



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Tuesday 21 June 2022**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Tuesday 21 June 2022**

**The PRESIDENT (The Hon. Matthew Ryan Mason-Cox)** took the chair at 14:30.

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

## *Bills*

### **MOTOR ACCIDENTS AND WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2021**

### **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2022**

#### **Assent**

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

## *Governor*

### **ADMINISTRATION OF THE GOVERNMENT**

**The PRESIDENT:** I report receipt of a message regarding the administration of the Government.

## *Announcements*

### **LEGISLATIVE COUNCIL PHOTOGRAPH**

**The PRESIDENT (14:33):** I inform the House that, following the circulation of an email yesterday seeking a change in date, the House in session photograph will now be taken in the Chamber this Thursday 23 June immediately following prayers. All members are requested to be in the Chamber no later than 10.00 a.m.

## *Documents*

### **INSPECTOR OF CUSTODIAL SERVICES**

#### **Reports**

**The PRESIDENT:** According to the Inspector of Custodial Services Act 2012, I table the report of the Inspector of Custodial Services entitled *Inspection of Parklea Correctional Centre*, dated 21 June 2022, received out of session and published this day.

## *Committees*

### **LEGISLATION REVIEW COMMITTEE**

#### **Reports**

**The Hon. SCOTT BARRETT:** I table the report of the Legislation Review Committee entitled *Legislation Review Digest No. 45/57*, dated 21 June 2022.

### **SELECTION OF BILLS COMMITTEE**

#### **Reports**

**The Hon. SCOTT FARLOW:** I table report No. 61 of the Selection of Bills Committee, dated 21 June 2022. According to standing order, I move:

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

- (a) Fiscal Responsibility Amendment Bill 2022;
- (b) ICAC and LECC Legislation Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);
- (c) Industrial Relations Legislation Amendment (Public Sector Remuneration Cap Repeal) Bill 2022;
- (d) Parliamentary Budget Officer Amendment Bill 2022; and

- (e) Treasury Legislation Amendment (Miscellaneous) Bill 2022 (not yet accompanied by a Statement of Public Interest).

**Motion agreed to.**

*Documents*

**AUDITOR-GENERAL**

**Reports**

**The CLERK:** According to the Government Sector Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled *NSW planning portal*, dated 21 June 2022, received out of session and published this day.

*Committees*

**STANDING COMMITTEE ON LAW AND JUSTICE**

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 80 of the Standing Committee on Law and Justice entitled *2021 Review of the Dust Diseases Scheme*, dated June 2022, together with submissions, transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, received out of session and published on Friday 10 June 2022.

**PORTFOLIO COMMITTEE NO. 4 - CUSTOMER SERVICE AND NATURAL RESOURCES**

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 52 of Portfolio Committee No. 4 - Customer Service and Natural Resources entitled *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty Animals Act 1979*, dated June 2022, together with submissions, transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, responses to an online questionnaire, report of the online questionnaire, and correspondence relating to the inquiry, received out of session and published on Friday 10 June 2022.

**The Hon. MARK BANASIAK (14:36):** I move:

That the House take note of the report.

**Debate adjourned.**

**STANDING COMMITTEE ON STATE DEVELOPMENT**

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 48 of the Standing Committee on State Development entitled *Animal welfare policy in New South Wales – First report*, dated June 2022, received out of session on Wednesday 15 June 2022.

**The Hon. CATHERINE CUSACK (14:37):** I move:

That the House take note of the report.

**Debate adjourned.**

*Documents*

**TEACHER SHORTAGES**

**Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 May 2022, I table documents relating to an order for papers regarding teacher shortages, received on Wednesday 15 June 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on 15 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**POWER STATION SITES REMEDIATION****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 May 2022, I table documents relating to an order for papers regarding contamination at power station associated sites, received on Wednesday 15 June 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on 15 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**CROWN CEMETERIES****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 17 November 2021, I table additional documents relating to an order for papers regarding cemeteries, received on Monday 20 June 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the documents received on 20 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**ADVERSE WEATHER AND FLOODING EVENTS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 23 March 2022, I table additional documents relating to an order for papers regarding potential or actual adverse weather or flooding events, received on Monday 20 June 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on 20 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**SYDNEY METRO****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 May 2022, I table additional documents relating to an order for papers regarding Sydney Metro, received on Monday 20 June 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying those of the additional documents received on 20 June 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

**MR DAVID BAYNIE****Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 8 June 2022, I table correspondence relating to an order for papers regarding Mr David Baynie, received on Friday 17 June 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that the NSW Ombudsman is not subject to ministerial direction or control, and that the Legislative Council should liaise directly with the Ombudsman's office in relation to the resolution

**SMALL BUSINESS AND FAIR TRADING ADDITIONAL BUDGET ESTIMATES****Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 8 June 2022, I table correspondence relating to an order for papers regarding additional Budget Estimates 2021-2022 hearing for Small Business and Fair Trading, received on Thursday 16 June 2022 from the Leader of the Government in the Legislative Council, stating that the Government strongly opposes the order for papers and reiterates the Government's previous response in that the order is an inappropriate exercise of the House's power to call for papers and recommends the order be referred to the Privileges Committee.

*Budget***BUDGET ESTIMATES AND RELATED PAPERS 2022-2023**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (14:40):** I table the following budget estimates and related papers for the financial year 2022-2023:

- (1) Budget Paper No. 1—Budget Statement 2022-2023
- (2) Budget Paper No. 2—Outcomes Statement 2022-2023
- (3) Budget Paper No. 3—Infrastructure Statement 2022-2023
- (4) Budget Speech No. 4—Agency Financial Statements 2022-2023

**The PRESIDENT:** Order! Members will have time to examine the budget in due course. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** I seek leave to move a motion forthwith to take note of the budget estimates and related papers for the financial year 2022-2023.

**Leave granted.**

**The Hon. DAMIEN TUDEHOPE:** I move:

That the House take note of the budget estimates and related papers for the financial year 2022-2023.

I seek leave to have the Treasurer's Budget Speech incorporated in *Hansard*. I recommend it be read by every member of this place.

**Leave granted.**

**Acknowledgement of country**

I'd first like to acknowledge that we meet on the land of the Gadigal people of the Eora nation and pay my respects to Elders past, present and emerging.

**Introduction**

This budget is about reform.

Reform to give our children the best start to life; reform to make owning your own home easier to achieve; and reform to break the barriers to women's opportunity in this State.

This Government believes there is always a better future if we choose to reach for it.

And in this budget we make that choice—we choose to invest in transformational reform to build a better, brighter future for everyone across our State.

**Supporting the New South Wales people**

Over the past few years, the people of our State have written a story of strength and resilience.

A story about the determination of our farmers during drought; the courage of our firefighters; the resilience of our flood-affected communities; and the character, creativity, and care of so many during Covid—parents, business owners, frontline workers and everyone who helped keep us safe and keep us going.

Time and time again the New South Wales people rose to the challenges and showed that nothing is out of their reach.

Throughout, the New South Wales Government has stood with the people of this State. We committed \$53 billion alongside the Commonwealth, during COVID-19 to keep our people safe, our businesses open and our workers in work.

Today, we are seeing the dividends of that investment.

More people are in jobs today than before COVID-19 arrived. Unemployment is at the historically low level of 4 per cent. Gross State Product is now forecast to grow at 4.25 per cent for the next financial year, much higher than was previously forecast.

But while the State's economy has rebounded strongly from the Delta and Omicron waves, the aftershocks of the pandemic continue to challenge. And this Government is again standing with the people of New South Wales.

Inflation is high across the world because of global supply chain constraints and economic disruption caused by the pandemic. This has been exacerbated by Russia's illegal invasion of Ukraine.

We understand that rising inflation is not simply a statistic, it is something that is impacting the daily household costs of millions of Australians and reducing what they can afford.

That's why we are committing over \$7.2 billion next financial year to boost family budgets. We are providing \$520 million in new toll relief over two years, saving drivers up to \$750 a year. We are helping eligible households save up to \$600 a year on their power bills by installing roof-top solar and energy efficient appliances. We are helping families with a back to school voucher of \$150 per child to help with the costs of school supplies for term 1 next year.

We are also supporting our teachers, nurses and other public sector workers by increasing their remuneration by 3 per cent a year for the next two years; providing amongst the highest public sector wage growth anywhere in the country.

And we are recognising the special contribution of our State's Health workers during the pandemic through a \$3,000 acknowledgement payment.

These measures will help people across our State deal with the increased costs they are seeing in their lives, as a result of global inflation.

However, inflation is not the only lingering impact of the virus.

We are also experiencing the health aftershocks of the pandemic: COVID-19 presentations to our hospitals, the first real flu season in three years, and a backlog of elective surgery just to name a few.

That's why we are investing a record additional \$4.5 billion over four years into our health workforce. This is an historic commitment which will see us add an extra 10,000 health workers to bolster our health system. This will ease the pressure on staff, clear the elective surgery backlog and make sure we provide the very best quality end of life care. Every person should be treated with dignity and care, whether it is their first day or their last.

This Government also continues to stand with our flood-affected communities. Earlier this year we saw some of the worst floods in our country's history. We are partnering with the Commonwealth Government to invest \$3.5 billion to rebuild those communities and support our people as they recover.

#### **Financial position**

This is a Government that believes in strong financial management, not so the people of our State can help the budget, but so the budget can help the people of our State in times of need.

But we also understand the importance of ensuring that the budget returns to surplus over the medium term, to rebuild our fiscal buffers and honour our covenant to future generations.

That is the story of this budget.

For 2021-22, we estimate a budget deficit of \$16.6 billion, improving to a deficit of \$11.3 billion in 2022-23, as we navigate the aftereffects of COVID-19 and floods.

In last year's budget, we projected a return to surplus in 2024-25. We held to that projection at the Half-Yearly Review, notwithstanding the Delta outbreak. And despite Omicron, inflation and floods, today, this Government is handing down a budget that continues to project a return to surplus in 2024-25, a surplus which grows to \$1.4 billion in 2025-26.

We project that net debt will stabilise at around 14 per cent of GSP by June 2026, and decline gradually over the second half of the decade. This is despite the worst economic shock since the Great Depression, historically high inflation, increasing costs of borrowing and record floods.

Our return to surplus over the medium term is supported by \$2 billion of budget improvement measures over four years. This includes legislation to increase the Foreign Investor Surcharge land tax and align the rates of the Betting tax and the Point of Consumption tax at 15 per cent.

The people of New South Wales know that it is only a Coalition government that understands the value of taxpayers' money and can deliver the strong economic and fiscal management needed for a strong and prosperous State.

Our covenant to future generations is about more than merely leaving them with the finances in good shape.

It is also about investing today, so that they may enjoy the returns of a more prosperous tomorrow.

#### **Infrastructure**

This is something our Government has always understood. We are an infrastructure Government.

Over the past 10 years we have invested more than \$178 billion in building infrastructure to improve the lives of people in New South Wales.

We are transforming our State through roads and rail. Over the next four years we expect to invest a record \$112.7 billion in the State's infrastructure pipeline. We are building the Western Harbour Tunnel, extending the M6, upgrading the Great Western Highway, and building a Metro network for Sydney.

And in this budget we get started on Stage 2 of the Parramatta Light Rail and Faster Rail between Sydney, Newcastle and the Central Coast.

These projects, and the other nation-building projects that we are delivering, are the arteries of the nation. They will reduce travel times and support our people in spending more time at home with their families or at work applying their skills and talents.

We are also investing in our schools and hospitals, delivering in this budget 23 new and upgraded schools, 30 new ambulance stations and continuing to build or upgrade 45 hospitals.

**Investing in the people of New South Wales**

But if our State is to reach its fullest potential, then we must invest in more than just bricks and steel. We must invest in our people as well.

The central belief of our country is that every person is entitled to the dignity of their humanity and that they are of value and have value to add. Its great promise is that every person, no matter who they are, will have the opportunity to contribute, prosper and pursue their hopes and dreams.

This should not only be the starting principle of our politics, it should also be the common sense of our commerce.

Our economy has grown from the creativity, talent and determination of our people.

It was our people who built our factories and farms.

It was our people who contributed to the wonders of modern science.

It was our people who first saw in their imaginations the cities we see before us now.

There is no better investment that we can make for the people of this State, than investing in the people of this State themselves.

**WOMEN**

In this budget, we do just that by investing in the aspirations of women across New South Wales.

Last year, following the courageous advocacy of Brittany Higgins and Grace Tame, we saw an outpouring of frustration and calls for change from women across the country.

I've heard stories of women taking the long way home to avoid dimly lit streets when they leave work after dark.

I've heard stories of female managers getting paid less than their male colleagues who report to them.

I've heard stories of women's ideas being overlooked in the workplace only for those same ideas to be embraced when suggested by a man.

I saw women listening to Grace Tame and Brittany Higgins and the many other women who have shared their experiences since then, nodding in agreement. These are not isolated experiences; they are the everyday experience of millions of Australian women.

The women of New South Wales are some of the most highly educated anywhere in the world, yet the workforce participation rate of women is 9 per cent lower than the participation rate of men.

It is an economic imperative that we respect, hear and empower women in the workplace because their brilliance, contribution and creativity are things that we should be backing.

By lifting the workforce participation rate of women so that it is equal to that of men, we can grow our economy so that it is 8 per cent larger by 2060. This is the equivalent of increasing the average income of every household in our State by \$22,000 per year.

This is an economic opportunity we cannot ignore.

Being safe and healthy is the first step to participating in our workforce.

It is also a basic right which everyone in modern New South Wales should enjoy.

That is why in this budget we will invest around \$100 million over four years in women's safety, to help victim-survivors leave domestic and family violence and stop the harassment of women at work and on our streets.

We are also investing in women's health, with \$80 million to support women to access affordable fertility treatments, and \$40 million to improve the healthcare of women experiencing menopause.

However, the transformational opportunity to increase women's workforce participation is affordable and accessible childcare. Even though we see similar numbers of men and women joining the workforce after completing their education, women's participation rates begin to drop below men's in their late twenties, and never recover to the same level.

For many Australian women, this is because they make the choice to leave the workforce to care for their children.

However, for too many women, that choice is made for them: many Australians cannot access childcare and too many women only take home about thirty cents in each dollar they earn after taking account of the tax they pay, the loss of family tax benefits and the costs of childcare.

This is why almost half of Australian women currently seeking work report that caring for children is the main reason they are unable to start a job or work more hours.

These structures are a result of a bygone era where a household was made up of a male breadwinner and a female homemaker.

In providing affordable and accessible childcare, we can build a State where a person's prospects are governed not by expectations from the past, but by their hopes and dreams for their future.

Over the next 10 years, we will invest up to \$5 billion to expand access to high quality, affordable childcare in those areas of the State where access to childcare is the biggest barrier to parents returning to work.

We will provide competitive funding to providers to expand the number of affordable childcare places available to families in our State, saving eligible families thousands of dollars a year.

This is not just the right thing to do by the women and families of New South Wales, it is future focused economic reform also.

