks. The museum's cafe was open as it usually is on Thursday night. I will take the specifics of the question on notice. I appreciate the question.

The Hon. WALT SECORD (12:33): I ask a supplementary question. Will the Minister elucidate his answer in relation to the exhibitions he referred to? Which exhibitions have been displaced by the fashion show? How long will they be removed from public viewing? Which events have been suspended due to the fashion show? I did a bit of research.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:34): Yes, but you also didn't listen to my answer. I will repeat literally the exact sentence I said. The Microcars and 100 Climate Conversations exhibits in the transport hall will be reinstated immediately following the event.

NEW PARENTS SUPPORT

The Hon. SCOTT FARLOW (12:34): My question is addressed to the Minister for Finance, and Minister for Employee Relations. How is the New South Wales Government supporting parents as they welcome a new child into their family?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:35): I thank the member for his question. I can still recall the nine occasions on which I welcomed a new baby into our family.

The Hon. Rose Jackson: Do you actually remember?

The Hon. DAMIEN TUDEHOPE: I can remember them all. On five occasions it was a little ray of sunshine in the shape of a girl; on the other four, we welcomed a newborn son with arms wide open. For the 300,000 babies born in New South Wales over the past three years, this occasion has also been marked by receiving a baby bundle from the New South Wales Government. Did you get one?

The Hon. Rose Jackson: No, my son is four.

The Hon. DAMIEN TUDEHOPE: Each baby bundle is valued at an estimated $300. It includes a sleeping bag, play and change mats, a muslin wrap, a bath thermometer, a baby toothbrush, breast pads, a first aid kit, Australian children's books, a wash cloth, baby wipes, hand sanitiser, barrier cream and, most important of all, the blue book. Everyone knows about the importance of the blue book. The blue book is now available in 18 community languages and contains important information on child health and development as well as space for recording a child's personal health records.

The Hon. Rose Jackson: Do you have all nine?

The Hon. DAMIEN TUDEHOPE: I had nine books. We have a tradition of handing them over to our children when they turn 18—"Here is your blue book. You're fully immunised." But I digress. As the Minister for Finance responsible for our procurement policy, I am delighted to report that all supplies of products that go into the baby bundle are sourced from Australian owned small to medium businesses. The products are packed into the baby bundle and then distributed by the Sydney-based Civic Disability Services, a fantastic social enterprise providing employment opportunities for people with a disability. The baby bundle comes packed in a handy,

sturdy shoulder bag, which one dad tells me he now uses to pack what is needed for a family picnic in the park with his young son.

The Hon. Rose Jackson: Is it the Premier?

The Hon. DAMIEN TUDEHOPE: No. With apologies to James Brown:

Come here sister, Papa's in the swing
He ain't too hip, about that new breed babe
He ain't no drag
Papa's got a brand new bag

AUSTRALIAN BREASTFEEDING ASSOCIATION

The Hon. ROD ROBERTS (12:38): My question, which follows on the baby theme, is directed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. I refer to yesterday's multiple media reports about women who have been stood down from the Australian Breastfeeding Association on the basis of mentioning the word "mother". As the appointed Minister for Women, what is the Minister doing to help those women who have been excluded from the association?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:38): I thank the honourable member for his question about recent media reports. As the Minister for Women, I have not been contacted by those people. I have read about what has happened in the media. As a member of Parliament I represent everybody, regardless of their gender or culture. Whatever it is, I will represent them if they do things in a respectful and meaningful way. We are now in a society where we are having discussions about words and multiple people are leaving organisations, which I think is disappointing. We have to be a tolerant society. We are an inclusive society and we are an inclusive country. We have so much to be proud of. It is very disappointing when people are vilified for choosing to use or not use a particular word. People should use the words that they feel comfortable with and that they feel are respectful and meaningful to describe whatever situation they are in.

The Hon. Walt Secord: What do you think?

The Hon. BRONNIE TAYLOR: Now, now. As I said to the local member, if I am contacted by any of those people for support, as the Minister for Women I will provide my support in a respectful and considered way and in a way that values all people of all persuasions.

TOOLEYBUC BRIDGE

The Hon. MICK VEITCH (12:40): My question without notice is directed to the Minister for Regional Transport and Roads. Given the 2013 commitment by then roads Minister Duncan Gay, when will construction of the Tooleybuc Bridge start and, just as importantly, when will it be completed?

The Hon. Mark Buttigieg: Where is the dixer on that one?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:41): This is it. Let us talk about the Tooleybuc Bridge; I am happy to talk about it. I thank the honourable member for his question. We had conversations about this when we were in Cobar before I went down to Tooleybuc to visit the community about the bridge, which is planned for scheduled maintenance this year. I met with the community and I am happy to advise the House that Transport for NSW will not be proceeding with the scheduled maintenance at the end of this month. Instead, we are working with the community and with local government to ensure that we come up with a plan that fits the community's needs, one that takes into consideration the town as a tourist destination, the upcoming harvest at the end of the year and, obviously, some of the local businesses. We are working with the Department of Education around the school bus route as well to ensure that when maintenance is required on that bridge, we have alternative measures in place.

It is important to note that the Tooleybuc Bridge is a heritage-listed timber truss bridge across the Murray River and is a huge entry point into the beautiful Riverina. As I said, Transport is planning essential maintenance work, and we will come back to that community with a plan that they can work with. It is also important to note that the work to repair the support piers and temporary support structures on the Tooleybuc Bridge is needed to improve safety and ensure that the bridge can remain open for transport customers and heavy vehicles. As I touched on before, the proposed six-week closure was planned to start at the end of this month and go into June. That was based on community feedback from previous years that winter is generally the best time for work to be carried out in Tooleybuc due to, as I highlighted before, the harvest periods in summer, spring and autumn. I have heard the feedback from the community myself while on the ground talking to that community. As I said, we will go to plan B. It is important to note the work Transport has done recently with the drop-in community information session that was held on 3 May. Two options were proposed.

The Hon. Penny Sharpe: Point of order: My point of order is under Standing Order 65 (5), relevance. The information that the Minister is providing is quite interesting. However, the question was very direct. There was a commitment in 2013 to replace this bridge. He is talking about maintenance and drop-in consultations. The question was when will the replacement be started and when will it be completed?

The PRESIDENT: The Minister will directly answer that part of the question mentioned by the Hon. Penny Sharpe.

The Hon. SAM FARRAWAY: Tooleybuc Bridge, as we know, is a heritage-listed timber bridge, one of eight along the Murray River that under our timber bridge policy will be preserved. We need to continue with the maintenance. The recent commitment I gave to the community of Tooleybuc—

The Hon. Penny Sharpe: What is the commitment about the replacement? That is not the question.

The PRESIDENT: Order!

The Hon. SAM FARRAWAY: If you stop interjecting, I will finish the answer. Do you want to ask another question, because we are out of time? [*Time expired.*]

The PRESIDENT: The Hon. Mick Veitch has a supplementary question. The invitation was given.

The Hon. MICK VEITCH (12:44): I will accept the invitation. I ask a supplementary question. Will the Minister elucidate on the part of answer—which he did not answer but was probably getting to—that relates to when construction of the new bridge will commence and, importantly, when it will be completed?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:45): I thank the member for his supplementary question. To confirm, Tooleybuc Bridge is a heritage-listed timber bridge, one of eight along the Murray River that it is the decision of this Government to preserve and conserve. It is of huge heritage significance to the Murray River. We plan to rebuild and invest in the Tooleybuc Bridge. I gave a commitment to the Tooleybuc community when I was on site there only a week or so ago that there are no current plans to rebuild the bridge. However, I am more than happy as the Minister for Regional Transport and Roads to relook at it.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time.

REGIONAL SCHOOL ALUMNI EVENTS PROGRAM

The Hon. CHRIS RATH (12:45): My question is addressed to the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth.

The PRESIDENT: I call the Hon. Mick Veitch to order for the first time.

The Hon. CHRIS RATH: Will the Minister update the House on the Regional School Alumni Events Program?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:46): I can, indeed. I would be delighted to do so. I was delighted to announce the Regional School Alumni Events Program in Tamworth on 5 May this year. The $100,000 initiative is funded by the Office for Regional Youth and administered by the Department of Education. It will help regional schools hold events where former students can speak with current students about their experience at school and what they have achieved since graduating and talk to them about the potential paths that are on offer for them in their future lives. This extraordinary program was sparked by the 2021 Regional Youth Taskforce, under the leadership of my friend the former Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor, along with the Office for Regional Youth. During one of its official meetings, the task force discussed the importance of former students visiting schools to provide inspiration and guidance on post-school educational and employment pathways. It is great to tell the House how this Government has turned that idea into a reality.

We all know that finishing school can be overwhelming. We want to show students that they are not alone in navigating the choices they have in front of them. Seeing examples of local success is important in inspiring young people to take up new opportunities and try new careers, because you cannot be what you cannot see. I cannot emphasise enough how important that is for regional young people, who may not be as exposed to all the potential pathways that lie ahead of them as are their metropolitan peers. The visiting alumni members will speak directly to students, answer their questions and shed light on their individual paths since leaving school. Under the program, regional schools can apply for funding of up to $2,000 to facilitate running an alumni event. Event costs can cover catering, venue hire, teacher release, administration or other costs involved in running the event. The program is open to all government and registered non-government secondary schools in regional New South Wales. I strongly encourage those schools to apply for funding and host an alumni event.

At the launch of the program at the Tamworth Regional Youth Centre, I had the privilege of meeting with some of the incredibly impressive members of the Tamworth Youth Council. We spoke about some of the most important issues that were relevant to them and their community. I particularly acknowledge Tamworth Youth Council Mayor Calli Nagle and Deputy Mayor Jack Lyon, two extraordinary young leaders who have an incredible future ahead of them. Along with the rest of the members of the council, they provided me with some meaningful insights into a range of topics that affect them and their peers throughout the region. Just like the Tamworth Youth Council, an alumni event can be a conduit for discussions that genuinely improve the lives of young people in the regions. The Government is proud to support programs like this that do just that.

KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT

Reverend the Hon. FRED NILE (12:49): My question is directed to the Hon. Ben Franklin, representing the Minister for Environment and Heritage. The ongoing trapping of brumbies continues. Questionable counting methodology by Stuart Cairns in 2020 has stated that there were between 14,380 and 22,500 brumbies in Kosciuszko National Park. On 22 April my staff, the Hon. Rod Roberts and staff from the Hon. Mark Pearson's office went on a three-hour aerial count of brumbies in Kosciuszko National Park. Only 990 brumbies were counted. How can the Minister continue to remove brumbies when he has not visited Kosciuszko National Park? When will he visit and find out the facts for himself on the numbers?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:51): I thank the honourable member for his question, which has been asked of me as the Minister representing the Minister for Environment and Heritage in the other place. I absolutely acknowledge the sincerity and genuineness with which the member asks the question. There are very strong views on this across Parliament and the community, and we understand that. The Government has worked in consultation with a range of community organisations and individuals to develop a wild horse management plan, which identifies the heritage value of sustainable wild horse populations within identified parts of Kosciuszko National Park. I can advise that it sets out actions to protect those heritage values and maintain other environmental values of the park at the same time.

The question was specific about the number of wild horses in the park and sought to elicit a potential commitment or otherwise from the environment Minister to visit said national park. It obviously would not be appropriate for me to make a commitment on behalf of the Minister, not having either his diary in front of me or, in fact, having spoken to him about this. I know that he cares about this issue deeply and passionately. For those reasons, I am sure it does not come as a galloping shock—if you will pardon the pun—that I will take the remainder of the question on notice.

BOURKE HOSPITAL

The Hon. SHAOQUETT MOSELMANE (12:52): My question is directed to the Minister for Regional Health. Given the serious issues raised at the local hospital by medical staff, when the Minister recently visited Bourke with the Deputy Premier, why did she refuse to visit the hospital and refuse the request from staff to meet with her directly during her visit?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:53): I thank the honourable member for his question but respectfully say that I think he is mistaken. I did meet with people at Bourke, including the nurses. I was at Bourke during the last few weeks, when Parliament was not sitting, and I had a meeting with the Hon. Dugald Saunders, the Minister for Western New South Wales. At the hospital I had a wonderful meeting with the nurses in the tearoom. I met the new nursing unit manager, who has come from the Murrumbidgee Local Health District and is now working at Bourke. I heard really terrific comments about what she is doing there. She is a midwife as well. When I was there, she was actually assisting with the birth of a baby, which was an exciting moment—as it always is.

I also met with a wonderful enrolled nurse who has lived in Bourke for the past 20 years. We discussed what training it would take for her to progress to be a registered nurse. There was also a fellow there from Royal Prince Alfred Hospital and an agency registered nurse. It was really terrific to visit Bourke hospital. I have absolutely no idea where the honourable member got his information from that I did not meet with staff.

The Hon. Walt Secord: The local newspaper.

The Hon. BRONNIE TAYLOR: It was covered by the local paper, the local radio and by numerous people. It was the second visit that the Hon. Dugald Saunders had made to Bourke hospital, and I look forward to going back quickly too. I am always keen to meet with staff on the ground. Anyone who knows me knows that I am the first person to want to talk to local nurses, doctors and health professionals. It is what I do. Actually, I think that I probably annoy the bureaucracy when I go because I often tootle off and make sure that I do talk to clinicians. I am really keen to see what they are doing. I am also keen to test some of my own clinical skills and see if I still

come up to par, which I often do not. But I am very good at immunising and happy to immunise anyone. I hope that everyone in the Chamber has had their flu shot, because we really encourage that.

I look forward to getting back to western New South Wales and to visiting Bourke hospital again. It was absolutely terrific to be there. As I said, it has been heartwarming. I spoke with the University of Sydney about nursing students going back to Bourke again. I also spoke with the local head of police at Bourke about some issues that we had previously had at the hospital. I was told by staff on the ground that those issues had been resolved by the implementation of measures we took to look at that. It was a really fantastic and positive visit to Bourke, and I am sorry that the honourable member was mistaken in his question.

SCHOOL INFRASTRUCTURE

The Hon. CATHERINE CUSACK (12:56): My question is addressed to the Minister for Education and Early Learning. How is the New South Wales Government revolutionising the way schools are built?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:56): I thank the honourable member for her question. As members know full well, the New South Wales Government has made significant investments in building new and upgraded schools across the State. Over the past few years we have been working on ways to spread the benefits of this investment, leveraging the insights gained from our delivery of more than 170 new and upgraded school projects. As members will recall, we launched a pilot of five schools to be delivered using the design for manufacture and assembly method of construction. This involves the prefabrication of modules in a factory setting and, upon receiving planning approval, the modules are shipped to site for assembly. This method delivered the new Jordan Springs Public School, Estella Public School in Wagga Wagga, Barramurra Public School, Galungara Public School and Denham Court Public School.

That method was effective, but we wanted to push it further. I recently had the pleasure of launching our modern methods of construction approach. The method takes the idea of factory-built modules a step further with the construction of components that are still manufactured in a factory and shipped to a site for assembly. Modern methods of construction employs a kit-of-parts approach based off our standardised "pavilion" structure to new school facilities, whilst ensuring that each project retains a unique character. When fully established, we will effectively be able to order components for a project and have them manufactured in a factory and ready to be assembled once planning approval has been received.

The method has the potential to drive development of a school building industry, with manufacturers, particularly across western Sydney, already engaged in advancing this approach. The method is more sustainable, reduces wastage and is more cost efficient. The factory setting provides a more controlled environment, improving worker safety and reducing the impact of poor weather on construction. The method also reduces the impact of onsite construction, minimising disruption to families and local communities. Fern Bay Public School was the first to benefit, with four new, purpose-built learning spaces assembled on site in a matter of six weeks. The rapid speed of the build to deliver the new classrooms meant that students were able to benefit from modern learning spaces sooner, and I know that the principal and the school community there are delighted with their new classrooms.

The modern methods of construction is yet another initiative from our Government to ensure school communities across the State are benefiting from our record investment in public education infrastructure. More than 50 projects in our pipeline have been identified for delivery using this method. Not all projects will be delivered using modern methods, with traditional building methods still to play an important part in delivery of infrastructure. The opportunities with the modern methods of construction are incredibly exciting. Through this method, we are modernising our school building program and delivering improved learning spaces to more students across New South Wales. It is great infrastructure. Having visited these classrooms and seen what the builds are like, I think it is exciting to see what is possible. I look forward to delivering even more schools.

GENDER DEFINITIONS

The Hon. MARK LATHAM (13:00): I direct a question to the Minister for Women. I draw the Minister's attention to her answer to question on notice No. 8627, where she said that her definition of a woman "aligns with the Sex Discrimination Act 1984 (Cth) and the Anti-Discrimination Act 1977 (NSW)". How does the Minister explain the contradiction between the two definitions, where the Commonwealth Act says that a woman can self-identify "without regard to the person's designated sex at birth", while the New South Wales Act says, "woman means a member of the female sex irrespective of her age"? Which of these definitions does the Minister support: self-identification under the Commonwealth statute, or the New South Wales Act, where a woman needs to be a member of the female sex?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (13:00): I thank the honourable member for his question. I understand that the member

makes reference to what I have said before in this Chamber about my approach to gender definition. It does align with both the 1984 Commonwealth Sex Discrimination Act and the 1977 Anti-Discrimination Act.

The Hon. Mark Latham: It can't be both.

The Hon. BRONNIE TAYLOR: Again, I will state what I said before: I think it is really important that we have respectful and honest debate. I have been targeted before in this place with all sorts of things regarding definitions. No matter what my definition or what my comments are, people will find something that they think is a gotcha moment. The reality is, I am an elected member of Parliament, like every single person in this place. I will represent anybody in a respectful and kind manner. I will not get into debate about definitions that are going to be used to vilify people that are in a particularly vulnerable group. I am the Minister for Women and I take on that role proudly and responsibly.

I am also the Minister for Mental Health in this State. That is also a role that I take very seriously and passionately. I will not stand by and allow vulnerable cohorts of our community be targeted and vilified. I will say that people in the community are sick of this. The community wants responsible and respectful debate. I will represent anybody who comes to me at any time and wants to have a respectful and honourable debate, no matter how they identify, where they are from or their personal status. That is a matter for them. I urge everybody in this place to continue to make sure that vulnerable parts of our community are respected and allowed to reach their full potential. We must remain respectful.

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

POWERHOUSE FASHION WEEK

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (13:03): I will comment further in answer to the question by the Hon. Walt Secord. It may well have been that last night the Hon. Walt Secord was dazzled by my sartorial choices, but I can assure him that the event in question is not a black-tie event. It was not last night; it is, in fact, tonight. As indicated in my response, there is no afterparty and there are no free drinks. The museum's cafe will be open, as it usually is on Thursday night as part of the Powerhouse Late Program. Tonight the Powerhouse Museum is open to the public as part of the Cultural and Creative Industries economic stimulus support package. It is about getting people out and about again. It will be live streamed. I hope the member can make it and show his genuine support for the arts that I know is there. Sometimes it is very down low, but I know it is there. If the member cannot make it he can watch it on the live stream. I encourage everyone else in this Chamber who cares about the arts and Australian fashion to get along to the Powerhouse and attend this amazing event.

TOOLEYBUC BRIDGE

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (13:04): I will provide further detail in answer to the question asked by the Hon. Mick Veitch around the timber truss bridge strategy and Tooleybuc Bridge. Extensive consultation was carried out by Transport for NSW on the original timber truss bridge strategy with submissions, a report and subsequent modifications. In 2019 the Government's "Timber Truss Road Bridges - A Strategic Approach to Conservation" strategy was reviewed, after considerable work to better understand the structural capabilities of the various timber bridge types and the strengthening methods available.

The New South Wales Government manages most of the State's remaining timber truss road bridges. These bridges have a high individual and collective heritage significance because of the impact they had on the State's economic and population development, and the world-leading bridge design they exhibited at the time of their construction. The review found Tooleybuc Bridge, which had been identified for removal as part of the original strategy in 2012, was one of the eight bridges—as I highlighted in my answer earlier—across the State considered to be a good example of its Allan timber truss type, with the ability to be upgraded to service the future road network. As a result the review recommended that Tooleybuc Bridge needed to be retained.

Supplementary Questions for Written Answers

FUTURE TRANSPORT STRATEGY: TOWARDS 2061

The Hon. WALT SECORD (13:06): My supplementary question for written answer is directed to the Minister for Metropolitan Roads, representing the Minister for Infrastructure, Cities and Active Transport. Earlier today the Leader of the Government said in answer to a supplementary question asked yesterday:

> This question is best directed to the Minister for Infrastructure, Cities and Active Transport.

Therefore, I ask the Minister for Metropolitan Roads, representing the Minister for Infrastructure, Cities and Active Transport: Who commissioned the Future Transport Strategy: Towards 2061?

Later,

The PRESIDENT: Under the relevant sessional order, a supplementary question must be put by a member to elucidate answers given earlier during questions. As the question asked by the Hon. Walt Secord did not relate to an answer given today during question time, but rather an answer to a question asked yesterday, I rule the member's supplementary question out of order.

GENDER DEFINITIONS

The Hon. MARK LATHAM (13:07): My supplementary question for written answer is directed to the Minister for Women. Will the Minister clear up the confusion in her answer to question on notice No. 8627 as to which of the definitions she supports: the Commonwealth or the State one? They directly contradict each other. How can she be the Minister for Women, yet be unable to say what a woman is?

MINISTER FOR WOMEN

The Hon. ROD ROBERTS (13:07): My supplementary question for written answer is directed to the Minister for Women.

The Hon. Shayne Mallard: Point of order: The standing orders do not allow for more than one supplementary question to be asked per party.

The PRESIDENT: I have been advised that the standing orders allow one supplementary question for written answer per party. I therefore rule the supplementary question out of order.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. COURTNEY HOUSSOS: I move:

That the House take note of answers to questions.

BUILDING DEFECTS

The Hon. COURTNEY HOUSSOS (13:08): I take note of an answer to my question on notice No. 6780, which outlines the thousands of inquiries and complaints that NSW Fair Trading has received over recent years around building defects. Behind these numbers are thousands of families who are battling to fix defects in their homes. The most public example of those battling this challenge are the owners and residents of Mascot Towers. I have raised this issue in the House many times. Indeed, only last night I paid tribute to their incredible tenacity and will to keep fighting. In June 2019 their building was evacuated with only hours' notice. Next month it will be three long years since they were told to leave their building late at night. This has been financially and emotionally devastating for them. It has taken a huge toll on them and their families. As I have worked with them over recent months I have been awed and inspired by their remarkable resilience and strength.

I pay tribute to those Mascot owners who are in the President's gallery today. I thank them for joining us in the Chamber. I mention them by name: Rachel Williams and Derek; Sue Criddle; Leona McKenzie; Alfie; Chen-hui Zhang; Carolia Allen and beautiful little Aria Wong; Mark Link; Eric Tsang; and Onfu and her beautiful daughter Kathleen, who we have met on many occasions now along with Aria. Karee, as I know her, was 36 weeks pregnant when she was evacuated from Mascot Towers. It is a sign of how long they have been fighting that it has been Kathleen's whole life. I thank Jamie Lam; Roger Lu; Jan; Stu Carr, who shared his story so powerfully when we last met; Ji Ding; Yan Song; Wendy; and Sandy Jo. I thank all of them so much for coming today. I thank them for their fight. We stand with them.

We first raised this issue with the new Minister in budget estimates in March. Days after that, Labor leader Chris Minns and I visited the site and met with the Mascot Towers residents. In April, 62 of them wrote personal letters to the Premier and we have been in frequent contact over that time. This morning the Government finally announced an extension of the accommodation package, a long overdue announcement of a commitment given to the owners by a previous Minister. They have been forced to campaign for months for support that was already promised to them. I am in awe of the owners and I thank them for coming today.

GENDER DEFINITIONS

The Hon. MARK LATHAM (13:11): I take note of the extraordinary answer given by the Minister for Women, who said she is being targeted to give a definition of what is a woman. She spoke of vilification. It is insufficient to play the victimhood card when she wrote the answer to my question No. 8627 and provided answers that are clearly contradictory. Part of parliamentary scrutiny and responsibility for a Minister is to deal with a contradiction. In her answer she stated:

> The NSW Government gender definition aligns with the Sex Discrimination Act 1984 (Cth) and the Anti-Discrimination Act 1977 (NSW).

Well, they are directly opposite. Under section 4, "Interpretation", the Commonwealth statute reads:

> ***gender identity*** means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.

This was put into the Act by former Attorney-General Mark Dreyfus in 2013. It is one definition that some people use. However, as a matter of fact—not to target or vilify anyone—under section 23 of the New South Wales statute the definitions under "Sex discrimination" clearly read:

> ***woman*** means a member of the female sex irrespective of her age.

The two cannot sit together. The Commonwealth states that you can be a woman regardless of your designated sex at birth, but in New South Wales a woman is a member of the female sex. Is it asking too much of the highly paid Minister for Women to clarify her own confusing answer and to say to all those former National Party voters, "I can tell you what the definition of a woman is," and to all those former Liberal Party voters who do not like the woke rubbish to say, "I can clearly tell you what a woman is"? You would also clearly expect, would you not, the New South Wales Minister to follow the New South Wales statute. If she agrees with the Commonwealth one she should bring a bill before the House and change it, but the New South Wales definition legislated by this Parliament and not changed under section 23 says a woman means a member of the female sex.

It is insufficient to play the victim card. The Minister should provide accurate, consistent answers to questions on notice. She should then have the ability, as the Minister for Women, to come to this Parliament and say, "I can tell you what a woman is"—and she should use the New South Wales definition. Follow the biological science: "woman" means a member of the female sex. This is not rocket science. It is not all that difficult. It is biological science. You would expect a lot better from a highly paid Minister who, in answer to another question, was unable to use the word "mother". She did not help the women expelled from that association because those women said a woman who has just had a baby is a mother. Shock, horror! Mothers, they are.

DUBBO BRIDGE

GENDER DEFINITIONS

The Hon. WES FANG (13:14): I take note of the answer given today to the question that I asked of the Minister for Regional Transport and Roads about Dubbo Bridge. The Minister talked about the investment that this Government is making in regional communities, which continues to be a priority for us. I echo the Minister's comments that this Government is committing to building safer, more efficient and reliable journeys for those travelling in and around regional New South Wales. It is the Liberal-Nationals Government that is ensuring communities in the Central West are better connected than ever before. We have invested in infrastructure that matters for regional communities. We have improved efficiency on our major highways, reducing traffic congestion and making sure everyone on our roads can travel safely from A to B. The Government is about delivering on its commitments, and the new Dubbo Bridge is one of the many projects that is securing a bright future for regional New South Wales.

I also take note of the answer given by the Minister for Women, referenced previously by the Hon. Mark Latham. In her contribution the Minister made a very important point: Respect for those people that are seeking representation, whether it be from a member of Parliament or a member of the public, is important. What the Minister displayed in her answer was empathy and an understanding that there are different people in this State who have perhaps undergone or are undergoing difficult circumstances. The first thing that you would expect of a Minister is compassion and understanding. The answer the Minister gave demonstrated that principle, and I commend her for that.

I understand the importance of definitions and am not unsympathetic to the issues that are raised. Definitions aside, in response to the criticism that the Minister is highly paid and perhaps not addressing the issue as the member would like, the member must understand that the Minister is addressing the issue for the person who is being referenced. The compassion that the Minister spoke about—compassion for another human being—is the most important thing overall. On that level, the Minister has demonstrated that she is a very good Minister. To claim that the Minister is acting the victim indicates that the member does not know the Minister. The Minister would never play the victim card. [*Time expired.*]

STATE ECONOMY

The Hon. DANIEL MOOKHEY (13:17): How embarrassing for the Leader of the Government, who is the finance Minister of the highest taxing State Government in the Commonwealth, to have to explain why we have the worst-performing economy in the Federation. It was a difficult task and he certainly did not clear the bar.

I felt for him because this Government did come to power in 2011 promising to make New South Wales number one. It is no surprise that, after 11 years of mismanagement of our State's economy and our State's finances, we are now number seven, the last of all the States. It would have been helpful if perhaps the Minister was able to give the House a simple explanation as to how this state of being came to be. Nevertheless, members on the Opposition side of the Chamber are quite constructive in our willingness to help the Government out of the pickle it finds itself in. I vow to take up a collection for the Minister for Finance so he can visit Tasmania, Victoria, Western Australia, Queensland, South Australia and the Australian Capital Territory to find out what they are doing better than us.

The Minister's answer also revealed that for the first time since the GST was introduced in 2000 New South Wales will not be a State that transfers wealth to others. In fact, we will be the recipient of the largesse of States like Queensland and South Australia. For the first time we are receiving about $300 million or $400 million from those citizens, according to the findings of the Commonwealth Grants Commission, issued earlier in March. I cannot help but feel that the Minister for Finance was not aware of that and perhaps had not read the findings of the Commonwealth Grants Commission, which is quite disappointing given that GST is such a huge part of the State's budget.

What is worse is that this trajectory is in no danger of being interrupted. We have relatively paltry rates of economic growth and development of economic conditions in our State. As time emerges, we will be far more dependent on transfers from other States as it applies to GST. That trajectory is not being interrupted because there is no change in the economic policies of the Government. This Government, in power now for 11 years, is promising the people of New South Wales more of the same. That is more of the same real wage cuts, privatisation, tolls, fees, fines and charges, all of which are undermining consumer sentiment and retail spending in the State, which is partly why we have the worst-performing State economy in the Federation. A change in policy is needed and clearly a change of government is required as well.

BUILT ENVIRONMENT AND NET ZERO CARBON EMISSIONS

Mr JUSTIN FIELD (13:21): I take note of the answer given to my question about the decision of the new planning Minister, Anthony Roberts, to tear up the Design and Place State Environmental Planning Policy [SEPP]. So much work had been put into it by the department, and many members of the community and professional stakeholders had contributed to it through submissions and development. Everyone was looking forward to seeing a new future for the built environment in Sydney and across New South Wales. In fact, former planning Minister Rob Stokes stated:

> Beauty and quality would be brought to the forefront of planning under a proposed policy that puts healthier communities, housing choice, cooler and walkable suburbs and sustainable development at its heart.

He described it as the "first comprehensive design policy" that offers an opportunity to reshape the look and feel of where we live. It was championed by a lot of people. We no longer have a comprehensive policy with the dumping of the SEPP. However, I was heartened by the response of the Government, which I assume was informed by the Treasurer and the planning Minister, that they are not walking away from it entirely. There is a recognition that working on the update to the Building Sustainability Index [BASIX] to take it from a six-star rating to a seven-star rating is a good idea. I welcome that and I welcome the suggestion in the answer that there is a plan to take those ideas forward, maybe in a different form.

This is important because the built environment contributes as much as 25 per cent to emissions in New South Wales. Better quality homes built with modern-day infrastructure, energy-producing infrastructure, passive design, water storage and livability can be built into a suburb when it is first built. It is critically important, not only for quality of life but also for cost of living. Unfortunately, the BASIX update does not deal with commercial buildings. There is a lot of support to move straight to a net zero approach to commercial buildings. It saves the building owner and the tenants money in the future. That can be said for the home as well.

It has been warned that delaying the implementation of the upgrade to BASIX would cost Australians up to $3 billion in additional bills and network costs. That delay poses a real risk of negative consequence for the cost of living. I am heartened by the Government's approach, but I want something ideally as comprehensive as Minister Stokes' plan. Maybe it has a different name and that is fine, but do not throw the baby out with the bathwater. There is a lot of support within the community and industry for change in this space to build a more liveable and adapted community in the built environment to deal with what is coming in terms of climate change.

GENDER DEFINITIONS

The Hon. CATHERINE CUSACK (13:24): We live in difficult and troubled times for women in the world at the moment. Members will be aware that *Roe v Wade* is about to be overturned in the United States, the full burqa has been brought back in Afghanistan and here in Australia there is a Federal election debating issues

like women's health and child care. It is more than a little bit creepy that middle-aged men in this Chamber stood up and asked the Minister for Women, "What is a woman?" and put questions on notice about that. That was designed somehow to split hairs and trap her and generate worrying debate, I presume, about trans people. Women in Australia and around the world are focused on issues that pose a real threat to their wellbeing, particularly childcare services, which is very significant, and the multiple health issues that the Minister spoke about today.

I do not understand those men creeping around saying, "What's a woman like? They don't have any idea what a woman is." Of course we know what women are. Trawling through ABC journalists' Twitter accounts to find an angle on this issue is disappointing to women who want to focus on the main agenda. Anybody who has any claim to being a feminist and wanting to assist women has those values of diversity, inclusion and equity at heart. Any issues about women's sport are dealt with by women's sports organisations, which are getting on with it and dealing with those matters correctly. Those organisations want to be inclusive and keep the wellbeing of everybody at heart. That whole line of questioning is weird. It intends to create division where there is no division. It would be most appreciated if the Minister for Women and women going about their daily lives were left alone to get on with it. They are doing a good job at managing trans issues. There are other important issues that need to be addressed.

TOOLEYBUC BRIDGE

The Hon. MICK VEITCH (13:26): I take note of the answer that was given to the question I asked the Minister for Regional Transport and Roads about the Tooleybuc Bridge. I extend my appreciation to the Minister for providing further updated information at the end of question time. That will assist those who I asked the question for. It is not the Minister's view—and I will choose my words carefully—but I suggest that there has been miscommunication about the Tooleybuc Bridge probably from within the department. I will not target anyone in particular, but I think that may well be the case. I say that because on 25 June 2013 the then roads Minister, Duncan Gay, spoke about planning for the replacement of the bridge over the Murray River at Tooleybuc. The community had an expectation that that would occur. Also, in the NSW Long Term Transport Master Plan in December 2012, which I think the Minister alluded to in his response, it says:

> We will deliver the Bridges for the Bush program part two, with upgrade or replacement of bridges at Tooleybuc …

The community of Tooleybuc are operating under the belief presented by the Government in documentation and presented by then roads Minister Duncan Gay that the bridge will be replaced. The Minister presented a different version today and it has now moved on from that based on another review, particularly the additional response provided at the end of question time. The community deserve comprehensive consultation on the future plan. The poor communication with the community of Tooleybuc must be acknowledged. By the way, for anyone who has not been there, it is a cracking spot and they should go. The bridge itself is quite historic; I have been across it a few times. I say to the Minister that we must fix that communication issue because the people of Tooleybuc certainly deserve a lot better.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PETER POULOS (13:29): I close the take-note debate by referring to a number of answers that were provided by Ministers in question time today. A question was asked of the Minister for Disability Services about the Government's initiative in supporting vulnerable groups, including people with disabilities, with the rollout of rapid antigen tests. Those vulnerable groups are immunocompromised and are therefore at greater risk of succumbing to the impacts of COVID. The Government has initiated easy access to free rapid antigen tests for vulnerable people and their carers to keep them protected and safe against COVID, especially in the lead-up to winter. The initiative will offer added protection to those who are most at risk. I was pleased to hear the Minister indicate that access to those rapid antigen tests is not tied to NDIS eligibility or funding.