We estimate that these reforms, when delivered alongside the childcare commitments of the Commonwealth Government, will, within a decade, see up to 95,000 women enter the workforce or take on more hours, reduce the female participation gap by up to 14 per cent and grow our economy by up to \$17.1 billion per year.

Investing in women is an investment that this Government believes will pay off. It is an investment that we are proud to make.

### **Closing the Gap**

We are also proud in this budget to make an unparalleled investment in our First Nations people.

I started this speech by acknowledging that we are on Aboriginal land and by paying my respects to Elders past, present and emerging. Well, respect is honoured in deeds as well as words.

In this budget, we commit \$716 million to empower our First Nations people. This will fund programs designed in partnership with First Nations communities to support their children and young people, improve their health and wellbeing and to expand Aboriginal Child and Family Centres.

These programs will not just improve the lives of the people that they touch, they are also the just and right thing to do.

### **EDUCATION**

Our children are our future and a great education can set them up for life.

In this budget, we take our lead from the millions of Australian families who have transformed their prospects from one generation to the next by investing in their children's education. And I say that looking at my parents.

A great education can propel a person up the ladder of opportunity and it is through a great education that we expand our minds, see possibilities that we didn't even know existed and obtain the skills and tools that help us build a better life.

We know that the first five years of a child's life can set them up for success at school and beyond. In fact, 90 per cent of a child's brain development occurs in these years.

In this budget, we are investing an initial \$5.8 billion over 10 years to establish a year of universal pre-kindergarten in the year before school and investing over \$280 million over four years to support our workforce of early childhood educators to make this reform a reality.

We are also investing \$1.3 billion over four years to make preschool more affordable for families, including by providing \$2,000 of support per child to access preschool services in long day care from the beginning of next year.

A family's wealth should not determine the wealth of their child's opportunity.

The reality is that our children's lives—and the New South Wales our children build—will be brighter because of the once-in-a-generation investment we decide to make today.

### **HOUSING**

The largest single investment that most families make is in their home.

Our homes are where we raise our families, share time with friends and live so much of our lives.

Housing security is not only the bedrock of economic security, but also the foundation of a good life as well.

That is why we will give first home buyers the choice of paying an annual property tax instead of stamp duty. Providing our young people with this choice will cost our budget over \$729 million over the next four years, but save them years of waiting to achieve their aspirations of home ownership.

We will also invest \$780 million over two years in a shared equity scheme for our single parents, our key workers and our vulnerable older citizens who do not have a partner to share the cost with.

Our belief in the importance of these measures is grounded in an understanding that when you own your own home, you own a stake in the future of our country.

But housing security is about more than just home ownership.

It's also about ensuring that our State always has the supply of quality homes required to meet the needs of our people. Nearly \$750 million in this budget will go towards unlocking hundreds of thousands of homes across our State, including in our regional and rural communities, where they are needed most.

And it's also about ensuring that the most vulnerable people in our community have a safe place to live. We will invest more than \$550 million to maintain and grow our social housing as well as housing for our First Nations people.

We choose to make these investments because we know that ensuring that every person in New South Wales has a place to call home will make New South Wales a better home for us all.

### **REGIONAL NEW SOUTH WALES**

Your opportunities in life should not be determined by where you live. That's why we are expanding our investment in the regions, increasing the Regional Growth Fund by more than \$1.3 billion.

This year's budget includes \$230 million to support tourism in the bush and more than \$390 million to develop the Snowy Mountains Special Activation Precinct to establish a year-round tourism destination. Tourism brings the city and the bush closer together, but it also diversifies our local economies too.

We are also investing \$130 million over five years to expand our critical minerals industry, creating the jobs of the future, with the resources of the future, to help build the future.

These investments come on top of our record \$2.4 billion regional health investment to make sure our regional communities can always access quality health care. And they will be further supported by our commitment to clear the backlog of key worker housing in the bush. No community should miss out on a police officer or a teacher because there is no place for them to live.

### **FUTURE ECONOMY**

Time and time again, modern science has expanded the frontiers of what we can achieve.

We saw during the pandemic the power of medical science—we are free and safe today because our best and brightest developed vaccines in record time.

The great quest of the human mind to understand our world has unlocked opportunity after opportunity and created job after job.

The reality is that many of the jobs and industries of the future haven't even been thought of yet. But in this budget we make sure that many of them will be thought of right here in New South Wales.

We are investing \$1 billion to build the laboratories and testing-rooms where our scientists, doctors and engineers will design the blueprints of a better, more prosperous economy.

It is also why we will invest in their designs, their projects and their products. \$142 million in this budget will go towards the research and development of our most promising ideas; and \$342 million will help carry those ideas across the so-called valley of death, which so many start-ups struggle to traverse, to where they can become the goods and services which radically improve our lives.

Through these commitments we invest in the potential of our ideas to expand the potential of our people.

### **SUSTAINABILITY AND THE CLEAN ECONOMY**

New South Wales has the potential to become a renewable energy superpower.

We may be a sunburnt country, but we are also a sun-blessed country.

Our State's sun and wind can deliver us some of the cheapest, cleanest and most reliable energy anywhere in the world. This will free us from our dependency on aging power stations and from the shocks of global energy markets.

But only if we choose to realise that potential.

Climate change is an inter-generational challenge which requires a once in a generation response.

Our State, our generation, is doing just that.

We are on track to reduce our emissions by 50 per cent by 2030, on 2005 levels, and to achieve net zero emissions by 2050.

These commitments are not just about avoiding more record bushfires, droughts and floods, but also about underwriting our prosperity as our trading partners go to the green goods of the future.

This is why we will make a record \$1.2 billion investment to establish our Transmission Acceleration Facility, which will help catalyse at least \$14 billion of private investment to carry energy from our renewable energy zones—modern day power stations—to our businesses and our homes.

This investment will fast-track our Electricity Infrastructure Roadmap, the cross-party reform this Parliament passed to modernise our electricity infrastructure and ensure New South Wales can be a leader in a low-carbon world.

We have an obligation to protect our planet. We do not own our natural environment, we merely hold it from the past and for the future.

That is why we are investing \$424 million over four years to improve and protect our national parks and \$206 million over ten years to reward farmers for reducing their carbon emissions, enhancing and protecting biodiversity on their land, while improving the productivity of their farms.

From the beaches on our coast to the snowy mountains in our south, from the outback to our rainforests, our natural environment defines who we are. It is in our culture, it is in our way of life, and it is one of the reasons why we choose to live where we do.

If we are truly to build a brighter future for our State we must pass our environment to the next generation in better shape than the way we found it.

And in this budget that is what we are determined to do.

### **Conclusion**

Budgets are about the choices you make.

In this budget we choose to continue to stand by our people and take on the reforms that will unleash the full potential of our State.

We choose to lift the horizon on hope.

We choose to harness the wonders of modern science, and the power of our wind and our sun.

We choose to leave a better planet for future generations.

We choose to make sure that families can continue to buy a slice of the great Australian dream.

We choose to give our children the best start in life so that they can not only reach their dreams but dream bigger in the first place.

We choose to make sure that a little girl born today has the same opportunities and liberties in life as the little boy born in the hospital room next door; because it is their contribution, and the contribution of every other person in our State, that will help us reach the highest heights of what our State can be and build a better, brighter future for everyone in New South Wales.

I commend these bills to the House.

**Debate adjourned. [During the giving of notices of motions]**

*Notices*

### PRESENTATION

**The Hon. Damien Tudehope:** Point of order: The notice of motion of Ms Sue Higginson relates to a matter which is currently before the courts. My submission is that it is not an appropriate matter for a notice of motion before this House.

**The PRESIDENT:** In the circumstances, I will let the member finish reading the motion and reserve my ruling in relation to the sub judice issue raised by the Leader of the Government.

*Business of the House*

### POSTPONEMENT OF BUSINESS

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

- (1) Matter of Public Importance relating to the State Infrastructure Strategy 2022-24, standing in the name of the Hon. John Graham, postponed until Thursday 23 June 2022.
- (2) Government business orders of the day Nos 1 to 3, standing in the name of the Hon. Damien Tudehope, postponed until a later hour of the sitting.

*Committees*

### PUBLIC ACCOUNTABILITY COMMITTEE

#### Chair

**The PRESIDENT:** I inform the House that on 9 June 2022 the Clerk received advice that Ms Cate Faehrmann was elected as Chair of the Public Accountability Committee.

### PORTFOLIO COMMITTEE NO. 5 - REGIONAL NSW AND STRONGER COMMUNITIES

#### Membership

**The PRESIDENT:** I inform the House that on Monday 20 June 2022 the Clerk received from Ms Cate Faehrmann her resignation of membership of the committee. The Clerk has sought nominations from the crossbench to fill the vacancy.

### PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

#### Membership

**The PRESIDENT:** I inform the House that on Monday 20 June 2022 the Clerk received from Ms Cate Faehrmann her resignation of membership of the committee. The Clerk has sought nominations from the crossbench to fill the vacancy.

### PORTFOLIO COMMITTEE NO. 3 - EDUCATION

#### Reference

**The Hon. MARK LATHAM:** According to paragraph 5 of the resolution establishing the portfolio committees, I inform the House that on Wednesday 15 June 2022 Portfolio Committee No. 3 - Education resolved to adopt the following terms of reference:

#### Teacher shortages in New South Wales

- (1) That Portfolio Committee No.3 - Education inquire into and report on teacher shortages in New South Wales, and in particular:
  - (a) current teacher shortages in New South Wales schools;
  - (b) future teacher supply and demand;
  - (c) out-of-area teaching, merged classes and minimal supervision in New South Wales schools;
  - (d) the NSW Teacher Supply Strategy;
  - (e) teaching workforce conditions;
  - (f) initial teacher education;
  - (g) impacts related to COVID-19, including the impact of government responses such as remote teaching and safety restrictions;

- (h) the impact of workplace mandates;
  - (i) the status of the teaching profession;
  - (j) the impacts of the staffing agreement on the ability of principals to effectively staff schools and manage performance;
  - (k) the administrative burden for principals associated with recruiting for and appointing roles;
  - (l) the impact of central appointments prioritisation for teaching and principal roles;
  - (m) support for principals to effectively staff schools above base allocation;
  - (n) the impacts of incentives and the transfer point system on regional shortages;
  - (o) the approval to teach process in New South Wales;
  - (p) the impact of casualisation, temporary contracts and job insecurity;
  - (q) the measurement of staff turnover particularly in regard to temporary staff; and
  - (r) any other related matter.
- (2) That the committee report by 8 November 2022.

## PORTFOLIO COMMITTEE NO. 6 - TRANSPORT

### Extension of Reporting Date

**Ms ABIGAIL BOYD:** According to paragraph 5 of the resolution establishing the portfolio committees, I inform the House that on Friday 10 June 2022 the committee resolved to further extend the reporting date for its inquiry into the acquisition of land in relation to major transport projects to Friday 12 August 2022.

### *Business of the House*

## BROADCAST OF PROCEEDINGS

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:21):** I move:

That the resolution of continuing effect authorising the broadcast of proceedings be amended to insert after paragraph (1) (d):

"(e) by live-captioning."

A similar motion was moved in the other place in relation to live captioning all broadcast proceedings. The Speaker was at pains to say how historic that is for the Parliament. He said it is the first Parliament in the world to adopt the practice of live captioning the proceedings of both Houses of Parliament. This important amendment makes the Parliament and the business of this House much more accessible to a wide range of people, certainly those people with hearing impairments and other disabilities. They may find the live captioning of proceedings of both Houses an enhancement for them. Any enhancement that this place can make to the accessibility of both Houses of Parliament is welcome progress. I commend the motion to the House.

**The Hon. PENNY SHARPE (15:23):** I thank the Government for bringing forward the motion. It is a very important step forward for accessibility. More people can now understand what is going on in this place as we discuss issues and make decisions on behalf of the people who elect us. I will make two further points. First, due to COVID we understand more than ever the importance of Auslan interpretation to ensure that parliamentary proceedings are accessible to all. I note the Procedure Committee is looking at Auslan interpretation, which members of this side of the House welcome. During COVID the Government used Auslan interpreters at its press conferences to provide very important information to the public.

The deaf community really values that and continues to call for Auslan interpretation in many more announcements as well as the regular business of Parliament. They have also said the same to the new Federal Government. The new Prime Minister, Anthony Albanese, has used Auslan interpreters for some but not all of his press conferences. I did not want to let the chance pass to call on all governments to increase the use of Auslan interpreters. Secondly, captioning is extremely welcome. I am very glad it has been enabled, though I am not sure we are the first jurisdiction to provide captions for broadcast parliamentary proceedings. I am pretty certain other jurisdictions have already done so.

**The Hon. Damien Tudehope:** That is what was said.

**The Hon. PENNY SHARPE:** The Minister may have been misadvised. I know that members share the view that captioning does not replace the work of Hansard, nor of accurately reporting the proceedings of this place. Members on this side of the House continue to raise that through the various forums. I know there is no attempt to replace Hansard with captioning, but we warn the Government that we do not want that to occur because that would be very significantly resisted.

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

**Motion agreed to.**

*Announcements*

**LIVE CAPTIONING**

**The PRESIDENT (15:26):** A number of initiatives are underway to make parliamentary proceedings more accessible and for the community to better engage with the work we all do. Members will be aware of the new capacity to accept ePetitions and the video clipping tool, Parliament on Demand, which many members and their staff are now using very successfully. I am pleased to announce the latest improvement, as today we launch a live captioning service for committee and Chamber proceedings. Live captioning will enable more people to access and understand the work of the Parliament by watching the proceedings with subtitles in real time. The captions are available via the live stream on the Parliament's website, so anyone in New South Wales or beyond can view the text.

All members' offices have had new digital television screens installed to view the Parliament's broadcast with the capacity to display captioning. These new screens will soon be installed in the public areas of the parliamentary precinct, where the captions will be visible for visitors to Parliament House. The Parliament of New South Wales is the first State or Territory Parliament to offer the service, and I thank the Department of Parliamentary Services for delivering on this enhancement. It is long overdue and it will be very well received. The Parliament is continuously working to improve access on all fronts for people with disability. The Parliament's first Disability Inclusion Action Plan has been introduced, enabling everyone in our community to actively engage with and participate in our State Parliament.

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: CENSURE**

**Ms CATE FAEHRMANN (15:27):** I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith for censure of the Leader of the Government for failure to produce documents in accordance with orders of the House.

Mr President, this is urgent, and I encourage all members of the House to recognise the need to debate the motion forthwith.