The Minister for Regional Transport and Roads provided another welcome update on how the Government has provided, once again, a practical example of its outstanding record of consistent infrastructure rollouts within both metropolitan and regional New South Wales. It was very encouraging to hear an update on the new Dubbo bridge, which is jointly funded between the Federal and State governments to the tune of $220 million. That project will initiate an opportunity for freight operators and road users to transfer goods and services over the Macquarie River. Finally, the Government has reinforced its commitment to families with the very popular Baby Bundle program. Over the past three years some 300,000 babies have benefited from that $300 pack of assorted provisions, which are provided to new families, mothers and their babies. That is a wonderful initiative and it reinforces the Government's support for families across New South Wales.

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

Motion agreed to.

Written Answers to Supplementary Questions

FUTURE TRANSPORT STRATEGY: TOWARDS 2061

In reply to **the Hon. WALT SECORD** (11 May 2022).

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

This question is best directed to the Minister for Infrastructure, Cities and Active Transport.

Documents

NSW OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table the report of the NSW Ombudsman entitled *Strip searches in youth detention: A follow-up report under section 27 of the Ombudsman Act 1974*, dated 12 May 2022, received out of session and authorised to be made public this day.

The Hon. SCOTT FARLOW: I move:

That the report be printed.

Motion agreed to.

The PRESIDENT: I will now leave the chair. The House will resume at 3.00 p.m.

Bills

MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2022

In Committee

Consideration resumed from an earlier hour.

The CHAIR (The Hon. Wes Fang): The Committee is dealing with One Nation amendments on sheet GN1 to the Mining and Petroleum Legislation Amendment Bill 2022. I call the Hon. Mark Latham.

The Hon. MARK LATHAM (15:02): I move One Nation amendment No. 3 on sheet GN1:

Page 12, above line 37, insert new Item:

[59B] Section 172AA Special Allocation of Royalties for Rejuvenation Funding

Insert new Section 172AA:

In recognition of the fact that the Singleton and Muswellbrook local government areas contribute more than 50 per cent of the mining royalties to the NSW Government, those two regions are to receive at least 50 per cent of the Royalties for Rejuvenation funding.

The amendment seeks to ensure hypothecation of mining royalties to the region that supplies the bulk of the revenue. One of the risks in the pork-barrelling exposure of this scheme is that the Hunter can provide over 50 per cent of the royalty revenue but it gets distributed, for example, up to the north-west sector, which is part of the scheme, to the National Party electorates of New England, Tamworth and perhaps a few others. That is a real risk. Surely there should be a recognition that while the four regions we are talking about—north-west, Hunter, the Illawarra and Lithgow in the electorate of Bathurst, represented by the Leader of The Nationals—all have adjustment needs given the pressure put on them for these mining jobs, the needs in the Hunter Valley are greatest because it has the highest proportion of direct and indirect mining employment.

[*A Government member interjected*.]

We do not want a situation where I am continually interrupted by the Minister at the table. Earlier I noticed that the Deputy President said, "Let's have an orderly debate", but his National Party colleague, the Minister, is on a chirp-a-thon. I will stick to the issues and be heard in silence, and I will not respond to interjections if they do not exist. The point of the amendment is to show that our eyes were opened during the Upper Hunter by-election, where this scheme originated in a National Party promise. Before the retirement of Michael Johnsen and the by-election, I asked the then Treasurer, Mr Perrottet, on notice what the coal royalty revenue collected from Singleton and Muswellbrook local government areas [LGAs] was and how much was returned to the LGAs.

The amount returned to the LGAs was a pittance—it did not even pass $100 million—but the amount collected was $1.1 billion in coal royalties from Singleton and Muswellbrook local government areas, accounting for 55 per cent of total coal royalties collected in New South Wales in 2018-19. Those two local government areas

alone provide half the money. Surely in a scheme such as this there should be an assurance of hypothecated funds where they receive at least 50 per cent of the Royalties for Rejuvenation funding so that we do not get a misallocation of funds out of the Hunter to the Bathurst electorate, represented by the Leader of The Nationals, or up to other National Party electorates in the north-west sector. The amendment is a sensible measure. During the by-election campaign I asked the same question, and can report to the Committee that the amount collected from Singleton and Muswellbrook for 2019-20 was $0.86 billion. It had gone up proportionately to 57 per cent of total coal royalties collected in New South Wales.

The figures are heading upwards and there is a compelling argument for ensuring that the money in this scheme does not flow out, and that the Hunter—particularly Singleton and Muswellbrook—is well looked after. The problem in the by-election was that the money had never flowed back. The money that had gone to Sydney—over $1 billion a year in royalties over many financial years—had never come back for the Singleton bypass, the Muswellbrook bypass, the polytechnic that is needed, advanced training, and other worthwhile high-benefit cost schemes. Since the money went to Sydney and never came back, we must guard against the possibility of the money produced in the Hunter going to regions where the National Party over-allocates for its own electorates. Accordingly, I commend the amendment.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:06): For the record, the money did flow back through the Resources for Regions program. The Government does not support One Nation amendment No. 3. I will keep my comments short and straight to the point. Clearly, the level of detail is not appropriate for the bill. Percentages may vary from year to year and will depend upon the applicants and the proposals.

Ms ABIGAIL BOYD (15:07): The Greens also will not support the amendment, although we are sympathetic to what we believe to be the intention behind the amendment. As we mentioned in our second reading debate contribution, a pretty measly amount of money is going to those communities. The Greens would like to see a far fairer system of delivering the money and the profits that have been derived from mining activities back to those mining communities. It is interesting that a flat sum is mentioned instead of, for example, a percentage of the royalties. If we had a percentage of the royalties, we could do it based on the royalties coming from that particular region. Perhaps that would be a fairer way of giving back to the communities that have supported the coalmining industry for so long. But the way this particular amendment is drafted does not quite get us far enough towards a fairer system. For that reason, The Greens cannot support it.

The Hon. MICK VEITCH (15:08): The Opposition does not support the amendment.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendment No. 3 on sheet GN1. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (15:09): By leave: I move One Nation amendments Nos 4 to 6 and 8 and 9 on sheet GN1 in globo, noting that amendment No. 7 has been withdrawn:

4. Page 3, lines 29 through to 32: delete Item [6].

5. Page 4, lines 7 through to 21: delete Item [10].

6. Page 5, lines 14 through to 20: delete Item [17].

8. Page 7, lines 18 through to 21: delete Item [31].

9. Page 8, lines 18 through to 40, and Page 9 lines 1 thorough to 3: delete Item [39].

These pro-jobs, pro-economic growth and pro-mining amendments stand in their own right. But, given the state of the debate, I move the amendments in globo.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:10): I appreciate the Hon. Mark Latham moving the amendments in globo. Firstly, regarding One Nation amendment No. 4, in December last year Australia ratified the Minamata Convention on Mercury, which is an international treaty that seeks to protect human health and the environment from emissions of mercury. Mercury is a chemical of global concern because it is a highly toxic heavy metal that can have dangerous effects on people, ecosystems and wildlife. The bill gives effect to the treaty to ensure no mercury mining occurs in New South Wales.

The Government does not support One Nation amendment No. 5. The amendment to section 13C of the Mining Act sets out the competitive application pathway for coal operational allocation exploration licences by existing authority holders. It provides a transparent process for determining whether there are other potential applicants within a very limited field, because operational allocation licences are only available to existing authority holders for land adjacent to an existing authorisation. The Government also does not support One Nation

amendment No. 6. The change proposed by schedule 1 [17] to the bill is strongly supported by industry because it will reduce red tape. As currently drafted, the exploration licence holders require two sets of approvals to access land over which the exploration licence applies.

One Nation amendment No. 8 will also not have the Government's support. The change proposed by schedule 1 [31] to the bill will stop the backlog of mining lease applications that are not genuine. The applicant must demonstrate that they either hold or are taking steps to obtain development consent for the mine. Finally, the Government does not support One Nation amendment No. 9. Schedule 1 [39] to the bill will provide an outcomes-based approach, requiring applicants to make the case for the area they need for their exploration work program rather than being required to relinquish the currently prescribed 50 per cent at renewal.

The Hon. MICK VEITCH (15:12): The Opposition does not support One Nation's amendments.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendments Nos 4 to 6 and 8 and 9 on sheet GN1. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. MARK LATHAM (15:13): I move One Nation amendment No. 10 on sheet GN1:

10. Page 24, lines 11 and 12, delete 294W(5)(v).

This amendment proposes to delete an amendment inserted by the member for Sydney and agreed to by the National Party in the other place. I note today that the Premier was backing his Treasurer's futile campaign in the electorate of Wentworth, saying that we cannot vote for Independents because they do not get anything done. What about Alex Greenwich? He is running the whole legislative agenda in the Perrottet-Kean-Greenwich Government. If Independents cannot get anything done, then why did the National Party agree to the Greenwich amendment that inserted the text, "whether the payment would lead to a negative impact on the environment"? Why did that text need to go into a bill where the objects clearly state it is about economic growth and employment?

The bill is about fighting off the wolves trying to destroy jobs in the Hunter Valley and other places. It is about new employment projects with a high benefit-cost ratio to ensure that those communities remain viable. What is the need for a clause that says "the payment would lead to a negative impact on the environment"? In the hands of the wrong people—and there are plenty hovering around this particular proposition—they will say that anything that creates a new business, a new industry and a new set of employment has a negative impact on the environment. They will say anything has a negative impact on the environment—you built in the wrong spot, you knocked over some trees or some trucks drove up that emitted a few fumes out the back. Why do we need a clause written into the bill when New South Wales has comprehensive environmental and planning laws already?

Projects should be judged on their economic potential. They need to go through the proper planning and environmental assessment under the laws of New South Wales, at a local or State government level. It is all very comprehensive. God help them if those projects have to go to the Independent Planning Commission—they will be sitting there for years as the woke Greens judges do their worst. We do not need this clause. It should never have been agreed to by the National Party. In terms of Independents getting things done, let the record show that the Labor Party in the other place says it would have voted against the Greenwich amendment but the Nats rolled over and accepted the legislative provision.

The Hon. Penny Sharpe: Those woke Nats.

The Hon. MARK LATHAM: The woke Nats, that is correct. I agree with the Leader of the Opposition—

The CHAIR (The Hon. Wes Fang): Order! I remind the Leader of the Opposition that interjections are disorderly. I remind the Hon. Mark Latham that we are considering the amendment before the Committee. He will keep his contributions within the scope of that debate.

The Hon. MARK LATHAM: I love my colleagues, and I love to respond to them. But I should restrain myself.

The CHAIR (The Hon. Wes Fang): I ask the member to do so.

The Hon. MARK LATHAM: I should. But I will not restrain myself in trying to get rid of this wretched amendment agreed to by the National Party for the Independent member, who obviously got a lot—stacks—done under this Government. The electorates of Wentworth and North Sydney should vote out the Liberal Party and vote in Alex Greenwich. He gets stacks done under the Liberal-Nationals Government in New South Wales.

The CHAIR (The Hon. Wes Fang): The member is starting to stray.

The Hon. MARK LATHAM: It is an amendment that must come out of the bill. The bill has to be about economic growth and employment, not writing in an environmental clause that will hold back projects, destroy jobs further and is unnecessary because we already have comprehensive planning and environmental laws in New South Wales.

Ms ABIGAIL BOYD (15:16): The Greens do not support One Nation's amendment. We are in furious agreement with the amendment to the bill by the member for Sydney. I note that One Nation's amendment is incorrect as it refers to a section that does not exist, and the member may want to amend it. The amendment should refer to section 292W (5) (v), not 294W(5) (v).

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:17): The Government does not support One Nation amendment No. 10. The amendment passed in the Legislative Assembly is consistent with the objectives of the bill, including to ensure mineral resources are identified and developed in ways that minimise impacts on the environment.

The Hon. MICK VEITCH (15:18): The Opposition does not support the amendment, as amended.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendment No. 10 on sheet GN1, noting the typographical error that "294" should be "292". This is not an amendment to the amendment; it is an acceptance of the typographical error. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (15:18): I move One Nation amendment No. 11 on sheet GN1:

11. Page 25, line 8: delete the text in (5) and replace with the following:

(5) With respect to the advice provided by the Panel:

(a) that advice is not binding on the Minister, however,

(b) where the Minister decides not to follow any aspect of the advice provided, the Minister is to publish the reasons for his decision on his website.

We need an explanation from the Minister as to why the advice of the panel would be rejected. What is the point of having those panels if the Minister can willy-nilly reject their advice and say, "That's the way it is," without giving a public reason as to why the advice was rejected. This amendment will delete line 8 on page 25, paragraph (5), and replace it with the following:

(5) With respect to the advice provided by the Panel:

(a) that advice is not binding on the Minister, however,

(b) where the Minister decides not to follow any aspect of the advice provided, the Minister is to publish the reasons for his decision on his website.

It is an act of transparency. It is something of a check against the boondoggle pork-barrelling issue that has been identified extensively in this Parliament over the past 12 months. If the Government wanted it to be a fair dinkum scheme, it would have said it will still have ministerial discretion but there has got to be a ministerial explanation as to why the expert panel was rejected.

Ms ABIGAIL BOYD (15:20): I understand the intention of this amendment and I agree that we want as much transparency as possible. I think the existing section 292X (9) (a) (ii) gets us there because it provides that on the department's website the secretary must keep a public register of a summary of the advice and recommendations given to the Minister by panels under this section. So it will be very clear when the Minister has deviated from the panel advice. A counterargument is that we want the Minister to explain why he has not followed procedures. When we think about how Ministers ordinarily deal with such obligations, there is nothing here that says that we need to have any a sensible explanation from the Minister. Under this provision, the Minister could just say, "The reasons for my decision are", or, "I have chosen not to", or, "It is not the business interest", or something quite uninformative. Even if we have this provision I believe we would still need to be probing in budget estimates hearings or in other contexts for that exact same information. I do not think that this amendment takes us further than from what we already have. On that basis, The Greens will not be supporting the amendment.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:21): The Government will not support One Nation amendment No. 11. As highlighted in the previous speaker's contribution, the Minister is ultimately responsible for the decision to provide funding for projects from the fund and we have processes in place, such as budget estimates, to question the Minister in that regard.

The Hon. MICK VEITCH (15:22): The Opposition will support amendment No. 11 as moved by the Hon. Mark Latham. In response to the Minister's contribution, I just say that as someone who has been to many budget estimates hearings—

The Hon. Shayne Mallard: Too many, Mick.

The Hon. MICK VEITCH: I would suggest probably too many. Yes, we can interrogate Ministers at budget estimates hearings. I look at some of the grant issues that have finished up at ICAC and some of them were interrogated at budget estimates hearings and the responses were not—I was going to say "not honest", but they certainly were not in accordance with what was provided to ICAC, so there was a disconnect between the information. The Minister is correct, we can interrogate Ministers but it depends a lot on which Minister is answering the questions. The bill and the amendments that we have put forward are not about the current Minister but the Minister of the day. Ministers will come and go. The fund will be in place. We must put in place mechanisms that ensure that, regardless of who the Minister is, this scheme will operate with the utmost integrity for the communities that deserve the funds. The Opposition will support the amendment. The main reason is, in light of the Achterstraat and Coutts-Trotter report, it is clear that if Ministers deviate from the recommendations of the department there needs to be a written trail as to why. That is essential as a part of the accountability measures that are being put in place. That is what the bill and amendments will do.

The Hon. MARK LATHAM (15:24): Let the record show that if The Greens had supported this amendment it would have been carried. Let the record also show that with the departure of Mr David Shoebridge, The Greens have rolled over on the question of pork-barrelling restrictions and the legislative provisions that guard against pork-barrelling. It looks like they have basically said—

The CHAIR (The Hon. Wes Fang): Mr Latham.

The Hon. MARK LATHAM: —to Matt Kean, "We are rolling over, come and tickle our tummy."

The CHAIR (The Hon. Wes Fang): Mr Latham.

The Hon. MARK LATHAM: "We will help you, Matt, fight the teal threat."

The CHAIR (The Hon. Wes Fang): Mr Latham. Mr Latham!

The Hon. MARK LATHAM: "We will fight the threat with you."

The CHAIR (The Hon. Wes Fang): Mr Latham, this contribution—

The Hon. MARK LATHAM: And Matt said, "How about giving us an open slather for pork-barrelling?"

The CHAIR (The Hon. Wes Fang): Mr Latham.

The Hon. MARK LATHAM: And their new leadership team is signed up.

The CHAIR (The Hon. Wes Fang): I call the Hon. Mark Latham to order for the first time. The disrespect to the Chair by members in this House will not be tolerated, whether it be me or other members. At the end of the day, it is not about the person who is in the chair, it is about the respect of the Chair and the Chamber. When the Chair is speaking members are expected to cease their contributions and sit. That rule applies to everybody in the Chamber, including me when I am not in the chair. The behaviour of the Hon. Mark Latham was unacceptable and it will not be tolerated again. I ask members to contain their remarks to the amendments. I will pull up any member who strays from the amendments and ask them to return to the debate before the Committee. Ms Abigail Boyd has the call.

Ms ABIGAIL BOYD (15:26): I will respond to that interpretation of our position on this amendment. To be very clear, I would really appreciate if members in this place would read the material in front of them and understand it before they decide to misinterpret what has been put forward by other members in this place who have read and understood what has been put in front of them. This amendment does nothing. In reality, in practical terms, it does absolutely nothing to prevent pork-barrelling. It would do absolutely nothing to create greater transparency and accountability. It would become a tick-the-box exercise when any Minister has a short excuse about why they did not follow the advice in a particular circumstance. It would tell us absolutely nothing.

I would love to think there was a way to shortcut our job of scrutinising and holding the Government to account by putting in legislative provisions that actually created a more transparent government. This amendment was not drafted by Parliamentary Counsel and it is not specific enough to draw out any relevant information. The Greens have been championing holding this Government to account for its pork-barrelling and to say that we are somehow not holding to our principles is offensive. I repeat, this is about the actual practical impact of what this amendment will do. I will not say "with respect", but the amendment moved by the Hon. Mark Latham does not do what he thinks it does.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved amendment No. 11 on One Nation sheet GN1. The question is that the amendment be agreed to.

The Committee divided.

Ayes 17
Noes 19
Majority.....2

AYES

Banasiak	Jackson	Primrose
Borsak	Latham (teller)	Roberts (teller)
Buttigieg	Mookhey	Secord
D'Adam	Moriarty	Sharpe
Donnelly	Moselmane	Veitch
Graham	Nile	

NOES

Amato	Franklin	Pearson
Boyd	Hurst	Poulos
Cusack	Maclaren-Jones	Rath
Faehrmann	Mallard (teller)	Taylor
Farlow (teller)	Martin	Tudehope
Farraway	Mitchell	Ward
Field		

Amendment negatived.

The Hon. MARK LATHAM (15:38): I will not move One Nation amendments Nos 12.1, 12.2 and 12.3 on sheet GN1. I move One Nation amendment No. 13 on sheet GN1:

13. Page 30, line 37, add:

[4] The Minister is to publish the report on his website within 28 days of receipt from the Secretary.

This amendment serves the interests of accountability and open governance. Under the bill the secretary will review new sections 292W and 292X within three years of the commencement of the provisions. The new sections relate to the Royalties for Rejuvenation Fund and the expert panel. The amendment puts the secretary under improved public scrutiny and is a worthwhile transparency measure.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:39): The Government will not be supporting One Nation amendment No. 13. Quite simply, it is more appropriate that the report be published on the department's website.

The Hon. MICK VEITCH (15:39): Having now read the legislation and the amendments, we will not be supporting the amendment.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendment No. 13 on sheet GN1. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:40): I move:

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

The Hon. SCOTT FARLOW (15:41): I move:

That the question be amended by omitting all words after "That" and inserting instead "the Committee reconsider schedule 1 [123]."

The Hon. MICK VEITCH (15:41): I think we should highlight that this is unusual. We probably need an explanation as to how it has got to this point, so that everyone is clear on what is going on.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:41): This amendment to the amendments that were moved yesterday is essentially a tidy up. The tidy up comes after advice from Parliamentary Counsel that this needed to be done due to the speed at which I moved those amendments to the Labor amendments yesterday.

The Hon. MARK LATHAM (15:42): Would it be in order to move, given the Government mess up of their own position, that the bill now be referred to the Public Accountability Committee for further transparency measures to stop the pork-barrelling? Obviously the Government is dazed and confused about what it is doing. It is unprecedented in my time here to reconsider schedule 1 [123] to the bill. This is a Government with enormous resources, advisers left, right and centre, Parliamentary Counsel—is it in order, Chair? I am seeking your guidance.

The CHAIR (The Hon. Wes Fang): It is not in order, given that we are in the Committee stage.

The Hon. MARK LATHAM: What about on the third reading?

The CHAIR (The Hon. Wes Fang): We will seek guidance for you from the Clerks, Mr Latham. What I have at the moment before me is a motion from the Government Whip. I will deal with that, and any other matters can be dealt with once I have received the advice from the clerks.

The Hon. MICK VEITCH (15:43): I have not been here for as long as some others, and I am trying to work through the logical process that this is now undertaking. It has been my experience—I have just had a conversation with an esteemed elder of our side of the show, the Hon. Peter Primrose. I recall one other time when we had a similar issue and I am pretty certain that we reported progress, went out and then came back in. Could I seek clarification around the process that we are following, to make sure that the tidy up on behalf of the Parliamentary Counsel's Office is not putting us in contravention or may affect the way in which we progress? I think that we need to make sure that we get that right.

The CHAIR (The Hon. Wes Fang): For the benefit of the Committee, I have advice which says that if a Committee of the Whole wishes to reconsider a clause of the bill it has already considered in Committee, it may do so if an amendment is moved to the question that the Chair report the bill to the House. Members will recall that the amendments moved by the Minister on Tuesday, when we last had Government business, were agreed to as amended by two Government amendments. The Government has circulated two amendments which would vary the previous decision of the Committee. In that instance it is a reconsideration, not a recommittal. To the Hon. Mick Veitch's point, I believe that the other instance was a recommittal as opposed to a reconsideration. That is why we are doing it in this manner. So that the House is clear as to what it is that we are currently debating, the Government Whip has moved that the question be amended, omitting all words after "that" and inserting "the Committee reconsider schedule 1 [123]."

I believe the Committee is now clear as to what it is that we are doing. The Hon. Sam Farraway has moved a motion to which the Hon. Scott Farlow has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:47): By leave: I move Government amendments Nos 1 and 2 on sheet c2022-084C in globo:

No. 1 **Royalties for Rejuvenation Fund**

Page 24, Schedule 1[123], proposed section 292W(5)(a)(i). Omit the proposed subparagraph as inserted by previous amendment. Insert instead—

(i) written advice about the payment given by the Secretary, including advice as to how the payment complies with the eligibility criteria specified under subsection (5A), and

No. 2 **Royalties for Rejuvenation Fund**

Page 24, Schedule 1[123], proposed section 292W(5A). Omit the proposed subsection as inserted by previous amendment. Insert instead—

(5A) Money must not be paid from the Rejuvenation Fund under subsection (5)(a) unless it is paid in accordance with eligibility criteria issued and made publicly available by the Secretary for the purposes of this section.

The Hon. MARK LATHAM (15:48): I move:

That Government amendment No. 1 on sheet c2022-084C be amended by inserting after paragraph (i):

"(ii) Any project funded under a Royalties for Rejuvenation Fund, that project must pass a benefit cost study which is approved and verified by Treasury as per Treasury guidelines.

(iii) If the Minister funds a project under a Royalties for Rejuvenation Fund contrary to the recommendation of the benefit cost study, the Minister must publish the reasons for his decision on his website."

I move that, and I am doing it in the spirit and nature of reconsideration to give The Greens another chance to stop the pork-barrelling potential of this bill. Clearly The Greens, in the absence of David Shoebridge, have lost their way. They have forgotten—

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham's contribution is beginning to stray from the amendment. I ask him to speak to the amendment. Could I have a copy of the proposed amendment.

The Hon. MARK LATHAM: Chair, what would you like me to say? I was explaining my reasons for resubmitting the amendment for reconsideration, but the Chair interrupted me. You seem to have a view on what I can say. I am just seeking guidance as to what I can say.

The CHAIR (The Hon. Wes Fang): I do not believe it is helpful to single out political parties as being your motivation to move an amendment. I ask you to speak to the amendment.

The Hon. MARK LATHAM: I will take your advice that in a parliamentary Chamber it is inappropriate to single out political parties.

The CHAIR (The Hon. Wes Fang): Mr Latham, do not verbal me.

The Hon. MARK LATHAM: What are we, the Hare Krishnas?

The CHAIR (The Hon. Wes Fang): Mr Latham—

The Hon. MARK LATHAM: They are a political party that voted the wrong way and I am urging them, in debate, to reconsider their position. Is that not parliamentary? Is that not why we are here?

Mr Justin Field: Point of order: The member is clearly quibbling with your ruling. I ask that he be called to order.

The CHAIR (The Hon. Wes Fang): I will not call the Hon. Mark Latham to order again. I have already called him to order once today. I implore the member to understand that we are speaking to the amendments. I ask him to speak to the amendment as moved.

The Hon. MARK LATHAM: Clearly, we need to reconsider what is happening here. We are about to pass a bill on the third reading that has no restrictions on pork-barrelling. The Greens, under new leadership, have clearly voted the wrong way. It is inconsistent with their whole pattern of campaigning against pork-barrelling. While I disagreed with Mr David Shoebridge in so many areas, I think that he did a tremendous job flushing out the Hornsby quarry and other proposals.

In reconsideration I am pleading with The Greens and the Animal Justice Party—who seem to follow The Greens' lead—to reconsider the need for benefit-cost analysis being written into the bill and for the Minister to give reasons why he might deviate from those recommendations. Earlier in the debate the Minister said that the Government has benefit-cost requirements in the guidelines on the website. If that is the case why can they not go into the bill, rather than leaving it open for the website to be changed or deleted? Is it not better to put them in the bill?

The Hon. Penny Sharpe: Point of order—

The CHAIR (The Hon. Wes Fang): I will hear the point of order.

The Hon. Penny Sharpe: Is the member finished?

The Hon. MARK LATHAM: Yes.

The Hon. Penny Sharpe: I will not take my point of order.

Ms ABIGAIL BOYD (15:52): The Greens understand the need for this amendment and do not have an issue with it. In relation to the comments from Pauline Hanson's One Nation party, I would like to restate that The Greens have a proud history of holding the Government to account and opposing pork-barrelling. If Mr David Shoebridge were still a member of this place he would perhaps be a little upset that during the last three years he had not managed to educate the Hon. Mark Latham sufficiently to understand what pork-barrelling is.

The Hon. Rod Roberts: Point of order—

The CHAIR (The Hon. Wes Fang): I will hear the point of order from the Hon. Rod Roberts. I believe I will pre-empt what the member is going to say.

The Hon. Rod Roberts: What is good for the goose is good for the gander.

The CHAIR (The Hon. Wes Fang): That is what I was about to say. I have asked all members in the Committee to address the amendments before them and to not stray from them. It is unhelpful when members speak of others in that manner and it only incites them. Members will not do that.

Ms Abigail Boyd: To the point of order: I understand and accept the comments of the Chair. I assert that we have a right to defend ourselves when we have been effectively slandered in this place.

The CHAIR (The Hon. Wes Fang): I am happy for members to make contributions around the amendments and also to comment on the contributions of other members to those amendments. I caution members that it is not tit for tat in this Chamber. Members will conduct themselves in a civil manner.

The Hon. MICK VEITCH (15:54): I find that this is quite a different and unusual process. The Opposition did support two amendments proposed by the Hon. Mark Latham previously. We have had that debate. We lost that debate. The Committee made a determination and we lost. To now revisit that debate on the back of the opportunity of recommittal makes me quite nervous. I have had conversation with other Opposition members about this. It is not that we do not support the sentiment, we do. The Committee has voted and taken a decision on these amendments. The Hon. Mark Latham has moved the same amendments in a different format, but they are the same. The intent is the same. On that basis the Opposition will not support this amendment. The Committee has made a decision. As much as we are not happy that we lost, we lost. That is the decision of the Committee and we respect that.

The CHAIR (The Hon. Wes Fang): The Hon. Sam Farraway has moved Government amendments Nos 1 and 2 on sheet c2022-084C, to which the Hon. Mark Latham has moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The question is that Government amendments Nos 1 and 2 on sheet c2022-084C be agreed to.

Amendments agreed to.

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

Motion agreed to.

The Hon. SAM FARRAWAY: I move:

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

Motion agreed to.

Adoption of Report

The Hon. SAM FARRAWAY: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:00): I move:

That this bill be now read a third time.

The Hon. MARK LATHAM (16:00): I move:

That the question be amended by omitting "read a third time" and inserting instead "referred to the Public Accountability Committee for inquiry and report".

I move this reference for two compelling reasons. The Public Accountability Committee [PAC] has done outstanding work under the chairmanship of Mr David Shoebridge to try to stop pork-barrelling. This is the first time a major funding bill has come before the House since the telling recommendations of the PAC against pork-barrelling. The second compelling reason is that this is the first time the House has considered a funding bill since the release of the Achterstraat and Coutts-Trotter recommendations about funding and grants programs. Why has the Government got the recommendations from Achterstraat and Coutts-Trotter only to ignore them at this first opportunity?

This is a chance to reflect on both of those realities: the outstanding work of the PAC under David Shoebridge and the new report that is available for putting a clamp on pork-barrelling and National Party boondoggles. The House should take that seriously and refer it to the PAC. It is a very important opportunity to

get these things right. The friend of those who pork-barrel is to have no accountability, no transparency, no benefit-cost studies and the capacity for ministerial discretion. The local member really decides where the money goes and we do not get the efficient, fair allocation of resources. Surely the House should learn some lessons. The lessons are clear at the PAC. Let us send it to that committee under its new configuration to look at this bill and build in its work, as well as the recommendations of Achterstraat and Coutts-Trotter.

Ms ABIGAIL BOYD (16:02): In my experience it is very rare that the Government does anything good when it comes to coalmining and looking after coal communities. With this bill we have finally seen a little bit of movement from the Government towards what The Greens have advocated for decades: a supported moving away, a supported economic diversification for these coal communities. We finally have a scheme that allows the communities themselves to come together and work out where best to spend money. I am less surprised when it comes to Pauline Hanson's One Nation party, but I am very disappointed in Labor for what appear to be a set of amendments that have tried to stymie this one particular good thing that the Government is doing and use it to capitalise on the political interest in pork-barrelling. That is what this is: taking something in relation to grants—which is not what this bill is about; it is not a grants program—and trying to use it for political gain to have a go about pork-barrelling before a Federal election and in the year leading up to the next State election. We absolutely need to deal with pork-barrelling in this State—and we will do that. This is not the bill to do so. It is a completely different type of bill. I ask members to consider what message it is sending to those coal communities to use this bill in this way when those communities are finally seeing some form of support from the Government.

The Hon. ROBERT BORSAK (16:04): I am actually very disappointed by the position The Greens have taken in this place yesterday and today. The reality is that amendments were put by the Labor Party to widen the representation on the panel that would be making recommendations in relation to the use of this money—and The Greens voted them down. There was a big amendment there that detailed all sorts of people, including green groups. Now that David Shoebridge is no longer here the belts-and-braces approach that The Greens always used to take on these issues has suddenly disappeared. Suddenly The Greens are saying, "This is a little bit of money that's going to flow to this community," but it is at the total discretion of the Minister and the local member. They are saying, "Isn't that a good thing? Shouldn't we just accept that?" The standards have collapsed in The Greens. Its members are muckraking at the lowest possible level, trying to do a deal with a government while pretending it is somehow good for a community to hand the cash over to The Nationals to pork-barrel before the next election. That is what this is all about.

This is a new low for The Greens in this place. Previously they have had a standard so high it was ridiculous. Now we see a huge backflip, a huge dive down into the sewer of The Nationals-Green alliance that is going to see members of the Government allowed to spend the money wherever they like and how they like. It should not be allowed. I am absolutely disgusted by the low level that is being set by The Greens in this place. They say, "We've got a little bit of money being thrown by the Government at their mates. We should accept that."

What is the real deal going on between The Greens and the Government? That is what I would like to know. What is actually going on? The amendments moved by the Labor Party were all knocked off by The Greens and their joint criminal mates over in the public gallery, the Animal Justice Party, whose members follow along like a bunch of puppies on a lead doing what The Greens tell them to do. It is disgraceful. It is unnecessary. The Shooters, Fishers and Farmers Party will be supporting this reference to the Public Accountability Committee.

The Hon. MICK VEITCH (16:06): I speak to the amendment before the House of the Hon. Mark Latham, which proposes to refer the Mining and Petroleum Legislation Amendment Bill 2022 to the Public Accountability Committee [PAC]. The Opposition will not be supporting the motion. There is a process in place in this House through the Selection of Bills Committee that provides a chance for a discussion of that. There is a chance at the end of the second reading debate to move a motion to refer a bill to a committee. The Hon. Mark Latham has taken the opportunity to do this at the third reading stage but there have been opportunities for him to do so along the way. We will not be supporting the referral of this bill to the PAC. Both Houses have now had a chance to explore and review this bill and I can see no reason why we would support it going to a committee.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. Sam Farraway has moved that this bill be now read a third time, to which the Hon. Mark Latham has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes 3
Noes 31
Majority.....28

AYES

Banasiak	Borsak (teller)	Latham (teller)

NOES

Amato	Franklin	Moselmane
Boyd	Graham	Nile
Buttigieg (teller)	Houssos	Pearson
Cusack	Hurst	Poulos
D'Adam (teller)	Jackson	Primrose
Donnelly	Mallard	Rath
Faehrmann	Martin	Secord
Fang	Mitchell	Sharpe
Farlow	Mookhey	Veitch
Farraway	Moriarty	Ward
Field		

Amendment negatived.

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

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. SARAH MITCHELL: I table the following paper:

(1) Water Management Act 2000—Report of the Murray-Darling Basin Authority for year ended 30 June 2021.

I move:

That the report be printed.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SARAH MITCHELL: I move:

That Government business order of the day No. 2 be postponed until a later hour.

Motion agreed to.

Bills

ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) AMENDMENT BILL 2022

Second Reading Speech

The Hon. TAYLOR MARTIN (16:19): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

The bill delivers on the Government's commitment to facilitate competition in the electronic conveyancing market. As the legislation is part of a national applied law scheme, the bill will provide the framework for a secure national interoperability regime. I seek leave to have the balance of the second reading speech incorporated in *Hansard*.

Leave granted.

To do this, the bill will introduce a requirement for national Electronic Lodgment Network Operators—known as ELNOs—to interoperate. Today, all parties to a land transaction must use the same ELNO to complete a conveyancing transaction. This restricts a user's choice and stifles competition. Requiring ELNOs to interoperate will bring certainty to the market, and will invite new players to the sector. Ultimately, interoperability will allow consumers to choose an ELNO that best suits their needs, with the confidence that electronic conveyancing systems will be able to work together seamlessly.

Electronic conveyancing and the need for ELNO competition Electronic conveyancing, commonly referred to as "eConveyancing", began a decade ago, when New South Wales passed the Electronic Conveyancing (Adoption of National Law) Act 2012. The Act set

up the national framework for eConveyancing, which is now operating in every jurisdiction in Australia, apart from Tasmania and the Northern Territory, which are expected to join in the next few years.

The Act also established the Australian Registrars' National Electronic Conveyancing Council, or ARNECC, which develops the rules and procedures for electronic conveyancing and assesses requests for approval to operate as an ELNO.

Since then, industry and consumers across Australia have embraced the benefits that eConveyancing provides over the manual paper process. These benefits see home owners receiving their sale money quicker, faster registration for new home owners—allowing them to move into their new homes quicker—and stricter controls to prevent error and fraud. Settlements can now occur remotely, which has proven vital throughout the COVID-19 pandemic.

The success of eConveyancing led the New South Wales Government, with the support of industry stakeholders, to require all land dealings to be lodged electronically, through an ELNO, to the land titles office. Last year Parliament passed the Real Property Amendment (Certificates of Title) Act 2021 which removed inefficient and costly paper processes and replaced them with a fully digital system, providing better security and fewer errors.

I want to recognise the time and commitment that all stakeholders have put into this reform. It has been a truly collaborative process that would not have been achieved without this support.

As eConveyancing has evolved and matured, attention has shifted to focus on the market for new ELNOs. The incumbent ELNO—PEXA—was established in 2013 as a government-owned entity. By 2019, all governments had sold their interests in the company, leaving it wholly privately owned. Today, PEXA maintains concentrated power in the ELNO market.

The Electronic Conveyancing National Law does not—and never has—limit the number of ELNOs that may be approved by the Registrars. But PEXA's position as the first ELNO has meant it has secured a near monopoly. This has become a matter of concern for many in the industry and government, including the Australian Competition and Consumer Commission [ACCC].

With a competitor ELNO, Sympli, having entered the market and others also looking at providing alternative electronic lodgement services, the industry is now at a critical point. There is also a growing reliance on electronic conveyancing services across Australia, which means now is the time to act. Government and industry must work together to build on the firm eConveyancing foundation, to provide an effective competitive market that benefits all participants.

What is interoperability?

Interoperability in this sense refers to a connection between ELNOs' back-end systems for the exchange of conveyancing transaction data. This exchange of data allows a customer connected to one Electronic Lodgment Network Operator to engage in a conveyancing transaction with a Subscriber to a different Electronic Lodgment Network of their choosing.

Interoperability is used in other industries to manage what is called a "network effect", which is a market where the value of a provider's service increases with the number of users of the service.

The electronic conveyancing market currently exhibits strong network effects because all participants—solicitors, conveyancers and financial institutions—must use the same ELNO to complete a conveyancing transaction. Larger, established ELNOs have an unfair competitive advantage over new and smaller entrants, since the established ELNOs' users can connect with a larger number of other users to complete transactions. This creates an impediment to effective competition between approved ELNOs; and a substantial barrier to entry for potential competitors.

This challenge with ELNOs is similar to other "big tech" operators like Amazon, Google, or Facebook, all of which have huge economies of scale and scope.

They are expensive to set up, but the costs of serving additional users is low. Established digital platforms reuse data in providing new services, further embedding their positions of dominance.

The network effect has seen a growing market dominance of digital platforms around the globe. To remedy this situation, legislators the world over are also calling for an effective policy response to enable competition in digital markets.

In Australia's case, Ministers responsible for eConveyancing and Treasurers from each jurisdiction, the ACCC, the Independent Pricing and Regulatory Tribunal of NSW [IPART] and the NSW Productivity Commission agree that competition is unlikely to be sustained in the ELNO market without interoperability.

But every delay in implementing interoperability makes it harder to achieve a vigorously competitive market and pushes off the benefits of competition.

I have talked at length about the benefits of competition in the eConveyancing market, but what does that really mean for the people who use it—the practitioners and their clients?

Sustainable competition gives subscribers real choice. It creates pressure on ELNOs to earn their subscribers, by having to compete on things like quality of service, price and reputation. ELNOs will have to demonstrate that they are responsive to subscriber enquiries, that their platforms are secure and their systems resilient.

Another key benefit is the potential for innovation, well recognised as a major outcome of competition in technology-based industries. Tangible examples of innovation in the eConveyancing sector could be simpler and more efficient interfaces for lawyers and conveyancers. Many lawyers and conveyancers are small business operators. Improved technology in the background can leave more time to focus on the client. Another tangible benefit could be ELNOs broadening their service offering, creating new and innovative services to distinguish themselves from their competitors.

Interoperability means that more than one operator can sustain themselves in the market. This would allow ELNOs to gravitate towards a particular sector of the market, perhaps tailoring their user interfaces to small conveyancing business or to other user requirements. Another might focus on financial institutions. Subscribers could choose the ELNO that best caters for their needs.

More ELNOs in the market mean that if one is not available, we have more options for keeping property transactions moving in Australia.

It is also important to note that competition in the electronic conveyancing market avoids the pitfalls of a monopoly market model, where much of the incentive to innovate, address stakeholder concerns, or improve quality of service is eroded due to the operator retaining the entirety of the market share.

Experts agree that interoperability is the best solution

Over the last three years, significant work has been done to identify the optimal ELNO market structure and the right approach to addressing PEXA's concentrated market power. These reports have unanimously concluded that interoperability between ELNOs is the preferred solution.

In November 2019 NSW IPART published a report on pricing which found that "Although competition is emerging, the lack of interoperability between ELNOs' systems is constraining its development" and that "interoperability between ELNOs has significant potential to promote competition". In December 2019 the ACCC published a report which identified interoperability as the preferred approach to facilitate effective competition in the ELNO market, noting the significant benefits of competition over the alternative of a regulated monopoly. In September 2020 the Centre for International Economics published a cost benefit analysis which compared three market models—a regulated monopoly, the status quo of multiple non-interoperable ELNOs, and interoperability—and found that interoperability delivered the greatest net benefit to the community.

A common theme of these reports and analyses is that effective competition delivers greater benefits at lower costs than a regulated monopoly, which involves high regulatory costs; only partially addresses pricing; and provides no incentive for the monopoly provider to innovate or improve its services for the benefit of users. By contrast, effective competition through interoperability will place downward pressure on prices, while also driving innovation and greater efficiencies. This reform provides certainty to industry and potential entrants that the regulatory framework does not simply allow for competition—it actively facilitates competition by enabling entrant ELNOs to compete on a level playing field with the dominant incumbent, PEXA.

Staged approach to regulation and stakeholder consultation

The benefits of interoperability are clear, but the complexity involved in achieving it cannot be underestimated.

From the outset, there has been a strong desire for the reform to be industry led, with governments openly collaborating and engaging with all affected—not just those who will use or be impacted by the system, but also those with the expertise to contribute to the reform. At a national level, consultation was driven through the Interoperability Industry Panel, which was convened by New South Wales and South Australia governments in December 2019 and then by ARNECC from October 2020. The panel includes Registrars, the Law Council of Australia, the Australian Institute of Conveyancers, the Australian Banking Association, financial institutions, and current ELNOs PEXA and Sympli. In addition to panel members, the ACCC, the Digital Transformation Agency and State Revenue Offices attend as observers.

The progress made to date on all aspects of the interoperability solution could not have been achieved without the efforts of the panel members who have contributed their time and expertise to progress this work over the past three years. I thank them for their commitment and support.

The reform will involve significant technology challenges. These have been reviewed and tackled by a team of experts from both PEXA and Sympli, with support from ARNECC representatives. The considerable progress that has been made to date is a testament to their efforts.

For interoperability to succeed, legislation and regulatory change is also required. The ENCL needs amendment to impose an interoperability requirement and to put in place powers for rules that deal with aspects of the reform like security of systems, privacy and the resolution of disputes. In addition, an effective enforcement regime is crucial to ensuring there are effective tools to manage noncompliance.

To support the interoperability reform and the national eConveyancing system more generally, ARNECC is developing a legislative proposal to implement a more robust enforcement regime. Currently, the ECNL provides that if an ELNO or subscriber breaches their regulatory obligations, the Registrar can terminate or suspend their provision of or access to eConveyancing services. The proposed enforcement changes will give Registrars a broader range of more flexible powers.

Rather than progressing all elements at once, regulatory reform will proceed in stages. This will give certainty to the sector and allow further work to continue, with the confidence that Government supports the process.

This multi-stage approach has been endorsed by key industry bodies. The Law Council of Australia strongly supports competition between ELNOs and considers interoperability to be a non-negotiable feature of the future of the eConveyancing market. The council has welcomed the introduction of the bill, as evidence of the commitment to ensure that interoperability is implemented. Similar support has been received from the Australian Banking Association, who see this as a pragmatic response to the complexity of the reform, and the need to balance certainty of reform with addressing important issues that stakeholders have raised. This strong support from these peak bodies was given on the basis ARNECC works closely with stakeholders through further development of the reforms and a second round of changes.

The Australian Institute of Conveyancers has been and continues to be supportive of interoperability, and ARNECC will also consider in detail the important issues they have raised, as part of the second bill, which is required to update the eConveyancing enforcement regime. Before looking ahead to the next stage of the legislative reform, I look in detail at the bill itself and the intent behind the amendments.

Key changes and intention

The bill makes some small but significant changes to the electronic conveyancing ecosystem that will shift the emphasis away from a single ELNO and make way for a multi-ELNO environment.

In its current form, the ECNL provides the high-level framework for electronic conveyancing nationally. The detail is found in the Operating Requirements and Participation Rules that are determined by the Registrars of each State and Territory, based on model provisions developed by ARNECC. The model requirements, known as MORs and MPRs, are reviewed regularly by ARNECC to make sure they remain current and meet the needs of users. Consultation and stakeholder input inform changes to the MORS and

MPRs. This arrangement allows the detailed requirements for electronic conveyancing to be considered nationally, in a responsive and timely manner.

The ECNL Amendment Bill retains this regulatory design, with much of the detail of interoperability to be fleshed out in the Registrar's requirements.

The focus of the bill is section 18A and the requirement to interoperate. The section provides that any person approved as an ELNO must establish and maintain interoperability between all other ELNOs. Interoperability will be established and maintained in the manner required by the operating requirements, allowing the MORs to set out the steps to implementation and a timetable for introduction. Although the detail will be in the MORs, putting the obligation to interoperate in the legislation gives industry a clear message of the Government's intention.

The requirement to interoperate includes a power for the Registrar to waive compliance if satisfied that granting the waiver is reasonably necessary, in all the circumstances. Allowing a waiver to be granted in this limited circumstance will future proof the legislation to accommodate potential technology changes or innovations in ELNO models.

"Interoperability" itself is defined in a new change to section 3. In essence, it is the interworking of Electronic Lodgment Networks in a way that enables a Subscriber using one ELNO to complete a conveyancing transaction with a Subscriber using another ELNO—without the parties having to subscribe to the same ELNO. The interworking must also allow the preparation of electronic registry instruments, and other documents, using data from different ELNOs.

The definition puts the experience of subscribers and users at the forefront. The design of the system should mean that, in any conveyancing transaction, subscribers can confidently engage in a conveyancing transaction without ever knowing which ELNO other participants will use. Interworking of the systems in the background should happen seamlessly, without impact on the transaction.

To support the interoperability requirement, section 22 will be amended to expand the matters that operating requirements can cover. This list is not exhaustive, but it provides a clear expectation of the things seen as important to the success of a secure, competitive ELNO market.

Central to the proposed model are the agreements that ELNOs will need to enter into with each other to establish their interconnections. Although these agreements will be negotiated between the ELNOs, the MORs will play an important role in their development. The bill will allow the MORs to require ELNOs to enter into agreements and to prescribe the types of matters that must be included within them. If it becomes necessary, the MORs could include standard provisions that must be included. Stakeholders have different views on how closely regulated the interoperability agreements should be. Some want the entire agreement prescribed and standardised. Others see them as purely commercial contracts that Government has no role in. The approach taken by the bill finds a balance between these two views—focusing on the key issues like security, privacy and claims management—but leaving the rest to be negotiated by the parties.

Section 22 includes further amendments that put beyond doubt other matters that the MORs can address. One area that has been identified is fees. Now that many of the States and Territories require land dealings to be lodged through an ELNO, it is important that Registrars can step in to make requirements around fees. This is particularly so as the ELNO market develops and until effective competition is achieved. The power to make requirements about fees will allow Registrars to set out principles for setting and publishing fees and for apportioning liability for them. As with all changes to the MORs, any provisions applying to fees will be consulted on with stakeholders before being introduced.

An integral part of most electronic conveyancing transactions is the financial settlement. Though the expertise of Registrars is in the preparation and lodgement of land dealings, for industry participants and consumers the financial component of a transaction is critical. Without requiring Registrars to regulate financial settlement, the ECNL will be amended to allow Registrars to require ELNOs to meet conditions that relate to the financial component. This will include specifying data standards for interoperability that include the associated financial transaction.

Importantly, amendments to section 22 will support development of, and compliance with, an industry code designed to ensure that the payment functions within eConveyancing are performed in an efficient and secure way. I am pleased to report that industry participants are working together to develop just such a code, under the direction of AusPayNet. The bill will allow the MORs to require ELNOs to participate and comply with an industry code—ensuring there is appropriate regulation of the payments system that has been designed and agreed by industry.

One element essential to the success of electronic conveyancing has been the use of digital signatures, which are applied by subscribers on behalf of their clients, with the client's authority. Section 12 of the ECNL allows the parties to a transaction to assume that a digital signature is correct and has been properly authorised.

In an interoperable environment registry instruments and signed documents, like the financial settlement statement, may go through an intermediary before reaching their destination. To address this, section 12 has been amended to extend the list of parties able to rely on a digital signature to include ELNOs and, in the case of a direction for payment of money, the financial institutions that pay or receive money as part of the conveyancing transaction.

The bill makes a number of further amendments, relating to delegation, compliance examination and information sharing between Registrars designed to strengthen oversight in recognition of the national nature of this legislation.

Further future changes

The introduction of this bill marks a major milestone in this reform but not its conclusion. There is still considerable work to be done before the first interoperable transaction is achieved.

This bill keeps all participants focused. It provides confidence to industry to plan ahead. This is particularly helpful for financial institutions, land registries and other bodies who can commit with confidence to the changes they need to make to support this reform.

Critically, governments are legislating now with the commitment to conduct further consultation. The two steps are inextricably linked—both are important, both will be in place before interoperability commences—and this allows for more detailed consultation with peak bodies in the coming months.

I would like also to thank all Registrars of Title, including the NSW Register General Jeremy Cox and his team, and the many experts in their teams who have worked tirelessly on this reform in the last three years. We will continue to support you as we move toward interoperability commencing—a substantial national achievement.

I would also like to thank my ministerial colleagues in other jurisdictions for working together to bring this bill forward:

- The Hon. Josh Teague, MP, South Australia
- Mr Shane Rattenbury, MLA, Australian Capital Territory
- The Hon. Selena Uibo, MLA, Northern Territory
- The Hon. Scott Stewart, MP, Queensland
- The Hon. Jacquie Petrusma, MP, Tasmania
- The Hon. Richard Wynne, MP, Victoria
- The Hon. John Carey, MLA, Western Australia

Every government in Australia supports this reform.

This first stage of the legislation change is a testament to the contributions and effort that all stakeholders have committed to the process so far. It is a clear indication of government commitment to the interoperability reform and demonstrates the resolve to see interoperability implemented without delay.

I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (16:19): I lead for the Opposition in debate on the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022, which seeks to amend the Electronic Conveyancing National Law [ECNL] as set out in the appendix of the Electronic Conveyancing (Adoption of National Law) Act 2012. The amendments will further the development of a national scheme for the electronic lodgement and processing of conveyancing transactions, along with enabling interoperability so that new lodging network operators can enter the market more easily. The bill will make significant changes to further the shift towards introducing interoperability into the electronic conveyancing space to promote competition between electronic lodgment network operators, or ELNOs.

Labor has been a longstanding supporter of competition in the industry, and it remains so, but Labor also understands that we must get this right and not rush the process to appease the Minister's ego. As shadow Minister for Customer Service and Digital, Ms Yasmin Catley stated in the other place, "Numerous stakeholders have raised concerns over the lack of regulatory oversight in the bill." That is why Labor supported the Hon. Mark Banasiak when he referred the bill to a committee. As a member of the committee, I heard from stakeholders right across the industry on the impact of the bill. I extend my appreciation to the members of the committee and to those people who provided submissions, evidence and views on the bill at the hearing. I acknowledge the chair of that committee, the Hon. Mark Banasiak, for his work during the inquiry process.

Emerging from that committee hearing was consensus support for competition in the eConveyancing industry. Sympli, Property Exchange Australia [PEXA], the Australian Banking Association and the Australian Institute of Conveyancers [AIC] all backed competition. The point of contention amongst stakeholders was over the time frame, regulatory framework and model for increasing competition. The Australian Competition & Consumer Commission has warned that the reform may not deliver the intended competitive outcome under the current model. That said, Labor understands that time is of the essence and will support the model. It is disappointing that the Minister failed to consult with the Opposition to ensure an acceptable model could be arrived at. Instead the Minister has attempted to play wedge politics and jam the bill through with the security of people's homes in the balance.

I move to the issue of regulatory oversight, which was raised by a number of stakeholders at the hearing. I note that a second bill is scheduled to be brought before the Parliament this year to establish further regulations and that an industry code is currently being developed, but we have been told that that is a year away. The issue of vertical integration was raised by both AIC and PEXA. Vertical integration is the process whereby an ELNO expands into the conveyancing market to provide end-to-end services. Ms Michelle Hendry, Vice President of AIC, told the committee:

> Our key concerns are financial settlement, resolution of claims and disputes, an enforcement regime, compliance, cost and, importantly to both conveyancers and consumers, the ability for vertical integration—an ELNO competing with conveyancers and lawyers, their subscribers, by providing end to end services. As warned by the ACCC, vertical integration would be anti-competitive and contrary to the public's interest.

Labor will watch that issue carefully and we will request from the Government an explanation of how it will ensure that vertical integration does not occur, creating an even more ingrained monopoly than we have today.

Further to the issue of regulatory oversight, a number of stakeholders raised concerns to the committee about safeguards for system readiness and change management and the need for them to be implemented prior to the implementation of interoperability. Directly related to the issue of system readiness were concerns over system resilience and the risks of failure. Committee witnesses were split on the impact of additional ELNOs and the potential for system failure. It is important to note that, should the system fail, the home purchases of families could be held up. Those families will turn to us to ask how the bill was allowed to pass without addressing that issue.

The Committee report made three key findings. First, there is unanimous support for competition in the electronic conveyancing industry. Secondly, stakeholders hold valid concerns around the resilience of the system. Further safeguards to protect consumers, including the industry code and an assessment of readiness by the New South Wales Office of the Registrar General should be developed and finalised well in advance of the commencement of interoperability. Finally, a second bill, foreshadowed for introduction later in 2022, has been suggested as a pathway for further amendment to the Electronic Conveyancing (Adoption of National Law) Act 2012 and for any outstanding details to be addressed.

Given the important nature and broad support for competition at the hearing into eConveyancing, Labor will support the bill but with an amendment that will insert a requirement for a report from the New South Wales Registrar General to be provided to the Presiding Officer of each House. I will speak to the amendment in the second reading debate in order to expedite the Committee process. The report will address, one, the extent to which the ELNO will be able to comply with the interoperability requirement; two, whether the ELNO has established safeguards to ensure the security of transactions and other communications between interoperable ELNOs; three, any risks associated with the interoperability requirements; and, four, an update about the development of a scheme for an industry code relating to associated financial transactions.

The amendment will refer only to the requirements in New South Wales and will not bond other States, which will avoid delaying the bill. In the Minister's rather arrogant approach to the process, he has treated the New South Wales Parliament as a rubberstamp for decisions that he has made in consultation with other States. This Parliament is entitled to debate and amend legislation that is brought before it. The truth is that any delay will be the result of this legislation being brought before the Parliament 12 months later than originally promised, combined with the Minister's complete refusal to consult with the Opposition on the bill. Labor has worked to pass the legislation in a timely fashion. Should the Minister's submission to the committee be correct, the requirement for a report to the Parliament will pose no threat to delaying interoperability in New South Wales.

The Hon. MARK BANASIAK (16:26): I contribute to debate on the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022. I thank the members of Portfolio Committee No. 4, who inquired into the provisions of the bill. As the Hon. Mick Veitch stated, in the hearing committee members heard a lot of concerns regarding system readiness in the introduction of additional electronic lodgment network operators [ELNOs] and the possible ramifications of that. Many witnesses said that a lot of those concerns could be fixed with the introduction of a second bill. I sought advice as to whether a second bill was required if this bill passed the Parliament, and the advice I received was that a second bill is not required.

Once this bill is passed and commences upon royal assent in New South Wales, it will immediately amend the Electronic Conveyancing National Law [ECNL] in New South Wales. Through the application of law provisions, the ECNL will be amended in Victoria and Queensland and after 90 days in the Australian Capital Territory. South Australia and Western Australia must take their own separate actions. Once amended, the New South Wales Office of the Registrar General is immediately granted the power to make operating requirements under section 22, which can mandate and commence interoperability obligations under section 18A of the amended ECNL. Nothing compels the Government to bring forth a second bill in order to make amendments or allay the concerns of industry stakeholders and consumers.

I ask the Parliamentary Secretary in his reply to recommit to the second bill being brought forward in a timely fashion and to provide a clearer time line as to when that will happen. Another concern from witnesses to the committee was that the time line and window is closing to amend the legislation before the next election; in fact, it may not happen. I ask the Parliamentary Secretary to confirm that there will be a second bill, despite legal advice that states the Government does not have to do so. The Shooters, Fishers and Farmers Party supports Labor's amendment—given that there is no requirement for a second bill—to have the Office of the Registrar General table a readiness assessment. Although the advice that I have received states that the report does not necessarily have to say that the system is ready, it just has to table the report. That may be the only level of security that consumers and stakeholders have if the Government does not bring forth the second bill in time.

The Shooters, Fishers and Farmers Party supports the bill and supports competition. What we do not support is legislating to change a monopoly, so to speak, to a legislated duopoly. I made that very clear in my questioning of the Minister in budget estimates, but all he seemed to think was that he was somewhere in his

metaverse with his angels. He did not give a clear indication of how he was going to ensure the industry did not become a legislated duopoly and that there was true competition. That was unclear. I ask the Parliamentary Secretary in his reply to provide the House with advice on what will happen to encourage competitors other than Sympli. We do not wish to see a legislated duopoly. We see how that works with supermarkets—no-one benefits other than the two big supermarket chains. We do not want to see the creation of a legislated duopoly. However, I support the bill going forward. I also support Labor's amendment.

Ms ABIGAIL BOYD (16:31): On behalf of The Greens, I participate in debate on the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022, which will amend the Electronic Conveyancing (Adoption of National Law) Act 2012 to introduce a requirement for electronic lodgment network operators to interoperate. Interoperability is now required after this Liberal Government, under the former Treasurer and now Premier, Dominic Perrottet, made the catastrophically short-sighted decision to privatise the land titles registry, against the vigorous opposition of peak bodies, including the Law Council of Australia, the Law Society of New South Wales, the NSW Real Estate Institute and the Institution of Surveyors NSW. But here we are.

This privatisation resulted in a privately owned monopoly of what is an essential public service. The management of transfer and registration of certificates of title should have remained in public hands, but the Liberal Government decided to proceed anyway and make the State's bed for us. The Government is now having a bit of a Goldilocks moment, because it does not like the bed that it is in. So in an attempt to remedy the Government's mistakes, we have this bill before the House. Of course competition is better than a monopoly situation. I acknowledge the Hon. Mark Banasiak's comments about having a legislated duopoly. In my view, a duopoly has to be better than a monopoly; we do not want a monopoly situation. Hopefully interoperability will leave room for a public option to move back into that space.

This first bill just fires the starting gun and requires PEXA to come back to the table so that it can actually get on with the work that is required if we are to get into interoperability in the future. In my former life I had a lot of experience randomly with interoperability in the context of securities clearing systems. Many of the issues are quite similar. I do understand that that is an experience very few people have and that the technical aspects of interoperability are not something that someone who is not an expert to begin with can easily grasp. Throughout the course of the inquiry, perhaps some witnesses may have been taking advantage of the fact that, as MPs, we do not have all knowledge of all things. So it is easy to push a particular perspective when people may not necessarily be able to ascertain the facts for themselves.

I agree that the second bill is not necessary in terms of being able to go ahead and for the registrar to do the things mentioned by the Hon. Mark Banasiak, but of course the law is not the end of it. We have to look at what the incentives are for someone to proceed with a system that does not meet the security standards and is going to fail. No-one is going to do that. I do not see that as a political matter. That is not a decision of the Minister; it is the decision of the registrar. In whose interest could it possibly be? Sometimes we have to look beyond the legislative framework and look at the practical realities of why anybody would participate in a system, whether it is PEXA or Sympli or someone else, when the banking aspects have not been fully fleshed out, when the security aspects have not been fully analysed, understood and provided against, and when the functionality of the system does not work. Nobody would do that.

So what I would describe as a fanciful situation—where suddenly it gets turned on and it is not ready—is just not going to happen. I listened to the submissions we received during the inquiry and I spoke at length with the Registrar General. I was able to obtain a letter of assurance from the Registrar General basically along the lines of what the Opposition's amendment is attempting to achieve. I seek the leave of the House to table the letter entitled "Commitment to reporting to Parliament on security and progress with interoperability" from the Office of the Registrar General.

Leave granted.

Document tabled.

Ms ABIGAIL BOYD: In this letter dated 30 March 2022, Jeremy Cox, who is the New South Wales Registrar General, wrote:

> I am writing to confirm that the NSW Registrar General will report to the Parliament on critical security aspects of the reform, and progress with other key aspects of the Bill. The NSW Registrar General will table the following reports to Parliament:
>
> **Security report** …

I will not read all of the letter—

> **Progress reports**

b. Within 12 months of the ascent of this current Bill, and each year afterwards until interoperability is made available generally [the Registrar General will provide] progress reports covering key program areas of technology, regulations, stakeholder participation and project implementation, as well as an update on the implementation of a stronger financial settlement oversight regime for eConveyancing.

In my view that is a much stronger assurance than anything that we could put in this bill. I will get to why I oppose the Opposition's amendment. In my view, the Opposition's amendment is not as strong as this letter, but also we have to realise where this sits within the national law. On the assent of this bill, immediately the provisions of the bill will become the law in certain other jurisdictions. That is because those jurisdictions have already put in place implementing legislation. The text of this bill has been agreed with those State and Territory jurisdictions in Australia. Upon this bill being passed, through the application of law provisions, it will become law in Victoria and Queensland. If we were to agree to the Opposition's amendment becoming part of the bill, that would then go into the legislation of those States as well. That is not part of the agreement that the New South Wales Government has with those other States.

In effect, what would happen is that the Government would have to not pass the bill or not have it implemented in order to honour its obligations. What that means is delay. There is only one party that I can see that actually benefits from delay in the implementation of this bill and that is PEXA, which currently has a monopoly position. PEXA will be the one to lose out on that monopoly position when this bill is passed. It is for that reason that I cannot support the Opposition's amendment. Although I believe the amendment has been moved in good faith, the effect of it is to kill the bill or at least to delay it for another month or so, during which time PEXA is not at the table and we are not able to get on with the highly technical work of putting in place everything that needs to be in place in order for the interoperability to come into effect as quickly as possible. I think that all of the parties in this place want to see a competitive market in this State. None of the parties wants to see a continuation of this monopoly of what is an essential public service. I encourage all members in this place to pass this bill as it is currently. I commend the bill.

The Hon. ROD ROBERTS (16:39): On behalf of One Nation, I speak in support of the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022. I do so with some reservations though, because anything that Victor Dominello has his hands on is grubby. In my opinion, he is the most incompetent and untrustworthy Minister inside this Parliament. However, in supporting the bill I have undertaken my own investigations.

The Hon. Scott Farlow: Point of order: It is a longstanding rule of this House that if members wish to make reflections on other members of this Chamber or the other place, they need to do so by way of substantive motion, which I invite the honourable member to do.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the point of order. While I indicated that contributions to the second reading debate would be given wide latitude, I was waiting for a point of order to be taken. Thankfully, the Government Whip took a point of order.

The Hon. ROD ROBERTS: I am so admonished.

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

The Hon. ROD ROBERTS: Notwithstanding the incompetence that comes out of that office, I have made my own investigations. I have read the report in detail that was prepared by Portfolio Committee No. 4. I congratulate the Hon. Mark Banasiak on his chairing of that committee. Not only have I read that report, I have also engaged with stakeholders. Those stakeholders are not simply the electronic lodgment network operators [ELNOs]. They also include conveyancers and home purchasers. Only last week my wife and I were stakeholders in the purchase of another property, in which we had to pay fees to PEXA. We had no option to pay to any other service except for it.

One Nation is all about competition and what is best for the consumer. Clearly, competition is good for the consumer. I have spoken on a number of occasions in this House about the cost burden placed upon home purchasers, whether it be by building and pest inspections, the cost of homes, et cetera. Any opportunity where we can save the consumer money in the purchase of real estate should be explored. The bill is that opportunity, and the beneficiaries will be the men and women of New South Wales. In a bit of a kumbaya moment, I agree wholeheartedly with the sentiments of Ms Abigail Boyd of The Greens. To delay passage of the bill any further would simply continue the current monopoly of PEXA.

You only have to look at how many real estate transactions are taking place in New South Wales. The bill was delayed by six months, which would have put many dollars into the pockets of PEXA, having taken it from the pockets of mums and dads in New South Wales and real estate purchasers. It is incumbent upon us to ensure that we get a system that is competitive. In closing—and I do not know how I got it, but I think it is quite lawful that I got it—I, too, have a copy of that letter from the Office of the Registrar General that was addressed to

Ms Abigail Boyd. As a party, One Nation is satisfied that the contents of that letter satisfactorily address the issues in relation to Labor's amendment. One Nation will not be supporting Labor's amendment. We support the bill as it is.

Reverend the Hon. FRED NILE (16:42): I speak in support of the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022. The bill was introduced by the Hon. Victor Dominello. I wish to support the proposed legislation and thank the Hon. Victor Dominello for bringing this bill to fruition. The intent of the bill is to increase competition in the marketplace. For that reason I support the bill, as it is heading in the right direction. The Christian Democratic Party supports the bill.

The Hon. TAYLOR MARTIN (16:43): On behalf of the Hon. Damien Tudehope: In reply: In the second reading debate of the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022, the Hon. Mick Veitch, the Hon. Mark Banasiak, Ms Abigail Boyd, the Hon. Rod Roberts and Reverend the Hon. Fred Nile all touched on various aspects of the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022. The bill and the crucial role it will play in reforming the electronic conveyancing market has been examined thoroughly and at length by Portfolio Committee No. 4, as mentioned by the Hon. Mick Veitch and others. The Government thanks members on the committee and participants in the inquiry for their time and effort into that review. During the review, the committee heard from national peak bodies, including the Law Council of Australia and the Australian Institute of Conveyancers, along with the Australian Banking Association [ABA], the electronic lodgment network operators—referred to in this place tonight as the ELNOs—and regulators.

It was clear that there is unanimous support for competition between the ELNOs, as we heard in the second reading debate and as was confirmed by finding 1 of the committee's report. The committee also found that stakeholders held valid concerns around resilience of the system and wanted further consumer protections to be finalised well in advance of the commencement of interoperability. Recognising the general support for the intent of the bill, the committee recommended that the bill proceed for debate in this Chamber. It was flagged in the second reading debate that many issues were raised in that process. I propose to go through a few of those issues. Firstly, going straight to the Hon. Mark Banasiak's query regarding the second bill, the Government committed to the second bill and tonight we recommit to that second bill, as have other States.

Not surprisingly, the security and resilience of the electronic conveyancing system topped the list of issues that were raised in the committee hearing. Security is a concern shared by this Government. We have no intention of threatening the integrity of the conveyancing system, a system that underpinned approximately $250 billion worth of New South Wales land sale transactions in 2021 alone. System assessments will not be left to last, like a final exam at the end of the process. Nationally, the Australian land registrars have embarked on a series of independent health checks and readiness assessments that will review and test the project during its development, through its implementation and beyond. The assessments will comprehensively examine the process, and will look at implementation time frames and any risks that might be created by them, system readiness, stakeholder impacts and project governance. The Registrar General has committed to reporting the findings and recommendations of the reviews to the New South Wales Parliament before interoperability is available to customers in New South Wales.

Another achievement that came out of negotiations around interoperability is an agreement to develop an industry code that will deal with the financial aspects of eConveyancing. The portfolio committee noted the importance of the financial industry code in providing protections for consumer finances, recommending that the code be developed before the launch of interoperability. Development of the industry code is well underway. The Australian expert in this area, a company known as Australian Payments Network Limited, has commenced work on the code. That work is being carried out with financial institutions and ELNOs, following a process endorsed by the Commonwealth Council of Financial Regulators.

The industry code will address consumer questions about the disbursement of funds, what happens if funds are misapplied or mistaken payments are made, liability in the event of fraud and the protection of data and privacy. This process is scheduled to be completed by the end of this year. The ACCC will then review that code, which may take up to six months, allowing the code to be in place before interoperability. Although development of the industry code is proceeding, its success depends on this bill. The bill provides the legislative backing that will make the code effective. It will allow registrars to make operating requirements that will compel ELNOs to sign up to that code, which is yet another reason to pass the bill as is, without delay, as Ms Abigail Boyd well covered in her contribution to debate on the bill.

Pricing and competition was another issue raised by stakeholders and touched on earlier in this debate by the Hon. Mark Banasiak, with the committee noting a need for clarity on the setting of inter-ELNO fees. This important issue is being addressed, and an independent review of inter-ELNO fees has already commenced. An independent State pricing tribunal will work with ELNOs, other stakeholders, treasuries and the ACCC through a 10-month review that will inform ELNO fee pricing policy. The independent tribunal will consult with ELNOs

and other stakeholders on a publicly available draft terms of reference. Subject to consultation, the tribunal will investigate and make recommendations on areas such as whether fees should be charged by the responsible ELNOs to participating ELNOs.

The tribunal will also consider whether pricing principles should be applied to the setting of inter-ELNO fees and, if so, what those principles should be. That work will then be used by the land registrars to make any changes to the national regulatory regime to address this issue. Development of the interoperability solution has been a consultative, comprehensive process that has considered the technology, system usability and consumer experience, and data protection and security. This bill will help realise the reform by providing the legislative framework that will mandate that ELNOs must interoperate, set data standards with embedded security controls and compel ELNOs to enter into interoperability agreements with transparent dispute resolution processes.