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

**Motion agreed to.**

*Documents*

**DUNGOWAN DAM AND WYANGALA DAM**

**Censure of Leader of the Government**

**Ms CATE FAEHRMANN (15:28):** I move:

- (1) That this House notes that:
  - (a) on Wednesday 5 August 2020, this House ordered the production of any draft business case and the final business case for Dungowan Dam and Wyangala Dam, as well as various other documents relating to dam infrastructure projects;
  - (b) on Wednesday 18 November 2020, this House ordered the production of all draft business cases and the final business case for Dungowan Dam and Wyangala Dam, as well as various other documents relating to dam infrastructure projects;
  - (c) on Wednesday 23 June 2021, this House ordered the production of all draft business cases and all final business cases for Dungowan Dam and Wyangala Dam, as well as various other documents relating to dam infrastructure projects;
  - (d) in response to the 5 August 2020, 18 November 2020 and 23 June 2021 orders, respective certification letters, from the bodies and Ministers subject to the orders, were received which indicated that either all documents held and covered by the terms of the resolution and that are lawfully required to be provided have been provided, or that no documents are held, but the documents returned to the orders did not include any draft or final business cases for Dungowan and Wyangala dams;
  - (e) on Wednesday 23 February 2022, this House ordered the production of the latest draft or final business cases for the Dungowan Dam and Wyangala Dam (part 1 of the resolution), as well as various other documents relating to dam business cases and floodplain harvesting (part 2 of the resolution);
  - (f) on Thursday 3 March 2022 correspondence was received in respect of part 1 of the resolution concerning the latest draft or final business cases for the Dungowan Dam and Wyangala Dam from the Secretary, Department of Premier

and Cabinet which stated "that, to the best of their knowledge, no documents are held that are covered by the terms ... of the resolution and are lawfully required to be provided" by the Minister for Lands and Water, and Minister for Hospitality and Racing, Department of Planning and Environment, Infrastructure NSW, Water NSW or Department of Enterprise, Investment and Trade;

- (g) a *Northern Daily Leader* article entitled "State government won't release 'commercial-in-confidence' Dungowan Dam business case, despite parliamentary order", dated 9 March 2022, stated that the government is "claiming the business case is out of scope of the order because it contains Cabinet and commercially sensitive information";
- (h) on Wednesday 11 May 2022, this House in a further order:
  - (i) reasserted its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*;
  - (ii) rejected the definition of Cabinet documents used in the Government Information (Public Access) Act 2009 which if followed may lead to a much broader class of documents being withheld from the House;
  - (iii) further ordered the production of the documents ordered previously, including the latest draft or final business cases for Dungowan Dam and Wyangala Dam; and
  - (iv) resolved that, should the Leader of the Government fail to table the documents in compliance with this resolution, it would be matter for this House to take necessary actions and further steps to address the issue of continued noncompliance.
- (i) on Monday 16 May 2022:
  - (i) the Clerk received from the Secretary of the Department of Premier and Cabinet a return that did not include the draft or final business cases for Dungowan and Wyangala dams;
  - (ii) the certification letter from the Minister for Lands and Water, Minister for Hospitality and Racing, stated "no documents covered by [the] resolution and lawfully required to be provided are held by the Minister"; and
  - (iii) the certification letters from the Department of Planning and Environment, Department of Enterprise, Investment and Trade, and Water NSW, stated that "that all documents held and covered by the terms of the resolution and that are lawfully required to be provided have been provided", and the certification letter from Infrastructure NSW stated "no documents covered by the terms of the resolution and lawfully required to be provided are held".
- (2) That this House:
  - (a) notes the continued failure of the Government to fully comply with orders of the House regarding the draft and final business cases for Dungowan Dam and Wyangala Dam and to produce all documents necessary for this House to undertake its function of scrutinising the Executive Government; and
  - (b) accordingly censures the Leader of the Government, as the representative of the Government in this House, for the Government's failure to comply with the resolutions of the House of Wednesday 5 August 2020, Wednesday 18 November 2020, Wednesday 23 June 2021, Wednesday 23 February 2022, and Wednesday 11 May 2022.
- (3) That this House calls upon the Leader of the Government to table in the House, or deliver to the Clerk, by 9.30 a.m. on the next sitting day, the latest draft or final business cases for Dungowan Dam and Wyangala Dam as ordered by resolution of this House on Wednesday 5 August 2020, Wednesday 18 November 2020, Wednesday 23 June 2021, Wednesday 23 February 2022, and Wednesday 11 May 2022.
- (4) That:
  - (a) should the Leader of the Government fail to table the documents ordered in this resolution, this House orders the Leader of the Government to attend in his place at the table at the conclusion of prayers on the day following the passing of this resolution to explain his reasons for continued noncompliance; and
  - (b) this House notes that, in the event of continued failure to comply with this further order, it is open to the House to immediately adjudge the Leader of the Government guilty of contempt and to suspend the Leader of the Government from the service of this House.

This House has now made six orders for papers for draft or final business cases for the Government's proposed dam projects, including raising the Wyangala Dam wall and the proposed Dungowan Dam. Not once has this Government returned anything remotely resembling a draft or final business case. On 23 February the House once again ordered the production of the latest draft or final business case for these projects. The Department of Premier and Cabinet responded to that order for documents on 3 March 2022, stating that there were no documents in its possession that were covered by the terms of the resolution and that were lawfully required to be provided. That was despite the water Minister, Kevin Anderson, having announced on 2 February in the *Northern Daily Leader* that a business case for Dungowan had finally been completed and would be sent to Infrastructure NSW and Infrastructure Australia.

It was only in an article published in the *Northern Daily Leader* on 9 March 2022 that the Government clarified it had not provided the business cases because it considered them to contain Cabinet and commercially sensitive information. The audacity of this Government, in its quest to avoid accountability, that it could not clarify in its response to the House its reasoning for withholding those documents and that this House had to rely on

media reports for further clarification. On 11 May I again moved for an order calling on the Government to provide the business papers within two days. Once again, the Government failed to comply with the order of the House.

I have been left with no choice but to bring forward this motion to censure the Leader of the Government. In his speech in relation to the previous order on 11 May, the Leader of the Government in this House made the incorrect assertion that providing these business cases to the House would reveal the deliberations of Cabinet—quoting the Premier's memorandum M2006-8 entitled "Maintaining Confidentiality of Cabinet Documents and other Cabinet Conventions", which stated:

The unauthorised and/or premature disclosure of Cabinet documents, including draft Cabinet documents (such as draft Cabinet minutes), undermines collective ministerial responsibility.

It is well established that this House takes the view of Chief Justice Spigelman in *Egan v Chadwick*, who drew a distinction between documents that either directly or indirectly disclose the actual deliberations within Cabinet and those which are described as Cabinet documents but which are in the nature of reports or submissions prepared for the assistance of Cabinet. The documents sought in this order are not Cabinet minutes nor a record of Cabinet deliberations. They are business cases developed to inform an investment decision on behalf of the taxpayers of this State. The business cases for these dams have not been produced solely to inform Cabinet but also to comply with the State's infrastructure development guidelines and *Infrastructure Investor Assurance Framework*.

The actions of this Government to withhold these business cases is a concerted effort on the part of the Executive to withhold sensitive State papers from parliamentary scrutiny and public exposure. Since 2018 the actions of this Government have resulted in the Leader of the Government in this House being censured eight times for failing to table documents ordered by this House. The trend in each of those has been the Government attempting to withhold documents relating to major infrastructure projects, including Sydney stadiums, the relocation of the Powerhouse Museum, the Stronger Communities Fund and the Parramatta Light Rail project.

The House cannot even access the independent arbitration process to assess the Government's claims of Cabinet privilege because it is denied access to the documents. The House has no way of knowing if the Government's claims relate to true Cabinet documents or a wider class of documents that should not attract immunity. It is integral we get access to these business cases because the Government has kept the decision-making process surrounding the dam projects shrouded in secrecy. The Dungowan Dam was a promise made by Barnaby Joyce ahead of the 2016 Federal election.

Raising the Wyangala Dam wall was announced by the NSW Nationals ahead of the 2019 State election. The projects were announced by National Party members with no evidential basis, no economic rationale and no rigorous selection process. In October 2019 the former Federal Government, under Scott Morrison and Barnaby Joyce, committed to fifty-fifty funding of the dam projects. I note that the budget papers today had a note especially to say that the Dungowan Dam project is still reliant on that fifty-fifty funding. We will see how that goes. The Productivity Commission's draft report on national water reform highlighted the decision-making around the Dungowan Dam as flawed and found that the Government had not considered non-infrastructure options. This month Infrastructure NSW released its State Infrastructure Strategy 2022-2042, calling on the New South Wales Government to reconsider the timing and need for a number of major projects, including the Wyangala and Dungowan dam projects. The strategy states:

... the dam proposals should be re-evaluated alongside alternatives. Alternative options, including rainfall-independent water supply options, should be exhaustively pursued given the likelihood of their cost and delivery times increasing beyond reasonable expectations and potential for environmental, social and cultural impacts. Options analysis should include baskets of options as well as single source solutions.

Bear in mind that Infrastructure NSW is one of the few organisations to have apparently seen the business case for the Dungowan Dam, and that is what it says about the project. Every piece of public evidence points to the dams being duds. Therefore, it is unacceptable that the Government thinks it does not need to economically justify the billions of dollars that the Dungowan and Wyangala dam projects will cost. Holding the Executive to account is the duty of the House, and the Executive in this State has in every way attempted to remain unaccountable for the decisions it is making behind closed doors about the dams. Throughout a nine-month parliamentary inquiry and numerous budget estimates hearings, whenever the water Minister and their officials were pressed on the gaping flaws in their proposed dam infrastructure projects, they failed to provide any compelling evidence in favour of their construction.

Instead, they repeatedly said, "Don't worry, it will all be dealt with in the business case." Those are the same business cases that the Government is fighting tooth and nail to keep secret. When it comes to decisions made on taxpayers' money for the benefit of the people of New South Wales, we cannot be told with a straight face that the community should accept that billions of dollars of its money will be spent constructing dams that every piece of evidence and nearly every credible expert indicate are shocking projects. The dam projects are not just a misuse of taxpayers money, they are a lost opportunity to actually ensure water security for regional New

South Wales. It is criminal that on one of the driest continents on earth, which is only getting drier thanks to climate change, where towns west of the Great Dividing Range face the prospect of one day running completely dry, major water infrastructure investment decisions are allowed to be decided in the manner that they have been by the Government.

The little information we have about the dams has been provided almost entirely through orders for the production of documents and the media. The Government refuses to be held accountable and to appropriately justify its investment decisions to the public. That process must be brought out of the shadows and into the light and that is what my motion attempts to do. Orders for the production of documents are in the public interest. It is regrettable that the House is once again in the position of censuring the Leader of the Government. If the Government fails to comply once again with my order for the production of documents, then the next step will have to be to bring forward a contempt motion. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:43):** I move:

That the question be amended by omitting "on the next sitting day" in paragraph (3) and inserting instead "Tuesday 9 August 2022".

The advice given to me is that even if I wanted to release the documents and had them and they were all available, they would not be available in a reasonable time. For the purposes of facing ejection from the House or other appropriate attacks on my person, it is more appropriate that there be a reasonable period before that sanction is potentially adopted by members. I seek Ms Cate Faehrmann's indulgence to move the date to table the documents in the House to 9 August 2022, which is the first sitting day after this budget session. I am sure she will address that issue.

With respect to the substance of the motion, it reminds me of a concept called semantic satiation where, because I have had to deal with the issue so many times, I keep saying the same things over and over again. The mere assertion that Ms Cate Faehrmann is entitled to the documents does not make it so. She can assert and make a reasonable case as to why she would want to see them, but the rationale that underpins the obligation on the Government and the relevant Minister to produce the documents is not necessarily the argument made out by the member. I completely understand the member's desire to see the documents and I even accept the rationale of the premise she relies upon, but that does not necessarily give rise to the obligation of the Government to produce them.

The Government opposes the motion. I will not repeat everything I have said on previous occasions because that would fit into the category of semantic satiation. However, I will again make some reasonable points with regard to motions of the nature where documents like those in the motion are sought to be produced to the House. I have said this before: The Government respects the authority of the House to make orders to compel Government Ministers and agencies to produce documents. That is unequivocal. The Government acknowledges its obligation to comply with the orders, despite the significant resources and costs that are often imposed as a result. There has been much debate in this place about the cost of the number of orders that have sought to be complied with and the amount of resources that individual agencies now devote to producing documents to this House.

However, the underpinning rationale of the obligation to produce documents was looked at by the Court of Appeal in *Egan v Chadwick*, as Ms Cate Faehrmann alluded to, which determined that the House's power to compel the production of documents does not extend to Cabinet information. The motion alleges that the Government is not applying the correct rule set out by the court in *Egan v Chadwick* and is instead relying on the much broader definition of Cabinet information set out in the Government Information (Public Access) Act 2009, even though that Act does not apply to orders for papers by the Legislative Council. I suggest that the more appropriate test is the one set out in *Egan v Chadwick*.

The Government maintains the view, consistent with the court's decision in *Egan v Chadwick*—and I pay my respects to the Hon. Virginia Chadwick, who gazes down upon us—that this House does not have the power to require the production of documents if their production would undermine collective ministerial responsibility for government decisions. This includes documents that directly or indirectly reveal the deliberations of Cabinet and any other Cabinet documents that would, if they were disclosed, undermine collective ministerial responsibility for government decisions by revealing the position that a Minister has taken on a matter in Cabinet. Accordingly, even if otherwise covered by the terms of the order Cabinet documents are neither identified nor produced in response to an order, this Government, like successive governments before it, recognises and respects the importance of Cabinet confidentiality to a system of responsible government.

I know the member takes issue with Premier's Memorandum M2006-08 and asserts that I wrongly relied upon it. However, the memorandum provides for "Maintaining Confidentiality of Cabinet Documents and other Cabinet Conventions", and states:

... a convention at the core of the Cabinet system of government is the collective responsibility of Ministers for government decisions. Ministers are collectively responsible for all Cabinet decisions and must publicly support them, even if they do not personally agree with them.

**The Hon. Penny Sharpe:** How's that going for you?

**The Hon. DAMIEN TUDEHOPE:** Not good. The memorandum continues:

The unauthorised and/or premature disclosure of Cabinet documents, including draft Cabinet documents (such as draft Cabinet minutes), undermines collective ministerial responsibility. It also undermines the convention of Cabinet confidentiality. It is accordingly essential that the confidentiality of Cabinet documents, including draft Cabinet documents, is maintained to enable full and frank discussions to be had prior to Cabinet making its decision.

As I have noted before, this memorandum was issued by the former government in 2006, and its operation has been continued by this Government. All government agencies are required to comply with this memorandum, and they have since it was issued by the former government in 2006. It is not appropriate for the House to censure me for not providing documents that the House does not have the power to compel me to produce. I also note that today's motion now provides until 9.30 a.m. on the day following the passage of the motion for the Executive to respond. I have already indicated my concern with that time frame. I would hate to be deprived from introducing the budget bills, which would be the result.

In the circumstances, I urge members not to support this motion. Notwithstanding that the member makes a very cogent case as to why she wants to see the documents, I urge upon her that her desire to see them does not make her right. Notwithstanding that the documents may have all sorts of information in them that she wants to see, important principles are at play here and this House should respect those principles. I urge all members to respect the principles around the constraints which should and must exist on the production of Cabinet documents and which are not usurped by Standing Order 52.