Because the ECNL is an applied law scheme, any amendment to the bill will require endorsement and approval from each State and Territory, as raised earlier by Ms Abigail Boyd. This will add significant delay that is neither warranted nor helpful. The bill is an important milestone for this reform. It sends a strong message to ELNOs that the market structure is changing and they need to get on board. It gives confidence to the land registries and banks that they can invest in the technology needed to support the transition. The bill does not need amendment and should not be delayed. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole.

The Hon. MICK VEITCH (16:52): I move Opposition amendment No. 1 on sheet c2022-072C:

No. 1 **Report to Parliament**

Page 3, Schedule 1. Insert after line 2—

[1A] Section 4A

Insert after section 4—

4A Report to Parliament

(1) Despite section 4, the *Electronic Conveyancing National Law (NSW)*, section 18A(1) does not apply to a person approved by the Registrar as an ELNO until the Registrar has given a report to the Presiding Officer of each House of Parliament that sets out—

(a) the extent to which the ELNO will be able to comply with the interoperability requirement, and

(b) whether the ELNO has established safeguards to ensure the security of transactions and other communications between interoperable ELNs, and

(c) any risks associated with the interoperability requirement, and

(d) an update about the development of a scheme for an industry code relating to associated financial transactions.

(2) A copy of a report given to the Presiding Officer of a House of Parliament must be laid before the House on the next sitting day of the House after it is received by the Presiding Officer.

(3) A Presiding Officer does not need to inquire whether all or any conditions precedent have been satisfied in relation to a report given to the Presiding Officer under this section.

I addressed this amendment in my contribution to the second reading debate. Competition is fine; however, I think all members agree that protection for consumers is just as important, because if it goes bad there needs to be protection for consumers in this process as well. I think that most members addressed the amendment in the second reading debate, so I will leave it at that.

The Hon. MARK BANASIAK (16:52): The Shooters, Fishers and Farmers Party supports Opposition amendment No. 1. In her contribution to the second reading debate Ms Abigail Boyd said that she believed the letter from the Office of the Registrar General was somehow a stronger or more robust mechanism than a piece of legislation, which I find completely nonsensical. If we were to apply that principle on any other matter then we may as well shut the doors and turn off the lights, because our work in the Legislative Council is done. There is no need to pass laws. We will just accept letters from public servants that everything is hunky-dory. That is not reality. Legislation is binding and can be brought before the courts—

The CHAIR (The Hon. Wes Fang): I draw the member back to the amendment moved by the Opposition.

The Hon. MARK BANASIAK: My contribution goes directly to the amendment because we are talking about the proposition that a public servant can table a report saying everything is okay and that somehow is better than legislation. That is not the case. A provision in legislation is far stronger and robust than a letter from a public servant who says everything is okay. I will leave it there.

Ms ABIGAIL BOYD (16:54): As I highlighted in my contribution to the second reading debate, The Greens do not support this amendment. It is important to look at what the amendment does. The letter that was read very clearly said that progress would be reported on every 12 months. I agree that it is not a legislated letter, but that is not what this is either. There is a requirement for a 12-month progress report. Every 12 months we will get a little statement that states, "This where we are up to on these things." The Opposition's amendment is poorly drafted because it does not even require these things to have been sorted out. Effectively, under this report to Parliament we could get a statement by the Registrar General about the extent to which each ELNO is able to comply with the interoperability requirement, saying, "Oh, they're not"; whether the ELNO has established safeguards—"Oh, they haven't"; any risk—"No". It could actually say none of these things have been met, and it would tick off this provision about reporting to Parliament. The provision does absolutely nothing.

If it was not going to derail the entire bill and make it so that PEXA did not have to come to the table for another month or two, perhaps The Greens would say, "Fine, whatever; we've got this and we'll also have the letter. It won't matter." But everybody knows that this amendment kills the bill. It stops it from going ahead and bringing PEXA to the table so that we can get on with the work of putting in place interoperability in the future. The amendment is nothing more than a delaying measure. It is not strong enough for anyone to take it seriously. It does not actually provide any assurance of any kind. I appreciate the intention with which it has been moved, but it really is a very misguided amendment and all it does is delay the bill. It must be opposed.

The Hon. ROD ROBERTS (16:56): I said in my contribution to the second reading debate that One Nation will not support this amendment, and I highlighted my reasons. In particular, I agree with Ms Abigail Boyd that any delay will kill the bill and delay it further, much to the annoyance and financial sufferance of the people of New South Wales.

The Hon. TAYLOR MARTIN (16:57): I will take a leaf out of the Hon. Mick Veitch's book and be very brief. I agree with what was said by Ms Abigail Boyd earlier. This bill brings New South Wales into line with other States and the amendment will simply delay interoperability, which is so needed and agreed on. The Government does not support the amendment.

The Hon. JOHN GRAHAM (16:57): I thank the Government for that contribution. I want to explain some of the principles behind this amendment. I certainly do not agree with the comments about its drafting. I make a couple of points about the two key principles driving the Opposition's approach. The Opposition certainly is pro-competition in relation to setting up a new market or some engagement in this sort of scheme. We are prepared to support that approach as we have done in other areas, one being the Newcastle Port, which I know has been of real interest to the Hon. Taylor Martin. The same principle will apply at the Newcastle Port as will apply here, that is, there should be competition in these markets but there should also be protection for consumers. That is what the Opposition seeks to do with this amendment. As well, concerns have been raised with us and with others about whether this system would be ready to go at the start, whether the work would have been properly completed by this Government at the start and the consequences for the citizens of New South Wales if it was not. That is of concern. They are the two principles that the Opposition is trying to drive through.

In discussions with the other parties a point was made about delay, which is a good point that the Opposition takes seriously. We should not unnecessarily delay passage of the bill. I understand and respect why some of the other parties have come to a different position on the amendment, but that is not where the Opposition is on these questions. We want the electronic conveyancing market to operate effectively. Rather than receiving assurances from the Registrar by letter, we believe they should be lifted up, given protections in the statute and oversighted by the Parliament. This really matters. If it goes wrong, it would be a big deal.

Contradictory views have been put to us on this, including some views that the bill is not right to go and concerns about the work that has been done, and we have seen that unfold in other schemes. That is why the Opposition is cautious and why we have proposed the amendment. We understand the view of other parties about the delay, but we do not think it is unreasonable to put this provision in the statute. That is all the Opposition is trying to do. The amendment does not contain a drafting error, and members should be careful about what they say about the good work of Parliamentary Counsel. We are seeking to send up a flare so that if the provisions in the bill are not on track, the Parliament can act to fix the system before something goes horribly wrong in a way that could impact people. Those are the principles behind the amendment. I understand it will not get up. I thank

the other parties for explaining their positions, which have been helpful. The Opposition understands where they are coming from, but those are the reasons we are proposing the amendment.

Ms ABIGAIL BOYD (17:01): I will quickly clarify that I was in no way criticising the amazing work of Parliamentary Counsel. I was simply reflecting on the instructions that would have gone to Parliamentary Counsel relating to the amendment.

The CHAIR (The Hon. Wes Fang): The Hon. Mick Veitch has moved Opposition amendment No. 1 on sheet c2022-072C. The question is that the amendment be agreed to.

The Committee divided.

Ayes 11
Noes 18
Majority.....7

AYES

Banasiak	Donnelly	Secord
Borsak	Jackson	Sharpe
Buttigieg (teller)	Moriarty	Veitch
D'Adam (teller)	Moselmane	

NOES

Amato	Field	Mitchell
Boyd	Franklin	Nile
Cusack	Hurst	Pearson
Faehrmann	Latham	Poulos
Farlow (teller)	Mallard (teller)	Rath
Farraway	Martin	Roberts

PAIRS

Pair not provided	Ward
Graham	Barrett
Houssos	Maclaren-Jones
Mookhey	Mason-Cox
Primrose	Taylor
Searle	Tudehope

Amendment negatived.

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

Motion agreed to.

The Hon. TAYLOR MARTIN: I move:

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

Motion agreed to.

Adoption of Report

The Hon. TAYLOR MARTIN: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. TAYLOR MARTIN: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) AMENDMENT BILL 2022

Second Reading Speech

The Hon. LOU AMATO (17:16): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

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

Leave granted.

The Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022 contains minor and uncontroversial amendments to the Work Health and Safety (Mines and Petroleum Sites) Act 2013. The Work Health and Safety (Mines and Petroleum Sites) Act provides a robust regulatory framework for health and safety in the mining and petroleum sectors. Safety is a priority for the Government. The mining and petroleum sectors are significant employers but we know those workplaces can be hazardous. This highlights the need for a legislative framework that keeps our workplaces safe. The Government has a strong track record on safety in the mining industry. In 2020 Mr Kym Bills undertook an independent statutory review of the work health and safety regulatory framework. The review included the Work Health and Safety (Mines and Petroleum Sites) Act and supporting regulations.

Extensive public consultation informed Mr Bills' final recommendations. The review received 24 submissions and 18 survey responses across all areas and types of mining and petroleum production. Stakeholder feedback indicated broad support for the current regulatory framework. Mr Bills found that the framework remains appropriate for hazardous industries like mining extraction and petroleum production. Worker protection duties, statutory functions, safety management systems and licensing authorisations ensure safety in the mining and petroleum sectors. Mr Bills recommended some areas for improvement via legislative or regulatory amendments. Of the 40 recommendations, only 11 concern the Work Health and Safety (Mines and Petroleum Sites) Act. The Government consulted industry stakeholders further on more complex legislative change proposals to ensure we had the right balance. The bill addresses many of the review's recommendations and other matters raised through industry consultation.

Most of the remaining review recommendations will be addressed via regulatory update. The update forms part of the staged repeal process of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014. The regulations are due for a staged repeal in September 2022. Further reforms coming out of the recommendations will be implemented by incorporating additional guidance material as agreed through the National Mine Safety Framework process. Others will be implemented by learning from best practice in other major Australian mining jurisdictions. The amendment bill marks a milestone for delivering the statutory review recommendations. The Government will enhance mine and petroleum site safety by delivering these amendments. The bill clarifies and modernises some provisions and enhances probity controls for statutory roles.

I will give an outline of the amendments proposed in schedule 1 to the bill. The bill will enable modern practices and increase administrative efficiencies. The bill clarifies dated references that are legacies of previous machinery of government changes. The bill streamlines procedures of the NSW Resources Regulator by enabling the electronic service of documents to people as well as body corporates. The bill will modernise the penalty units regime by harmonising it with the Work Health and Safety Act 2011. The Work Health and Safety (Mines and Petroleum Sites) Act currently sets penalties for offences in monetary amounts. Monetary amounts do not reflect the seriousness of work health and safety related offences. By comparison, the Work Health and Safety Act expresses penalties for offences in units that are indexed over time. Amending those provisions brings the mines and petroleum sites regulation in line with the Work Health and Safety Act.

The Work Health and Safety (Mines and Petroleum Sites) Act permits the appointment of an industry safety and health representative. The legislation does not currently require formal probity checks of the proposed appointee. The amendment bill will require the proposed appointee to satisfy probity checks carried out on behalf of the Minister. That formalises the current practice for any ministerial appointment and ensures compliance with the Government policy regarding appointments for integrity screening. The Work Health and Safety (Mines and Petroleum Sites) Act provides for the establishment of the Mining and Petroleum Competence Board. Part 8 of the Act sets out the board's functions, membership, procedures and other related matters.

The amendment bill will require the chairperson of the Mining and Petroleum Competence Board to be independent from industry nominating bodies. That will ensure greater consistency with the New South Wales Government principles on conflicts of interest and will codify current practice. At present there is no requirement for the chairperson to be independent of their nominating industry bodies. The amendment will ensure that the Mining and Petroleum Competence Board is fit for purpose. The bill builds on the Government's strong track record on mine and petroleum site safety and enhances safety legislation. I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (17:17): I lead for the Opposition in debate on the Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022. The speech provided to me is identical to the speech delivered by the shadow Minister, the member for Bankstown, in the other place. I seek leave to have the speech incorporated in *Hansard*.

Leave granted.

The Government's Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022 seeks to give effect to the recommendations of the Kym Bills report on the 2020 statutory review of the work health and safety mines and petroleum site laws, which was tabled in Parliament on 10 November 2020. A public consultation period for the review ran from 1 March 2020 until 1 May 2020. The review received 24 submissions and 18 survey responses across all areas and types of mining and petroleum production. Submissions were provided from various individuals and organisations, including submissions from the Association of Mining and Exploration Company; the Australian Workers' Union; Coal Services; the Construction, Forestry, Mining and Energy Union, Mining and Energy division; and the NSW Minerals Council, amongst many others. The review held five public consultation forums in person at Broken Hill, Dubbo, Penrith, Wagga Wagga and Wollongong, and three online forums for Muswellbrook, Newcastle and Sydney. The review also held targeted consultation forums for the Australian Workers Union; the Construction, Forestry, Maritime, Mining and Energy Union; Cement Concretes and Aggregates Australia; Coal Services; Lightning Ridge Miners'

Association; NSW Minerals Council; NSW Resources Regulator, mine safety inspectorate; and the senior executive of the NSW Resources Regulator.

Forty recommendations were made in the final report. Only 11 of the 40 recommendations relate to the Work Health and Safety (Mines and Petroleum Sites) Act 2013, which are being addressed in part by the present Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022. I note the bills review highlighted that the Queensland legislation is somewhat superior to the New South Wales legislative regime, as it allows for suspension of certificates of competency, expanding notification requirements for reportable diseases and the proactive release of information to improve safety learnings without prejudicing future investigations.

The bills review also highlighted Queensland's industrial manslaughter laws. I will touch on the recent steps that NSW Labor has taken in relation to this shortly. Following consultation with numerous stakeholders regarding the bills review, NSW Labor agrees with the prevailing view that increased resourcing should be given to regulators for more inspections, compliance and enforcement, with higher penalties for wrongdoing. As explained in the Government's second reading speech, most of the remaining review recommendations will be addressed via regulation. The update forms part of the staged repeal process of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014. The regulations are due for a staged repeal in September 2022. I note that the Government is relegating a substantial part of its work health and safety reform to statutory regulations. That is also the case with the Government's recent Mining and Petroleum Legislation Amendment Bill 2022. I fear the Government is simply railroading major legislative changes by amending regulations rather than the usual course of substantive legislative amendment, presumably in order to avoid the usual scrutiny and debate that accompanies that process.

I will now refer to the substance of the amendments in the Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022. Schedule 1 [1] amends section 5 (1) to update the definition of "Department" to mean the Department of Regional NSW, as a consequence of recent administrative changes to government departments. Schedule 1 [2] updates the definition of "regulator" to mean the secretary of the department, correcting an out-of-date reference to the head of the department. Schedule 1 [3] inserts subsection 5 (3) to provide the "regulator" is to be known as the NSW Resources Regulator. Schedule 1 [4] to 1 [7] and 1 [10] to 1 [16] amend offence provisions to convert penalties from a monetary value to the equivalent amount in penalty units.

Schedule 1 [8] and [9] amend section 28 to provide that the Minister may, when determining whether a person is suitable to be appointed as an industry safety and health representative, make inquiries about the person including a nationwide criminal record check and other relevant probity checks. Schedule 1 [17] and [18] amend section 65 to provide that the person appointed as Chair of the Mining and Petroleum Competence Board must be independent of the entities that may nominate persons to represent the interests of employers or workers. Schedule 1 [19] and [20] amend section 69 to provide that documents may be served on a natural person or a body corporate by email to an email address specified by the person or body corporate.

Work health and safety is a fundamental tenet of Labor values. As NSW Labor leader Chris Minns said in his speech to mark the International Day of Mourning on 28 April, a day when we commemorate the lives of those we have lost to work-related incidents or illnesses, "for 130 years the Labor Party, and the labour movement, have fought for safety and dignity at work". It should be acknowledged that NSW Labor has a very proud history of legislative reform in work health and safety. In its previous period in government, NSW Labor enacted the following key pieces of work health and safety legislation: the Mines Inspection Amendment Act 1998, the Mines Legislation Amendment (Mines Safety) Act 1998, the Mining Legislation Amendment (Health and Safety) Act 2002, the Coal Mine Health and Safety Act 2002, the Mine Health and Safety Act 2004, the Mine Safety (Cost Recovery) Act 2005, and the Coal Mine Health and Safety Amendment Act 2010.

I will now briefly highlight the key reforms of each Act—and I thank the NSW Parliamentary Research Service for its research assistance on this topic. The Mines Inspection Amendment Act 1998 amended the Mines Inspection Act 1901 to "make further provision with respect to the appointment of managers at mines (other than coal and shale mines) and the safety of persons at those mines". A key amendment was the introduction of a new section 5, which required that a general manager of a mine be appointed, reside in the vicinity of the mine and be responsible for the daily supervision, control and management of the mine. Additionally, under section 5B:

> The general manager of a mine must ensure that the production operations at the mine are supervised by a person who is qualified to be a production manager.

Blasting operations were to be undertaken only by a qualified "shotfirer", pursuant to section 18E. Risk management strategies were required under section 46 and requirements for the notification of serious accidents or dangerous incidents were introduced by section 47. The Mines Legislation Amendment (Mines Safety) Act 1998 amended the Coal Mines Regulation Act 1982 and the Mines Inspection Act 1901 with respect to "the functions of inspectors, investigators, mine safety officers, assessors, the Director-General of the Department of Mineral Resources and other persons, the role of Boards of Inquiry and the matters that are subject to special reports to the Minister".

The Mines Legislation Amendment (Mines Safety) Act 1998 also amended the Coal Mines Regulation Act 1982 "to improve safety measures for unused mine shafts and outlets". The Mining Legislation Amendment (Health and Safety) Act 2002 amended the Coal Mines Regulation Act 1982, the Mines Inspection Act 1901 and the Occupational Health and Safety Act 2000 with respect to the appointment of inspectors in relation to mines, to amend the Mining Act 1992 to provide a legislative basis for the Mine Safety Advisory Council, and for other purposes. Providing a legislative basis for the Mine Safety Advisory Council was critical in ensuring its elevated status and its permanence, and I am proud to say that the Mine Safety Advisory Council is still in operation today. The Coal Mine Health and Safety Act 2002 introduced "special additional obligations, protections and procedures necessary for the control of particular risks arising from coal operations".

Key reforms of this legislation included introducing a duty on the operator of a coal mine to prepare and abide by a health and management system; requiring an employee who works at a coal operation to comply with the operator's health and safety management system; introducing a duty on the operator of a coalmine to prepare and abide by an emergency management plan; providing for the external oversight of coal operations; constituting the coal competence board and establishing its functions; requiring an employee who works at a coal operation to immediately report to his or her supervisor any situation that the employee believes could present a risk to health and safety and that is not within the employee's competence to control; providing that every employee has a right to remove himself or herself from any location at the coal operation when circumstances arise that appear to the employee, with reasonable justification, to pose a serious danger to his or her own safety or welfare; and prohibiting an employer from dismissing or victimising an employee who exercises rights under the Act or complies with duties under the Act.

The scope of the Mine Health and Safety Act 2004 was the health and safety of workers in mines other than coalmines—that is, principally, in metalliferous mines. Key reforms of this legislation included imposing a duty on the operator of a mine to prepare and comply with a mine safety management plan which details how the health and safety of the persons who work at the mine, or who are directly affected by the mine, will be protected; imposing a duty on the operator of a mine to ensure that all persons working at the mine, including managers and supervisors, have the necessary skills, competence and resources to undertake their work safely and to ensure the safety of others; imposing a duty on the operator of a mine to ensure that an emergency plan is prepared for the mine and complied with; requiring an employee who works at a mine to comply with the mine safety management plan. It also imposed other duties.

An employee is required to immediately report to a supervisor any situation that he or she believes could present a risk to health and safety that is not within the employee's competence to control. Additional measures included providing that every employee has a right to remove himself or herself from any location at the mine when circumstances arise that appear to the employee to pose a serious risk; ensuring that further obligations are set out for those who hold management positions, including to ensure that workplace and work methods are safe; providing for site inspections by government officials; and, of course, providing for the development of mining industry codes of practice.

The Mine Safety (Cost Recovery) Act 2005 also developed the Mine Safety Fund, today known as the Mine Safety Levy, following recommendations from the Wran Mine Safety Review in 2004. The fund was established to cover the costs incurred by the Department of Primary Industries to carry out its regulatory activities under the mine safety legislation and generally in administering that legislation. As with the Mine Safety Advisory Council I am also very proud to say that the Mine Safety Levy is still in operation today and is a lasting legacy of the former New South Wales Labor Government. The Coal Mine Health and Safety Amendment Act 2010 introduced amendments to clarify the operation of the Coal Mine Health and Safety Act 2002 following a statutory review conducted in 2009. As stated in the second reading speech of the bill:

> The Review identified the need to clarify the places of work to which the Coal Mine Health and Safety Act applies. In particular, the review identified difficulties with using colliery holding boundaries to identify the jurisdiction boundary for most mining activities.
>
> …
>
> The amendments before the House will ensure that whenever a breach of duty has occurred, whoever is responsible can be held accountable.

Labor also enacted the significant Occupational Health and Safety Act 2000, which applied to all workplaces, and the Occupational Health and Safety Amendment (Workplace Deaths) Act 2005, which made it an offence for the person who owes the relevant duty to engage in reckless conduct that causes death at a workplace. As I previously mentioned, NSW Labor has recently continued its commitment to protecting workers with the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021, which was passed in the Legislative Council in November last year and is currently awaiting debate in this place. Sophie Cotsis, the member for Canterbury, is our shadow Minister for Industrial Relations and has carriage of that bill. We hope that the debate will resume either this Thursday or next week. The introduction of industrial manslaughter laws was a very clear recommendation from the 2018 Boland review of the model work health and safety laws. I quote Ms Boland's report:

> I am recommending a new offence of industrial manslaughter be included in the model WHS laws. The growing public debate about including an offence of industrial manslaughter in the model WHS laws was reflected in consultation for this Review. I consider that this new offence is required to address increasing community concerns that there should be a separate industrial manslaughter offence where there is a gross deviation from a reasonable standard of care that leads to a workplace death. It is also required to address the limitations of the criminal law when dealing with breaches of WHS duties.

The object of NSW Labor's Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021 is to amend:

> …the Work Health and Safety Act 2011 to insert a new part 2A in the legislation to create two new offences relating to industrial manslaughter. The legislation will reform the State's workplace safety laws by creating industrial manslaughter offences, and will include a maximum penalty of 25 years' imprisonment for an individual.

It is entirely reasonable that when employers are negligently responsible for the death of their employees at work, there should be appropriate and severe penalties for that crime. No worker's family should ever have to face the tragedy of a loved one not coming home from work due to a negligent or preventable workplace accident. While the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021 may seem to be reserved for extreme examples of negligent workplace fatalities, I take a few moments to remind the House of how dangerous mining worksites can be and why this particular issue of industrial manslaughter was raised in a number of the submissions that were presented to Kym Bills when reviewing this statute. Occurring just this year alone, the following list of dangerous incidents on mining sites should give us all pause in this place to be thankful for the relative comfort and safety of our everyday working environment.

In April of this year at an underground coalmine a roof bolting rig was being removed from a continuous miner. When the last bolt was removed the rig swung, pinning a worker to the rib protection. The worker was driven out of the mine and transferred to hospital. The worker suffered two broken ribs and a lacerated lung. Again in April this year at an open-cut coalmine there was a very serious near miss when a highwall failed and material breached the exclusion control zone in a known geotechnical hazard area. A grader was operating in the area at the time and the operator felt a vibration, noticed dust and quickly drove away from the highwall. The worker was clear of the falling material. In March of this year in an underground metals mine a haul truck was travelling on a decline and pulled into a return air drive to allow another vehicle to pass. The truck struck the ventilation ducting, tearing the duct, which resulted in a large amount of dust being stirred up. As the operator exited the haul truck a large connecting pipe, weighing approximately 200 kilograms, fell from the headboard of the truck and struck the operator. The operator was knocked to the ground but was luckily uninjured.

Also in March this year at a quarry, a worker's arm was broken when it was pinned between a trailer and a water tank. In February of this year at an open-cut coalmine three workers were in the process of removing the front wheel hub from a large dump truck. The wheel hub, weighing about 4.8 tonnes, fell to the ground with the workers very lucky to avoid the falling hub. In January this year at a metals mine a mining engineer was assisting with bolting on a rock drilling machine. During the installation of the last bolt a finger on the worker's left hand was crushed and required surgery.

As evidenced by these very serious and dangerous incidents that may not always make headline news, workplace safety, particularly on mining sites, remains a very significant issue and one that NSW Labor is committed to supporting and strengthening. In closing, I assure the House that later in September NSW Labor will be reviewing the proposed regulations attached to the bill very carefully in order to ensure that all the relevant matters have been addressed. I reiterate our support for this legislation and the fact that we will work with Government to ensure that work health and safety measures are always strengthened in this House and that we put the safety of workers first when we think about how we legislate, support and further enhance this type of legislation.

Ms ABIGAIL BOYD (17:18): I lead for The Greens in debate on the Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022. The Greens will oppose the bill. It is a classic piece of Trojan horse legislation. It has a bundle of uncontentious minor amendments in the form of penalty amounts and updating of definitions in an attempt to sail through without causing a ripple. But bundled up within the bill lies its true purpose, which is a gross and undemocratic assault on workers' rights to democratic representation.

This style of assault on our basic rights is becoming the norm for this Government, which has now grown accustomed to ramming through assaults on our basic rights in unscrutinised regulations, last-minute late-night sittings and other shamefaced acts of deception. The Liberal-Nationals Government is wholly captured and hopelessly compromised by the prerogatives of big businesses and sees its interests as one and the same as the profit interests of its big business and fossil fuel donor mates. It has an ideological opposition to the very existence of democratically elected worker representatives that make up the union movement. Today it has once again shown its anti-democratic inclinations as it attempts to crack down on this most fundamental right to worker elected representation.

Schedules 1 [8] and 1 [9] to the bill seek to grant the Minister the right to reject the legitimate election of a worker elected health and safety representative. It places no limits on the Minister's discretion, and we know this Government would gladly exercise no limit in its draconian repression of workers' rights. Fundamentally, the Minister should have no say in who the workers elect to represent themselves. These are democratically elected worker representatives. It is totally inappropriate for any government of any stripe, but particularly this ideologically motivated anti-union and anti-worker Government, to be intruding on the democratic process.

I note that there has been what I hope is confusion of some parties in this place. The discussion paper released last year on the proposed amendments to the Act—which are now in the bill before the House—called for submissions by 17 May 2021. There was a proposed recommendation for which submissions were being sought. Recommendation 8 proposed that section 28 of the Act be amended to allow the Minister to appoint "additional persons as industry health and safety representatives if they meet the eligibility requirements". That is very different to what we now have in this bill, and members need to reflect on what that means. Basically, in addition to the industry health and safety representatives that had been selected by the unions, the Minister might appoint another person.

In response, unions put in their submissions. For instance, the Construction, Forestry, Maritime, Mining and Energy Union [CFMMEU] raised concerns about having one of these industry health and safety representatives effectively not nominated by the union in the ordinary way, but in the context of it being an additional representative, the union was not overly concerned. However, what we have ended up with in this bill is the right of the Minister to veto someone who the CFMMEU, for instance, has put up as a representative. Whereas previously we had a provision where the Minister would appoint somebody who had been nominated by the union and who met the eligibility requirements under the Act, we now have schedule 1 [8] adding a new section 28 (2) (c), which states:

, and—

that "and" is very important—

(c) the person is, in the Minister's opinion, a suitable person to be appointed as an industry safety and health representative.

This is the right of the Minister to override the democratic processes of the union. This is an extraordinary provision and I cannot believe we have it in front of the House today. It goes on to state in schedule 1 [9]:

(2AA) For the purpose of determining under subclause (2)(c) whether a person is suitable to be appointed as an industry safety and health representative, the Minister may make enquiries about the person the Minister considers appropriate, including—

(a) a nationwide criminal record check, and

(b) other relevant probity checks—

And so on. The Minister could ding this person on other grounds, such as their not acting in the way the Minister would want a union representative to behave. These are really awful provisions. They are very anti-union and anti-democratic. I sincerely hope that they are not used in a way that unduly fetters the operations of union officials and that they do not turn out to be used in the broad, unaccountable way that they have been drafted. The Greens will move an amendment at the Committee stage to remove those two proposed new sections. I put on record the deep concern The Greens have with again seeing this sort of legislation coming through and being supported by

most of the other parties in this place without them really thinking about the impacts and the precedent it sets for future legislation.

The Hon. LOU AMATO (17:24): On behalf of the Hon. Sarah Mitchell: In reply: I thank honourable members for their contributions to debate and I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole. I have one sheet of amendments: The Greens amendment on sheet c2022-091A.

Ms ABIGAIL BOYD (17:26): I move The Greens amendment No. 1 on sheet c2022-091A:

No. 1 **Criteria for appointment as an industry safety and health representative**

Page 4, Schedule 1, lines 20–33. Omit all words on those lines.

I will not repeat what I said in my contribution to the second reading debate. It is clear why we have moved this amendment and I commend it to the Committee.

The Hon. MICK VEITCH (17:27): During the second reading debate Ms Abigail Boyd raised some important matters relating to the Kym Bills report and the Parliamentary Secretary did not respond to those statements in his speech in reply. There is essentially a discrepancy between the Bills report and the legislation currently before the Committee. It is critical that at this juncture of the Committee stage where we now have an amendment to consider around this issue, the Government, through the Parliamentary Secretary, owes it to the Chamber to respond to the statements made by Ms Abigail Boyd in the second reading debate so that members can make an informed decision on what is before us.

The Hon. LOU AMATO (17:28): The Government will not be supporting this amendment. The provision of the bill that The Greens are seeking to remove provides a duty for the Minister to ensure that a person being appointed as an industry safety and health representative is a suitable person to fulfil this important role in the mining sector. This provision came out of a rigorous independent review of the Work Health and Safety (Mines and Petroleum Sites) Act and regulation and consultation has been undertaken across all parts of the industry, including the worker representatives. The provision was a direct recommendation of the statutory review. The provisions in the bill formalise the current practice. Probity checks are already undertaken before the Minister is asked to appoint an industry safety and health representative. They ensure that anyone appointed is of good character, noting that an industry safety and health representative has enforcement powers, including the ability to suspend operations at coalmines. Industry safety and health representatives can only be nominated by the Mining and Energy Union. The union does not oppose the provisions. The Government does not support the amendment.

The Hon. MICK VEITCH (17:29): I extend my appreciation to the Parliamentary Secretary for providing an explanation of the process. Ms Abigail Boyd's statement required some explanation and response. The Opposition will not be supporting the amendment.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2022-019A. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

The Hon. LOU AMATO: I move:

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

Motion agreed to.

Adoption of Report

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

That the report be adopted.

Motion agreed to.

Third Reading

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

That this bill be now read a third time.

Motion agreed to.

RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2022

Second Reading Speech

The Hon. PETER POULOS (17:33): On behalf of the Hon. Ben Franklin: I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Racing and Gambling Legislation Amendment Bill 2022. The bill amends four pieces of legislation to enhance the regulation of the New South Wales racing industry and consumer protection for online wagering. Through the bill the Government continues its support for gambling harm minimisation and a competitive and sustainable racing industry in New South Wales. It does this by strengthening consumer protections to reduce negative outcomes for individuals who participate in online wagering; enhancing governance, integrity and consultation frameworks for the New South Wales harness racing industry; establishing a new avenue of appeal for harness racing participants; and providing legislative clarity to the controlling bodies for harness and greyhound racing to guide decision-makers and those exercising legislative functions. I seek leave to incorporate the remainder of the second reading speech in *Hansard*.

Leave granted.

The racing industry contributes in excess of $3.3 billion to the New South Wales economy and sustains more than 27,500 jobs across the State. Racing was one of the few sporting industries that continued to operate during the COVID-19 pandemic, sustaining employment and providing a source of enjoyment for the many people who watched race events in metropolitan and regional New South Wales. Amendments in the bill will implement positive changes to the regulation and governance of the wagering and racing industries to ensure they can continue to be enjoyed by participants and punters alike. These reforms are proposed in response to statutory reviews and consultation with industry stakeholders, and as part of national commitments to addressing harms from online gambling.

I will now speak to the detail of the bill. Firstly, I will speak to the amendments relating to the Betting and Racing Act 1998, or BAR Act, and the National Consumer Protection Framework [NCPF]. The bill continues the Government's commitment to ensuring that gambling-related harms stemming from online wagering are dealt with proactively through appropriate controls. In 2018, New South Wales Cabinet approved the then Minister for Racing to enter into an agreement with the Commonwealth, State and Territory governments for the implementation of the National Consumer Protection Framework on behalf of the New South Wales Government. As part of the NCPF, the Commonwealth, States and Territories were required to implement a uniform set of 10 standard minimum protections for online gamblers across all Australian jurisdictions. The Government delivered the first tranche of NCPF measures in 2019 through the Gambling Legislation Amendment (Online and Other Betting) Bill 2019, which inserted new requirements into the BAR Act.

These measures, which empowered consumers with tools and information to assist them to make informed choices about their online wagering activity, included prohibiting certain inducements to bet or to open a betting account, requiring betting service providers to give their customers a simple and accessible way of closing their account, requiring betting service providers to allow customers to set deposit limits to help consumers manage their gambling activity, and placing certain prohibitions on direct marketing to consumers. In addition, to send a clear signal to industry about consequences for doing the wrong thing by consumers, penalties were increased to $110,000 for corporations and $11,000 for individuals. Now, through the bill, the Government is implementing the second and final tranche of NCPF measures into the BAR Act.

These measures include mandatory staff training requirements, a consistent gambling message for use in industry advertising nationwide, and consistent activity statement requirements. Implementation of this second tranche required the Commonwealth to coordinate the finalisation of the measures based on research and stakeholder consultation. The Commonwealth has now completed this work and it is now possible for each of the States and Territories to implement these final NCPF measures. This national process has strengthened the proposed measures by helping ensure that they are evidence led, informed by subject matter expertise and nationally consistent. For instance, independent skills service organisation SkillsIQ has been engaged to assist the development of a competency that underpins the new staff training requirements. Consistent gambling messaging has benefited from the engagement of the State and Territory responsible gambling offices, including the New South Wales Office of Responsible Gambling, and through research conducted by Central Queensland University and marketing insights firm Hall & Partners. Lastly, the proposed activity statement measures have benefited from a research project developed by the Australian Government's Behavioural Economics Team, or BETA. Together, these measures will help empower consumers to take control over their online wagering spending and behaviour, and will work to establish a culture of compliance and responsible gambling among the State's online wagering providers.