**The Hon. ROSE JACKSON (15:53):** I indicate that I will move an amendment to the motion moved by Ms Cate Faehrmann that goes to a similar matter to the amendment of the Minister. I move:

That the question be amended by omitting "on the next sitting day" in paragraph (3) and inserting instead "Tuesday 28 June 2022".

For the avoidance of doubt, that is a week from today. I appreciate the Minister's reference to semantic satiation, although if that was a reason for people not to speak in Parliament we would get through our business very quickly. Some of my comments will cover comments that have already been made, but the motion is important because censuring the Leader of the Government is a significant step to take. It is not one that members take lightly, but it is one that is necessary when a situation like this arises. What has really gone on is pretty obvious. Motion after motion has been moved, seeking the business cases relating to dam projects. Those business cases have been the subject of public discussion in the media, in budget estimates hearings and in the Parliament. We all know they exist and that they are informing the deliberations of the Government on these projects, and we want to see them.

The Minister rightly says that just because we want to see them doesn't mean they are required to produce them. But there are significant points of difference that Ms Cate Faehrmann referred to—and which Justice Spigelman articulated—between the different documents that go before the Cabinet. We are not seeking the minutes of the Cabinet, the deliberations where the Minister for Finance presumably says, "This is a complete and utter waste of money." I do not know whether he said that or not. To be fair, it is not right that we would know whether he said that or not, because he should be able to say that knowing that those kinds of comments are protected by Cabinet confidentiality. All Ministers should be able to have a discussion amongst themselves about what they think taxpayer money should be spent on without worrying that it turns up in the newspaper the next day. The biggest problem with that has certainly not been from orders for papers from this House; it has been, somehow or other, from another source of information outside the Cabinet. I do not know what that source is.

The point remains that Justice Spigelman said the court, rightly, stated that those deliberations should be confidential. The Opposition and I want them to be confidential. I want people to be able to speak freely. But documents, business cases, reports—the folders that comprise the Cabinet agenda that we see with Ministers are big. A lot of information is rightly provided to the Cabinet. Not all of that goes in the slightest way to the deliberations of the Cabinet, and the business cases that this motion refers to are in that category. I accept that they inform the decisions of Cabinet and that the Cabinet has looked at them, but they also rightly should inform the discussions and deliberations of the general public. They should inform the Cabinet but they should inform us too. It is not fair and not right that billions of dollars of taxpayer money would be considered to be spent without the public—this House—having the opportunity to see the basis on which those decisions were made. For those reasons, it is right that when a call for papers relating to these documents is made that they are provided to the House.

Some of the arguments from State and Federal Ministers relating to these business cases have not filled us with confidence. When former Deputy Prime Minister Barnaby Joyce was asked about the business cases and

whether they justify the investment, he essentially said, "I don't even care what's in the business cases." That does not fill us with confidence. When the former water Minister, Minister Pavey, was asked why these projects were delayed and what the delays were, she simply said, "Because." That was it, end of contribution. When Opposition members see those answers, they do not fill us with confidence. When the Opposition asked the current water Minister, Minister Anderson, questions about these projects in budget estimates hearings, literally every question, issue, objection and matter that we raised was answered with, "That's dealt with in the business case." That is convenient for him to say, considering that presumably he has the business case—and I really hope he has read it—but it does not fill us with confidence when we are trying to make an assessment about the validity of these projects that access to the business case is completely constrained.

We know why the business case is being hidden. It is not because it reveals the deliberations of Cabinet; it is because it is not good. It does not paint a pretty picture of the value of these investments, which is what the Productivity Commission, the parliamentary inquiry and Infrastructure NSW said. We know that, but it is on the Government to make the case. If it wants to spend the money, fine—in a way, good. Give us the business case and argue why. Despite the fact that the Government will articulate that these projects are not good projects, it wants to make the investments anyway.

That is its job. It is the Government's job to decide what investments to make, get the business case together, show it to the public and then argue that case. If it cannot do that and if it is incapable of providing the information and then arguing the case, it is not unreasonable that we would seek to take action such as censure. That is not unreasonable if it cannot do that basic work. Yes, the principles of Cabinet confidentiality are important, but so are the principles of the accountability of taxpayer money. Those are the principles that are got to when the Government refuses to release business cases for projects. We know that the business case will argue they do not stack up. It is regrettable that the Minister for Finance is the target of this motion, in a way. I am sure that he would have something to say about those projects if there was an open and honest conversation.

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

*Visitors*

#### VISITORS

**The PRESIDENT:** Before I call for questions, I welcome to my gallery this afternoon Mr Glen Crump, chair of the Moree Aboriginal Education Consultative Group, who is here as a guest of Ms Sue Higginson. I also have the pleasure of welcoming Charlotte Walker-Broose, a work experience student in year 10, who is working in the office of Minister Taylor. I hope you both enjoy question time. Welcome.

*Questions Without Notice*

#### STATE BUDGET AND CREDIT RATING

**The Hon. PENNY SHARPE (16:00):** My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given that the budget has delivered \$182.2 billion in gross debt for 2025-26—a record 21.8 per cent of gross State product, up from the 5.1 per cent he inherited when he first took office—and that credit rating agencies have put New South Wales on watch for a downgrade, when will the State get its triple-A credit rating back?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:01):** Wasn't it a great budget! This budget has demonstrated the paucity of vision of those opposite for the future of New South Wales.

**The Hon. Penny Sharpe:** I'm listening to your preamble.

**The Hon. DAMIEN TUDEHOPE:** This is the preamble. This budget has delivered a vision for New South Wales and the people of New South Wales.

**The Hon. Penny Sharpe:** Point of order: I like Ministers to be directly relevant in their answers to questions asked, not give the answers that they would like to provide. There are Dorothy Dixers for that. My point of order relates to direct relevance.

**The Hon. DAMIEN TUDEHOPE:** To the point of order: I am being directly relevant. The question was about the budget and getting back to a triple-A credit rating. All of this is relevant to getting back to a triple-A credit rating because it is underpinned by the way the community, the business community and the credit rating agencies will view the performance of this Government. All of this is relevant. It may not be the answer that the Leader of the Opposition wants. She wants a different answer.

**The PRESIDENT:** Order! I have got the drift.

**The Hon. DAMIEN TUDEHOPE:** This is an important decision. When considering direct relevance, it does not affect what the member wants to hear; it goes to a wider consideration about what underpins the question. The question is motivated by the revelation in the budget about debt levels and getting back to a triple-A credit rating. That cannot be considered without a proper consideration of the budget in its entirety.

**The PRESIDENT:** The Minister will resume his seat. That is an interesting explanation of direct relevance but, quite frankly, the Minister is missing the point. I have made it very clear in relation to direct relevance that members and Ministers are required to go directly to the point of the question, without ambiguity. I am happy to entertain some preamble to contextualise the question because that can be useful in some cases. Opposition and crossbench members would be happy to hear that for a time—indeed, I leave it to their discretion because often it is quite useful in the context of the question.

However, on matters of direct relevance, I ask that the Minister, after a short preamble, come to the nub of the question. In this case it is about credit rating agencies and when New South Wales will get back its triple-A credit rating. That is the nub of the question and the context is the introductory part of the question. The Minister will be directly relevant.

**The Hon. DAMIEN TUDEHOPE:** The answer to this question cannot be isolated without considering the budget as a whole. The credit rating agencies will, in fact, examine the budget as a whole to make a determination about the credit rating. To the extent that the question asks when we will return to a triple-A rating, I say to the member: Look at the budget as a whole. Look at the way this Government is addressing its responsibility to get back to a surplus. It might have eluded those opposite that the budget has within it a proposal to get back to a surplus. That is a consideration of the budget as a whole and how credit rating agencies will look at opportunities to restore a triple-A credit rating. The Government takes into account increased revenues and increased productivity for the purposes of determining a credit rating. Today the shadow Treasurer criticised government proposals including stamp duty reform—something that the credit agencies—

**The Hon. Penny Sharpe:** Point of order: My point of order relates to direct relevance. The question is about gross State product and when New South Wales will get back its triple-A credit rating. If the Minister wants to attack the shadow Treasurer I am sure there will be a dixer to do that. But I ask him to provide us with an answer to the question that was asked.

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

**The Hon. DAMIEN TUDEHOPE:** To the point of order—

**The PRESIDENT:** I have upheld the point of order. The Minister will respond or resume his seat.

**The Hon. DAMIEN TUDEHOPE:** It is extraordinary that issues relating to the return of the triple-A credit rating do not relate to aspects of the budget and policy decisions that the Government will make. The member raised the issue of gross State product. I ask those opposite whether they have looked at the performance of New South Wales—

**The Hon. John Graham:** Point of order: My point of order relates to direct relevance. It is not up to the Leader of the Government to ask questions of the Opposition. It is a very specific question. In fact, I direct the Leader of the Government to page E - 1 of the budget that refers specifically to this matter.

**The PRESIDENT:** That is not a point of order. I encourage the Minister again to be directly relevant or simply to resume his seat. The Minister has the call, if he wishes.

**The Hon. DAMIEN TUDEHOPE:** Queensland and Victoria, for example, are States that are heading for downgrades in their credit rating because they have no plans at all. In comparison, New South Wales has plans that are properly identified in the budget. [*Time expired.*]

**The Hon. PENNY SHARPE (16:08):** I ask a supplementary question. I am loath to do this but it needs to be asked. Will the Minister elucidate his answer about when New South Wales will get back its triple-A credit rating? Will he confirm that it suggests on page E - 1 of the budget papers that it might be later this decade or beyond?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:09):** I thank the member for the supplementary question because it allows me to talk about the triple-A credit rating we currently have. In fact, New South Wales is rated triple-A by Moody's and by Fitch Ratings, with both confirming their rating in the second half of 2021.

[*An Opposition member interjected.*]

Didn't you know that? Surprise! New South Wales is the only Australian State to hold two triple-A credit ratings. Oh dear, we forgot that. New South Wales is rated double-A plus by S&P—the same as every other State.

**The PRESIDENT:** Order! The Minister is responding to the question asked and is being directly relevant. Repetitive interjections from Opposition members are not helpful. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The 2021-22 half-yearly review supported the credit rating. To help support the State's credit rating and rebuild fiscal capacity to respond to future economic shocks, the Government is aiming to bring net debt to gross State product below 7 per cent over the medium term.

**The Hon. Daniel Mookhey:** That was six months ago. Get to the point about the budget today.

**The Hon. DAMIEN TUDEHOPE:** You do not want me to talk about the budget.

**The Hon. Daniel Mookhey:** Talk about the budget.

**The Hon. DAMIEN TUDEHOPE:** As soon as I start talking about the budget, and your response to the budget, you do not want me to talk about it.

**The PRESIDENT:** Order! That exchange is a case in point. It is quite illustrative. There was an interjection, a response to an interjection, a further interjection and then the temperature rose. Members will stop making continual interjections. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** S&P has introduced biannual credit ratings assessments for all Australian States and the Australian Capital Territory. In April 2022, which was not six months ago, S&P reaffirmed New South Wales at double-A plus, noting expectations of a reasonably quick return to cash operating surplus. What is this budget—

**The PRESIDENT:** I call the Hon. Daniel Mookhey to order for the first time.

**The Hon. DAMIEN TUDEHOPE:** What does the budget predict? A surplus in 2024-25. Members opposite did not expect that, did they? [*Time expired.*]

**The Hon. MARK LATHAM (16:11):** I ask a second supplementary question. Given that the loss of the S&P triple-A credit rating adds a cost premium to interest rates in servicing the ballooning \$182 billion gross debt, what does the budget say about the cost of that premium to the budget and ultimately to the taxpayers of New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:12):** If the member were listening, he would say—

**The Hon. John Graham:** I think he was listening.

**The PRESIDENT:** Order! The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** It just encourages me to respond.

**The PRESIDENT:** I know it does. Please resist the temptation.

**The Hon. Sarah Mitchell:** How disorderly.

**The Hon. DAMIEN TUDEHOPE:** It is so disorderly; it encourages me to respond. In relation to recovering the triple-A credit rating and dealing with interest repayments incurred as a result of a reduction in triple-A ratings, the member should look to the plan for dealing with that, which is encompassed in how we are returning to surplus.

**The Hon. Daniel Mookhey:** That's the problem. You will have an \$11 billion deficit increase next year.

**The Hon. DAMIEN TUDEHOPE:** Mate, stamp duty reform is a good reform.

**The Hon. Mark Latham:** Point of order: My point of order relates to direct relevance. I did not ask about stamp duty reform. I asked what the cost is to the taxpayer in the budget of losing the triple-A credit rating, with the increased interest payments to service the massive debt.

**The PRESIDENT:** The point of order is on direct relevance. The Minister will answer the question.

**The Hon. DAMIEN TUDEHOPE:** The ability to service debt is encompassed by the plan set out in the budget for a progressive vision for this State—for increasing the productivity of our workforce by increasing the opportunity for taxation reform and by engaging in proper wage policy. All those things play into a circumstance where the triple-A credit rating will be returned to the people of this State.

### STATE BUDGET AND COST OF LIVING

**The Hon. LOU AMATO (16:13):** My question is addressed to the Minister for Finance. How is the New South Wales Government helping workers, families and businesses through cost-of-living measures in the 2022-23 budget?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:14):** I thank the member for his question. It gives me an opportunity to talk about things that those opposite could only dream about. We have never heard a cost-of-living suggestion by members opposite regarding any policy provision. What have they offered us?

**The Hon. Sarah Mitchell:** Nothing.

**The Hon. DAMIEN TUDEHOPE:** No, they have a policy. They are going to put charging stations at railway stations. That is the only policy they have ever announced. They should listen up, because I am going to talk about opportunities to ease the cost of living. The New South Wales Government is committed to helping workers, families and businesses participate in the economy of this great State as we move forward to a better and brighter future. One important means to achieve that is to use targeted cost-of-living measures, which are available to all the people of this State.

With inflation putting pressure on the cost of living for New South Wales households, enhancing cost-of-living measures is a key strategic priority for the 2022-23 budget. In 2022-23 more than \$7.2 billion in about 125 targeted cost-of-living measures will be available to households. I know that the shadow Treasurer has criticised the series of exciting budget announcements leading up to today's budget as a cash splash. Perhaps on Thursday we will learn which of these great cost-of-living measures Labor wants to cancel. That will be a test for them, won't it? They can tell us which ones they are going to cancel.

**The Hon. Daniel Mookhey:** I promise you we'll tell you.

**The Hon. DAMIEN TUDEHOPE:** I bet. In the 2022-23 budget the New South Wales Government is investing an additional \$2.2 billion over the next four years in new cost-of-living measures, including \$193 million for a one-off \$150 back-to-school subsidy for every child undertaking primary or secondary school in 2023. It is a fantastic initiative. An additional \$50 million over five years will go to the Energy Bill Buster program. There will be \$520 million over two years to deliver a new broad-based toll rebate scheme, \$1.3 billion for the Brighter Beginnings affordable preschool initiative, \$98 million for the \$250 prepaid regional apprentice and university travel card, and \$775 million over four years to establish affordable and accessible childcare. In 2023 the New South Wales Government will also provide \$5.2 billion across 120 tax and non-tax exemptions and concessions. This is a Government that has all the people of New South Wales at its heart, not just the few that members opposite represent.

### STATE BUDGET AND METROPOLITAN ROADS

**The Hon. JOHN GRAHAM (16:17):** My question without notice is directed to the Minister for Metropolitan Roads. What is the Minister's response to community concerns that the Government's budget shows a splurge on spending on toll roads, like the Western Harbour Tunnel, while at the same time shows cuts to local road spending across western Sydney in places like Appin, Kellyville, Menangle Park, Horsley Park and Badgerys Creek and to road corridor preservation right across western Sydney?

**The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:18):** I am very happy to talk about that. I thank the member for his ongoing interest in the Perrottet Government's \$110 billion infrastructure pipeline, a significant component of which is our roads. This Government is delivering city-changing roads infrastructure that will reduce congestion and create jobs across New South Wales. That is what we do. We build large infrastructure to get people where they need to go quickly, reliably and efficiently, and to get them to and from jobs and home to their families.

Right across the State, the New South Wales Government is delivering improved services, new and innovative connections and important road projects that will transform the future of mobility. In metropolitan Sydney, game-changing projects, such as those that the honourable member mentioned—the Western Harbour Tunnel, Beaches Link, WestConnex and the Sydney Gateway—are creating jobs and delivering economic benefits to the local communities in each of those areas. I thank the honourable member for his question because I can highlight that this budget set the Transport cluster budget at a record \$39.8 billion.

**The Hon. John Graham:** Point of order: My point of order goes to direct relevance. I asked about specific Sydney suburbs where this road spending is being cut. Will the Minister answer that question?

**The PRESIDENT:** The question is broad and gives examples of splurges and roads that have been cut in quite wide areas of Sydney, so it gives the Minister a wide licence to respond. However, the response should be in the context of where spending is increasing or where cuts are being implemented. The Minister has the call.

**The Hon. NATALIE WARD:** As I was just addressing, in this budget the Transport cluster has been allocated a record \$39.8 billion budget. The total infrastructure spend over the next four years is a record \$76.7 million. To continue delivering our track record of major infrastructure, we have included the WestConnex, which was opposed by Labor; the M4-M5 Link opening up—

**The Hon. Sarah Mitchell:** Point of order: Members opposite took a recent point of order on direct relevance. The Minister is answering the question, yet they continue to interject so she cannot answer it properly for the Chamber to hear her answer. They need to listen to the answer that the Minister is giving and be polite.

**The PRESIDENT:** I uphold the point of order. I warn Opposition members, particularly the Hon. Walt Secord. The Minister has the call.

**The Hon. NATALIE WARD:** It is important that we are clear about this and that I inform the House of the work that is being undertaken because it is critical to New South Wales and to our pathway to securing a brighter future. We are looking at not only this generation but also the next generation. That work includes the M12, a joint Coalition investment to connect the new Western Sydney Airport with western Sydney; and the M6 stage one, which was opposed by Labor—yet another road that Labor thinks should not be built for people in that area. Talking of local areas and local communities who deserve that infrastructure, we are building for them, having listened to them and what they need.

Our cluster budget is \$4.3 billion, or 12.1 per cent more than our budget last year, including \$1.7 billion more for recurrent expenditure and \$2.6 billion more for capital expenditure. This budget absolutely commits to the future of those communities. We are committed to getting people to where they need to go reliably and efficiently, getting them out of that traffic and back home to their families or getting small businesses and tradies across to more jobs more quickly and efficiently and, again, home to their families. That is what large infrastructure does. That is what we have done across New South Wales, and we will continue to do so. Throughout the COVID-19 pandemic, critical construction and maintenance— [*Time expired.*]

#### MUNGO MAN AND MUNGO LADY BURIAL

**Ms SUE HIGGINSON (16:22):** My question without notice is directed to the Hon. Ben Franklin, representing the Minister for Environment and Heritage, concerning the recent burial of Mungo Man and Mungo Woman by Heritage NSW. Last month an injunction to halt the burials was prepared and filed under section 9 of the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act by Elders from the Mutthi Mutthi, Ngiyampaa and the Paakantyi/Barkandji. Despite assurances that the burial would be delayed, a week later the Federal Department for Agriculture, Water and the Environment was informed that the burial had gone ahead. Will the Minister inform the House as to where this burial was conducted and why the Elders, who were the applicants to the injunction, were not informed that it was taking place?

**The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (16:23):** I thank the honourable member for her question and her genuine interest in these matters. The New South Wales Government supports the rights of the Aboriginal community to determine the management of their ancestors. From the late 1960s to the 1980s, approximately 108 ancient Aboriginal ancestors' remains were removed from the Willandra Lakes area and taken to Canberra for study, including the remains of the internationally renowned Mungo Man and Mungo Lady. Dated to at least 42,000 years, they are the oldest human remains found in Australia. Aboriginal people have lobbied for their return since 1984. In 1992 Mungo Lady was returned from Canberra to Mungo National Park for safekeeping. In 2017 the rest of the Willandra ancestors were returned from Canberra to Mungo National Park.

The traditional owners of Willandra Lakes Region World Heritage Area are represented by an Aboriginal advisory group [AAG]. The AAG is an advisory body whose members are selected through a series of community elections and include representatives from the Barkandji, Mutthi Mutthi and Ngiyampaa people of western New South Wales. In 2018 the AAG determined to rebury the 108 ancient ancestors, rather than storing them in a permanent keeping place. The New South Wales Government has respected that determination. The proposed reburial is opposed by some academics and a small number of Aboriginal people, who favour safekeeping of the remains for further study. As the Willandra Lakes Region, including Mungo National Park and surrounding private land, is a World Heritage area, the matter was referred to the Australian Government Department of Agriculture, Water and the Environment for its approval under the Environment Protection and Biodiversity Conservation Act.

Following consultation, on 31 March 2022 the then Australian Government Minister for the Environment approved the decision to rebury the remains. The Commonwealth directed the New South Wales Government to support the wishes of the AAG as the appropriate representative body. Following a series of meetings and discussions, the AAG, Heritage NSW and the National Parks and Wildlife Service planned to commence the reburials with Mungo Man and Mungo Lady on 24 May 2022. On 22 May 2022 solicitors representing opponents to the reburial advised that an application under the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 had been lodged with the Federal Department of Agriculture, Water and the Environment. They requested a two-week delay to allow the application to be considered by the incoming Commonwealth Minister for the Environment and Water. Heritage NSW and the National Parks and Wildlife Service agreed to the request.

The Minister for Environment and Heritage was advised on 24 May 2022 that two ancestral individuals, Mungo Man and Mungo Lady, had reportedly been reburied. The New South Wales Government did not authorise, conduct or endorse the removal and burial of the remains on 24 May. The New South Wales Government has supported the rights of the Willandra Lakes Aboriginal community to determine the management of their ancestors, which is to rebury them in Mungo National Park. However, this must also follow due process. The Department of Planning and Environment has commenced an independent investigation into the events surrounding this reburial.

I ask for an extension of one minute.

**Leave granted.**

**The Hon. BEN FRANKLIN:** No further reburials will be undertaken until the Aboriginal and Torres Strait Islander Heritage Protection Act emergency declaration application has been considered by the Commonwealth Government and the independent investigation has been completed. This is a sensitive matter, which appears to involve a dispute within Aboriginal communities, and the New South Wales Government is seeking to address the issues in a manner that recognises and respects the different views. I will not comment further while the independent investigation is underway.

#### STATE BUDGET AND EARLY CHILDHOOD EDUCATION

**The Hon. SCOTT BARRETT (16:27):** My question is addressed to the Minister for Education and Early Learning. Will the Minister inform the House how the Liberal-Nationals Government is resetting the early childhood education agenda and delivering a brighter future for New South Wales children and families through the 2022-23 budget?

**The Hon. Walt Secord:** Point of order: The question includes irony, which is not allowed.

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

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:27):** If we needed any further proof that members opposite really do not care about early childhood early and education, there it was. I thank the honourable member for his question. He very much knows about the importance of the early years, with two fine young gentlemen being raised in the Barrett-Hawthorn household. I know that the Hon. Scott Barrett and the people of New South Wales, particularly our littlest residents in the State, will be excited about today's budget. I am incredibly proud of the \$15.9 billion investment in the early childhood and care sector over the next 10 years in today's budget. Today we launched our Early Years Commitment, a clear, thought-out plan connecting all the early childhood budget commitments into four pillars of accessibility, affordability, quality and workforce.

The budget delivers \$5 billion over 10 years for the Affordable and Accessible Childcare and Economic Participation Fund; a \$281.6 million workforce package to attract, retain and develop our invaluable early childhood educators and teachers; \$376.5 million to expand Brighter Beginnings and introduce health and development checks for all children in the year before school in recognition of those critical first 2,000 days; \$1.4 billion for affordable preschool to provide preschool fee relief for all families and increase participation, including in our long day care settings; \$37.9 million for greater access to before- and after-school care services, particularly in the regions; and a \$5.7 billion provision to introduce a universal pre-kindergarten year in New South Wales by 2030, showing that as a government we are not afraid of big reform if it secures a better and brighter future for New South Wales children and families.

Families are already benefiting from our previous preschool announcements and will begin benefiting from these budget commitments as early as January next year. It is because of our Government that New South Wales will be embarking upon a journey towards pre-kindergarten. We have teams already preparing to start the consultation, investigation and design of a model for delivery alongside our early childhood sector and families across New South Wales. Pre-kindergarten is visionary. It is a game changer. We cannot stress that enough. We

are hearing from people in early childhood sector organisations across the country who are ready to engage. This is also something the Victorian Labor Government is doing. It is good policy.

**The Hon. Courtney Houssos:** Yes, and they're doing it in two years because they invested in it.

**The Hon. SARAH MITCHELL:** They are not doing it in two years. The member is embarrassing herself because she does not know what she is talking about. It is not just me saying this about pre-kindergarten. Business NSW CEO Dan Hunter stated:

What we've seen to date through pre-Budget announcements is a Government with its priorities centred around making our education system the best it can be.

Goodstart CEO Julia Davison stated:

Universal access to free preschool will mean more children starting school ready for school, and will be a game changer in improving Australia's educational and economic outcomes.

This is a great announcement. It will change the lives of kids in New South Wales. Those opposite do not like it and they do not care—but we do, and we will deliver it.

### DOMESTIC VIOLENCE SHELTERS AND PETS

**The Hon. EMMA HURST (16:31):** My question is directed to the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Most women's refuges in New South Wales are still not set up to accommodate animals, and planned upgrades are still years away from completion. Meanwhile, people attempting to flee violence delay leaving dangerous situations because they cannot find safe refuge for their animals. The RSPCA's Community Domestic Violence Program attempts to fill this gap by caring for animals when their families are leaving violence. However, this essential service continually operates over capacity and cannot meet demand due to resourcing constraints. Will the Minister provide recurrent operational funding for the RSPCA NSW Community Domestic Violence Program? If not, why not?

**The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:32):** I thank the Hon. Emma Hurst for her question and her ongoing advocacy in this space. I also acknowledge those shelters that do that incredible work dealing with those crisis situations and keeping women safe at what is probably the most critical time in their lives. I will get some specifics to the member on this particular program. I thank and acknowledge the RSPCA's Community Domestic Violence Program for the work that it does. Recently I had the opportunity to visit a shelter in Port Macquarie. I thank everyone from Liberty Links who hosted us. In that shelter I saw that there was accommodation for pets and animals, with a range of animals there. Those who worked there spoke of the importance of keeping those animals with women and children in that environment—to keep not only the animals safe but also for their therapeutic benefits. I note that in the coercive control inquiry members heard about the opportunity for animals and pets to be used in that process.

I acknowledge the member's advocacy, and that this is an important part of the services provided in our shelters. This Government is always open to opportunities to improve those services and listen to advocates, such as the honourable member, to find ways in which we can better provide wraparound care and help at that critical time, not just for women but also their children and their families, which often include their animals. I also note that in the next round of the National Partnership Agreement which will come through shortly there will be opportunities, which I cannot articulate until they are confirmed, for us to partner with the Federal Government to expand operations and to look at other innovative ways to deliver these services.

This Government has delivered and continues to deliver an exceptional commitment to women's safety and the prevention of domestic violence in its Core and Cluster program and the refuges that it will continue to roll out in New South Wales. Our commitment to almost double the number of refuges is an important part of our getting behind those services and ensuring that there is a safe place to stay. Of course, that should include animal welfare, as we are doing in a number of locations such as Port Macquarie. Importantly, I look forward to further opportunities to partner with communities going forward as we roll out that first phase in the first six months of this year. I am privileged to serve in this role and to bring innovative ideas as to how we best protect women in those situations.

### STATE BUDGET AND INTEREST

**The Hon. DANIEL MOOKHEY (16:35):** My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given that in today's budget the Government has revealed that interest on borrowings is rising from \$2.5 billion a year to almost \$6 billion in the forward estimates, what is the Minister's response to community concerns that New South Wales will be paying more in interest than it provides to either the NSW Police Force or the TAFE system?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:36):** Could I have a look at the question? I want to make sure that I directly answer it.

**The Hon. Daniel Mookhey:** I can repeat it for you, if you want to listen to it. I am happy to.

**The Hon. DAMIEN TUDEHOPE:** No, I would like to look at it.

**The Hon. Daniel Mookhey:** Would you like me to read it again?

**The Hon. DAMIEN TUDEHOPE:** No, I would like to look at the question.

**The PRESIDENT:** It may facilitate the answer if the member wants to provide a copy of the question.

**The Hon. Daniel Mookhey:** It is a simple question, Mr President. I am happy to assist the Minister by asking him again.

**The PRESIDENT:** You can ask the Minister again or provide a copy to him.

**The Hon. DANIEL MOOKHEY:** My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. I ask him to listen carefully. Given that in today's budget the Government has confirmed that interest on borrowings is rising from \$2.5 billion a year to almost \$6 billion at the end of the forward estimates, what is the Minister's response to community concerns that New South Wales will pay more in interest than it does to fund the NSW Police Force or the TAFE system?

**The Hon. DAMIEN TUDEHOPE:** Could I have a copy of that question?

**The Hon. Daniel Mookhey:** Honestly, if you want to—

**The Hon. DAMIEN TUDEHOPE:** You should have given it to me in the first place.

**The Hon. John Graham:** No, he shouldn't. It's questions without notice, not questions in writing. What Parliament do you think you're in?

**The PRESIDENT:** The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The Hon. John Graham takes points of order relating to direct relevance. If he wants to go down that path he ought to make sure we are given a proper opportunity to be directly relevant by giving us a copy of a question when it has been asked.