I turn to the particular provisions in the bill, firstly those relating to the NCPF. Schedule 1 [6] facilitates the NCPF gambling statement measure. This change allows the Government to prescribe in regulations additional platforms or locations where betting service providers will be required to publish an advisory statement. For instance, the NCPF requires that the advisory statement will be required to be displayed on the betting service provider's apps and websites, in addition to existing print advertising. Importantly, the Commonwealth, State and Territory governments are in the process of finalising an updated advisory statement. This statement will be based on academic research and advice from marketing experts commissioned specifically for this purpose.

The new advisory statement will replace the diverse set of statements prescribed by each individual jurisdiction, so not only will the statement be more impactful but it will also provide consistency for an industry that operates and advertises on a national basis. Schedule 1 [8] gives effect to the NCPF measures for the availability of records and activity statements. It includes requirements for

betting service providers to keep accounts private, keep records in relation to betting activities and provide monthly statements to account holders. The bill provides for specific requirements on the content and form of activity statements, which are backed by research. These activity statements will summarise all transactions occurring during the statement period but will not require customers to wade through pages of individual transactions.

The bill also allows for the Minister to issue an order with requirements relating to activity statements, including their delivery, content and format. The bill also requires betting service providers to store betting information for seven years and to make this information available to the account holder. With these requirements comes a responsibility for betting service providers to protect this information. Privacy is a key concern of customers in all online commerce, and wagering is no different. Whilst most betting service providers are subject to existing privacy laws, this bill ensures that those that are not still have clear legal obligations to protect consumer information. The bill also proposes that only the holder of a betting account, a person who is lawfully entitled to have access to the information such as an inspector, or a racing controlling body or sports controlling body for matters of integrity may access information about the betting account.

Schedule 1 [9] gives effect to the NCPF measures for staff training, requiring certain individuals involved in the provision of online wagering services to complete responsible gambling training and that records of that training be kept. I note items [8] and [9] contain substantial offence provisions, being a maximum penalty of $11,000 for an individual and $110,000 for a corporation, for failure to meet the new requirements. This is by design. Harm minimisation and consumer protection are critical components of the regulatory landscape and are important to the broader community. Breaches of these provisions are serious and the Government has continuously sought to ensure that the penalties reflect that. These penalties are in line with existing NCPF-related offence provisions. I note that the Government has increased penalties on a number of occasions in response to courts seeking not to apply penalties in line with the seriousness of these offences. I take this opportunity to again call on the courts to ensure that breaching these offences cannot be seen as a cost of doing business.

I turn to the amendments in schedule 2 to the bill relating to the Greyhound Racing Act 2017. Schedule 2 establishes policy objects for that Act to provide for the efficient and effective regulation of the greyhound industry; protect the interests of the greyhound racing industry and its stakeholders; facilitate the development and operation of a sustainable and viable greyhound racing industry; ensure the integrity of greyhound racing and associated betting in the public interest; provide for the functions of regulatory bodies; and provide for the protection and promotion of the welfare of greyhounds.

The proposed objects clarify the intent of the legislation and provide guidance to the commercial and regulatory bodies of the greyhound racing industry. Introducing these objects will implement a key recommendation of the statutory review of the Greyhound Racing Act, tabled in Parliament in 2021. It will also clarify the Act's legislative intent and provide guidance for parties with legislative powers and functions. The objects proposed in the bill align with the legislative objectives and functions of Greyhound Racing NSW and the Greyhound Welfare & Integrity Commission. The bill also makes minor administrative changes recommended by the commission to broaden the definition of a greyhound and provide certainty around the commission's ability to regulate the welfare of retired greyhounds. The bill also corrects a minor drafting error by providing that the commission may disqualify, rather than warn off, a greyhound, noting that warning off relates to participants.

I will now speak to the amendments in schedule 3, which relate to the Harness Racing Act 2009. The harness racing industry contributes over $450 million to the New South Wales economy and sustains 3,500 jobs, largely in regional communities. The economic benefit of harness racing is spread throughout the State, with race meetings conducted across an expansive network of clubs. Schedule 3 to the bill introduces several amendments that will strengthen the industry's governance, integrity and accountability. The proposed amendments respond to recommendations from a 2015 review of the Harness Racing Act, which included extensive consultation with the industry and the public. Several additional reforms have been included in the bill following further consultation with the industry in 2021. I am confident that the proposed amendments will improve the operation of the Harness Racing Act and strengthen the economic and social impacts of this important industry.

Harness Racing NSW is responsible for controlling, supervising and regulating harness racing in the State. In so doing it balances the critical task of fostering industry growth, upholding the integrity of racing and maintaining high standards of animal welfare. The bill introduces new policy objectives in the Harness Racing Act, including a specific animal welfare objective to promote and protect the welfare of standardbred horses. It also implements a corresponding function for Harness Racing NSW to initiate, develop and implement policies relating to the welfare of harness racing horses. These policy objects clarify the Act's legislative intent and provide guidance to decision makers.

The bill broadens the definition of a racing official to include members of the Harness Racing Industry Consultation Group, which is responsible for consulting with and making recommendations to Harness Racing NSW. This amendment will bring Harness Racing Industry Consultation Group members within the jurisdiction of the Harness Racing Integrity Auditor, providing an additional level of accountability. The bill strengthens Harness Racing NSW's governance arrangements, implementing recommendations from the Harness Racing Act statutory review, as well as aligning the appointments process for Harness Racing NSW members with the process established by the Thoroughbred Racing Act 1996 for Racing NSW.

It does this by requiring the selection panel appointed under the Harness Racing Act to provide recommendations to the Minister on the appointment of Harness Racing NSW members, considering how each candidate's skills and experience align with the functions of the controlling body and the needs of the industry as a whole, as well as considering the overall skills and diversity of the board to ensure a balanced mix of skills and industry experience; allowing the selection panel to recommend a list of suitable candidates for consideration by the Minister, consistent with the requirement for the Racing NSW selection panel under the Thoroughbred Racing Act; removing the current restriction preventing Harness Racing Industry Consultation Group members from becoming members of a selection panel, although Harness Racing Industry Consultation Group representation on a selection panel is not mandated; and making the Harness Racing NSW Chief Executive Officer a non-voting member of Harness Racing NSW.

The bill strengthens the eligibility and conflict of interest requirements for Harness Racing NSW board members, aligning with similar provisions in the Thoroughbred Racing Act. Consistent with requirements for the Racing NSW board, the bill will prohibit the appointment of candidates that have been employed by a racing club, have been a member of a governing body of a racing club or eligible industry body in the past 12 months or have pecuniary interests incompatible with board membership. The Harness Racing Act currently provides Harness Racing NSW with the ability to determine whether a member who has disclosed an interest may take part in a deliberation or decision-making process. The bill removes this power and also extends conflict of interest requirements for Harness Racing NSW board members to members of Harness Racing NSW subcommittees. The bill will also allow the Minister to

remove Harness Racing NSW board members for having conflicts of interest or a pecuniary interest incompatible with continued membership.

Specific reforms in the bill will amend part 5 of the Harness Racing Act to update and clarify the eligibility requirements for Harness Racing Industry Consultation Group membership. The bill removes references to TAB and non-TAB clubs with respect to Harness Racing Industry Consultation Group membership and inserts a new section that provides for the nomination of representatives from clubs that conduct either six or less or more than six meetings annually. During consultation on the harness racing report, stakeholders noted that the reference to TAB and non-TAB racing clubs is redundant, as most clubs host TAB meetings. The bill also provides that all Harness Racing Industry Consultation Group members must reside in New South Wales. It provides flexibility for consultation group members, allowing them to conduct business outside meetings and/or via telecommunications. The consultation group will also be required to develop and publish a code of conduct for its members.

The Harness Racing Act currently provides that the integrity auditor is required to provide a report only if a contravention of the Harness Racing Act or the Harness Racing NSW code of conduct is identified. The bill enhances procedural fairness and transparency by requiring the integrity auditor to provide a copy of an investigation report to a racing official under investigation, Harness Racing NSW and the Minister for Hospitality and Racing, regardless of whether an adverse finding is made. The bill also increases transparency around the work of the integrity auditor by requiring it to provide a report summarising the outcomes of its investigations for inclusion in the Harness Racing NSW annual report. The bill requires Harness Racing NSW to prepare and publish an annual stakeholder engagement plan. The plan must list stakeholders to be engaged and set out the timing and nature of this engagement. This is aligned to consultation requirements that apply to Greyhound Racing NSW through its operating licence.

Providing greater transparency for industry participants, the bill requires Harness Racing NSW to publish its staff and board codes of conduct and make copies of its annual report publicly available at no cost. This is consistent with Greyhound Racing NSW's annual reporting obligations under the Greyhound Racing Act. Importantly, the bill provides a new avenue of appeal for harness racing participants, subject to certain disciplinary decisions made by Harness Racing NSW. Unlike participants in greyhound and thoroughbred racing, harness racing participants must currently appeal disciplinary decisions directly to the Racing Appeals Tribunal. This can result in unnecessary expenses and protracted litigation for both participants and the controlling body.

The bill inserts proposed part 5A, which allows decisions to be appealed to a new harness racing appeals panel modelled on the Racing NSW appeal panel set out in part 4 of the Thoroughbred Racing Act. The bill sets out the types of decisions that can be appealed, how the appeal panel makes decisions and the type of decisions it can make, as well as its membership, constitution, appointments and remuneration. It is important to note that the panel does not replace a participant's right to lodge an appeal with the tribunal. Rather, it is intended to provide an additional avenue of review.

Consistent with the framework for thoroughbred racing, decisions made by the panel can be appealed to the tribunal, with schedule 4 of the bill implementing a consequential amendment to the Racing Appeals Tribunal Act 1983 to facilitate hearing by the tribunal of appeals of appeal panel decisions. Appellants are not obliged to have their matter heard by the panel and can appeal directly to the tribunal if they choose. Schedule 4 also amends section 20 (1) of the Racing Tribunal Act to clarify that the commission is responsible for meeting tribunal expenses relating to the appeal of commission decisions, with Greyhound Racing NSW retaining responsibility for meeting tribunal expenses relating to appeals of Greyhound Racing NSW decisions. This commonsense bill makes it clear that consumer protections and animal welfare and integrity is at the forefront of everything this Government does. It gives me great pleasure to commend the bill to the House.

Second Reading Debate

The Hon. COURTNEY HOUSSOS (17:34): On behalf of the Labor Party I contribute to debate on the Racing and Gambling Legislation Amendment Bill 2022. I indicate at the outset that we will be supporting the bill. The bill amends the Betting and Racing Act 1998 and introduces several harm minimisation measures. I acknowledge the shadow Minister for Customer Service, Ms Yasmin Catley, the member for Swansea in the other place, and thank her for her work on the bill. I refer members to her contribution in the other place and I will make some brief remarks. The bill will implement the second tranche of the set of 10 standard minimum protections in the National Consumer Protection Framework. Those new protections are focused on harm minimisation to protect gamblers, especially online gamblers. The bill implements the part of the National Consumer Protection Framework to include mandatory training, a national gambling message for advertising and a requirement for activity statements.

The bill will introduce an activity statement for gambling advertisements published in print or any other form covered in the regulations; require all betting services to give every account holder an account statement detailing every transaction made in the past 30 days; and introduce a requirement for employees to complete a training course upon commencing employment and refresher training within a year. It will also require gambling providers to keep records of trainings. The failure to maintain those records will result in strong penalties. Finally, the Minister will be able to publish a list of responsible gambling courses, including a list of approved persons to conduct the training.

I will move on to the part of the bill that amends the Harness Racing Act. Harness Racing NSW is responsible for the controlled supervision and regulation of harness racing in New South Wales. The industry contributes over $450 million to the New South Wales economy and supports 3,500 jobs right across New South Wales. The bill seeks to implement the recommendations from a 2015 review into harness racing to improve the industry's governance, integrity and accountability. There have been additional consultations with the industry in 2021 before the introduction of the bill. The bill aligns the operation of harness racing with thoroughbred racing in a number of ways, including by establishing a new harness racing appeals framework, similar to that in place for thoroughbred racing, to provide an interim appeal process and allow for a more efficient and cost-effective

hearing of appeals. It will also allow the Minister to make an appointment to Harness Racing NSW from a list of candidates recommended by a selection panel, with consideration of the current skills and experience mix.

In addition, the bill will amend the Harness Racing Act 2009 to introduce objectives, including an animal welfare objective to promote and protect the welfare of standardbred horses, along with a corresponding function for Harness Racing NSW to initiate, develop and implement policies relating to the welfare of harness racing horses. It will also broaden the definition of "racing official" to include members of the Harness Racing Industry Consultation Group [HRICG], and establish requirements for Harness Racing NSW to prepare, publish and report an annual stakeholder engagement plan and publish the annual report for free as well as publish its staff and board codes of conduct, similar to the requirements under the Greyhound Racing Act 2017. The bill will enhance the Harness Racing NSW board selection process and governance arrangements by removing the prohibition on HRICG's members being appointed as selection panel members, and requiring selection panel members to consider the interests of the industry as a whole when making appointment recommendations to the Minister. That is a very important step forward.

Labor supports prohibiting the appointment of candidates to the Harness Racing NSW board who have pecuniary interests that are likely to result in a conflict that is incompatible with the New South Wales board, or who have been employed by a racing club or have been a member of the governing body of a racing club or eligible industry body in the past 12 months. The bill will extend the conflict of interest requirements to Harness Racing NSW subcommittees and allow the Minister to remove Harness Racing NSW members for contravening disclosure provisions or for having a pecuniary interest that is incompatible with their role. Labor believes those are very important changes to introduce integrity measures into the Harness Racing Act.

The bill will also improve the transparency of the integrity auditor by requiring the provision of a copy of an investigation report to the racing official under investigation, Harness Racing NSW and the Minister, regardless of the outcome, and by providing annual summaries of investigation outcomes in the Harness Racing NSW annual report, which will now be freely available, as has been noted. The bill seeks to clarify membership of HRICG and introduce administrative and governance arrangements to allow for its more effective functioning. Schedule 4 to the amending bill makes a consequential amendment to the tribunal Act to allow the tribunal to hear appeals of decisions from the new Harness Racing Appeal Panel.

I move now to the part of the bill that amends the Greyhound Racing Act. Schedule 2 to the bill implements a recommendation from the 2021 statutory review of the Act to introduce legislative objects, including to provide for the efficient and effective regulation of the greyhound racing industry, to protect the interests of the greyhound racing industry and its stakeholders, to facilitate the development and operation of a sustainable and viable greyhound racing industry and to provide for the protection and promotion of the welfare of greyhounds. The amending bill also makes minor administrative changes to the Greyhound Racing Act. In formulating Labor's position on the bill, it has consulted a number of industry participants including Harness Racing NSW, Greyhound Racing NSW, Entain and TAB. I also thank my Labor colleagues for their advice in formulating our position.

Labor supports the introduction of an animal welfare objective into the bill. That is very important. A number of amendments will be made to the bill, and Labor will debate those in the Committee of the Whole. Generally at this point Labor will see how the range of changes arising from the statutory review are implemented over the coming parliamentary term and then it will look to the implementation of those amendments after we see how it works in practice. On many occasions I have dealt with active participants in the harness racing industry. They have made representations to me about additional changes that should be made to the legislation, and some of those may be moved in other amendments. Again, at this stage Labor will see how these changes are implemented and the effects of those changes.

I place on record that those stakeholders have serious concerns about how Harness Racing NSW is operating. They have a slightly different group of proposals, including to extend the oversight to ICAC. I note that neither of the other racing codes is subject to ICAC. They also proposed giving the Auditor-General oversight, but again that would single out Harness Racing NSW. I also note they have proposed the direct election of board members. Those are considered proposals. Labor will see how this particular set of changes that the Government has proposed, which arise from the statutory review, play out over the next term of Parliament. We are certainly open to discussing the matter further in the future. Labor supports the bill and I commend it to the House.

The Hon. EMMA HURST (17:44): On behalf of the Animal Justice Party [AJP] I contribute to debate on the Racing and Gambling Legislation Amendment Bill 2022, which makes a number of minor regulatory amendments to the operation of the Harness Racing Act and the Greyhound Racing Act 2017 as well as to the Racing Appeals Tribunal Act and the Betting and Racing Act. Most of the changes that are proposed in the bill are not particularly objectionable, but what concerns me is that the bill is an enormous missed opportunity. It completely fails to address the animal cruelty issues that are inherent in those industries, which are of major concern to animal protection groups and the community. I foreshadow that the Animal Justice Party will seek to

move a number of amendments to address those serious animal protection issues, given that the Government has completely failed to do so in the bill.

Perhaps if the Government had consulted with at least one animal protection group or one individual working in the space of animal welfare, it would not have put forward a bill with such a shocking oversight. But of course the New South Wales Government has not done so. It has shown time and again that its priority is to promote industries that harm animals, rather than promote animal protection. It would be no surprise to members in this place to hear that the Animal Justice Party opposes the use of animals in so-called entertainment, which includes both horse and greyhound racing. We want to see both of those industries—which are inherently cruel, have caused countless deaths and injuries and are not supported by the community—finally banned. The problems that are inherent with those industries are well known and in the case of the greyhound racing industry have been highly publicised since the live baiting scandal in 2015.

It is truly shocking that in 2022 the Government would seek to bring in a bill that seeks to protect and promote the interests of those industries rather than the interests of the sentient animals that are harmed by those industries. It shows how out of touch the Government is when it comes to animal issues. Those industries are rife with animal cruelty, and they also encourage problem gambling, which causes significant harm to the people of New South Wales. The bill does nothing to address the very real issues this place should be legislating on in regard to greyhound racing and harness racing. The AJP reserves its position on the bill, depending on the amendments that pass the Committee stage.

Ms ABIGAIL BOYD (17:46): On behalf of The Greens I contribute to debate on the Racing and Gambling Legislation Amendment Bill 2022. My colleague Ms Cate Faehrmann will address the aspects of the bill that relate to gambling. The Greens welcome the Racing and Gambling Legislation Amendment Bill, which is a long overdue response to both the 2021 Greyhound Racing Act statutory review and the 2015 Harness Racing Act statutory review. Both statutory reviews identified that the key priorities for the racing industry must be to strengthen governance and integrity and improve animal welfare outcomes. Perhaps the Government has waited seven years to implement the recommendations from the five-year statutory review into the Harness Racing Act 2009 because improving integrity and animal welfare outcomes is not at the top of its to-do list.

While The Greens support the Racing and Gambling Legislation Amendment Bill, I make it clear that the bill is an extraordinary disappointment. Once again the Liberal-Nationals Government is tinkering around the edges of industries that are fundamentally unethical. Harness racing has been regulated under New South Wales law by a State-constituted body since 1977 and greyhound racing since 1948. Only in 2022, however, has the Government decided to insert animal welfare objectives into its regulating Acts. Of course, it has also inserted objectives into the harness racing and greyhound racing Acts to protect the interests of the racing industries—two objectives The Greens view as fundamentally at odds with each other and which history has shown are frequently in direct conflict.

I have spoken many times in this place about the outrageous welfare abuses that the greyhound racing industry is directly responsible for. I will not go into detail on that now, but I will talk briefly about welfare issues in the harness racing industry. The wealthy thoroughbred racing industry quite rightly gets significant attention for its egregious and near-constant animal abuse, but that often means that the small and less profitable harness racing industry gets off scot-free for its own welfare abuses. Let us start with bits. The bit is a metal device that is designed to control the horse by applying pressure to sensitive parts of its mouth. It can and often does cause bruising, lesions and chronic breathing and swallowing problems. Studies have shown that force applied through reins is greatly multiplied by the time it makes contact with the horse through the bit, with the minimum force per square centimetre applied to the horse's mouth being around 50 kilograms and the average being around 200 kilograms. Another study found that 84 per cent of harness racing horses had oral lesions caused by the bit.

The use of tongue-ties is common and is permitted in all horseracing codes in Australia to prevent the horse getting their tongue over the bit during a race—something horses do because bits are incredibly painful. Some 85 per cent of harness racing trainers use tongue-ties compared to 72 per cent of thoroughbred trainers. There are no restrictions on when, why or how long a tongue-tie can be used or on how tight a tongue-tie can be. A recent study of harness racing horses found that those fitted with a tongue-tie showed significantly more signs of stress—which is really unsurprising, considering that tongue-tie use can cause cuts, bruising, swelling, difficulties swallowing and permanent tissue damage.

In 2016 Australian Harness Racing announced a ban on the use of whips in harness training and racing—which was obviously welcomed by welfare advocates. However, in true racing industry fashion, objections from industry participants led to a change of heart and the planned ban was drastically scaled back to a set of new rules on the specific movements that can be used when whipping the horse. But this does not change the fact that whips exist to use pain to motivate an animal into pushing past its limits.

Speaking of pushing horses past their limits, let us discuss exercise-induced pulmonary haemorrhage [EIPH], which is the name for bleeding in the lungs and airways caused by the sheer pressure of blood pumping around the body during strenuous exercise. Studies have shown that the incidence and severity of EIPH is virtually identical between thoroughbred and harness racehorses and occurs in as many as 95 per cent of racehorses. Then there is a raft of other health issues associated with all horseracing codes, such as stomach ulcers that are caused by feeding patterns that are designed to optimise racing performance at the expense of long-term health, and inflammatory airway disease caused by stabling arrangements and exacerbated by EIPH.

Finally we come to wastage, the term used for horses that exit the industry whether they have raced or not. The truth is we just do not know what happens to the vast majority of the horses that leave the racing industry because there is no requirement for the industry to report on what happens to their horses. However, we know that almost 2,500 horses leave the harness racing industry nationally every year and around a quarter of horses bred into the harness racing industry will never go on to race. We also know that a 2008 study of horses entering abattoirs for slaughter found that around 60 per cent were less than eight years old—compare that with the natural lifespan of a horse of 25 to 30 years—and that around 9,000 horses are slaughtered in abattoirs each year, around half of which may be ex-racehorses from both thoroughbred and harness racing codes.

All of those outrageous abuses of animal welfare by the harness racing industry, like the thoroughbred industry and the greyhound racing industry, occur because the racing outcomes are improved when welfare outcomes are compromised. The racing industry would not do such cruel things, or tie itself in knots trying to justify those cruel things, if doing so was not profitable and was not in the interests of the industry. The truth is that to the racing industry horses and dogs are just machines that generate profit. The broken bodies of these sentient beings are fed into the furnace, fuelling the racing and gambling industries, no matter the welfare cost. I say to the Liberal-Nationals Government and to Labor: You cannot have it both ways. When animal welfare and the interests of the racing industry come into conflict, one of them has to win. The Greens have chosen the side of animals and will move amendments to ensure that the protection and promotion of the welfare of greyhounds and harness racing horses is the first object of each of the Acts. We will also move an amendment to strike the protection of the interests of the racing industry from the objects of the bill.

If Government and Labor members are serious about animal welfare, I encourage them to support the amendments. I flag also The Greens amendments that would amend the Greyhound Racing Act to finally allow the tracking of greyhounds for the entirety of their lives, closing a loophole in the existing law that may be allowing for the disappearance of former racing dogs once they leave the purview of the Greyhound Welfare and Integrity Commission. The Greens amendments are common sense and would bring the Greyhound Racing Act into alignment with the whole-of-life tracking commitments that the Government made when it overturned the greyhound racing ban in 2017. The Greens support the tightening of the regulation of the commercial horseracing and greyhound racing industries, so we support the very small regulatory improvements included in the bill. However, we also will continue to fight for an end to the commercial racing of animals because we have seen time and again that those industries are incapable of meaningful reform and the cost to animals is simply too high.

The Hon. MARK LATHAM (17:54): One Nation supports the Racing and Gambling Legislation Amendment Bill 2022 in general, but will move two substantial amendments to try to improve it. Our starting point comes from listening to the earlier speeches. It is always fascinating to listen to people criticising those industries when they do not go to the racetrack, they do not talk to the trainers, jockeys, participants, owners, fans of thoroughbred, standardbred and greyhound racing. If they spoke to those participants they would discover their love of the animal, their hope for the wellbeing of the animal, their enjoyment of the industry, the jobs it creates, and the hope it gives people. It was always the saddest thing about the Baird Government's closure of greyhound racing: It took away the hope of working people who wanted nothing more in life—and in some cases had nothing more in life—than thinking, as they walked the dogs around the neighbourhood and hoped for the best for their dog, that maybe they had the next Zoom Top.

We hear a lot about mental health and giving people hope. Having something to look forward to in the future is the best form of mental health. Taking that away from working people is a very cruel practice, particularly when those who criticise sit on the other side of the fence from racing venues, not knowing the participants and their love of the animals. They just criticise. The Greens attitude to the racing codes is the same as their attitude to jobs in the Hunter Valley: It is only good for the extermination of things they know nothing about. That is a sad way in which to conduct oneself in public life—from a position of complete ignorance.

For One Nation the position is clear. We have an established pecking order that we always work to with our priorities. It is almost like a natural food chain of putting humans first, animals second, then plants. Then you come further down to COVID, cancer, asbestos and, right at the bottom, The Greens. Our pecking order of what you do and how you legislate is very clear. It is the right thing to do. We are a civilised society where humans come first. We look after our animals and the animals eat the plants, as we do. All of that makes a lot of sense,

unless you are one of the dwellers at the bottom of the food chain—The Greens—who, from a position of ignorance, want to turn everything upside down and exterminate those industries.

Extermination is in many ways the right word; but so, too, is genocide. For example, if the greyhound industry is closed down, what use do the greyhounds have? They breed out because they have no use. The argument that putting a greyhound in a tiny apartment as an ideal pet is a nonsense. They are running and racing animals. Locking them up in a tiny apartment and saying, "They are the ideal pet because I don't have to do much because they sleep 20 hours a day," is cruelty. If we close down the greyhound industry, what possible use will greyhounds have? They will breed out; they will be exterminated. It is a policy of saying, "No more greyhounds in the future." What use will they have? They are running dogs. Ms Abigail Boyd, from her position of ignorance, is giggling away.

Ms Abigail Boyd: You're very funny.

The Hon. MARK LATHAM: It is getting late in the day so The Greens get the giggles—for reasons I will not go into. But it is clear that they know nothing about this industry and they know nothing about the welfare of those animals. What needs to be done with regard to this bill is to improve it. The bill substantially goes to matters concerning the harness racing industry. I have to say that that industry is down on its bumpers. Harness racing is not what it was. There was a glory era when we would come out of the Sydney university in the late seventies or eighties, go down to Harold Park and watch the great "Bathurst Bulldog", Hondo Grattan; Paleface Adios, the "Temora Tornado", our favourite; Koala King; and Markovina, who lives on in FriendlyJordies. They were great competitors.

I remember being packed in like sardines at Harold Park for Miracle Mile night when we all backed a different horse, but our hearts were with Paleface. They all broke at the back and Paleface strode clear, lengths in front. We sort of forgot about our wagers—the couple of dollars we had on some other runner—and we cheered for the great Paleface, who I think got nutted at the post. They were the glory days at Harold Park where it was entertaining. There was a spirit of excitement in the air. You loved being there. Harness racing at Harold Park was a wonderful institution in Sydney. I think it was a mistake to sell it up and go to Menangle.

I am not far from Menangle, where I live in the south-west. Compared to those halcyon days at Harold Park, it is sad. You do not have the patrons on the track; you do not have the excitement. To go to a racetrack that is like a morgue is a sad experience when there is no-one there, when all you have got are these clubs living off guaranteed gaming revenue but not doing enough to promote it, to bring back the excitement and the great name competitors that we all loved. We have not seen anything like Harold Park at Menangle. That is the issue that we need to address. The harness racing clubs—the board members hand-picked by the Minister—can live off the guaranteed gaming revenue and not create the proactive and dynamic strategies that are needed to rebuild on-track patronage and bring back a broader base of public support for harness racing.

It can be done, of course. I pay tribute to Peter V'landys. I do not necessarily agree with his rule changes in rugby league, but I will say he has done a good job for thoroughbred racing. With his promotion of certain races, TV rights, public relations strategies and connections to Government, he has turned thoroughbred racing into something that has a sustainable future because it has a strong patronage base. You can still go to the racetracks on a major race event at Randwick or Rose Hill and participate in one of life's great experiences in the excitement of getting your backside trackside and being part of it. It is an experience those opposite never get to have in life, and at that level I feel sorry for them. V'landys has done a great job on thoroughbred racing.

Harness racing needs to be reformed to do the same thing. It is possible. You cannot just sit back in a club-like atmosphere on the board and rely on the guaranteed revenue from gaming and not build patronage on track. Menangle, other than on an Inter Dominion night, does not have the crowds to make it the experience that we all want from racing. One Nation proposes an amendment to the bill to take the reform ideas of the harness racing reform group. I pay tribute to the harness racing reform group, which wants to recapture the golden era. It wants to make harness racing great again, back to the great days of Harold Park.

The group's idea is to democratise the board—to bring in participants but also allow the participants to directly elect a majority of the board. The group points out that in the report that was commissioned—and supposedly the legislation is based on the Harness Racing Industry Consultation Group—the major recommendations have been ignored or only partly introduced. There was a concern expressed in the report that membership criteria is too rigid in harness racing, with knowledge of the industry limited and the opportunity to select the right people also limited. The new Act does not solve that. Indeed, the proposed amendment, like the 2009 Act, specifically excludes for 12 months from the Harness Racing NSW board someone who served on the board of an eligible industry body.

One Nation will move the proposal of the harness racing reform group in a single amendment. It is a long document. The group has done a power of work. I pay tribute to the lawyers and enthusiasm of the group. In substance, the proposal is to have two ministerial appointments on the board and three directly elected, which I think would go a long way to revitalising harness racing in New South Wales. The shadow Minister has looked at the proposal. I am disappointed it is not yet Labor policy, but I believe it points the way forward for something more substantial, exciting and successful for harness racing in this State.

One Nation's second amendment proposes to abolish the Greyhound Welfare and Integrity Commission [GWIC]. This Stasi-type policing body is holding back the success of greyhound racing. We know the Baird Government made a tragic error in trying to close down and exterminate greyhound racing in New South Wales, giving those dogs no practical use and taking away their natural inclination to run and race. That was based, unfortunately, on the fake news journalism of ABC's Caro Meldrum-Hanna on *Four Corners*. Apparently Baird sat on the couch and assured his daughters he would close down the industry—what a terrible way to make policy! The fake news of Meldrum-Hanna is apparent from the Luna Park fiasco she generated trying to fit up Neville Wran as some small-town crook. The premise for closing down greyhound racing was always wrong but unfortunately the damage done by that tragic decision lingers on. It is taking a long while for greyhound racing to get back to what it was, and the main obstacle to its success is the Greyhound Welfare and Integrity Commission.

Effectively, GWIC's policy is to rub out dissidents. How do I know that? I have sat on the select committee chaired by the Hon. Robert Borsak that has taken a power of evidence about the mistakes of GWIC. Its policy is to rub out dissidents, targeting anyone who is a critic of GWIC and rubbing them out. The gold-plated Bathurst headquarters, the Taj Mahal, is said to have a toxic culture. It is not dedicated to growing the greyhound racing industry but rather to holding it back. The problem has always been that in setting up GWIC, they never set up people who knew the dogs and who knew greyhound racing. They brought in Judith Lind, who has a non-racing background, from the Australian Sports Anti-Doping Agency, the drug monitoring group but not to do with greyhound racing. Now it has Steve Griffin, a former policeman who thinks he is policing the industry instead of growing it. So there is a cultural problem.

The committee identified four at the top of GWIC who needed to go. Judith Lind went. Alan Brown, the chief commissioner, sadly passed away, and Michelle Ledger, who is an animal justice vet and the chief vet at GWIC, has been moved on, and Griffin remains to be got rid of. If the Minister had any sense about the future success of greyhound racing, he would not only get rid of Griffin but also support the One Nation amendment to abolish GWIC and transfer its powers directly to Greyhound Racing NSW, which is at least a pretty sound body. It is interested in the future growth of greyhound industry in New South Wales.

There are aspects of GWIC that the Animal Justice Party should be condemning and should be very concerned about. As part of our inquiry, I raised the case of Ken Burnett, a greyhound racing trainer at Bringelly, who had had a dog that bit a small child on his property. He took it to his local vet, and the vet recommended—I have the certificate from the professional vet—that, "The dog is savage. It bit the grandson and likely to be a future danger to children." The dog was put down on that basis. GWIC then tried to rub out Ken Burnett, who had done the right thing. The dog had bitten his grandson, he reported it to the vet, and the vet certified that the dog was dangerous and needed to be put down, and GWIC then tried to put Ken Burnett out of the industry. I raised this with Steve Griffin, who said, "That is obviously wrong. Ken Burnett won't be prosecuted," but he deceived me and continued down the path of getting Ken out of the industry.

I raised this matter at the Bathurst hearing we had with GWIC, and I hope the Hon. Emma Hurst understands what was given in evidence. GWIC, on the run and in the middle of our committee meeting, announced a change of policy that a dog owner who has a dog that is dangerous or has some other problem has to take it not to the local professional vet but to the local council dog pound. Anyone who has been in local government will know that, of dogs that go into the pound, not many come out.

The Hon. Shayne Mallard: They make the declarations they're dangerous, though.

The Hon. MARK LATHAM: But how many professional vets are working in a dog pound in western New South Wales for the local council or, indeed, in Sydney? It is a death sentence for the dogs to have a GWIC policy that, instead of the local vet looking at the dog and assessing the circumstance, it is the council pound where essentially 99 per cent of those who go in never come out again. It is a death sentence. GWIC made that policy on the run without consultation. It is a terrible slur on professional vets. GWIC said that the professional vets are too close to the greyhound trainers. Where is the evidence for that? It was a slur on the vets. In the bush, of course, it can be a very long drive to get to some of these pounds, and it sidelines the role of vets. I would much rather have veterinary professionals who studied the science at university looking after the welfare of dogs than the bloke down at the local dog pound. That is just common sense. GWIC is not acting for dog welfare. It is rubbing out people it does not like. In the case of Ken Burnett, there is no doubt that is the case, with the policy on the run and the circumstances of his mistreatment.

One problem with GWIC raised in the very powerful submission from the Australian Workers' Union is that it has an interim suspension policy that is like a star chamber. It can rub people out prior to evidence and conviction. GWIC has policies of entering private property with body cameras, despite having legal advice that it is not in fact a legal practice. It has officious rules designed to hold people back—dimensions of a kennel, air conditioning, ventilation, bedding size and nature. What is wrong with a practical approach to say people who love their dogs will look after them and assess their dogs for wellbeing? Have by arrangement some inspections that look at whether the dog is healthy, that assess the wellbeing and health of the dog, instead of a rule book the size of which you cannot jump over.

The GWIC is a disgraceful organisation. It has so many rules and so many officious practices that are designed to deter participants from greyhound racing instead of growing them. One staff member of GWIC said it is the most dysfunctional organisation he has worked for. He said, "It just wears you down turning up to work", and "It is a toxic work culture full of nepotism and other forms of favouritism." How does GWIC respond to the Borsak committee and the work we are doing? I mentioned the evidence we heard at Bathurst last year. Talk about a misuse of taxpayers' funds. On 17 June 2021 it held a senior executive meeting and it produced a document headed, "Strategies for responding to the New South Wales parliamentary select committee." It reminds me a bit of the education department.