**The PRESIDENT:** Order! I am not sure that is terribly constructive. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** I thank the Hon. Daniel Mookhey for his question. This member has never had an original idea about how to manage the finances of this State. We have never heard one! Over the past four years that members have been in this place—

**The PRESIDENT:** Order! The Minister will resume his seat. I will take the extraordinary step of intervening to make it very clear to the Minister that he is not being directly relevant. He is not even coming within cooee of what the shadow Minister has asked him. I ask him to direct his answer to the question. This is not a preamble; it is a direct attack. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** It is important to know how we are going to address the future of this State by having ideas. That is exactly what this Government does. The member who purports to be the next Treasurer of this State—he wants to be—may have forgotten that there has been significant impact on this State and its finances potentially by floods. We have had floods, which have impacted significant borrowing. Guess what? We have had—

**The Hon. Scott Farlow:** Point of order: The Minister is being directly relevant to the member's question, yet Opposition members continue to interrupt him. I ask that members be called to order.

**The PRESIDENT:** The Minister is within the realm of direct relevance. I encourage him to go further down that path. I warn members to limit their interjections. Members who make incessant interjections will be called to order. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The member may have forgotten that we spent \$53 billion on COVID relief. All of those things impact the debt levels that are sustained by the Government, which impacts the State's credit rating. We have had to deal with a pandemic, floods and other disasters. In many respects, that may be lost on the member, but under the budget the Government has displayed its plan. We have a plan for productivity. We have a plan for tax reform—

**The Hon. Penny Sharpe:** There is a plan for everything.

**The Hon. DAMIEN TUDEHOPE:** There we go! There is the admission, "The Government has a plan for everything," which the Opposition does not have. We have never heard their plans. I thank the Leader of the Opposition in this place for the concession she has made because she has acknowledged that through this budget the Government has a plan to deliver productivity outcomes. I say to the member that there is a cost-of-living—*[Time expired.]*

**The Hon. DANIEL MOOKHEY (16:41):** I ask a supplementary question. Will the Minister elucidate the part of his answer in which he referred to ideas. Was it his idea to increase the level of interest payments from \$2.5 billion to \$6.6 billion? If not, which genius came up with that idea?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:41):** I welcome the idea of being able to identify the geniuses in the Government who were involved.

**The PRESIDENT:** Order! The Leader of the Opposition is not helping her cause. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The paucity of the question goes to show the paucity of ideas of Opposition members. If their attack on the budget is centred on the fact that there are increased debt figures, let us look at the way it has resolved issues that confront the people of New South Wales. Does the budget provide cost-of-living relief? Yes. Does the budget provide—

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

**The Hon. Shayne Mallard:** They don't like good news.

**The Hon. Penny Sharpe:** No, we love direct relevance. The Minister has now strayed from direct relevance. The question was about borrowings and interest; it was not about anything else in the budget.

**The Hon. DAMIEN TUDEHOPE:** The question was about who came up with the idea.

**The Hon. Penny Sharpe:** Yes, the idea to extend the debt to \$6 billion.

**The PRESIDENT:** Members may remember my ruling on direct relevance. There was a paragraph at the end on broad questions or questions that are framed around political pointscoring. Those questions tend to lead to a Minister answering quite generally, and this is one of those questions. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** So who are the people who came up with the idea of increased childcare provision? Who are the geniuses who came up with the idea of preschool education? Who are the geniuses who came up with the idea of greater participation in the workforce for women? Who are the geniuses who came up with ideas on tax reform? Who are the geniuses who came up with the idea of servicing the cost-of-living pressures on the people of New South Wales? Those people are members of the Government of New South Wales. We ought to applaud every one of them for having the vision to deliver for the people of this State. Here is one important question: Who came up with the idea of putting phone chargers on stations?

#### STATE BUDGET AND REGIONAL HEALTH

**The Hon. WES FANG (16:45):** I address my question to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Will the Minister update the House on how the Government is supporting the people and families of regional New South Wales who travel for medical treatment?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:45):** I thank the honourable member very much for his question. This is the budget for regional health. It is very exciting to hear all of those announcements for the portfolio of Regional Health. I will focus on an important budget item that is very close to my heart, and that is the expansion of the Isolated Patients Travel and Accommodation Assistance Scheme, or IPTAAS. That scheme is also dear to the hearts of those in regional New South Wales and is crucial for those who are going through tough times and medical procedures or treatments. To simplify it for the Sydneysiders on the other side of the Chamber—though I do not include the Hon. Mick Veitch—IPTAAS provides financial assistance towards travel and accommodation costs when a patient needs to travel long distances for treatment.

Yesterday in Dubbo I joined Deputy Premier Paul Toole and hardworking National Party member for Dubbo, Dugald Saunders, to announce that in today's budget the Liberal-Nationals Government will deliver an additional \$149.5 million to IPTAAS for the people of regional New South Wales. Eligibility for the scheme will be expanded to cover more treatments and trials. The IPTAAS accommodation subsidy will almost double from \$43 a night to \$75 a night for stays between one and seven nights, and from \$60 a night to \$120 a night for stays beyond a week, which many patients need. We have also nearly doubled the private vehicle subsidy from 22c per kilometre to 40c per kilometre. Those changes mean that New South Wales has the most generous IPTAAS

scheme in the country. That is huge for people such as John Jaspersen, who is a pensioner from Lightning Ridge. John has travelled to Dubbo for cancer treatment since May 2019. He makes the 650-kilometre round trip every three weeks and stays at a local dedicated homestay in Dubbo. John said:

All us people who live away and have to travel would be lost without the support we get from IPTAAS ... When I heard the government was going to help us with some extra money, I couldn't get over it.

This is life-changing news for the people of regional New South Wales, and it is proof that this Government has their backs. The funding boost has been resoundingly welcomed by peak bodies and support groups including the fantastic Can Assist and the Cancer Council, which said that the funding boost shows we are a government that listens. We are never going to have an ophthalmologist or a neurologist operating in every town in rural and regional New South Wales, but our investment in IPTAAS will bridge the gap in access to support people like John. The Government is supporting families by reducing their cost of living and allowing them to focus on the most important things in life, such as their health and wellbeing. This is a great budget for people in regional New South Wales. It is a great budget in terms of recruitment strategy, retention strategy and putting patients at the absolute forefront of care. The feedback on the ground has been resoundingly positive.

#### STATE BUDGET AND FISCAL RESPONSIBILITY ACT

**The Hon. MARK LATHAM (16:48):** I direct my question to the Minister for Finance, who represents the Treasurer. With today's budget confirming that the Fiscal Responsibility Act has been breached for three financial years in a row—2019-20, 2020-21 and 2021-22—due to the Government being unable to keep its spending below the long-term average of State revenue growth, does the Government now concede that it has rendered its own fiscal laws as farcical and redundant? With a fourth consecutive breach likely in the 2022-23 financial year off the back of the Government's pre-election spending spree, will the finance Minister explain why the Government finds it so easy to spend other people's money, increasing the Government's gross debt to \$182 billion and net debt to \$215 billion?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:49):** I thank the Hon. Mark Latham for his question. Again, as much as I hate to always come back to what I refer to as semantic associations, it is a phrase that I think readily describes many of the responses I am forced to give to repetitive questions. In relation to breaches of the Fiscal Responsibility Act, the response is that we could not prevent there being a pandemic, we could not prevent there being floods, we could not prevent there being bushfires, and all of those things have serious impacts on the ability of the Government to deliver on its responsibilities under that Act.

But what we need to do is identify those programs that increase productivity so that in the long term we have a plan for improving revenues, improving opportunities for people to have a job and to have an infrastructure pipeline—all those things that are necessary—while making sure that this State is on a proper footing to ensure that there are jobs, educational opportunities for our children in the future, more opportunities for women to be engaged in the workforce as well as more opportunities for preschool education and the like. All those things feed into a plan for addressing fiscal responsibility because what in fact we are doing is feeding into an economy that will deliver surpluses in future years.

What I say to the member is, he is right. But, because of a lot of extraneous factors, our obligations under the Fiscal Responsibility Act are impacted upon. One of the questions I was asked was about interest rates. What the Hon. Mark Latham might have forgotten is that there is a global increase in interest rates at the moment and of course there will be higher imposts on borrowings that governments make. One of the good things about this Government is that, through our investment strategy, we have locked in lower interest rates because of TCorp's magnificent handling of its investment strategy. What I would say about our obligation is that we have a plan to deal with it.

**The Hon. MARK LATHAM (16:52):** I ask a supplementary question. Will the Minister elaborate on his reference to the Fiscal Responsibility Act that the Government chose to introduce? Nobody made this Government legislate those fiscal laws; it did that. Is it not true that in 2012 when Treasurer Mike Baird introduced the bill he described it as a no-excuses policy, meaning that no matter the pandemic, no matter the flood, no matter the bushfire and no matter the increase in interest rates internationally, this Government would have a limit on its spending to come under the average of long-term revenue growth in New South Wales. Why has the Government failed to comply with its own law?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:53):** What I say to the member is this: The obligations that have been created need to be complied with to the best extent that a Government is able to, but the Government needs to be able to govern and to have plans for the future. If we look at this Government's financial position after getting through a pandemic, through circumstances where we effectively shut down the economy because of the pandemic, we have more people in employment

today than we had before the pandemic and we have a 4 per cent unemployment rate. What I would say to the member is this: Do not always just look at the performance of the economy through the myopic and negative view that he often takes in respect of these matters.

If members have an issue with a pandemic and want to have a plan for the future, then this is the Government that will have a plan for that future because we have productivity mechanisms in place, we have an infrastructure pipeline that we are embracing, we have a jobs growth pathway that is guaranteeing jobs for the children of the future. In many respects we are the home of and the engine room of the economy of this State. We have talked about preschool education, child care and opportunities for women. There is one thing in this budget that ought to give the member increased confidence and that is the plan this Government has made to invest in skills. An investment in skills underpins the manner in which this Government will support the workers of the future in this State.

#### STATE BUDGET AND FORSTER PUBLIC HOSPITAL

**The Hon. COURTNEY HOUSSOS (16:55):** My question without notice is directed to the Minister for Regional Health. Why has the Government downgraded the promised Forster public hospital to a health facility in this year's budget?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:55):** I thank the Hon. Courtney Houssos for her question. A hospital is a health facility. I said that we will deliver a hospital and that is why there is \$20 million committed to start that process.

**The PRESIDENT:** Order! Members, that is a direct answer to a question.

**The Hon. COURTNEY HOUSSOS (16:56):** I ask a supplementary question. Will the Minister elucidate that part of her answer when she spoke about the money that has been promised in this year's budget and explain what work will be undertaken with the \$1 million that has been promised for this year?

**The PRESIDENT:** Order! The Hon. Courtney Houssos will come to order. The Minister has the call.

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:56):** I cannot be any more relevant than this: A health facility is a hospital. We have been very clear. We have said in media statements that we have put \$20 million on the table for Forster already. That is what we have done. That is what the media statement and everything else has said.

**The Hon. Courtney Houssos:** You said that is what the scope of it is.

**The Hon. BRONNIE TAYLOR:** No. Honestly, the Hon. Courtney Houssos needs to listen to the facts and understand.

**The PRESIDENT:** Order! I call the Hon. Courtney Houssos to order for the first time. The Minister has the call.

**The Hon. BRONNIE TAYLOR:** I have been very clear about Forster. What we do, and what the Minister for Education and Early Learning has talked about multiple times in this place, is what the Hon. Penny Sharpe so eloquently said about this Government and the Coalition: We make plans, we assess things, we decide what needs to happen according to the data and according to what needs to happen.

**The Hon. Courtney Houssos:** Point of order: My point of order is direct relevance. The Minister has a minute to go. My supplementary question was specific: What work will be undertaken with the \$1 million that was promised in this year's budget? The Minister has talked generally about planning. The Minister has tried to answer the previous question that I asked. I ask that you draw the Minister back to the supplementary question I asked about what work will be done.

**The Hon. Wes Fang:** To the point of order: My point of order is similar to the point I raised the last time this was addressed in the Chamber. When a member asks a question and you direct that it be specifically answered by the Minister, the member adds components before and after the specific part they seek a response to. The Minister is entitled to be directly relevant to any part of the question that is asked. In her supplementary question, the Hon. Courtney Houssos specifically asked about the money that the Minister spoke about, and then went further in the question. The Minister was being directly relevant to that part of the question, so there is no point of order.

**The PRESIDENT:** I might take written submissions on that another time. The Minister will come to a more detailed response to the supplementary question.

**The Hon. BRONNIE TAYLOR:** I know it is really hard for members opposite because they did not build any hospitals, health facilities or anything really. What we do is we allocate funding for the planning, we get the project team together, we get the planning, we do the due diligence, we look at—

**The Hon. Courtney Houssos:** Point of order: I asked a very specific question, which was what will that funding be used for. The Minister is again generally speaking about the process. I am interested in what that \$1 million will be spent on. If it is planning, then the Minister just needs to say, "Planning." If it is the purchase of land, the Minister can say, "Purchase of land." We are asking for a direct answer.

**The PRESIDENT:** I understand the member's point of order.

**The Hon. Damien Tudehope:** To the point of order: The member is entitled to ask the question. She is not entitled to tell the Minister how to answer it.

**The PRESIDENT:** Indeed.

**The Hon. BRONNIE TAYLOR:** To the point of order: I have stated all of those things, but the member has to listen to what is being said to hear it. I have stated that very clearly. I have stated my commitment to Forster. I have said what is going to be done. If the Opposition had built things and had actually delivered, it might know that is what needs to be done.

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

*Supplementary Questions for Written Answers*

**STATE BUDGET AND FORSTER PUBLIC HOSPITAL**

**The Hon. COURTNEY HOUSSOS (17:01):** My supplementary question for written answer is directed to the Minister for Regional Health. Will the Minister provide the completion date for Forster public hospital, and outline what work will be completed by that date and whether the land has been purchased yet?

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

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

That the House take note of answers to questions.

**STATE BUDGET AND METROPOLITAN ROADS**

**STATE BUDGET AND EARLY CHILDHOOD EDUCATION**

**STATE BUDGET AND INTEREST**

**STATE BUDGET AND COST OF LIVING**

**The Hon. JOHN GRAHAM (17:01):** It is budget day and there seems to be some confusion about the role of the Opposition. I will spell out what I see as the role of the Opposition, which is to, firstly, hold the Government to account for the promises it makes and, secondly, argue for the priorities of the State. When I listened to the Treasurer's budget speech today, it was not the priorities I was upset by. The Treasurer was talking about toll relief, climate change, the role of women and child care. They are all issues that the Opposition has put on the political map and that we have argued the case for over decades. Any idea from former Labor Prime Minister Paul Keating that the Government could find has been jammed into the budget. Any idea from a think tank such as the McKell Institute, which Government members like to attack as a Labor think tank, the Government is trawling the streets to jam them into the budget.