Instead of just coming to the hearings and giving straight evidence and direct answers, it is all about strategy to avoid parliamentary scrutiny and transparency. Some of this stuff is disgraceful. I mentioned the allegations against Ken Burnett at Bringelly. It says in the document, "The commission's response is to enlist former judge Wayne Haylen, QC,"—we know that name—"to conduct an independent review of disciplinary process involved in respect of this matter and include the outcome of the Haylen review when announcing the outcome of the disciplinary processes against Mr Burnett." How independent is that? Headed under "Rationale" on its sheet of strategies to negate our committee, it states, "The purpose of this is to negate any suggestion that Mr Burnett is being unfairly targeted by the commission." It is a predetermined outcome.

Wayne Haylen, a gun for hire, has been brought in to negate any suggestion that Mr Burnett has been unfairly targeted. That gives the impression his report has already been written. This is not a fair process and it is certainly not natural justice to bring in a former judge. I have seen Wayne Haylen around the thoroughbred racetrack but I do not know what his expertise is on greyhounds. The next one is, "The assertion that the commission's disciplinary processes are unfair and onerous for participants"; again, "external review by Wayne Haylen"; the rationale, "to negate the assertion that the commission's disciplinary processes are unfair or too onerous." They already have the outcome written in their strategy document before they have paid this guy one dollar of taxpayers' money. It is a complete disgrace.

Then it goes to the assertion that "the commission's use of interim suspension is unfair and capricious"; "former Judge Wayne Haylen to review?"—question mark. Wayne Haylen obviously is not independent. He has been paid for a predetermined outcome. It is a disgrace that a parliamentary committee would be treated that way. Instead of giving the committee straight answers and engaging in fair processes, for us and the participants, there is a deliberate attempt to produce reports that are not genuine and independent and have a pre-determined outcome that is going to support GWIC. I believe that in itself condemns them for abolition. This industry would be much better off if we just got rid of GWIC and transferred the powers to Greyhound Racing NSW. That should happen and that would put greyhounds on the same footing as the thoroughbreds and the standardbred harness racing. They do not have a special welfare outfit. V'landys does not have a GWIC equivalent. He has stewards and an excellent rehoming program for thoroughbreds. Why does greyhound racing have to have special rules to hold them back, to rub them out, to diminish the size and success of this industry? It is not fair. GWIC should be abolished.

Ms CATE FAEHRMANN (18:13): As the gambling spokesperson for The Greens, I will make a short contribution to debate on the Racing and Gambling Legislation Amendment Bill 2022 on the gambling elements. The bill amends the Betting and Racing Act 1998 to give effect to some of the national consumer protection framework for online wagering, namely, mandatory staff training requirements, a consistent gambling message for use in industry advertising nationwide and consistent activity statement requirements. The previous tranche of requirements was implemented by the Gambling Legislation Amendment (Online and Other Betting) Bill 2019, which included amendments I successfully moved in this place on behalf of The Greens, which doubled fines for online gambling offences to $110,000 for corporations and $11,000 for individuals. It also tightened rules around individuals consenting to receive online gambling advertisements.

New South Wales has the highest levels of gambling harm in the country and is one of the worst jurisdictions in the world for problem gambling. According to Australian gambling statistics data, New South Wales lost $6 billion in 2016, nearly half the nationwide total. Online betting has only exacerbated this, moving gambling out of pubs, clubs and racecourses and into the pockets of every adult in Australia. While the bill

contains positive changes, it will barely scratch the surface when it comes to the harms caused by gambling on sports events, particularly online.

The bill creates a requirement for licensed betting service providers to keep betting accounts private and keep records relating to betting accounts to be able to provide statements to account holders. The bill also introduces requirements for some bookmaker staff to undertake a responsible conduct of gambling course. The Greens support this but acknowledge that an emphasis on responsible gambling falls far short of adequate gambling harm reduction. The New South Wales Government's own 2020 Responsible Conduct of Gambling study found that the current informed choice approach to responsible conduct of gambling is clearly having little impact on preventing or reducing gambling harm and is incompatible with the objective of harm minimisation in New South Wales gambling legislation. The report also noted that other jurisdictions, including the Australian Capital Territory, New Zealand, United Kingdom and Norway, are moving towards a proactive harm minimisation approach and away from the informed choice approach. This includes mandatory obligations to intervene with patrons that are experiencing harms and mandatory pre-commitment systems.

The informed choice model does not work because gambling companies create gambling products that are inherently designed to be enticing and addictive and prey on the most vulnerable members of our society. We do not use an informed choice model to deal with the scourge of nicotine use for the very same reason. The bill also introduces a regulatory power that can require an advisory statement to be part of any gambling advertisement in print or in any other form prescribed by the regulations. While this is a welcome change, it will do little to combat the impact of the sheer volume of online gambling advertisements. Online gambling advertising saturates everything in Australia. We cannot watch a sporting event without being bombarded every five minutes by a slew of online gambling ads that show how much fun you and your mates could have if you just bet that little bit more. For young Australians the message is clear: enjoying sport means having a punt.

A 2018 study by the Australian Gambling Research Centre [AGRC] found that one-quarter of betters reported being under 18 when they first placed a bet on sports. Further it found that of all young men who bet on sport, 70 per cent were found to be at risk of or already experiencing gambling harm. Another 2018 study by the AGRC found that advertisements were encouraging riskier betting and that regulation of advertisements is what is really needed to reduce gambling-related harm. Yet there are really no restrictions on gambling advertising. We have allowed this behaviour to become normalised and entrenched.

Sadly, this Government is ignoring the evidence, including its own research showing what really needs to be done to reduce gambling harm. The only Minister who has shown an appetite for serious reform in this space was quickly taken out of the role after ruffling the feathers of gambling industry heavyweights. Despite that last comment, The Greens support the very minor requirements in this bill that go a little bit towards making sure that we meet the National Consumer Protection Framework for Online Wagering. The Greens did support some of those requirements, so that is a good thing.

Reverend the Hon. FRED NILE (18:18): I speak in debate on the Racing and Gambling Legislation Amendment Bill 2022 and indicate that I support 100 per cent all the points made by the Hon. Mark Latham in his speech. It may surprise a lot of people but my brother was both a trainer and a harness racing driver at Harold Park. I regularly went with him to watch him run and win. Again, I support and endorse the points made by the Hon. Mark Latham.

The Hon. PETER POULOS (18:19): On behalf of the Hon. Ben Franklin: In reply: I thank the Hon. Courtney Houssos, the Hon. Emma Hurst, Ms Abigail Boyd, the Hon. Mark Latham, Ms Cate Faehrmann and Reverend the Hon. Fred Nile for their contributions to debate on the Racing and Gambling Legislation Amendment Bill 2022. Through the bill the Government re-emphasises its ongoing commitment to maintaining a competitive and sustainable racing industry and improving the online gambling harm-minimisation framework for consumers across New South Wales. The reforms in the bill respond to statutory reviews of racing legislation and consultation with industry stakeholders, and, as part of national commitments, address harms from online gambling.

I will respond briefly to the points that were made by the members. Changes to the Harness Racing Act 2009 set out in schedule 3 to the bill will strengthen the harness racing industry's governance, integrity and accountability arrangements. The bill also broadens the definition of "racing official" to include members of the Harness Racing Industry Consultation Group [HRICG], which is responsible for consulting with, and making recommendations to, Harness Racing NSW [HRNSW] on harness racing matters. Including HRICG members as racing officials in the harness Act will bring them under the jurisdiction of the Harness Racing Integrity Auditor, providing an additional level of accountability. This change was recommended during consultation and is supported by key stakeholders.

Schedule 3 strengthens the eligibility and conflict-of-interest requirements for HRNSW board members, aligning with similar provisions in the Thoroughbred Racing Act. Currently, the Harness Racing Act provides HRNSW with the ability to determine whether a member who has disclosed an interest may take part in a deliberation or in a decision-making process. The bill will remove that discretion, meaning that should a member disclose an interest then they are automatically prohibited from being involved in deliberations regarding that matter. The bill also extends conflict-of-interest requirements for HRNSW board members to members of HRNSW subcommittees and will allow the Minister to remove HRNSW board members for having, or failing to disclose, conflicts of interest. I am confident that the bill will implement positive changes to the regulation and governance of the wagering and racing industries for the benefit of participants and punters alike. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole.

The Hon. EMMA HURST (18:27): By leave: I move Animal Justice Party amendments Nos 1 and 3 on sheet c2022-089A in globo:

No. 1 **Ban on greyhound racing**

Page 8, Schedule 2[1]–[3], lines 2–24. Omit all words on those lines. Insert instead—

[1] Part 1, heading

Omit the heading.

[2] Section 1 Name of Act

Insert "*Prohibition*" after "*Racing*".

[3] Section 3 Definitions

Omit all definitions from section 3(1), other than the definitions of ***greyhound*** and ***greyhound racing*** (or ***greyhound race***).

[4] Section 3A

Insert after section 3—

3A Prohibition on greyhound racing

A person must not participate in greyhound racing.

Maximum penalty—1,000 penalty units or imprisonment for 2 years, or both.

[5] Parts 2–8, sections 90–94, 101(2)–(4) and 102 and Schedules 1–3

Omit the provisions.

[6] Part 9, heading

Omit the heading.

[7] Long title

Omit the long title. Insert instead—

An Act to prohibit greyhound racing.

No. 3 **Ban on harness racing**

Pages 9–18, Schedule 3[1]–[28], line 2 on page 9 to line 3 on page 18. Omit all words on those lines. Insert instead—

[1] Part 1, heading

Omit the heading.

[2] Section 1 Name of Act

Insert "Prohibition" after "Racing".

[3] Section 3 Definitions

Omit all definitions from section 3(1), other than the definition of harness racing.

[4] Section 3(2) and (3)

Omit the subsections.

[5] Section 3A

Insert after section 3—

3A Prohibition on harness racing

A person must not participate in harness racing.

Maximum penalty—1,000 penalty units or imprisonment for 2 years, or both.

[6] Parts 2–6, sections 40–46 and 48(1)(b) and (2)–(4) and Schedules 1 and 2

Omit the provisions.

[7] Part 7, heading

Omit the heading.

[8] Long title

Omit the long title. Insert instead—

An Act to prohibit harness racing.

These amendments will bring an end to the greyhound racing and harness racing industries by implementing a total ban. In the case of greyhound racing, it will reintroduce a ban that never should have been backflipped on. I will cover the greyhound racing amendment first. It is well known that greyhounds are dying in the racing industry, and the situation is getting worse. Late last year the Coalition for the Protection of Greyhounds released a death report that revealed a disgusting 44 per cent increase in catastrophic greyhound injuries leading to death in New South Wales. Our State also has the worst greyhound fatality rate in Australia, with almost 50 per cent more greyhounds dying in 2021 than in the same period last year.

The greyhound racing industry simply cannot operate without animal cruelty and must be shut down. It is what animal protection groups have been calling for for decades, and it is what the community wants too. An ABC poll found that 82 per cent of the population want to see the industry banned. There are four major issues that illustrate why we must ban greyhound racing: overbreeding and wastage, injuries sustained on the track and in training, issues with rehoming, and live animal baiting. The McHugh inquiry found that between one-half and two-thirds of greyhounds bred by the industry are killed and over 80,000 greyhounds were missing, presumed dead. An industry where it is common practice to oversupply living beings and kill the ones not wanted must be stopped.

In the five months since the beginning of this year, 1,188 greyhounds have been injured, 224 of those dogs suffered major injuries and 15 died on the track. Those numbers are beyond shameful. If Athletics Australia reported the same number of runners had been injured on the track so far this year and 15 had died, we would call for an immediate end to track running. In a desperate attempt to save as many lives as possible from an industry that simply sees them as wastage, rescue groups are working to rehabilitate and rehome greyhounds with no government assistance. This comes at great expense as the Government freeloads off the animal-loving public, who are forced to foot the bill and who are trying to right the wrongs of an industry that is never held to account.

Perhaps the clearest example of what is and was considered acceptable by the greyhound racing industry—and another reason to support the amendment to ban this industry—is the relatively recent secret use of live animal baiting. Live possums, rabbits and piglets were attached to mechanical lures and sped around racing tracks to induce greyhounds to race after them. Despite being illegal and immoral, and despite greyhound trainers saying on record that they did not do it, secret footage revealed that live baiting was still used in the greyhound industry as recently as 2016. An industry that allows this barbaric cruelty well into the twenty-first century cannot be allowed to continue. It must be banned now.

The second amendment I will move would ban the harness racing industry. Like the thoroughbred racing industry, it is fraught with significant inherent animal welfare issues. Horses in the harness racing industry are overbred, overtrained and overexerted. Throughout their short lives many of them will be whipped, injected with banned substances and injured. Unwanted horses are killed because they are considered wastage by this industry. In 2020, *The Sydney Morning Herald* revealed that ex-harness racehorses were still ending up killed by knackeries, despite it being against the industry's policy on rehoming horses. In the past four years, over 600 horses have been injured in the harness racing industry and 40 have died. Prior to 2018 it appears that injuries and deaths were not even being reported. The industry has failed to ban the use of whips, despite claiming it would do so as far back as 2016. The RSPCA is opposed to the industry and is specifically concerned by the use of head pole burrs, which inflict pain and distress to horses and are used as a form of punishment.

What further evidence is needed? What more harm, suffering and death needs to come to those animals before the Government says enough is enough? It is time those cruel industries are done with in New South Wales. Today these amendments provide an opportunity to end this cruelty. I note the penalties in my amendments for

committing those acts of animal cruelty are equal to the existing penalties for aggravated cruelty in the Prevention of Cruelty to Animals Act. It will happen eventually, if not today. I remind members voting in this place today that their vote will put them on either the right or the wrong side of history. I urge all members to support these amendments.

The CHAIR (The Hon. Wes Fang): Regarding the Animal Justice Party amendments and the conflict before the Chair, given that we will split the amendments and vote on them seriatim, we should first move everything at one time. I will now put the Animal Justice Party amendments moved by the Hon. Emma Hurst and should they not be agreed to, we will consider the other amendments. Is that clear?

Ms Abigail Boyd: We will get to talk to the amendments?

The CHAIR (The Hon. Wes Fang): Yes. Ms Hurst has concluded her contribution to the debate. I call Ms Abigail Boyd.

Ms ABIGAIL BOYD (18:34): The first amendment moved by the Hon. Emma Hurst will effect a ban on greyhound racing. I am sure it does not come as any surprise to the other parties in this place that The Greens wholeheartedly support that amendment. The Greens have long supported closure of the greyhound racing industry. It is a cruel and inhumane industry that does nothing but profit from the suffering of dogs. The Greens support amendment No. 3, which will introduce a ban on harness racing. We have long advocated for a ban on harness racing, which is also a cruel and inhumane practice. It has caused a significant number of injuries and deaths. The fact that there is no official documentation on injuries and deaths in harness racing is a very big worry. It does make it that much harder to hold the harness racing industry to account. The cases of animal abuse and animal welfare violations continue to come out of that industry. There is no excuse for it. I take this opportunity to respond—it is relevant—to a contribution made by the Hon. Mark Latham. The member commented that a person cannot have an opinion on this unless they have been to a race.

The Hon. Mark Latham: Or several—many. Know the industry.

Ms ABIGAIL BOYD: To several, to know the industry. I will say that as a baby lawyer I did have to go to a greyhound race and I did have to go to a horserace.

The Hon. Mark Latham: As a baby?

Ms ABIGAIL BOYD: As a baby lawyer, not as a baby.

The Hon. Mark Latham: What is a baby lawyer?

Ms ABIGAIL BOYD: A graduate lawyer, for translation purposes for the Hon. Mark Latham. I have seen what goes on at those races.

The CHAIR (The Hon. Wes Fang): I ask that the member remain relevant to the amendments.

Ms ABIGAIL BOYD: In the same way that I do not need to see a bunch of other heinous activities to know that they are bad—I do not need to witness murders and or people punching puppies—I can have a position on the need to ban the industry without spending every weekend hanging out with racing officials.

The Hon. PETER POULOS (18:37): In relation to the Animal Justice Party's proposed amendments regarding the harness and greyhound racing ban, the Government will not support these radical amendments to ban harness and greyhound racing.

The CHAIR (The Hon. Wes Fang): Order! Members will be heard in silence.

The Hon. PETER POULOS: The Animal Justice Party amendments on sheet c2022-082B requiring a vet to be on site at all greyhound tracks for all races and trials is an unnecessary burden on clubs and would lead to significant additional costs to greyhound clubs. The current arrangements require clubs to have a staff member present who is trained in greyhound first aid so they are able to provide immediate assistance before determining if the greyhound requires the attention—

The CHAIR (The Hon. Wes Fang): For clarity, the amendments that have been moved are Nos 1 and 3.

The Hon. PETER POULOS: I withdraw those remarks. I reaffirm that the Government will not support those radical amendments.

The Hon. COURTNEY HOUSSOS (18:38): I indicate that the Labor Opposition will also not be supporting these Animal Justice Party amendments. We do not support a ban on greyhound racing. That has been our position for quite a long time, even when the New South Wales Liberal-Nationals Government did adopt that so-called "radical" plan as its own policy. However, I will leave that as a discussion for another time. Although Labor opposed the greyhound racing ban, we do very much support the role of an independent welfare agency. In

particular, we support the addition of the animal welfare provisions within the harness racing aspect of this bill. Whilst we are not supporting these amendments, I note that we certainly do support improved animal welfare standards.

Reverend the Hon. FRED NILE (18:40): I think the word "radical" was the correct one. It is radical and extreme to try to close down the sport. I totally oppose that and call on the Committee to reject the proposed amendments.

The CHAIR (The Hon. Wes Fang): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 and 3 on sheet c2022-089A. The question is that the amendments be agreed to.

The Committee divided.

Ayes 4
Noes 28
Majority.....24

AYES

Boyd	Hurst (teller)	Pearson (teller)
Faehrmann		

NOES

Amato	Latham	Nile
Banasiak	Maclaren-Jones	Poulos
Buttigieg	Mallard (teller)	Primrose
Cusack	Martin	Rath
Donnelly	Mason-Cox	Roberts
Farlow (teller)	Mitchell	Sharpe
Farraway	Mookhey	Taylor
Franklin	Moriarty	Tudehope
Graham	Moselmane	Veitch
Houssos		

Amendments negatived.

The CHAIR (The Hon. Wes Fang): Given that we have addressed the Animal Justice Party amendments on sheet c2022-089A, it is possible for members to move all of their remaining amendments and I will then put the question on the amendments. It is still my intention to put the question on those amendments relating to greyhounds first and then those relating to harness racing second, but it gives everyone the opportunity to move their amendments all at once, if that is the will of the Committee. Yes? Thank you. In that case, I will ask—

The Hon. Mark Latham: Can I suggest, Chair, that we just place ourselves in your hands—that instead of you explaining to us what you are going to do you just do it, Trevor Khan style? The explanation takes up a lot of time and members have become used to a Chair who guides us and puts the divisions and votes snappily and we move on with it.

The CHAIR (The Hon. Wes Fang): I accept that I am not the Hon. Trevor Khan and that he was obviously much more skilled at this than I, but the issue is that there are conflicts with these amendments. It is for the Committee to decide how it wishes to proceed. I am proposing one way and the Committee seems to have indicated a will for it. So I will ask Ms Abigail Boyd to move her amendments.

Ms ABIGAIL BOYD (18:52): By leave: I move The Greens amendment No. 1 on sheet c2022-079A and amendments Nos 1 to 4 on sheet c2022-083A in globo, to be voted on seriatim:

Sheet c2022-079A

No. 1 **Whole-of-life tracking**

Page 8, Schedule 2. Insert after line 21—

[2A] Section 35 Commission to prepare code of practice

Insert after section 35(2)(c)—

(d) standards for the re-homing of greyhounds,

(e) standards for the euthanasia of greyhounds.

[2B] Section 35(6)

Insert after subsection (5)—

(6) In subsection (2)(d) and (e)—

greyhound includes a greyhound that has, at any time, been owned or kept in connection with greyhound racing.

Sheet c2022-083A

No. 1 **Objects of Act**

Page 8, Schedule 2[2], proposed section 3A(a) and (b), lines 11–14. Omit all words on those lines. Insert instead—

(a) to protect and promote the welfare of greyhounds,

(b) to provide for the efficient and effective regulation of the greyhound racing industry,

No. 2 **Objects of Act**

Page 8, Schedule 2[2], proposed section 3A(f), lines 20 and 21. Omit all words on those lines.

No. 3 **Objects of Act**

Page 9, Schedule 3[1], proposed section 2A(a) and (b), lines 6–9. Omit all words on those lines. Insert instead—

(a) to protect and promote the welfare of harness racing horses,

(b) to provide for the efficient and effective regulation of the harness racing industry,

No. 4 **Objects of Act**

Page 9, Schedule 3[1], proposed section 2A(g), line 18. Omit all words on that line.

I turn first to the amendment on sheet c2022-079A. In 2015 and 2016, the shocking and systemic animal cruelty being perpetrated by the greyhound racing industry came to light. One such cruelty that was fundamentally tied up in the industry's viability was the mass overbreeding and systematic killing of greyhounds, known as "wastage". The McHugh inquiry found that before the so-called reform of the greyhound racing industry in 2017, every year 5,500 healthy greyhounds were being killed by owners, breeders and trainers in New South Wales alone because they were considered unsuitable or too slow for racing.

Further, over 80,000 greyhounds bred in the 12 years prior to the McHugh inquiry were missing, presumed dead. Separately, independent investigations from the same time period uncovered the mass graves of around 150 greyhounds, the vast majority of which were killed with a blow to the head and showed no sign of any other injury. In response to those galling numbers, the day the Government backflipped on the greyhound racing ban in October 2016 it committed to introducing dog whole-of-life-cycle management. During the 2017 debate on the repeal bill the then Minister for Racing, now Deputy Premier Paul Toole, said that the bill would enable the commission to implement whole-of-life-cycle tracking for every greyhound that enters and exits the industry to ensure that dogs are not put to death for the crime of being too slow to cut it in the racing industry.

It quickly became apparent after the passing of the repeal bill, however, that the newly established Greyhound Welfare and Integrity Commission [GWIC] did not have the power to do that. In early 2020 then CEO of GWIC Judy Lind admitted:

> When greyhounds are sold, retired, or given away to members of the public who are not industry participants, the Commission has no lawful right to intervene in any way in relation to those dogs.

That leaves GWIC in a bind. It knows that more than 200 dogs every year are transferred off the industry books privately and without going through any rehoming service, but it has no legislative power to make sure that those dogs, which are no longer wanted by the racing industry, live out the rest of their natural lives. That includes dogs that are advertised on Gumtree, sold cash in hand or simply given away. Currently, if a greyhound has been retired from racing and their owner, trainer or a bookie decides to keep them as a pet, then GWIC is able to check on the dog to ensure that animal welfare standards are being upheld. However, if that same greyhound is rehomed to anyone technically outside the industry—be it the owner's sibling, neighbour or friend—then GWIC has no ability to keep tabs on the dog, no matter what it suspects may have happened to them.

Between 15 per cent and 20 per cent of dogs who leave the industry every year fall into that category, and there is a very real possibility that some of those greyhounds were rehomed on paper and killed in reality, thanks to a loophole in the Greyhound Racing Act. In 2018 a new mass grave of nine greyhounds was uncovered by the RSPCA on the property of a registered greyhound trainer in Sydney's west, two years after the greyhound racing ban. Paul Toole said at the time that "there is zero tolerance for such abhorrent behaviour" and that "unprecedented investigative surveillance and enforcement powers" were introduced at the time of the overturning of the ban to address that type of animal cruelty. Clearly those powers are not cutting it. Analysis by the Coalition for the Protection of Greyhounds showed that up to 2,149 greyhounds disappeared in the 2019-20 financial year, not

including those 239 dogs that were privately transferred to industry non-participants, and GWIC has admitted that 190 greyhounds are potentially unaccounted for in 2019-20.

The concerns of the community that greyhounds are still being killed as wastage are very real and legitimate. The public deserves to know where those greyhounds are going, and those dogs deserve to have those loopholes in the law, which allow for their deaths, to be closed. The amendment would close that loophole. The amendment expands the remit of the Greyhound Welfare and Integrity Commission to include oversight of the rehoming and euthanasia standards for greyhounds that are or have been connected to greyhound racing, allowing for investigation into the welfare of all rehomed and euthanised greyhounds, not only those that are owned by or euthanised in the care of industry participants. It is well past time that every single greyhound that exits the greyhound industry is properly accounted for.

I will briefly touch on the other two amendments that I have moved. The very simple impact of those amendments would be to prioritise greyhound welfare by amending the Greyhound Racing Act to prioritise greyhound welfare and remove the protection of industry interests from the Act's objects. Similarly, amendments Nos 3 and 4 on the same sheet would prioritise the welfare of harness racing horses and remove the protection of industry interests from the Act's objects. I commend the amendments to the Chamber.

The Hon. MARK LATHAM (18:58): One Nation opposes the amendments. I will be brief. The member's comments about the McHugh report cannot be allowed to stand. The truth was that Michael McHugh was intellectually past his best and the report was guesswork. It was thoroughly discredited. To read it was to see that it could not be valid, and over time it fell apart. Michael McHugh was past his best, and there was an element of hypocrisy because he could be seen regularly in the grandstand at Rosehill cheering on the thoroughbreds—he had no concern about the issues there—but he wanted to rub out the greyhounds.

He was quoting case studies from Canada that were invented—they were false. Over time the McHugh report was demolished, by Ray Hadley in particular. One of the reasons the Baird Government reversed the ban was that the McHugh report had been discredited in the public arena. It just did not stack up. It is a shame that Michael McHugh was asked to produce it. It was guesswork. It was dreadful. Any reading of it would show it was not evidence; it was some strange piece of work that fell apart and resulted in the ban being reversed. It cannot be regarded in a parliamentary debate as evidence that stacks up. I urge Ms Abigail Boyd to do some practical research. She should talk to Tony Mestrov at Greyhound Racing NSW about the substantial effort that is being made to rehome greyhounds: buying up farms and acreage, large tracts of land for kennelling. It is a concerted effort.

Whatever was in the McHugh report and the cases that were cited, the tiny fraction of it that might have been true, those people are no longer part of the industry. Ms Abigail Boyd has not done the correct up-to-date research. I urge her to talk to Tony Mestrov, who runs Greyhound Racing NSW, and to talk to the team at Racing NSW based at Bart Cummings' old farm at the Hawkesbury, Princes Farm. They are doing an amazing job, again, buying up enormous tracts of land in western New South Wales, tracking the horses and rehoming. It is a sophisticated, compassionate, comprehensive system. If Ms Abigail Boyd is only relying on the McHugh report, she is relying on nothing.

The CHAIR (The Hon. Wes Fang): While the Hon. Mark Latham is on his feet I invite him to move One Nation amendments on sheet 5DTBX.

The Hon. MARK LATHAM (19:01): By leave: I move One Nation amendments Nos 1 and 2 on sheet 5DTBX in globo:

Amendments to Schedule 2: Greyhound Racing Act 2017

[1] Greyhound Welfare Integrity Commission Abolished

Page 8, after line 24, insert new:

[4] Greyhound Welfare Integrity Commission

Delete Part 2 Divisions 1 and 2 and replace with new Part 2 Division 1 headed "Greyhound Welfare Integrity Commission Abolished" and include new Section 4 therein:

4 The Greyhound Welfare Integrity Commission is hereby abolished, and its powers and responsibilities transferred to Greyhound Racing NSW.

Amendments to Schedule 3: Amendment of Harness Racing Act 2009

[2] Democratisation Provisions

Insert new provisions as per below:

[2.1] Section 3 Definitions

Insert in alphabetical order in section 3:

elected member means—a member of HRNSW under section 6(1)(al) elected under section 16B

eligible voter means—

(a) an individual who is registered or licensed by HRNSW, also known as a registered person,

(b) a member for the time being of any board or committee of governance of any of the voting bodies prescribed in Schedule 5 who has enrolled to vote in accordance with Schedule 4 clause 2(6)

(c) but does not include

(i) any person currently serving a penalty of disqualification imposed by HRNSW or any harness racing club;

(ii) any person currently serving a penalty of disqualification imposed by Racing NSW, Greyhound Welfare and Integrity Commission or any similar racing authority;

(iii) any person currently warned-off any harness racing course or racecourse

Register means-the registration or licensing records of HRNSW for the registration or licensing of individuals

registered person means-an individual who is registered or licensed by HRNSW

[2.2] Section 6(1) Membership

Omit sub-section 6(1)(a). Insert instead:

(a) 2 members recommended for appointment by the Selection Panel under section 7 and appointed by the Minister to give effect to the recommendation of the Selection Panel, unless the appointment is to fill a casual vacancy under paragraph (b),

(al) 3 members elected under section 16B.

[2.3] Section 6(2) Membership eligibility

Omit sub-section 6(2)(c) and insert after subsection 6(2)(i):

—however, a person is not ineligible by reason only of the matters in subsection 6(2)(a) or (b) if the person complies with Schedule 4 clause 27(1).

[2.4] Section 6(4) Term limits

Insert after section 6(4)

6(4)(a) Despite sections 6(1) and 6(4), the members currently appointed and holding office at the date that notice is given of the first election to be held under section 16B shall continue in office until the expiry of the first term of the members so elected, whereupon their appointments shall also expire.

[2.5] Section 16B Election of representative members

Insert after section 16A:

16B Election of representative members

The election of members of HRNSW provided by section 6(1)(al) is to be held and conducted in the manner set out in Schedule 4.

[2.6] Schedule 1 amendments - clause 6

Omit clause 6.

[2.7] Schedules 4 and 5 Election of representative members to HRNSW

Insert after Schedule 3:

Schedule 4 Election of representative members to HRNSW

Part 1 Interpretation

1 Definitions

In this Schedule—

close of nominations for an election means the final time and date fixed by the returning officer for the close of nominations for the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

election means an election for the purposes of electing a member or members of the Board in accordance with section 16B.

electronic ballot means a ballot conducted in accordance with Part 7.

postal ballot means a ballot conducted in accordance with Part 6.

Register means—

(a) the registration or licensing records of HRNSW for the registration or licensing of individuals, and

(b) the names, addresses, email addresses and other contact information provided to HRNSW by eligible voters within the meaning of paragraph (b) of the definition in section 3 who have enrolled to vote in accordance with clause 2(6), but

(c) shall not include the name and address of any person who is excluded from the meaning of eligible voter by reason of paragraph (c) in section 3.

returning officer means—

(a) the Chief Executive Officer, or

(b) the Electoral Commissioner for New South Wales, or

(c) a person employed in the office of and nominated by the Electoral Commissioner for the purpose of exercising the functions conferred or imposed on a returning officer by this Act, or

(d) a fee-for-service election provider nominated by HRNSW on the Chief Executive Officer's recommendation.

roll for an election means the roll prepared by the Chief Executive Officer under clause 10.

Part 2 Calling of election

2 Timing and notice of election and enrolment of eligible voters

(1) Notice that an election of members of HRNSW under section 16B is required—

(a) for the first election held under section 16B, shall be given on a date that is determined by the Chief Executive Officer being a date within six months of the commencement of this Schedule.

(b) for each subsequent election of members of HRNSW under section 16B, shall be given on a date that is determined by the Chief Executive Officer being a date not less than 2 years seven months and not more than 2 years eight months after the date of the previous election.

(2) As soon as possible after having been notified in writing by or on behalf of the Chief Executive Officer that an election of members of HRNSW is required, the returning officer must cause notice of that fact—

(a) to be published on the HRNSW's website, and

(b) to be sent by prepaid post or email to each eligible voter whose name is recorded in the Register.

(3) If the Chief Executive Officer is to be the returning officer in the election, the Chief Executive Officer must take the steps specified in subclause (2) (a) and (b) before the end of the applicable period specified in subclause (1).

(4) The notice must specify the following—

(a) the number of members required to be elected,

(b) how nominations of candidates are to be made,

(c) the time and date for the close of nominations,

(d) whether, in the event that a ballot is required to be held, the election is to be conducted by a postal ballot or an electronic ballot,

(e) if an electronic ballot is to be held-that an eligible voter may choose to vote by means of a postal ballot providing the eligible voter notifies HRNSW of this choice in writing no later than 21 days after the date on which the notice is published on HRNSW's website.

(5) The date fixed for the close of nominations must not be earlier than 21 days after the date on which the notice is published on HRNSW's website.

(6) All eligible voters within the meaning of paragraph (a) of the definition in section 3 who are not excluded by paragraph (c) of that definition are automatically enrolled to vote.

(7) Any member for the time being of any board or committee of governance of any of the voting bodies prescribed in Schedule 5, as referred to in paragraph (b) of the definition in section 3, may give notice in writing to the Registrar of their enrolment to vote at any time up until the close of nominations and shall give the Register their name, address, email address and such further contact information as the Registrar may reasonably require.

(8) The Registrar may at any time require a person enrolling or enrolled under subclause (6) to furnish proof to the Registrar's reasonable satisfaction that the person is or at the close of nominations will be a member of for the time being of any board or committee of governance of any of the voting bodies prescribed in Schedule 5 and may make such a requirement more than once.

(9) A person enrolled under subclause (6) continues to be so enrolled unless they cease to be a member of for the time being of a board or committee of governance of any of the voting bodies prescribed in Schedule 5.

(10) For avoidance of doubt, a person who is an eligible voter under both paragraphs (a) and (b) of the definition in section 3 shall not be entitled to cast more than one ballot in any election.

(11) The Registrar shall remove from the Register any person—

(a) enrolled under subclause (6) who in the opinion of the Registrar on reasonable grounds is not, or has ceased to be, a member for the time being of any board or committee of governance of any of the voting bodies prescribed in Schedule 5, or

(b) who has failed to comply with a requirement under subclause (7) before the close of nominations for any election, or

(c) who is at the close of nominations for any election a person excluded from the definition of eligible voter in section 3 by reason of paragraph (c) of that definition.

(12) Removal of a person from the Register under subclause (10) shall not be any bar to a person enrolling or further enrolling if so qualified.

(13) The Registrar may amend or complete any entry or correct any error in the Register.

(14) Any question or dispute about enrolment or eligibility of any voter shall be referred to the Returning Officer for determination.

3 Postponement of close of nominations

(1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice given in the same manner as a notice given under clause 2 (3).

(2) The close of nominations in respect of an election may be postponed under this clause more than once.

4 Person may choose postal voting in electronic ballot

(1) A person who is an eligible voter at the date on which a notice of election is published on HRNSW's website may notify HRNSW in writing that, in the event that a ballot is required to be held, the person wishes to receive a ballot paper by post and return the completed ballot paper by post rather than participate in an electronic ballot.

(2) Notice under subclause (1) must be given no later than 21 days after the date on which the notice of election is published on the HRNSW's website.

(3) A person who has given notice under subclause (1) may, at any time before the end of the 21-day period referred to in subclause (2), notify HRNSW in writing that the person wishes to change the person's choice and participate in an electronic ballot rather than a postal ballot.

Part 3 Nominations

5 Nomination of candidates

(1) A person who is an eligible voter as at the beginning of the day on which a notice of an election is published on the HRNSW's website—

(a) is eligible for nomination as a candidate at an election, and

(b) is qualified to nominate a candidate for election.

(2) A nomination of a candidate—

(a) must be made by at least 2 persons (other than the candidate) who are qualified to nominate a candidate, and

(b) must include the written consent to the nomination of the nominee, and

(c) must be lodged with the returning officer before the close of nominations.

(3) If a candidate has not been nominated by a sufficient number of persons qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.

(4) In the case of an election in which the returning officer is not the Chief Executive Officer, the returning officer may be assisted by the Chief Executive Officer in the performance of the returning officer's duties.

(5) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

6 Candidate information sheet

(1) A candidate for election may, at any time before the close of nominations, submit information to the returning officer for inclusion in a candidate information sheet.

(2) Any information submitted under subclause (1) must be ***suitable for inclusion*** in a candidate information sheet, being information that is—

(a) relevant to a candidate's professional standing, suitability for election and ability to carry out the functions of HRNSW, and

(b) accurate and not misleading, and

(c) no more than 500 words in length.

(3) As soon as practicable after the close of nominations, the returning officer must, if a ballot is required to be held for the election, prepare a candidate information sheet containing the information submitted under subclause (1) (if any) that is, in the opinion of the returning officer, suitable for inclusion.

(4) If the returning officer rejects information as not suitable for inclusion, the returning officer must give the candidate who submitted the information—

(a) notice that the information is rejected, and

(b) an explanation as to why the information is not suitable for inclusion, and

(c) 7 days in which to provide information that is suitable for inclusion.

(5) If the candidate does not provide information that the returning officer considers to be suitable for inclusion within those 7 days, the type or class of any registration of the candidate by HRNSW is to be included in the candidate information sheet but no other information about the candidate is to be included in the candidate information sheet.

7 Uncontested elections

If the number of persons who have been duly nominated as candidates for an election by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

8 Contested elections

(1) If the number of persons who have been duly nominated as candidates for an election by the close of nominations exceeds the number of persons to be elected, a secret ballot must be held.

(2) HRNSW must decide whether the election is to be conducted by a postal ballot or an electronic ballot and must notify the returning officer of HRNSW's decision as soon as practicable.

(3) In making a decision under subclause (2), HRNSW must consult with the returning officer.

(4) In the case of an electronic ballot, the returning officer must make arrangements for persons who have notified HRNSW in accordance with clause 4 to vote in the election by means of a postal ballot.

Part 4 Calling of ballot

9 Qualifications for voting

A person who is an eligible voter at the close of nominations is eligible to vote in an election.

10 Roll for election

As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election—

(a) in the case of an election in which the returning officer is the Chief Executive Officer-the Chief Executive Officer must prepare—

(i) a roll consisting of a list of the full names, addresses (as they appear in the Register), email addresses and registration numbers (if applicable) of all eligible voter as at the date of close of nominations (the voters), and

(ii) if an electronic ballot is to be held, a list of the full names, addresses (as they appear in the Register), email addresses and registration numbers of all voters who have notified HRNSW in accordance with clause 4 of the voter's wish to vote by means of a postal ballot, or

(b) in any other case—

(i) the returning officer must cause notice of that fact to be sent to the Chief Executive Officer, and

(ii) the Chief Executive Officer must prepare, and provide the returning officer with, a roll in accordance with paragraph (a).

11 Notice of ballot

(1) The returning officer must give notice that a ballot is to be held by—

(a) publishing the notice on HRNSW's website, and

(b) by sending the notice by post or email to each voter.

(2) The notice is to be given—

(a) in the case of an election in which the Chief Executive Officer is the returning officer-as soon as practicable after it becomes apparent to the Chief Executive Officer that a ballot is required to be held in respect of the election, or

(b) in any other case-as soon as practicable after the returning officer receives the roll for the election.

(3) The notice must—

(a) state whether the ballot is to be an electronic ballot or a postal ballot, and

(b) fix a time and date for the close of the ballot, and

(c) provide instructions on how to vote, including how to access an electronic ballot.

(4) The close of the ballot must not be earlier than 28 days after the notice is published on HRNSW's website.

12 Postponement of close of ballot

(1) The returning officer may postpone the close of the ballot for a period not exceeding 14 days by a notice published in the same manner as a notice stating that a ballot is to be held.

(2) The close of the ballot in respect of an election may be postponed more than once under this clause.

Part 5 Ballot papers

13 Application of Part

This Part applies to—

(a) the conduct of an election by a postal ballot, or

(b) voting in an electronic ballot by voters who have given notice to HRNSW under clause 4 of the voter's wish to vote by means of a postal ballot, or

(c) voting in an electronic ballot conducted by email.

14 Preparation of ballot papers

(1) The order of names on the ballot paper must be determined by lot drawn by the returning officer.

(2) A ballot paper for an election must state the closing date of the ballot and contain directions as to the manner in which a vote is to be recorded and returned to the returning officer.

(3) The directions to voters must include directions that-

(a) the voter must record a vote for at least the number of candidates to be elected in the order of the voter's preferences for them, and

(b) the voter may, but is not required to, vote for additional candidates in the order of the voter's preferences for them.

15 Duplicate ballot papers

(1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot paper and envelope if the voter satisfies the returning officer—

(a) that the original ballot paper has been spoilt, lost or destroyed, and

(b) that the voter has not already voted in the election to which the ballot paper relates.

(2) The returning officer must maintain a record of all duplicate ballot papers issued under this clause.

Part 6 Postal ballot

16 Application of Part

This Part applies to—

(a) the conduct of an election by a postal ballot, or

(b) voting in an electronic ballot by voters who have given notice to HRNSW under clause 4 of the voter's wish to vote by means of a postal ballot.

17 Distribution of ballot papers

As soon as practicable, the returning officer must send to each voter—

(a) a ballot paper for the election, and

(b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words "NAME AND REGISTRATION NUMBER OF VOTER", together with appropriate spaces for the insertion of a name and a registration number, and

(c) if applicable, a candidate information sheet.

18 Receipt of ballot papers

(1) The returning officer must reject any ballot paper if the envelope is not received before the close of the ballot.

(2) The returning officer must examine the name on the back of the envelope and, without opening the envelope—

(a) must accept the ballot paper in the envelope and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the roll for the election, or

(b) must reject the ballot paper in the envelope if not so satisfied or if a name or a registration number does not appear on the back of the envelope.

Part 7 Electronic ballot

19 Application of Part

This Part applies if the returning officer decides to conduct an election by an electronic ballot.

Note—

Part 6 applies in relation to voters who have given notice to HRNSW under clause 4 of the voter's wish to vote by means of a postal ballot in an electronic ballot.

20 Means of voting in electronic ballot

(1) An electronic ballot may be conducted by email or by remote electronic voting.

(2) If an electronic ballot is conducted by means of accessing a voting website, any voter may notify the returning officer in writing that they wish to vote by email, in which case clause 21 applies to that voter.

21 Voting by email

(1) As soon as practicable after the close of nominations in an election, the returning officer must send by email to each voter the following—

(a) an electronic ballot paper prepared in accordance with clause 14,

(b) an electronic candidate information sheet, if applicable,

(c) directions on how to submit the completed electronic ballot paper.

(2) Each voter must—

(a) vote in accordance with the directions contained on the ballot paper, and

(b) submit the vote in accordance with the directions contained in the email.

(3) The returning officer must ensure that all electronic ballot papers are stored securely in such a way that ensures that the vote recorded by any voter cannot be identified until the counting of the votes begins.

22 Voting website

(1) If an electronic ballot is to be conducted by means of accessing a website (the ***voting website***), the voting website must include the following—

(a) instructions on how to vote, including directions that—

(i) the voter must record a vote for at least the number of candidates to be elected in the order of the voter's preferences for them, and

(ii) the voter may, but is not required to, vote for additional candidates in the order of the voter's preferences for them,

(b) the names of all candidates for election,

(c) the candidate information sheet, if applicable,

(d) the closing date of the ballot.

(2) The voting website must be established in such a way that—

(a) enables the voter to make a declaration stating that the voter is eligible to vote in the election, and

(b) ensures that the vote recorded by any voter cannot be identified, and

(c) allows a voter to review and amend as necessary the voter's recording of a vote before submitting it.

23 Secure storage of electronic votes

The returning officer must ensure that electronic votes are kept secure until the counting of votes is concluded in accordance with Part 8.

24 Receipt of electronic votes

The returning officer must reject any electronic vote not submitted before the close of the ballot.

Part 8 Procedures on close of ballot

25 Counting of votes

(1) The returning officer must reject a vote as inforn1al if the voter has not indicated a clear preference for at least one candidate to be elected.

(2) There being 3 persons to be elected in any election—

(a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Sixth Schedule to the *Constitution Act 1902*, and

(b) for the purpose of applying the provisions of that Part to any such election—

(i) a reference in those provisions to the Council returning officer must be read as a reference to the returning officer under this Act, and

(ii) the quota referred to in those provisions 1nust be determined by dividing the number of first preference votes for all candidates by 4.5 and by increasing the quotient so obtained (disregarding any remainder) by one.

26 Notice of result of election

(1) As soon as practicable after a candidate or candidates in an election has or have been elected, the returning officer must declare the result of the election by—

(a) notifying the Minister and the Chief Executive Officer, in writing, of the name of each candidate elected, and

(b) causing notice of the name of each candidate elected to be published on HRNSW's website, and

(c) causing notice of the name of each candidate elected to be published in the Government Gazette.

(2) On declaration of the result of the election under subclause (1), each candidate so elected is thereby appointed a member of HRNSW under section 6(1)(al) with effect from—

(a) for the first election held under section 16B, immediately upon the declaration.

(b) for each subsequent election of members of HRNSW under section 16B, the date that is three years after the date of the previous election or the date of the declaration, whichever later.

27 Resignation and divestment of conflicting appointment or interest

(1) Any member declared elected under clause 26(1) must within 28 days after the declaration resign or divest themselves of any of the following conflicting appointments or interests—

(a) employment with HRNSW, Harness Racing Australia, Racing NSW or Racing Australia,

(b) employment with HRICG or any harness industry association, thoroughbred industry association or eligible industry body,

(c) employment with any prescribed voting body, harness racing club, harness racing committee, thoroughbred racing club or thoroughbred racing committee,

(d) membership of the board or governing committee of HRICG or of any prescribed voting body, harness industry association, harness racing club, harness racing committee, thoroughbred industry association, thoroughbred racing club, thoroughbred racing committee or eligible industry body,

(e) contract to supply goods or services to HRNSW, Harness Racing Australia, Racing NSW, Racing Australia, HRICG or any prescribed voting body, harness industry association, harness racing club, harness racing committee, thoroughbred industry association, thoroughbred racing club, thoroughbred racing committee or eligible industry body,

(f) shares or other legal or beneficial ownership or interest in any company or business having a contract described in subclause (e), except shareholding in a publicly listed company being not more than 1% of the company's issued capital.

(2) If any member—

(a) fails to resign or divest themselves of any conflicting appointments or interests as required by subclause (1), or

(b) is or becomes ineligible by reason of section 6(2),

that member's position shall be declared vacant and the Chief Executive Officer shall notify the returning officer as soon as possible of the vacancy and the returning officer shall instead declare the candidate receiving the next most votes to be elected and the provisions of clause 26 shall apply.

Part 9 General

28 Decisions of returning officer final

If the returning officer is permitted or required by the Act to make a decision on any matter relating to the taking of a ballot in any election, the decision of the returning officer on that matter is final.

29 Offences

(1) A person must not—

(a) vote, or attempt to vote, more than once in any election held under this Act, or

(b) vote, or attempt to vote, in any such election in which the person is not entitled to vote, or

(c) make a false or wilfully misleading statement—

(i) to the returning officer in connection with any such election, or

(ii) in any document that the person furnishes for the purposes of any such election.

Maximum penalty-5 penalty units

(2) A person must not—

(a) access, tamper with, destroy or interfere with any vote, ballot paper, electronic ballot or electronic voting system except as authorised by this Act, or

(b) use or disclose the identity of a voter, or use or disclose the vote of any such voter, except as authorised by this Act or as ordered by the Court of Disputed Returns.

Maximum penalty-20 penalty units.

30 Absence or inability of Chief Executive Officer

If there is no Chief Executive Officer or the Chief Executive Officer is absent or unable or unwilling to act, the Chairperson may nominate an officer or employee of HRNSW to fulfil the functions of the Chief Executive under this Schedule.

Schedule 5 Voting bodies

1 Prescribed voting bodies

The following are prescribed voting bodies for the purpose of the definition of eligible voter in section 3—

(a) the New South Wales Harness Racing Club ABN 34 000 002 666,

(b) the harness racing clubs listed in clause 2,

(c) any harness racing club funded by HRNSW as a TAB club,

(d) any harness racing club funded by HRNSW as a non-TAB club,

(e) the NSW Standard bred Owners Association,

(f) the United Harness Racing Association,

(g) Harness Breeders NSW,

(h) New South Wales Trotters Association,

2 Clubs

The following are clubs prescribed for the purposes of clause l(b)—

(a) Albury Harness Racing Club Inc ABN 17 905 881 038,

(b) Armidale Harness Racing Club Inc ABN 11 909 188 171,

(c) Bankstown Harness Racing and Agricultural Society ABN 92 834 921 168,

(d) Bathurst Harness Racing Club Ltd ACN 000 380 058,

(e) Blayney Harness Racing Club Inc ABN 74 647 039 206,

(f) Broken Hill Harness Racing Club Inc ABN 28 099 110 174,

(g) Coolamon Harness Racing Club Inc ABN 97 135 731 917,

(h) Cootamundra Harness Racing Club Inc ABN 20 806 382 720

(i) Cowra Harness Racing Club Inc ABN 28 722 153 912,

(j) Dubbo Harness Racing Club Inc ABN 86 003 464 926,

(k) Eugowra Harness Racing Club Inc ABN 65 164 467 193,

(1) Forbes Diggers Harness Racing Club Inc ABN 81 643 721 747,

(m) Goulburn Harness Racing Club Inc ABN 74 412 428 921,

(n) Griffith City Harness Racing Club Inc ABN 71 757 585 217,

(o) Inverell Harness Racing Club Inc ABN 94 183 905 310,

(p) Junee Harness Racing Club Inc ABN 51 965 614 123,

(q) Leeton Harness Racing Club Inc ABN 35 551252669,

(r) Maitland Harness Racing Club Ltd ACN 001 402 884,

(s) Muswellbrook & District Harness Racing Club Inc ABN 25 652 562 716,

(t) Narrabri & District Harness Racing Club Inc ABN 66 001 289 112,

(u) Newcastle Harness Racing Club Ltd ACN 141 792 332,

(v) Orange Harness Racing Club Ltd ACN 000 312 729,

(w) Parkes Harness Racing Club Inc ABN 26 802 076 603,

(x) Peak Hill Harness Racing Club Inc ABN 73 420 529 299,

(y) Penrith District A.H. and I Society Ltd ACN 061 649 096,

(z) Tamworth Harness Racing Club Ltd ACN 001 260 635,

(aa) Temora Trotting Club Ltd ACN 001 947 926,

(ab) Wagga Harness Racing Club Inc ABN 64 575 305 075,

(ac) West Wyalong Harness Racing Club Inc ABN 83 546 218 573,

(ad) Young Harness Racing Club ABN 38 916 756 392.

Amendment No. 2 is to be taken in globo, parts 2.0 to 2.7. Amendment No. 1 is for the abolition of the Greyhound Welfare and Integrity Commission, which I addressed extensively in my contribution to the second reading debate. The second set of amendments, taken in globo, is for democratising the board of Harness Racing NSW, which I also addressed and there is no need to repeat.

The Hon. EMMA HURST (19:01): I indicate that the Animal Justice Party supports the very sensible amendments moved by Ms Abigail Boyd, and we support the reasons stated by The Greens. While we share some concerns regarding the Greyhound Welfare and Integrity Commission [GWIC] and we recognise that GWIC probably needs to have a little more teeth in the industry, we do not support the amendments moved by One Nation because we recognise that there needs to be a level of independent oversight, rather than industry oversight.

The CHAIR (The Hon. Wes Fang): While the Hon. Emma Hurst is on her feet, I invite her to move her amendments on sheet c2022-089A.

The Hon. EMMA HURST (19:02): By leave: I move Animal Justice Party amendments Nos 2, 4 and 5 on sheet c2022-089A in globo:

No. 2 **Objects of Act**

Page 8, Schedule 2[2], proposed section 3A(b), lines 13 and 14. Omit all words on those lines.

No. 4 **Objects of Act**

Page 9, Schedule 3[1], proposed section 2A(b) and (c), lines 8–11. Omit all words on those lines.

No. 5 **Objects of Act**

Page 9, Schedule 3[1], proposed section 2A(f), lines 15–17. Omit all words on those lines.

These amendments seek to omit several subparagraphs of the new objects section of the Greyhound Racing Act and Harness Racing Act, which are being inserted via this bill. The new objects section states that the Act should have the goal of facilitating the development and operation of a sustainable and viable greyhound and harness racing industry and protecting the interests of these industries. The objects also seek to support the strategic development of the harness racing history as a whole.

As I have stated in the debate earlier, the Animal Justice Party does not support these inherently cruel racing industries in any form, nor do most members of the community. It is truly shocking that in 2022 our Government is introducing legislation not to reintroduce a ban or phase out these harmful industries, but to actually support and promote them. That is what is radical here today. It shows how out of touch this Government is with the community and with modern views and science on animal protection. The community does not support these outdated forms of so-called entertainment that are inherently cruel to animals simply to protect the profits of those in the industry and the harmful gambling industry.

It is not the role of this Parliament, nor should it be for this Government, to protect the interests of those industries, which have a dark history of animal abuse and encourage problem gambling. The people of New South Wales did not elect the members of this place to protect certain industries, quite often using taxpayer money to do so, over and above ethical considerations. These are not appropriate objects of the Acts, and I urge everyone to support the amendments to remove them. Chair, do you wish me to move amendments Nos 6, 7 and 8, or do you want me to come back to them?

The CHAIR (The Hon. Wes Fang): No, I am happy for you to move them now.

The Hon. EMMA HURST: By leave: I move Animal Justice Party amendments Nos 6 to 8 on sheet c2022-089A in globo:

No. 6 **Membership of HRNSW**

Page 9, Schedule 3[3], line 29. Omit all words on that line. Insert instead—

Omit "5 members" from section 6(1).

Insert instead "the chief executive officer of HRNSW and 6 members".

No. 7 **Membership of HRNSW**

Page 9, Schedule 3. Insert after line 29—

[3A] Section 6(1)(a1)

Insert after section 6(1)(a)—

(a1) 1 member appointed by the Minister who—

(i) is independent of the racing industry, and

(ii) has expertise in the welfare of horses,

No. 8 **Membership of HRICG**

Page 12, Schedule 3. Insert after line 18—

[15A] Section 32(1)(e)

Insert after section 32(1)(d)—

(e) 1 person nominated by the Coalition for the Protection of Racehorses Inc.

These three amendments seek to amend the rules regarding the membership of Harness Racing NSW and the Harness Racing Industry Consultation Group. Amendments Nos 6 and 7 will require the membership of Harness Racing NSW to include a member who is independent of the racing industry and is an expert on horse welfare. Amendment No. 8 would require the Harness Racing Industry Consultation Group to include someone nominated by the Coalition for the Protection of Racehorses to sit alongside and balance out the representatives nominated by various sectors of the racing industry. Too often we see the regulation of animal use industries dominated by racing participants and people with no expertise or regard for animal protection.

The Animal Justice Party [AJP] is entirely opposed to this industry but, while it exists, the bare minimum we should do is ensure that the framework allows for and requires the involvement of experts in the welfare of animals. Anyone in this Parliament who claims that animal welfare is central in these industries—and I do not support such claims—would surely support an amendment to ensure the consultation groups actually include animal welfare experts. If this amendment is voted down, it exposes what we at the AJP have been saying all along: Animal welfare is not central to these industries. If we cannot even get an animal welfare expert onto these groups, then animal protection in any form is clearly not possible and definitely not a priority. I urge all members to support the amendments.

The CHAIR (The Hon. Wes Fang): I will now give the Hon. Mark Pearson an opportunity to move his amendments.

The Hon. MARK PEARSON (19:07): By leave: I move Animal Justice Party amendments Nos 1 and 2 on sheet c2022-082B in globo:

No. 1 **Relationship with Prevention of Cruelty to Animals Act 1979**

Page 8, Schedule 2[2]. Insert after line 21—

3B Prevention of Cruelty to Animals Act 1979 paramount

Nothing in this Act limits the *Prevention of Cruelty to Animals Act 1979*.

No. 2 **Euthanasia of greyhounds**

Page 8, Schedule 2. Insert after line 21—

[2A] Section 41A

Insert after section 41—

41A Euthanasia of greyhounds

(1) The greyhound racing club that holds the licence for a licensed racecourse must ensure a suitably qualified veterinary practitioner is present at the racecourse whenever a greyhound race meeting is held at the racecourse.

Maximum penalty—

(a) for a corporation—1,000 penalty units, or

(b) for an individual—200 penalty units.

(2) The proprietor of a greyhound trial track must ensure a suitably qualified veterinary practitioner is present at the track whenever greyhounds compete in trials at the track.

Maximum penalty—

(a) for a corporation—1,000 penalty units, or

(b) for an individual—200 penalty units.

(3) A greyhound injured at a racecourse or trial track when a veterinary practitioner is required to be present under subsection (1) or (2) must not be euthanased unless the greyhound has been examined by the veterinary practitioner.

Maximum penalty—

(a) for a corporation—1,000 penalty units, or

(b) for an individual—200 penalty units.

(4) Following the examination—

(a) if the veterinary practitioner is of the opinion that the greyhound must be euthanased to prevent cruelty to the greyhound—the greyhound must be euthanased immediately, or

(b) otherwise—the greyhound must not be euthanased.

Maximum penalty—

(a) for a corporation—1,000 penalty units, or

(b) for an individual—200 penalty units.

The Animal Justice Party seeks the passing of these amendments to confirm that the Prevention of Cruelty to Animals Act 1979 is the paramount New South Wales legislation governing animal welfare with its enforcement provisions and sanctions for criminal acts of cruelty, abuse and neglect. Accordingly, any provision regarding animal welfare in this legislation and corresponding regulations will be subject to the provisions of the Prevention of Cruelty to Animals Act. Despite the enormous attention given to the industry over the past five years, with funds to make tracks safer and for greater regulation to ensure the welfare of greyhounds, we still see very high rates of death and injury, as has been described here tonight in the contributions of my colleagues and also in the notice of motion given yesterday by Ms Abigail Boyd. It is staggering. Therefore, investigations and enforcement under the Prevention of Cruelty to Animals Act, rather than by racing bodies under their self-serving rules, is the key to better welfare outcomes for greyhounds.

I now refer to amendment No. 2. The purpose of this amendment is self-evident: It is to ensure that there will always be a veterinary practitioner at every race meeting and trial. The risk of catastrophic injuries is at its greatest during races and trials, and so it is important that a veterinarian be on site to administer euthanasia should it be deemed necessary by the veterinarian. That has been included in the amendment because the NSW Greyhound Racing Rules, effective 1 May 2022, do not mandate the presence of what they call "officiating veterinarians" at races and trials. Rule 31 only provides that a controlling body or club may—not must—appoint persons to act as veterinarians at race meetings, with no mention of trials. That seems to be an extraordinary oversight given the number of injuries, quite often catastrophic, sustained by greyhounds during racing. The amendment will remedy that oversight.

Amendment No. 2 also provides that the veterinarian must determine, after examination of an injured greyhound, whether the injury is such that it would be aggravated cruelty under the Prevention to Cruelty to Animals Act to keep the dog alive—in which case they must immediately euthanise the greyhound—or whether euthanasia must not be administered because the dog has treatable injuries. That is to prevent two harms: firstly, keeping alive dogs that are in a state of extreme suffering because the animal may be of use in some other manner or simply to reduce the statistics on deaths on the track and, secondly, the needless death of animals that are otherwise capable of recovery but would not be able to return to racing and are therefore no longer profitable to their owners.

By leave: I move Animal Justice Party amendments Nos 3 and 4 on sheet c2022-082B in globo:

No. 3 **Relationship with Prevention of Cruelty to Animals Act 1979**

Page 9, Schedule 3. Insert after line 27—

[2A] Section 3A

Insert after section 3—

3A Prevention of Cruelty to Animals Act 1979 paramount

Nothing in this Act limits the *Prevention of Cruelty to Animals Act 1979*.

No. 4 **Annual report of HRNSW**

Page 11, Schedule 3[10]. Insert after line 30—

(2B) The report must also include a report on harness racing horses killed, injured and retired during the reporting period which sets out the following—

(a) the number of horses killed or injured in the following circumstances—

(i) while harness racing,

(ii) during trials,

(iii) during training,

(iv) during track work,

(b) the name of each horse killed or injured,

(c) for injured horses—details of each injury,

(d) the number of horses retired from harness racing,

(e) the name of each horse retired and the reason for the retirement of the horse.

The Animal Justice Party seeks these amendments for harness racing for the same reason it seeks the amendments regarding greyhound racing. They confirm that the Prevention of Cruelty to Animals Act 1979 is the paramount New South Wales legislation governing animal welfare, with its enforcement provisions and sanctions for criminal acts of cruelty, abuse and neglect. Accordingly, any provision regarding animal welfare in this legislation and corresponding regulations is subject to and subordinate to the provisions of the Prevention of Cruelty to Animals Act. For too long we have seen New South Wales horseracing rules used in such a way as to create an alternative mechanism for investigation and enforcement of sanctions where there is prima facie evidence of the mistreatment of horses. When such matters are dealt with by the same agency that is also responsible for promoting the industry, there is little appetite for referring complaints to a third-party enforcement agency such as the RSPCA.

Amendment No. 4 is in response to racehorse welfare advocates who find that the current annual reports published by Harness Racing NSW do not provide sufficient detail so that the welfare of individual horses can be tracked. That has also been dealt with by my colleague Ms Abigail Boyd. Being able to track the fate of individual horses makes it much easier to see the bigger picture of how horses are treated by the industry once they become injured and how many injuries lead to the death of horses. It is particularly difficult to obtain that information about harm caused to horses during track work and trials. It has been necessary to make a Government Information (Public Access) Act application in order to obtain details, and a GIPAA submitted by my office found that there were 18 deaths and 432 serious injuries to horses in 16 investigations into allegations of animal cruelty. That information should be freely available on the public record, given that the industry is subject to legislation and receives millions of taxpayer dollars in subsidies and grants.

The CHAIR (The Hon. Wes Fang): I indicate to the Committee that all amendments as circulated at this time have been moved by the respective members.

The Hon. PETER POULOS (19:14): On behalf of the Government, I respond to all amendments moved by honourable members. The Government opposes The Greens amendments. The two amendments as proposed are unnecessary and to no effect. Part 9 of the Greyhound Welfare Code of Practice already sets out standards relating to rehoming and euthanasia. The Government also opposes The Greens amendment that seeks to require the code of practice to apply to any greyhound that at any time was owned or kept in connection with racing. The amendment, which would include greyhounds rehomed with non-industry participants, does not also extend the commission's functions and powers to include the regulation of that group of people.

I briefly respond to the amendments proposed by the Hon. Mark Latham. The Government opposes the proposal to abolish the Greyhound Welfare and Integrity Commission. In 2020 the Government held a statutory review into the Greyhound Racing Act 2017. The abolition of the Greyhound Welfare and Integrity Commission was not proposed by industry during that review. The Government also opposes the One Nation amendment that outlines the election of representative members to Harness Racing NSW [HRNSW]. The proposed amendment will impact the effective functioning of Harness Racing NSW as the industry's controlling body. HRNSW is responsible for the commercial development of the industry as well as its regulation with oversight of integrity and race day stewarding. The election of licensed participants to Harness Racing NSW will disrupt the regulator's ability to effectively oversee the industry.

Finally, the Government opposes the suite of amendments as outlined by the Hon. Emma Hurst and the Hon. Mark Pearson that broadly cover matters pertaining to euthanasia and the Prevention of Cruelty to Animals Act. Amendments requiring an on-site vet at all greyhound tracks for all races and trials is an unnecessary burden

on clubs, and would lead to significant additional costs to greyhound clubs. The current arrangements require clubs to have a staff member present who is trained in greyhound first aid and is able to provide immediate assistance before determining if the greyhound requires the attention of a vet. An on-call vet available to provide any necessary treatment should the need arise. On that basis, these amendments as outlined by the Animal Justice Party are opposed by the Government.

The Hon. COURTNEY HOUSSOS (19:18): I indicate that the Labor Opposition does not support any of the amendments. We have carefully considered them, but at this stage we do not believe they should be part of the bill. As I said in my contribution to the second reading debate, I particularly note the lengthy proposals developed by some of the groups within the harness racing space. I acknowledge their hard work in that process. I met with them on a number of occasions, and I commend their commitment to the industry and their desire and passion for the industry to flourish. At this point Labor believes that we should see the effect of the current bill's proposals for reform as they come into effect over the course of the next Parliament and appropriately review those as required. But I acknowledge that they have put a lot of work into those lengthy amendments. It is very much Labor Party policy to maintain GWIC. Although I am a recent addition to the Borsak inquiry into GWIC, I think that we will certainly have some interesting times as the inquiry makes determinations. Given the hour, I might leave my comments there.

Ms ABIGAIL BOYD (19:19): I put on record the position of The Greens in relation to the other amendments that have been put forward. We will not be supporting One Nation's amendments.

The Hon. Mark Latham: What?

Ms ABIGAIL BOYD: I know—it is a real shock. In relation to the Animal Justice Party amendments on sheet c2022-089A, we support amendments Nos 2 and 4 in relation to taking out the protection of the racing industry as an object, because it is an absurd thing to have in an Act like this. We also support amendment No. 5 on that same sheet. The focus of the Act must be on the welfare of horses, instead of the current focus on industry stakeholders and their interests, engagement, participation and profit. It is the prioritisation of the industry that has resulted in such a significant number of horses experiencing a life of cruelty and injury. We wholeheartedly support amendments Nos 6, 7 and 8 on that sheet and thank the Hon. Emma Hurst for bringing them to the Committee. I hope they are the types of things that will one day be included in this sort of Act, but obviously I hope first that we would ban the industry entirely.

Moving on to AJP amendments on sheet c2022-082B, we support amendments Nos 1 and 3. They are crucial because they clarify that cruelty towards animals inside the racing industry is still cruelty towards animals under the law. The Greens believe that all animal cruelty should be treated as such, regardless of the mode of cruelty happening to be associated with a profit-making racing industry, especially when it is the nature of an industry for many healthy animals to be killed. We also support amendment No. 2 on that sheet in relation to qualified vets having oversight. The current model for tracking euthanasia of greyhounds when they are injured while racing is wholly inadequate. Again, greyhound welfare and safety must be prioritised in the framework.

We also wholeheartedly support introducing penalties for having a lack of qualified vets on site and for improper euthanasia. According to the Coalition for the Protection of Greyhounds, so far in 2022 Australia there have been 57 track deaths and 3,700 track injuries, of which 15 track deaths and 1,188 track injuries have occurred in New South Wales. Those numbers are far too high. Finally, amendment No. 4 on that sheet of amendments relates to something that we raised in our second reading debate contribution in relation to the really inadequate level of data when it comes to harness racing injuries, deaths and retirements. We support that amendment.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2022-083A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 2 on sheet c2022-089A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No.2 on sheet c2022-083A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2022-079A. The question is that the amendment be agreed to.

The Committee divided.

Ayes 4
Noes 26
Majority.....22

AYES

Boyd (teller)	Hurst	Pearson
Faehrmann (teller)		

NOES

Amato	Houssos	Moselmane
Banasiak	Latham	Nile
Buttigieg	Maclaren-Jones	Poulos
Cusack	Mallard (teller)	Primrose
Donnelly	Martin	Rath
Farlow (teller)	Mason-Cox	Roberts
Farraway	Mitchell	Sharpe
Franklin	Mookhey	Veitch
Graham	Moriarty	

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Pearson has moved Animal Justice Party amendments Nos 1 and 2 on sheet c2022-082B. The question is that the amendments be agreed to. Is leave granted for the bells to be rung for one minute?

Leave granted.

The Committee divided.

Ayes 4
Noes 26
Majority.....22

AYES

Boyd	Hurst (teller)	Pearson (teller)
Faehrmann		

NOES

Amato	Houssos	Moselmane
Banasiak	Latham	Nile
Buttigieg	Maclaren-Jones	Poulos
Cusack	Mallard (teller)	Primrose
Donnelly	Martin	Rath
Farlow (teller)	Mason-Cox	Roberts
Farraway	Mitchell	Sharpe
Franklin	Mookhey	Veitch
Graham	Moriarty	

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 6 to 8 on sheet c2022-089A. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes 4
Noes 26
Majority.....22

AYES

Boyd	Hurst (teller)	Pearson (teller)
Faehrmann		

NOES

Amato	Houssos	Moselmane
Banasiak	Latham	Nile
Buttigieg	Maclaren-Jones	Poulos
Cusack	Mallard (teller)	Primrose
Donnelly	Martin	Rath
Farlow (teller)	Mason-Cox	Roberts
Farraway	Mitchell	Sharpe
Franklin	Mookhey	Veitch
Graham	Moriarty	

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham has moved One Nation amendment No. 1 on sheet 5DTBX. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes 4
Noes 26
Majority.....22

AYES

Banasiak	Nile	Roberts (teller)
Latham (teller)		

NOES

Amato	Graham	Moriarty
Boyd	Houssos	Moselmane
Buttigieg	Hurst	Pearson
Cusack	Maclaren-Jones	Poulos
Donnelly	Mallard (teller)	Primrose
Faehrmann	Martin	Rath
Farlow (teller)	Mason-Cox	Sharpe
Farraway	Mitchell	Veitch
Franklin	Mookhey	

Amendment negatived.

The CHAIR (The Hon. Wes Fang): I acknowledge the presence in the gallery of the Hon. Niall Blair, a former member of this place. Where else would you want to be on a Thursday night?

The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet 5DTBX. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes 4
Noes 26
Majority.....22

AYES

Banasiak	Nile	Roberts (teller)
Latham (teller)		

NOES

Amato	Graham	Moriarty
Boyd	Houssos	Moselmane
Buttigieg	Hurst	Pearson
Cusack	Maclaren-Jones	Poulos
Donnelly	Mallard (teller)	Primrose
Faehrmann	Martin	Rath
Farlow (teller)	Mason-Cox	Sharpe
Farraway	Mitchell	Veitch
Franklin	Mookhey	

Amendment negatived.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 3 and 4 on sheet c2022-083A. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 2, 4 and 5 on sheet c2022-089A. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Pearson has moved Animal Justice Party amendments Nos 3 and 4 on sheet c2022-082B. The question is that the amendments be agreed to.