**The Hon. Mark Latham:** Stamp duty reform.

**The Hon. JOHN GRAHAM:** Precisely. Labor is not concerned about the priorities. We are concerned about the execution, and we are doing our job of holding the Government to account on its execution. We are upset because we were told there was some asset recycling golden key that was going to unlock the wealth of the State. But it turns out that the way the Government has acted is to take the State into a gross debt of \$182.2 billion. That is how the Government has done what it has done. That is not with the golden key. We have been told there will be toll relief. The budget has \$520 million in toll relief but \$400 million has been cut from toll relief. That is the execution. We were promised the Northern Beaches link but it has been cancelled. Transport projects are cancelled in this budget. We were promised early learning in this budget but it is so far on the horizon that the kids will be grown up. If a person has a kid now, they will be grown up by the time the early learning promise is delivered.

We were told about the WestInvest Fund, but of the money that is allocated drivers will get a little bit back with \$5 billion in WestInvest. But we have to understand that drivers in western Sydney will pay \$115 billion in today's money in tolls. The money in the budget for WestInvest is now being invested in building local schools. That is the right of every citizen; it is not a dividend to western Sydney. A person gets a school because they are a citizen of New South Wales, not as some special deal. I asked the Minister about roads. The money is being spent on toll roads but local road spending is being slowed down, cut and delayed in this budget right across western Sydney and New South Wales. Our concerns are not on the promises and priorities that have been made but the execution by this Government, which is appalling.

#### STATE BUDGET AND EARLY CHILDHOOD EDUCATION

**The Hon. MARK LATHAM (17:04):** I take note of the answer given by Minister Mitchell about early learning. It is fascinating because sometimes in politics a policy, a project or a program is announced. All the Government has announced for early learning is a thought bubble, which might start in 2030. We are talking about four-year-old children who will be born in 2026. For a lot of those children their parents have not even met or done the other things to start the process. The Government's policy is so far into the future it can only be regarded as a nebulous thought bubble designed solely to be put forward running into an election. The pressing question about the policy for a government that cannot find the educators to staff our schools is: Where are the educators coming from, even by 2030, to fund an extra year of school for four-year-olds?

If the policy is going to be done through long-day child care, the message is clearly that child care needs to be more than child minding. It must have educators that are trained in the instruction needed for early literacy and early numeracy. The Premier said it is play-based learning. What does that mean? Play-based learning does not deliver learning to read or learning numeracy or early writing skills. Play-based learning is the equivalent of child care, and it is useful. Child care has always been a system in this country to allow parents, mainly women, to participate in the workforce, and that is a good thing. But if the Government wants to turn child care into education, it needs to have educators. We have a massive shortage of teachers in New South Wales and there is no sign of the Government addressing that issue for primary schools, high schools or the new year of schooling for four-year-olds that the Government talks about.

One has to wonder about the Government's capacity to deliver anything of quality. Having messed up the primary schools, the high schools and TAFE, I suppose it is saying it will mess up the four-year-olds as well. The State's 15-year-olds are four years behind China in maths and 3½ years in science. The Government is saying that the four-year-olds can start early in falling behind. In school education the Government devised and stuck with for years under Piccoli and then Stokes the worst possible education policy of Local Schools, Local Decisions, which is basically the freedom of schools to go out with any wacky, experimental program and the freedom to fail and keep on failing.

The Government has caused so much damage to our education system that it cannot be trusted, even with a thought bubble for 2030 for children not yet conceived or not yet a twinkle in their parents' eyes. We know from testing that 15-year-olds in the State's schools today are a full five terms behind their equivalents from 20 years ago. The system keeps falling behind, and the Government should concentrate on fixing that instead of trying to trick people with a thought bubble.

#### STATE BUDGET AND EARLY CHILDHOOD EDUCATION

##### STATE BUDGET AND BIOSECURITY

**The Hon. SCOTT BARRETT (17:08):** There has been a lot of talk about the budget, which is great to hear. Being on the front foot is essential when it comes to biosecurity. It is key to protecting our environment as well as our \$21 billion primary industry sector, and there are some imminent threats. Lumpy skin disease and foot-and-mouth are now on our doorstep, and biosecurity outbreaks are rising in volume, complexity and severity. The Nationals in Government are putting up the money to increase our biosecurity protection with a record \$163.9 million. That will see a strengthening of work being done to fast-track the development of mRNA vaccines for emergency animal diseases, automatic predator baiting and work on invasive ant surveillance and response. This record investment will strengthen our statewide biosecurity capacity so that farmers can spend less time chipping weeds and chasing wild dogs and more time providing the quality food and fibre that we have a world-class reputation for providing.

Focusing on the first five years, or 2,000 days, of a child's life is critical to their development. It is something that I am all too aware of, as I am currently at this stage with my own child. It is one of the most important things we can do to set kids on the right path. So to hear Minister Sarah Mitchell announce the Brighter Beginnings package was, no doubt, a sweet-sounding song to all current and future parents across New South Wales. Over four years the \$376.5 million package of investment in early childhood development and family

support will provide health and developmental checks to all children in preschool settings, expand the transformational clinical nurse home visiting program, make pregnancy family conferencing available to more parents, and expand the number of Aboriginal Child and Family Centres across the State. The Brighter Beginnings package will change the lives of our young families by giving children the best start in life at no extra cost to the family budget. Initiatives like this make New South Wales the best place to work, live and raise a family.

#### STATE BUDGET AND FORSTER PUBLIC HOSPITAL

**The Hon. COURTNEY HOUSSOS (17:10):** I take note of the answer provided by the Minister for Regional Health about the Forster public hospital that was promised to the people of Forster and the Great Lakes prior to the last election. Let us be clear: The Minister thought that flippantly answering that a hospital is a health facility was a way of skating through the question. I draw members' attention to the budget papers, which talk about the Forster-Tuncurry health facility upgrade. For the first time there is a scope of works, and the Opposition understands the project should cost around \$20 million. However, only \$1 million is allocated over the next year. My question to the Minister was specific. I wanted to know what the scope of the works is and what will be done over the next year, but the Minister refused to answer the question.

The reason this is significant, and why this has been a downgrade, is that in last year's budget papers a series of hospitals were talked about together: the Cowra Hospital redevelopment, the Gunnedah Hospital redevelopment, the Glen Innes Hospital upgrade and the Moree Hospital redevelopment. Interestingly, they all appear listed as hospitals in this year's budget papers but the Forster health facility does not. The Opposition knows the hospital has been downgraded because we have been doing a bit of work on this. Since 2019 I have asked question after question of Health bureaucrats about the progress of the proposed Forster hospital that was promised to the local community before the last election, and it is pretty clear that there has been no progress. No land has been purchased and there has been no consultation with the community about what the scope of services will be.

When the clinical services plan was being developed, the public had no ability to even view the plan. In fact, doctors themselves were told that they were allowed to go into a room and read the document but they were not allowed to take it away. This was supposed to be the plan for the future provision of health services for the region and doctors were not even allowed to take a copy of what was being planned. Do you know why, Mr President? It was because the plan showed that the Government was not planning a hospital at Forster; it was barely a health facility. It will be an urgent care centre, staffed by registered nurses. I applaud our hardworking nurses, who do incredibly important work in our health system. But when the people of the Great Lakes were promised a public hospital prior to the last election, they sure did not think they would get a walk-in facility that would only be able to offer them a bandaid. That is an appalling betrayal of the people of the Great Lakes, and they will not forget it.

#### STATE BUDGET AND EARLY CHILDHOOD EDUCATION

**Mr JUSTIN FIELD (17:13):** I take note of the Minister's answer to the question concerning the Government's announcements about early childhood education and learning. I recognise that other contributions to this debate have been concerned with just how far off in the never-never—10 years or more—the majority of these policy announcements are. Parents will be left scratching their heads about why the Government is not directing more resources to the urgent needs of the early learning and care sector. My concern is that the Government is doubling down on the private and largely for-profit day care model we have in New South Wales. About 80 per cent of early learning and preschool services in New South Wales are delivered through the long day care model, much of them for profit. So when the Government announces up to \$5 billion to support additional places being created in the long day care system, it is putting billions of dollars into the private, mostly for-profit long day care model. That is the wrong direction to take.

Other than Queensland, New South Wales delivers the largest proportion of its preschool services through that model. There is another option that I think the community would be much more likely to be supportive of, and which would give much more bang for the Government's buck: every new public school has an early learning centre built into it that supports before- and after-school care and a government-run preschool model. It can have early intervention programs linked to it, such as occupational therapy, speech therapy and other early intervention programs. It can be the education and early learning hub for the community. We know that schools are built based on the needs of communities, population growth and the number of kids in those areas. That is a good way of making sure that the delivery of early learning services is keeping up with population growth and the movement of people around the State.

This system of long day care does not work for a lot of parents, it does not work for a lot of kids and it does not achieve the best outcomes. I recognise that the workers in that sector work incredibly hard; my son went to a long day care centre. The workers in those centres are paid terribly, and this announcement by the Government

does not address the low pay in that sector. I think the Government is doubling down on the wrong model of early learning. It is focusing way too much on workforce participation and not enough on what is really important, which is the needs of our kids.

## STATE BUDGET AND CREDIT RATING

### STATE BUDGET AND INTEREST

**The Hon. CHRIS RATH (17:16):** I take note of the answers given by the Minister for Finance, and Minister for Employee Relations, and Leader of the Government, regarding the budget. The Minister was asked questions about the debt and deficit, and, in particular, questions about the New South Wales triple-A credit rating. What some people fail to grasp is that all but one of the ratings agencies have already given us a triple-A credit rating. The easiest way to maintain or get back to a triple-A credit rating is to deliver a surplus, and that is what we are doing. In 2024-25 New South Wales will have a surplus budget. In 2025-26 that budget surplus will increase.

We heard from the Hon. Daniel Mookhey about whose idea it was to increase interest repayments on debt as if somebody in Treasury or Cabinet determines that we should increase interest repayments on debt. Many factors are behind why interest repayments might be going up, but I do not think somebody in the Cabinet made a deliberate decision to increase interest repayments. Maybe it was global credit markets; maybe it was the Reserve Bank of Australia; maybe it was crippling inflation because of global factors. Those things might explain why interest repayments are going up more so than an individual or individuals in the New South Wales Government. We need to take that into account—which the Minister did—when answering the Hon. Daniel Mookhey's question.

The other thing to take into account is what Victoria is doing with respect to debt. New South Wales has half as much debt as Victoria, but we are delivering double the amount of infrastructure. That is double the amount of infrastructure, with half the amount of debt. What would happen if members opposite were in government? Imagine the huge amount of debt and deficit that would exist if wages were not under control. Imagine if there was a wages price spiral where, when inflation goes up by 5 per cent, wages are pushed up by 5 per cent. Then the next year inflation goes up by 6 per cent so wages are pushed up by 6 per cent. That is the direct opposite of what Bob Hawke and Paul Keating wanted to achieve when they gave us the accord when they came into power in 1983. If Bob Hawke and Paul Keating were here today, they would be on this side of the Chamber.

## STATE BUDGET AND CREDIT RATING

### STATE BUDGET AND INTEREST

### STATE BUDGET AND COST OF LIVING

**The Hon. MARK BUTTIGIEG (17:20):** I take note of the answer given by the Leader of the Government about the budget. We heard an admission that this budget is a patent waste and misdirection of money on behalf of the New South Wales taxpayers. The doyens of economic management on the other side of the Chamber, who lecture us on how to manage an economy, have brought down one of the most irresponsible budgets ever. Debt is almost at one-quarter of GDP. Those are the statistics. I am not making it up. That is record debt that is unheard of in the history of New South Wales budgets. The Hon. Daniel Mookhey raised the issue of interest payments because—guess what?—when you increase debt, you have to pay more interest. It is a conscious decision, and it was a conscious decision.

Those interest rate payments have gone up from \$2½ billion to \$6 billion. What do we have to show for it? We have shonky infrastructure from importing duds from overseas and exporting jobs. We have the litany of problems with the new intercity fleet made in South Korea that did not fit rail tracks or tunnels, had to be remediated and is still unsafe. The Leader of the Government walked into the Chamber and told us that he does not want to spend money on remediating it for safety reasons. It still has not hit the tracks. Then we have the spectre of the Inner West Light Rail—cracked trams that were out of service for 12 months—and the CBD light rail, which was doubly over budget. Who can forget the ferries? They were riddled with asbestos and they did not fit under bridges. Is that a good way to spend taxpayers' money? Is that responsible economic management?

On top of that, Government members come into the Chamber and tell us about the rise in cost of living. Guess what? They sold the electricity network. We do not have control over the generation, the network or the retail, so the wholesale prices have gone through the roof. They will then have to step in and try to subsidise it because their private market operator mates will not do the right thing. They then have the hide to come into the Chamber and say that a 3 per cent wage cap is adequate when, in fact, a real wage cut of over 2 per cent is being delivered because inflation is running at 5.2 per cent. A wage cap of 3 per cent is a real wage cut of 2 per cent. It

is an irresponsible budget brought down by an irresponsible government, which is in its death throes because it knows the next election is coming and the game is up. The people of New South Wales will not reward it for that.

#### STATE BUDGET AND COST OF LIVING

**The Hon. LOU AMATO (17:23):** I take note of the answer given by the Leader of the Government about Government support to help workers, families and businesses participate in the New South Wales economy as we move towards a better and brighter future. It was great to hear about the 245 cost-of-living measures in 2022-23, totalling \$12.2 billion. That is a significant level of support. As the Minister said, it will be interesting to hear which of those great measures Labor wants to strip from the people of New South Wales. Every parent knows that a new school year means finding extra cash to pay for school supplies. The one-off \$150 back-to-school subsidy for every child undertaking primary or secondary school in 2023 across all school sectors will help offset the cost of those school supplies. The \$250 regional seniors travel card has been a great success. The Government is building on that with a new initiative, trialling an annual \$250 prepaid regional apprentice and university travel card over two years for university students and apprentices in regional New South Wales to ease the cost of travel. I was an apprentice, so I know how difficult that is.

**The Hon. Mick Veitch:** There ain't too many left, Lou.

**The Hon. LOU AMATO:** There are not, indeed. There is \$1.3 billion for the Brighter Beginnings affordable preschool initiative and \$775 million to establish the Affordable and Accessible Childcare and Economic Participation Fund. Those key programs will not only ease cost-of-living pressures on families with young children but also assist women to maximise their economic opportunities, with benefits not just for themselves and their families but for the New South Wales economy as a whole. Those cost-of-living measures and the 2022-23 budget promise a better and brighter future for all people of New South Wales.

#### STATE BUDGET AND FORSTER PUBLIC HOSPITAL

#### STATE BUDGET AND REGIONAL HEALTH

#### STATE BUDGET AND BIOSECURITY

**The Hon. MICK VEITCH (17:25):** I make a few observations arising from the questions and answers today about the budget. I caution Government members about hubris because, in my experience, it comes back to get you at some stage so they should be careful. A comment was made that we did not build a hospital. The good folk of Young are walking around a hospital that we built, and we built a hospital in Lithgow. I caution those opposite to be careful about what they say because it may not be right. I put some things on record. The Minister spoke about the Isolated Patients Travel and Accommodation Assistance Scheme [IPTAAS] funding. As someone from regional New South Wales, I do not think anyone there would deny that IPTAAS goes a long way to assisting people in coming to Sydney to access medical care. I argue that the money that goes to IPTAAS is not enough, but it is money well spent.