Amendments negatived.

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

Motion agreed to.

The Hon. PETER POULOS: I move:

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

Motion agreed to.

Adoption of Report

The Hon. PETER POULOS: On behalf of the Hon. Ben Franklin: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PETER POULOS: On behalf of the Hon. Ben Franklin: I move:

That this bill be now read a third time.

Motion agreed to.

Business of the House

NOTICES OF MOTIONS

The Hon. DAMIEN TUDEHOPE: By leave: Pursuant to Standing Order 71, I give notice of a motion relating to the first speech of Ms Sue Higginson.

POSTPONEMENT OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That Government business order of the day No. 5 be postponed until a later hour.

Motion agreed to.

Addresses

HER MAJESTY QUEEN ELIZABETH II PLATINUM JUBILEE

Debate resumed from 22 February 2022.

The Hon. SCOTT FARLOW (20:03): As Her Majesty suggested prior to our centenary of Federation in 2001, these moments are a time of justified celebration but also a time for pause and quiet reflection. Her Majesty the Queen's platinum jubilee is an opportunity for the nation to celebrate a life of service and the Australian story as part of that celebration, which you have indeed done here in this place, Mr President. I commend you for that. Her Majesty the Queen's platinum jubilee is an opportunity for the nation to celebrate a life of service. I also commend Philip Benwell of the Australian Monarchist League for his work and advocacy in events marking the celebration of the platinum jubilee. Landmarks such as the New South Wales Parliament were lit up in a majestic purple to mark the occasion. I note there is display here at Parliament House to celebrate the Queen's first visit to Australia and, of course, to this Parliament, which she opened that year. Ours was the first Parliament that Her Majesty opened in Australia and the first Parliament in Australia visited by a reigning monarch. It was such a special occasion that a photo of the proceedings still hangs outside this Chamber. As I look upon you now, Mr President, I can imagine the Queen sitting on the throne behind you.

The PRESIDENT: Indeed.

The Hon. SCOTT FARLOW: An event is to be held in Canberra in June when Aspen Island in Lake Burley Griffin will be renamed, fittingly, Queen Elizabeth II Island. Her Majesty is one of the most spectacular of all monarchs. In her Accession Day message, marking the seventieth anniversary of her accession in 1952, Her Majesty wrote:

> As we mark this anniversary, it gives me pleasure to renew to you the pledge I gave in 1947 that my life will always be devoted to your service.

The Queen signed the message in the manner she always has, as "Your servant". The daughter of a reluctant King George VI, she lived 10 years of her life never expecting to be heir to the throne, despite her grandfather, King George V, saying:

> I pray to God my eldest son will never marry and have children, and that nothing will come between Bertie and Lilibet and the throne.

Of course, she was marked for the throne from birth in many ways—in a divine way, I would suggest. Her Majesty has shown an immense dedication to her subjects and of course to her office throughout her reign. She is the embodiment of stability, peace and devotion in a very turbulent world. She has transitioned from the era of the Empire to now become the champion of the Commonwealth—a Commonwealth of 54 nations bound together, 14 of which she is the monarch. Her Majesty is the people's champion, grounded in values and, of course, in her immense Christian faith. Sadly, she has recently endured the loss of her strength and stay, Prince Philip, who was always by her side and also a tremendous servant of the people of the Commonwealth. Her Majesty is noted for her affection towards Australia. The display outside this Chamber celebrates her platinum jubilee and her visit to Sydney's famous Trocadero dance hall in 1954. After the 1999 republic referendum, the Queen stated:

> My lasting respect and deep affection for Australia and Australians will remain as strong as ever.

During her most recent visit in 2011, Her Majesty said:

> Ever since I first came here in 1954, I have watched Australia grow and develop at an extraordinary rate. This country has made dramatic progress economically, in social, scientific and industrial endeavours and, above all, in self-confidence.

Her personal affinity for Australia has developed since her first visit in 1954, shortly after her coronation, during which she visited this Chamber. She is the first and only reigning monarch to visit Australia and she has done so on 16 occasions, most recently in 2011. The platinum jubilee display outside informs us that plans had been made for her father to visit Australia as the first reigning monarch, in anticipation of which commemorative plates were produced to celebrate the King's visit. In a speech given at the Sydney Opera House in 2000, the Queen said:

> Since I first stepped ashore here in Sydney in February 1954, I have felt part of this rugged, honest, creative land. I have shared in the joys and the sorrows, the challenges and the changes that have shaped this country's history.

Her Majesty has visited every State and Territory in Australia during her reign, and not just the capital cities but throughout the regions as well. This personal touch has connected and endeared her to the Australian people. Australians hold great affection for Her Majesty.

She has described Australia as "prosperous, energetic and dynamic". The then Princess Elizabeth was 13 when World War II started. The royal family refused to leave the United Kingdom despite suggestions for the evacuation of princesses Elizabeth and Margaret to Canada. The Queen Mother is believed to have said, "The children won't go without me, I won't leave without the King and the King will never leave," which shows that

Her Majesty's life was dedicated to service from a very young age, carrying on the legacy of her father. In 1940 she gave her first broadcast at the age of 14, and it was directed to other children. She said, "We are trying to do all we can to help our gallant sailors, soldiers and airmen, and we are trying, too, to bear our own share of the danger and sadness of war. We know, every one of us, that in the end all will be well."

A survey after the broadcast of 57 people found that 38 had heard the broadcast and reviews stated that Her Majesty spoke "very clearly", was "wonderful" and "did very well". On turning 18, Elizabeth joined the Auxiliary Territorial Service [ATS], the women's branch of the British Army. She was the first female member of the royal family to serve in active duty as a member of the British Armed Forces. King George ensured that she did not receive a special rank due to her status as a royal and she was treated the same as everyone else. She started as a second subaltern and was later promoted to junior commander. In March 1945 Elizabeth trained as a mechanic. It is emblematic that Her Majesty sought to serve in the military when there was little expectation for her to do so, which pre-empted her lifelong dedication to public service and, of course, her commitment to her people.

When the war in Europe ended on 8 May 1945, people descended on the streets of London to celebrate the victory. They were met by the King and Queen greeting them from the balcony. Later, Elizabeth, dressed in her ATS uniform, celebrated on the streets in anonymity with the excited crowds and stated, "I think it was one of the most memorable nights of my life." Elizabeth came to the throne in 1952 during a time of genuine grief due to the loss of her father when she rose to the most significant role in the Commonwealth. Due to the strong relationship and bond with the community, the dynamic transition between monarchs was challenging. On the death of King George VI, author Ben Pimlot in *The Queen: Elizabeth II and The Monarchy* wrote:

> In Sandringham, the King went out shooting, and returned for dinner with his wife and younger daughter. 'There were jolly jokes,' Princess Margaret recalls, 'and he went to bed early because he was convalescing. Then he wasn't there anymore.' That night he died in his sleep.
>
> She became Queen while perched in a tree in Africa watching the rhinoceros come down to the pool to drink. This became the legend and is not far from the truth.

The arrangements had not been prepared for informing key people and had to be radically improvised when the King died. The King's health was improving prior to his death. At the time, in early 1952, Princess Elizabeth was en route to Australia for her first visit, but the death of her father necessitated her return to the United Kingdom to be with her family. Before Her Majesty came to the throne, on her twenty-first birthday she said:

> I declare before you all that my whole life, whether it be long or short, shall be devoted to your service and the service of our great imperial family to which we all belong.

There is absolutely no doubt Her Majesty has honoured that pledge with the highest distinction. As our world has changed rapidly around us, Her Majesty has been a constant source of stability and grace. The Queen has sought to keep up with the times, even well into her 90s. Sweeping technological advancements have been made during her reign and during the pandemic we witnessed the Queen on Zoom calls, even when welcoming visiting dignitaries.

Her Majesty's Christmas message was first broadcast on television in 1957 and as a podcast in 2006—that was before everyone had a podcast—and in 3D in 2012. Her Majesty has also been active on social media. She has Facebook, Instagram and Twitter accounts. In 2014 she authored her first tweet, and in 2019 she made her first Instagram post. Her Majesty recognised the importance of keeping up with changes in technology throughout her reign to connect with the people to whom she has devoted her life of service, to keep followers informed about the engagements that senior members of the royal family participate in and to share the significant work that is performed in royal duties.

Her Majesty's jubilee is an opportunity for our country and Commonwealth to come together once again after the difficulties of the past two years to celebrate the brilliance of our nation and the gravity of our historical ties, which provide inspiration for how we move forward into the future. The Commonwealth brings a sense of unity between its members right across the globe. It is a family that we should seek to enhance. As Her Majesty stated in her recent Commonwealth Day message, we must ensure that we are an influential "force for good in our world for many generations to come". Of course, we continue to live that Commonwealth tradition in this Parliament with the Commonwealth Parliamentary Association. I note that next week Mr President will be receiving the Commonwealth Parliamentary Association Secretary-General.

The lessons provided in leadership by Her Majesty are lessons that every single leader in the world should be inspired by and draw from. Her ability to stay above the fray is important in a society that can become so fractured by our differences and often forgets that more unites us than divides us. Her Majesty's legacy throughout her impacting reign is one that will stand the test of time. There is no doubt that Her Majesty is one of the most influential figures in history, and her calm, steady and dedicated nature will continue to inspire generations for

the future centuries to come. On that note, I offer our heartfelt congratulations to Her Majesty the Queen on her platinum jubilee. God save the Queen.

Reverend the Hon. FRED NILE (20:15): Her Majesty Queen Elizabeth II is the longest serving English monarch at an astounding 70 years, which brings us to her platinum jubilee. I remember what a thrill it was for me to be a member of the guard of honour on her visit to Australia in 1954. Australia is a constitutional monarchy and we have enjoyed unprecedented peace, prosperity and stability as a result. Much to the anguish of republicans, Australia voted to remain a constitutional monarchy in 1999. Her Majesty and the royal family have never been more popular and loved among the Australian people. William Shakespeare said "uneasy is the head that wears a Crown" in reference to the burden of power upon the individual who holds it. Her Majesty recognises that the Crown is bigger than her and that the monarchy must survive for the good of the people of the Commonwealth. I quote from Her Majesty's Christmas broadcast in 1957:

> I cannot lead you into battle, I do not give you laws or administer justice, but I can do something else, I can give you my heart and my devotion to these old islands and to the peoples of our brotherhood of nations.

Her Majesty, as head of the Church of England, recognises the vital contribution that Christianity plays in our society. I quote Her Majesty's Christmas broadcast in 2014. She speaks of herself:

> For me, the life of Jesus Christ, the Prince of Peace, whose birth we celebrate today, is an inspiration and an anchor in my life. A role model of reconciliation and forgiveness, he stretched out his hands in love, acceptance and healing. Christ's example has taught me to seek to respect and value all people, of whatever faith or none.

I give thanks to Her Majesty Queen Elizabeth II. God save the Queen. Long may she reign. God bless the Queen.

The Hon. CHRIS RATH (20:18): Tonight we, the members of the Legislative Council of New South Wales, extend our warmest congratulations to Her Majesty Queen Elizabeth II, Queen of Australia, on her platinum jubilee, marking her unprecedented achievement of 70 years on the throne. Despite not being born as the presumptive heir to the throne, Her Majesty wholeheartedly embraced her duties from a young age, dedicating her life to serving the people of the Commonwealth. On her twenty-first birthday, a young Princess Elizabeth promised this in a speech broadcast over the radio from Cape Town:

> I declare before you all that my whole life, whether it be long or short, shall be devoted to your service …

This is certainly a promise that the Queen has fulfilled. To this day, Her Majesty remains active in public life as royal patron or president of over 600 charities and organisations by visiting schools, by hosting international guests and by leading significant events. Her service continues to inspire great admiration and respect from within Australia and across the Commonwealth and the world.

Over the past 70 years, Her Majesty has been a much-loved and respected symbol of unity, dignity and continuity, offering a source of strength and reassurance to her people throughout decades of significant social change. She has embodied this despite greater geographical and cultural diversity throughout the many realms of which she is sovereign. Here we turn our attention to Her Majesty's role as Head of the Commonwealth—a significant organisation of 54 independent countries, including our own. We reflect on the international cooperation and relationships that this association exists to encourage. The Commonwealth's power to positively change our world is reflected in how many of its members, which were previously under British rule, have chosen to remain in the Commonwealth even after achieving independence, as they recognise its ability to strengthen international relationships. With her Majesty as Head of the Commonwealth, it has grown in size from just eight members to 54, representing around two billion people.

We recognise Her Majesty's role in helping to maintain and strengthen these international relationships. She is in regular contact with the Commonwealth central organisation—namely, the Secretary-General, the Hon. Patricia Scotland, QC, and the secretariat. Her Majesty also participates in regular meetings with heads of government from Commonwealth countries, and has been president at every Commonwealth Heads of Government Meeting, or CHOGM, since 1973, witnessing the changes and progress that occurs with each one. One means of strengthening international relationships has been through Her Majesty's extensive international travel. During her time as Queen, Her Majesty has travelled more widely than any other monarch, including 200 visits to Commonwealth countries.

On 3 February 1954 a newly crowned Queen Elizabeth II arrived in Sydney Harbour on the royal barge *SS Gothic*, becoming the first reigning British monarch to visit Australia. The next day, on 4 February 1954, Her Majesty visited the Parliament of New South Wales. She was seated in this very room, the Legislative Council Chamber, and became the first sovereign to open an Australian Parliament. In her address to both Houses of Parliament, Her Majesty said:

> The welcome accorded to us on our arrival yesterday was so cordial and spontaneous that we shall always remember it. I look forward with pleasure to the rest of my stay in Australia.

Accompanied by her late husband, the Duke of Edinburgh, Her Majesty proceeded to tour all the Australian States and Territories. Her Majesty has visited Australia a total of 16 times, most recently in 2011, and is often said to have a great affection for, and very personal relationship with, our wonderful country. She has travelled throughout our States and Territories, developing an appreciation for the diversity of our land, culture and people. She has seen the Great Barrier Reef, visited agricultural communities, got to know traditional Aboriginal and Torres Strait Islander communities, and has returned time and time again to the hustle and bustle of our cities. Some of the Her Majesty's most notable involvements with our country have been her opening of the Australian Parliament in Canberra for the first time in 1954, her opening of the Sydney Opera House in 1973 and her opening of the Australian War Memorial at Hyde Park Corner in London in 2003. As part of her silver jubilee celebrations in 1977, Her Majesty visited every Australian State during a three-week tour.

We thank Her Majesty for her strong and ongoing commitment to Australia. We also acknowledge her commitment to the ideals of constitutional monarchy. Her Majesty does not interfere in our political affairs—*The Palace Papers* demonstrated this. But the Crown is an extra check and balance on the exercise of power by our governments. The Crown is important because of the power it denies others. One of the main arguments used by those who want to remove Her Majesty and the role of the Crown in our Constitution by becoming a republic is that Australians should have an Australian head of state. I completely reject that notion. All of the powers and functions of the Crown in our constitution, both in Canberra and here, are already exercised by native-born Australians, being the Governor-General of Australia and the Governor of New South Wales, with vice-regal authority.

Her Majesty has never interfered in our political affairs. We, therefore, either de jure or de facto, already have an Australian head of state, and the entire republic debate become one of petty semantics. I take this occasion to acknowledge Her Majesty's past and present vice-regal representatives in Australia, in particular Governor-General of the Commonwealth of Australia His Excellency General the Hon. David Hurley, AC, DSC, and Governor of New South Wales Her Excellency the Hon. Margaret Beazley, AC, QC. We thank them for their service and for all they do for our great State and nation. On the historic occasion of her platinum jubilee, we join the many voices celebrating and honouring the continued service and selfless devotion of Her Majesty Queen Elizabeth II, by the grace of God, Queen of Australia and of her other realms and territories, Head of the Commonwealth. God save the Queen.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:26): In reply: I thank all members for their contributions.

The PRESIDENT: The question is that the address to Her Majesty the Queen be adopted.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

MOVEABLE DWELLINGS

The Hon. CATHERINE CUSACK (20:26): Historically, caravan parks on the coast are in low-lying areas near waterways, river areas and the coastal zone. They were traditionally proper caravan parks used for holidaymakers. The definition of a caravan park is not confined to being occupied by a caravan. Moveable dwellings can occupy a caravan park, and moveable dwellings can now be two-storey houses that are no different to standard houses constructed in situ. That is due to a loophole in New South Wales planning legislation.

The problem is that local councils that do not want to approve two-storey dwellings in flood plains are being forced to use laws designed to regulate caravans. The laws are not appropriate for assessing major new housing developments that are getting approved on flood-prone land. That is not a theoretical problem; it is happening right now and consuming the time and resources of North Coast councils that are already under pressure dealing with housing issues arising from the floods.

I will explain how the loophole works. Under the Environmental Planning and Assessment Act 1979, the definition of a caravan park is the standard definition across the State of New South Wales: It reads:

> ***caravan park*** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

We then move to the definition of a moveable dwelling:

> ***moveable dwelling*** has the same meaning as in the *Local Government Act 1993*.

Note—

The term is defined as follows—

moveable dwelling means—

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

The problem is paragraph (b), "a manufactured home", so we need to go to the Local Government Act 1993 and look at the definition of a manufactured home:

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,and includes any associated structures that form part of the dwelling. The above is what one can have now in a caravan park. Troy Green, the General Manager of Tweed Shire Council, has raised the problem with me. He wrote:

This means we are not getting applications within our caravan parks, the likes of GemLife and Barney's Point (Palm Lake) which are effectively small homes being built on slabs on ground within the Parks. Even worst they are not meeting the standards that you would adhere to with subdivisions (which they are now effectively) and nor is there any DA required for their construction.

It is a terrible loop hole that should be immediately addressed, or we will find more of these post the 2022 floods.

I refer to my own council of Ballina Shire, which has been battling a developer called GemLife. It owns wetland in west Ballina, which is almost literally encircled by Emigrant Creek, where it meets the Richmond River. It wants to put 300-site manufactured homes estate on that block of land. The solution to the problem is to redefine what a manufactured home is within the Local Government Act 1993 and the standard instrument. They need to talk to each other. It seems to me the issue is impacting all our councils.

Another important distinction between a home and a manufactured home is that a manufactured home needs to be built off site and transported onto the property. I make the point that even this requirement can be, and has been, waived if applicants apply for permission. That is what occurred in the case of Banora Point on the banks of the Tweed River as access to the site was constrained because the trucks with houses on them could not go under bridges. All those houses are now being built on site. The developers utilising the loophole are buying caravan parks and greenfield sites and creating manufactured home estates that can be marketed as resorts, villages and aged-care facilities. Given the evolution of manufactured homes to include two-storey buildings that can even be erected on site and are in fact houses, I recommend, first, an urgent amendment to the definition of "manufactured home"; and, secondly, that planning and Fair Trading talk about whether consumer protections are designed for these sorts of situations.

SPECIAL ACTIVATION PRECINCTS

The Hon. PETER PRIMROSE (20:31): The New South Wales Government has established special activation precincts, or SAPs, in regional New South Wales, spruiking that they would "create jobs, attract businesses and investors" and "fuel economic development" in regional New South Wales to ensure regions are "well placed to grow and meet future economic needs". That all sounds well and good. However, there have been negative consequences as well. For instance, the growth of State government-funded jobs to implement the precincts has resulted in the unprecedented loss of senior staff from local government in the same regional centres. Instead of attracting metropolitan-based experts in fields such as strategic planning and economic development to the regions, experts are being recruited by the State Government at the expense of local councils. Enticed with much higher salaries and other incentives, rate-pegged councils do not stand a chance of retaining these staff and are losing entire teams and their successive replacements to the State.

I accept that it is an unintended consequence, but it is a real consequence of the policy and cannot be ignored. In Wagga Wagga, for instance, the council's regional activation director has migrated across, following his predecessor, the former Director of Economic Development. The strategic planning team has also been decimated, with many staff enticed to SAP implementation positions, leaving huge holes in corporate knowledge and a backlog in service delivery, coupled with the endless roundabout of recruitment. It is not limited to the strategic planners, though. It is also local government staff with expertise in grant management, community planning, environment and many more specialties. It is a black-and-white example of robbing Peter to pay Paul. Creating jobs that poach people from one level of government to another with no real net gain is far from an example of a "world-class economic zone".

It is not just the people of regional New South Wales being impacted by these decisions either. You guessed it—once again, it is western Sydney. In Liverpool alone, they are losing planners left, right and centre to the State to work on the development of the aerotropolis. In order to be the home of a world-class economic zone, a city needs supporting infrastructure and services. A city needs trained and experienced personnel on the ground, planning and delivering services for its growing community.

The Government has not developed a strategy to create jobs but rather to create an abyss. The lack of forethought has created an environment that saps people to its SAPs and pet projects, leaving the rest of the community high and dry. What is the Government going to do to fix this? In previous years, a flying squad of fly-in fly-out workers was pitched as a solution to the statewide issue of a critical lack of town planners in the regions. It failed, and the issue is still there, compounded now by the direct poaching of other industry experts by this Government. This is not a new issue. Prior to COVID, Wagga Wagga City Council established a Sydney office with metro-based planners and engineers in response to the ongoing issues around recruiting and retaining specialist staff.

Higher salaries and incentives in not only the private but also the State Government arenas was already creating huge barriers to recruiting these specialist staff to regional councils. Due to COVID, the office was closed. But not only does the issue still remain, it has now been intensified and compounded. Where are the opportunities for these regions to grow their own through initiatives such as traineeships? How can these communities expect jobs growth when all they see are shuffling deck chairs, with no-one actually relocating to the regions as a result? Pie in the sky statements and empty promises are easy to deliver, but the people of regional New South Wales and western Sydney are looking for the creation of real jobs and real people relocating to their regions. They know they have a lot to offer; they just need the Government to back them on it. Failing to plan is planning to fail. When it comes to growing jobs in the regions, this Government has failed big time. Make it work.

GOVERNMENT GRANT PROGRAMS

The Hon. MARK BANASIAK (20:36): We have a problem in this State with Government-funded programs. The Government has been caught out through the Public Accountability Committee and found to have improperly used the Regional Cultural Fund for political purposes in Coalition-held electorates. The Bushfire Local Economic Recovery Fund, which gave no funding to the local government areas worst hit by bushfire, drew the attention of all and sundry as to how allocations for grants are made and signed off on. The previous arts Minister was found to have misused his discretion in diverting Arts and Cultural Funding Program funding to the Sydney Symphony Orchestra despite the fact that the organisation did not apply for it—not to mention the blatant use of grants to pork-barrel during election campaigns, which the National Party seems to have mastered the art of.

This is not chump change. In the case of the Bushfire Local Economic Recovery fund, it was the allocation of $108 million. Most recently, the Auditor-General's report to Parliament on the integrity of grant program administration made mention that the $252 million council grants program lacked integrity and was not merit based. The audit of the Stronger Communities Fund found that the approval process for round 2 lacked integrity and that the program guidelines were deficient in several aspects, which meant that 96 per cent of the funding allocated went to Coalition-held electorates. The Government has assumed the role of primary caregiver. It funds and regulates most social services indirectly through charities, not-for-profits and private groups that depend on public funding.

With that role comes great responsibility, but this responsibility has been neglected by this Government. It gets away with throwing funds around because there is a distinct lack of accountability in place once the money leaves the coffers. I often head out west to the electorate of Barwon with my colleague in the other place Roy Butler to get a feel for what is happening in his electorate and how I can support him in this place. The last few trips to Barwon have really opened my eyes to what I believe is an easily fixed problem when it comes to our primary caregiver, the Government. When I ask local businesses or community groups what it is they need to fix a problem or make progress, they throw their hands in the air and actually say, "No more money!" That is astonishing.

I am in no way saying that the Government should stop funding important programs and service providers. The issue is far deeper than that. Last time I visited Bourke, I was told by locals that they know there are funded services operating in their town but they do not know what they do. They know they exist because once a month a staff member is flown in from outside of Barwon. They clock on for the day and fly out at the end of it, like the fly-in fly-out pigeons in this place. It is a pretence service. It does nothing to assist the vulnerable or needy. Barwon is about as remote as you can get. There is a high Indigenous population, limited health and allied services, and a critical shortage of teachers, to name just a few of the obstacles. Social support programs, youth support programs, domestic violence services, mental health services—these programs should be making a difference. Some of them are, but many are not, and many exist in name only.

The Government focused solely on service delivery or, in its words, "getting the cash out the door in the most politically advantageous way". Because of this short-sighted and politically opportunistic view, there is little emphasis on the effectiveness of the service. In Walgett, I have heard from target recipients of those programs that they know that service exists, but they never see them. There is a homelessness shelter that closes at night, while the youth services available that overlap with the local school do not communicate with one another other. This is not success, nor is it value for money. It is an absolute betrayal of taxpayers' money by this Government for its own political benefit. Limitless public funding does very little for those in need when there are no checks and balances in place. The Nationals are leading in this utter disgrace by having the pretence of providing a myth of support, but why would we expect anything else from The Nationals? The party has clearly lost its way and its basis for existing.

HOUSING AFFORDABILITY

The Hon. CHRIS RATH (20:40): In my inaugural speech earlier this week, I spoke about three bold areas of economic reform. If I had more time, I would have also used the opportunity to raise a fourth: housing affordability. I am hesitant to even venture down this path as there is no apparent silver bullet solution. However, as the second youngest member in the New South Wales Parliament, only to my good friend the Hon. Taylor Martin, I know that we could be doing more to address the single biggest problem facing our generation of the millennials. Every year the Demographia International Housing Affordability survey compares median incomes with median house prices across the globe. They view a median multiple of three and under as affordable, and five and over is deemed severely unaffordable.

By 2006 Sydney was already severely unaffordable at 8.5, but in 2021 that had almost doubled to 15.3, with the largest increase on record between 2020 and 2021. The median price for a house in Sydney in 2021 was over $1.3 million and over $820,000 for an apartment. Only the tiny but densely populated city-state of Hong Kong has a more unaffordable property market. I do not claim to have all of the answers to this vexed problem, but my economics background tells me that prices increase when demand outstrips supply. That means that by far the best solution is to drastically increase supply. I welcome the recent commitment made by Minister Anthony Roberts to reach a target of increasing supply by at least 50,000 additional homes every year for 20 years. Minister Roberts has been tasked with improving housing supply for metropolitan and regional New South Wales, delivering faster processes for approvals and assessments and increasing supply and access to social and affordable housing.

The Government is also undertaking a number of projects across Sydney to align precincts with infrastructure, such as train stations, and is considering further opportunities for this. However, we also need an overhaul of our planning system to turbocharge this supply growth. Our planning system is overly complex and burdensome, creating huge unnecessary delays when the priority should be getting as much housing stock into the market as quickly as possible. This Government has tried on multiple occasions to fix the system, most notably in late 2013. Some small progress has been made but more certainly needs to be done. We also need to make sure that housing supply is increased in a way that protects local heritage, guarantees quality green, open and public spaces for residents, and ensures that home owners are mitigated from the worse effects of floods, storms and bushfires. The Government should also be congratulated on its enormous transport infrastructure agenda, which is making it easier to live in the regions, where housing tends to be more affordable. The pandemic has changed our mindset and many now have the luxury of working from home in a beautiful regional area and venturing to Sydney far less frequently. As I said, I do not presume to have all of the answers on housing affordability but drastically increasing supply seems like a pretty good place to start.

WHEELCHAIRS FOR KIDS

The Hon. SHAOQUETT MOSELMANE (20:44): It has been 10 years since my first Wheelchairs for Kids fundraiser to help differently abled children across the globe with World Health Organization-approved, rough-terrain wheelchairs. I am grateful to Mr Gordon Hudson, Mr Don Dikson, Mr Olly Pickett and Mr Gerry Georgatos from Wheelchairs for Kids Western Australia for helping me deliver so many wheelchairs to so many countries. Wheelchairs for Kids is a remarkable humanitarian institution, having delivered over 50,000 wheelchairs to more than 83 countries in the past 22 years. Four months ago, I decided to raise funds to deliver wheelchairs to Nepal, Bangladesh and Pakistan and to visit those countries. Tonight I report on this 13-day, three-country wheelchairs charity mission.

First, I am particularly grateful to those who assisted me in rallying communities and organising the fundraisers. I thank my staff, Louay Moustapha and Sadaqat Siddiq; His Excellency the Honorary Consulate General of Nepal, Mr Deepak Khadka; Mr Max Babu; Mr Rishi Acharya; Mr Tito Scohel; Mr Gama Kadir; Mr Mohamed Noman; Mr Rahmat Ullah; Mr Bir Khan; Mr Iftikhar Rana; Mr Shahid Iqbal; Dr Yasmin Rao; Dr Aila Khan; Dr Shahbaz; His Excellency Muhammad Ashraf, Consul General of Pakistan; and Consul Sheryar Khan. I also thank Ahmad Nadeem Khan, Shoaib Hanif and Naseer Ahmad for their assistance in Pakistan. I can

report that over $78,000 in funds was raised, enabling us to donate enough to Wheelchairs for Kids to meet the cost of shipping around 750 wheelchairs.

In Nepal, His Excellency Deepak Khadka had organised a wonderful welcome party before our first formal engagement with the Child Development Society, in the presence of the Rt. Hon. Agni Prasad Sapkota, Speaker of the House of Representatives of Nepal. Following a brief visit to the Parliament of Nepal, we were hosted by the Chairman of the National Assembly of Nepal, the Rt. Hon. Ganesh Prasad Timilsina, at his official residence. You could not go to Nepal and not take a chartered flight to view the amazing Himalayas and see Mount Everest—a breathtaking experience. I recommend a visit to Nepal. It is a beautiful country with beautiful people and with a lot to see and enjoy.

Then we were off to Bangladesh, with our first engagement at Dhaka children's hospital and a wonderful reception facilitated by deputy director Dr Prabir Sarkar and the head of neurology, Dr Imam, where more than 100 doctors, clinicians, researchers, occupational therapists, physical therapists and nurses were ready to welcome us. A tour of the hospital wards revealed the sad reality of poverty. There we pledged the delivery of a container of beds, with shipping costs kindly donated by Mr Ahmad Nadeem. We also visited the Centre for the Rehabilitation of the Paralysed, a non-government organisation supporting brain and spinal cord injuries. I am grateful to CEO Dr Hossain and advocacy officer Ms Fahmida for their reception and tour of the centre. Next, we went to the Parliament of Bangladesh and met with the Hon. Noor-E-Alam Chowdhury Liton, the Chief Whip. He expressed his government's interest in inviting Australian university investments in Dhaka.

In Pakistan, our first engagement was with the Punjab Board of Investment and Trade in Lahore, followed by a visit to the Akhuwat Foundation in Sahiwal, after meeting with founder Dr Amjad Saqib. Then we had a wheelchair presentation dinner with Alkhidmat Foundation Pakistan, followed by visits to village 134/91 Sahiwal. Next we drove 4½ hours to Sawabi to visit a hospital, built by the kindness of Mr Arif Khan and his brother. We also visited The Diabetes Centre, a hospital in Islamabad run by charitable people like our own Dr Asrar Khan. In Islamabad we presented the wheelchairs to Shaukat Khanum hospital and to Edhi Foundation. In between these engagements we met with many dignitaries, including the Prime Minister of Pakistan His Excellency Shehbaz Sharif, the foreign affairs Minister the Hon. Hina Rabbani Khar, the information Minister the Hon. Marriyum Aurangzeb, the Leader of the Opposition in the Senate the Hon. Shahzad Waseem, and Deputy Chairman of the Senate the Hon. Mirza Muhammad Afridi. We toured the Parliament and visited the children's hospital in Rawalpindi and Rawalpindi Medical University. We also visited Bait al Mal and met with a member of Pakistan's media, Mr Javed Chaudhary, and former Prime Minister Shahid Khaqan Abbasi. I am grateful to the beautiful people of Nepal, Bangladesh and Pakistan for their wonderful reception and unparalleled compassion, humanity and hospitality.

UNIVERSITY OF SYDNEY STAFF

The Hon. MARK BUTTIGIEG (20:50): I support the University of Sydney staff who went on strike on 11 and 12 May. I commend the National Tertiary Education Union, which has been fighting for improved conditions and wages of University of Sydney workers, who took strike action because they are being chronically overworked and need to be fairly paid and have job security with adequate protections. Those workers deserve fair pay and conditions. University of Sydney management should end exploitative casual employment. It is disgraceful that approximately half the university's workers work in precarious casual positions, leaving them without job security and vital entitlements such as sick leave. University workers deserve secure and ongoing work.

The intensification of workloads has reached outrageous proportions, and University of Sydney management is only worsening it. The pandemic has exacerbated the overloading of work onto staff. University of Sydney workers need controls on their workloads that are enforceable. Professional staff need acknowledgement and improvement of their work-from-home rights. The workers also need a fair pay rise. The cost of living has skyrocketed and inflation is at 5.1 per cent, the highest in two decades. Wages have not kept pace with inflation and workers have experienced huge pay cuts as real wages have declined. Housing costs are through the roof, with rents rising at 13 per cent and property prices by approximately 20 per cent. Petrol is going up at over 30 per cent, with food and transport costs increasing at over 12 per cent. Workers also face higher tolls, fines, taxes, and medical and childcare costs. Everything except wages is going up. Therefore, university workers need fair wages so they can keep up with the cost of living.

University of Sydney workers did not want their teaching disrupted, so they did not take their decision to strike lightly. Unfortunately, they had no other choice, as university management will not address the issues with their workforce, which is detrimental to both staff and students. Those students are losing out because of the poor working conditions of staff, who need adequate time for research to ensure that students receive the best available information and teaching. Instead of being overloaded by university management, staff want to ensure that the

best education for students is the focus by providing the highest-quality teaching, feedback and support for students.

The National Tertiary Education Union has been trying to negotiate in good faith for over nine months. University of Sydney management should come to the table to ensure that its staff have fair conditions. The past few years have been extremely hard on university staff across the State. The Federal and State Liberal-Nationals governments abandoned university workers during the pandemic when they should have been supporting them. Disgracefully, Prime Minister Morrison denied them JobKeeper. We saw huge job cuts industry wide, but University of Sydney management used the pandemic as an opportunity to worsen the conditions of its workforce. More work has been put on the shoulders of staff, and they are pushed to their limit. Over half the workforce have insecure jobs. The long-term casualisation of the workforce is highly exploitative and it needs to end. University workers deserve good, secure jobs and the certainty that they will have ongoing employment. They need protections from overwork and require fair wages to keep up with the cost of living. University of Sydney staff deserve a better and fairer institution and workplace.

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

Motion agreed to.

The House adjourned at 20:55 until Tuesday 17 May 2022 at 14:30.