Biosecurity was also raised. I have been banging on about weeds and pests for a long time. That is biosecurity. Members opposite say that we do not have a policy or a plan, but they have pinched the biosecurity stuff that I have been espousing for the past six years. Again, members opposite should be careful about hubris. The biosecurity money has been floated as if it is new cash, but it is not. Again, they should be careful. It is not all new money; it has been mentioned and announced previously. As I said publicly last week in front of the Minister, if this Government wants to put money on the table to address biosecurity then I will roll up my sleeves and stand side by side with it to assist in countering the biosecurity threats and incursions in this State, but it will not be enough. I was right; it will not be enough.

My other issue with the State budget comes down to two things: implementation and delivery. Over the past 12 years there have been big press releases and big announcements but poor delivery—I could rattle off programs. I remember in 2011 the State budget promised—and I think the President will remember this—100 places for people with disability into employment. Do members remember that? Twelve months later, how many were rolled out? One person out of 100. The Government should not pat itself on the back. Its implementation of programs is appalling. It can make announcements and we will go to a State election—because that is what it is about—but its implementation is appalling. It needs to do a darn sight better. It should not be patting itself on the back.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. SHAYNE MALLARD (17:29):** It is a pleasure, on this great day for our great State, to conclude the take-note debate. Before I do that, I send a cheerio to one of our regular viewers. The Hon. Adam Marshall has confessed to me that this debate is something that he always watches in his office, and it is good to know that we are entertaining the lower House. What a great question time we had, focusing on the New South

Wales State budget. It was very exciting. Members on this side of the House only got to ask three questions because there was so much procedural debate going on, but they are very excited about the State budget. Those opposite have the saddest faces I have seen for a long time.

Unfortunately, one reason that we did not have enough debate on the budget is because Opposition members have seized upon the standing orders and have narrowed down the answers to such a point. They are trying to finely hone the answers to the questions to produce the narrative that they want to create, which is that this budget is not good. That is exactly opposite to the truth. I am holding the summaries; they are published so anyone can get them. The budget is full of good news for this State, and it outlines the future for our community.

[*An Opposition member interjected.*]

Don't talk to us about hubris. I note that there were no questions in question time about tolls. I was heartbroken. We used to get toll questions all the time. It was very disappointing.

**The Hon. John Graham:** They'll be back. Don't be too worried.

**The Hon. SHAYNE MALLARD:** I think our toll policy has ripped the rug out from under your feet, Mr Graham. Minister Tudehope made a very valid point during question time when he was allowed to roam a little—particularly when the Hon. John Graham gave him a question with a political hook in the back. The Minister wondered what policies Labor will cut on Thursday. Will they cut the energy rebate, the \$150 back-to-school rebate, the \$500 million toll rebates, the \$775 million childcare expansion? The Hon. Daniel Mookhey interjected and said that they will tell us on Thursday. We look forward to that on Thursday.

But let us not rely upon the Government to outline the great news in the budget. Let us look at some of the people in the business community, the stakeholders, and what they have said today. The Business Council of Australia said in a release:

The NSW budget is helping lock in the state's recovery with sensible reforms that encourage businesses to invest and make the state an even better place to live and work. Business Council chief executive Jennifer Westacott said, "NSW is charging ahead with nation-leading reforms that makes the state a better place to live, work and do business."

The Australian Retailers Association said that it welcomed much-needed support for families to address the rising cost of living, with more than \$7.2 billion in financial support. It also congratulated the Government on its strong leadership for women. [*Time expired.*]

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

**Motion agreed to.**

### *Deferred Answers*

#### **NATIVE ANIMALS AND DEVELOPMENT**

In reply to **the Hon. MARK PEARSON** (8 June 2022).

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

I am advised:

All native animals are protected under the Biodiversity Conservation Act 2016.

Any potential biodiversity (including fauna) impacts of a development must be assessed in accordance with that Act.

For State significant developments and State significant infrastructure applications under the Environmental Planning and Assessment Act 1979:

- the application must generally be accompanied by a biodiversity development assessment report;
- technical experts within Biodiversity, Conservation and Science division provide advice to Department of Planning and Environment Planning on the biodiversity development assessment report and biodiversity impacts;
- where biodiversity impacts will occur, Department of Planning and Environment often includes approval conditions requiring the preparation and approval a biodiversity management plan;
- Biodiversity management plans provide information about the management of biodiversity post-approval.

Any State significant developments and State significant infrastructure and associated biodiversity management plans do not switch off the legal requirements to protect native animals under the Biodiversity Conservation Act 2016 or any other relevant legislation or policy.

*Written Answers to Supplementary Questions***SCHOOL SUCCESS MODEL**

In reply to **the Hon. COURTNEY HOUSSOS** (9 June 2022).

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

The question does not make sense. Every school publishes their progress against targets as well as other relevant performance data in their respective annual reports. These reports are available on every school's public webpage and provide key information about the performance data of each school.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

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

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House this day.

**Motion agreed to.**

**ORDER OF BUSINESS**

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

That, notwithstanding anything to the contrary in the standing and sessional orders, the following committee reports and Government responses take precedence of all other committee reports and Government responses this day.

- (1) Order of the day No. 15 relating to report No. 1/57 of the Joint Select Committee on Coercive Control entitled *Coercive control in domestic relationships*.
- (2) Order of the day No. 16 relating to report No. 1/57 of the Joint Standing Committee on Road Safety entitled *Reducing trauma on local roads*.

**Motion agreed to.**

*Committees***JOINT SELECT COMMITTEE ON COERCIVE CONTROL****Reports**

**Debate resumed from 17 May 2022.**

**Ms ABIGAIL BOYD (17:33):** The work of the Joint Select Committee on Coercive Control has made a significant contribution to the campaign to criminalise coercive control throughout Australia. During the inquiry we heard from victim-survivors, representatives from frontline community services and organisations, peak experts and academics—not just from across Australia, but from across the world. With five hearings held here in Parliament House, and one held in Narrandera to hear regional and rural perspectives, the committee gathered a significant body of evidence in support of criminalising coercive control.

Despite members of the committee coming to this work from different perspectives, the report produced by the committee on the back of the evidence was unanimous. The Greens, Labor, Liberals, The Nationals and One Nation party members, including my colleagues in this place—the Hon. Natalie Ward, who did an admirable job chairing the committee, and the Hon. Rod Roberts—came together and backed calls for our archaic domestic violence laws to be updated to reflect that domestic abuse is not only physical abuse but also mental, psychological and sexual abuse.

I put on record my thanks to my fellow committee members for approaching their work on this inquiry diligently and compassionately, and for the goodwill they showed to each other throughout. The approach of members of this committee was fitting for what is an incredibly grave and serious issue. I also thank the committee secretariat and Hansard for their incredible support. I am never surprised by their professionalism and hard work, but I am always grateful for it. Most importantly, I thank every single person who took the time to make a submission to the inquiry or to appear at a hearing, particularly those who shared their stories.

Prior to the committee being established, I introduced in this place The Greens bill to criminalise coercive control entitled the Crimes (Domestic and Personal Violence) Amendment (Coercive and Controlling Behaviour) Bill 2020. That bill was developed over a period of 18 months through extensive research, stakeholder consultation and genuine discussion with victim-survivors of domestic abuse across the State. During the inquiry, our bill was

praised for being the best version of such legislation presented anywhere in Australia so far. That bill still stands and is ready to be voted on.

The committee recommended that the Government move swiftly to implement coercive control laws in New South Wales, and the Government responded to indicate that it would do so. However, we are a year down the track and no Government legislation has been brought forward. Meanwhile, at least one woman is murdered by a current or former partner every week. I know that the new Minister for Women's Safety and the Prevention of Domestic and Sexual Violence understands this point full well. I urge her to do whatever she can to bring legislation through Cabinet as soon as possible to protect victims of domestic violence and abuse by recognising the full spectrum of domestic violence and abuse in our laws.

Further, I ask that this Government urgently address the remainder of the committee's well thought through recommendations. There are a number that could be made immediately, such as updating the definition of domestic violence more broadly to include coercive control, strengthening apprehended domestic violence order provisions and amending the existing offences of stalking and intimidation. I also ask that far more significant and urgent investment be made in educating the public, police, judiciary and all frontline workers about coercive control, in line with the recommendations in this report.

I am glad to have been a member of this committee and to have helped produce this report and its recommendations. I left my time with the committee feeling hopeful. I was hopeful that we would finally see some meaningful change in this area, which the Government has not previously treated with the priority that it deserves—in policy development and, as importantly, in funding. Over the past year, that hope has sadly faded. The inaction of this Government continues. At the very least, I would have thought that by now we would have had a draft bill from this Government and a process set up to ensure that representatives from a variety of groups are able to have their voices heard, particularly those from First Nations communities. Instead, we have warm platitudes, shallow promises and no actual progress—something I have come to expect, but am still bitterly disappointed by, when it comes to this Government.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The question is that the House take note of the report.

**Motion agreed to.**

## JOINT STANDING COMMITTEE ON ROAD SAFETY

### Reports

**The Hon. LOU AMATO (17:39):** I move:

That the House take note of the report.

As chair of the Joint Standing Committee on Road Safety, I speak to the committee's report No. 1/57, tabled 16 July 2021, entitled *Reducing trauma on local roads in NSW*. Local roads are a fundamental part of everyday life, with virtually every journey starting or ending on one of them. Unfortunately, a high percentage of fatalities and serious injuries also occur on local roads. When we consider the statistics regarding the number of accidents on our roads, we must remember that behind the statistics are people who may have lost their life or have experienced serious trauma that can have a long-lasting impact on them and their loved ones.

Throughout this inquiry, the committee heard about the hard work being done to improve road safety by State and local governments. However, it is clear that there is a need for greater communication and cooperation to further enhance and improve road safety programs. During the inquiry, it became clear that local councils are a vital partner in the New South Wales Government's efforts to improve local road safety. However, the existing legislation under which councils operate does not include a specific role and responsibility for road safety. We heard that in Victoria explicit references to the role and responsibility of local road authorities for road safety are legislated. The committee recognises the merit of that approach. It recommended that the Government consider whether there is a need for similar legislation in New South Wales in order to give clarity to local government about its role and responsibility for road safety.

The committee also found that integrated planning strategies are needed, together with a review of all existing State Government road safety infrastructure funding programs. That will help to prioritise road safety and address local road infrastructure needs. The difference between the funding available for State roads compared to local roads was particularly notable, especially when considering the size of the road network. The committee heard that the application processes for New South Wales Government road safety grant programs should be co-designed with local government to place their needs at the centre of the process and reduce complexity. The committee also heard that local councils often lack access to local road accident data. Improved access to this data will assist councils to better identify accident hot spots within their boundaries and help prioritise local road safety

improvements. Consideration should be given to how local councils develop and train their staff to ensure they have the skills and knowledge to design and implement road safety measures.

The committee also heard that local government can struggle to attract and retain staff who are experienced in road design and safety. Local councils play a major role in informing their communities about road safety, and we heard that improvements to the Local Government Road Safety Program are needed. The program focuses on improving road user behaviour, including providing funding to local councils to employ road safety officers. Those officers can be an important part of promoting road safety within their communities and should be supported. More timely provision of road safety campaign information to local councils will also improve their ability to promote safety messaging. We heard how councils often receive this information too late for road safety officers to effectively promote a safety campaign within their local community. The need to improve the safety of vulnerable road users, such as pedestrians, cyclists and motorcyclists, in urban areas was also identified during our inquiry. The committee heard how some local councils have introduced 40- and 30-kilometre-an-hour speed zones in areas of high pedestrian activity to better protect all road users.

The committee also recommended that consideration be given to simplifying the process for lowering speed limits in urban areas. During our inquiry, local councils expressed their frustration that the process can be complex and difficult. The committee also examined the provision of suitable rest areas for heavy vehicles using local roads. Rest areas, especially in rural and remote areas, are an important part of managing fatigue and ensuring drivers have access to sufficient rest areas. This is particularly important for heavy vehicle drivers who regularly travel long distances.

Concerns were also expressed during the inquiry that schools are often built or enlarged without taking account of road safety issues. In 2011 the committee looked at the issue of safety around school zones, and some of the issues identified at that time have been addressed. However, we heard that there is a need for greater consultation between the New South Wales Government, local councils and communities when it comes to planning and installing road safety measures around schools. The committee hopes that this report will help guide and support making our local roads safer for all road users. I thank all the members of the committee for their interest and informative contributions to the report. I also thank the committee staff for their work. I commend the report to the House.

**The Hon. JOHN GRAHAM (17:45):** I recognise the work of the Joint Standing Committee on Road Safety. It is, I think, one of the really valuable committees of the Parliament. In particular, I recognise the role of the chair, the Hon. Lou Amato—in his former role, I think—for his work on the report and other work he has done. This is a committee of members from across politics but also from across the Chambers, and it works as one of our best forums.

The committee's report entitled *Reducing trauma on local roads in NSW* is a good report. I particularly endorse the comments that have just been made about the role of local government. One of the good things about the road safety area is that we have a lot of data to work with. There is a real culture of evidence-based decision-making, and I recognise the work of the Centre for Road Safety, which drives a lot of that in New South Wales. It really is the beating heart of that evidence-based culture, and I respect the work that it does.

We must also respect the role of local governments to know their local areas and know, sometimes ahead of time and ahead of the data, where the problems will be. The best approach is to bring both those cultures together, and that is something I think we could improve. The committee has called for that, and it would be a real step forward in New South Wales to build on the data, the evidence and that very strong culture we have and add our local governments into the equation in the way this committee has recommended. That would make roads safer, communities safer, and that would be a better result. As we work towards the road safety plan in New South Wales, which is supported by all sides of politics, this is something we must do better on. It is something we can do better on in our lifetimes. As the investment flows and the technology improves, we are going to see major improvements in road safety. That is a good thing to look forward to, but the faster the better. That should be the view of all sides of politics.

I endorse two other views that the Hon. Lou Amato put forward in his extensive contribution to this take-note debate. One is on the issue of the complexity of speed limits and the reason we need to involve local government in that specific area and why we need to simplify that process. I regularly get feedback from drivers, not about the fact that speed limits are lower in some areas, but about the fact that they could be asked to go any speed at all between 10 kilometres an hour and 110. They might be asked to go any 10-kilometre gradient as they move around the city or the State. People find that change very complex when they are concentrating on doing the job of driving safely, often with either too little warning or too much warning from the clutter of signs that congest our streets.

That is something we need to work on. It is something that features heavily in the Government's Future Transport 2061 plan. The Government has not released that plan yet, but we have seen some leaked elements of it. There is a heavy emphasis in the plan on lowering speed limits in the city and the bush. As we move towards that future, the issue just raised by the Hon. Lou Amato will become even more important. That call for simplification and for dealing with the complexity here is something that drivers really agree with.

I endorse the idea of rest areas that was touched on briefly by the member. I recognise the campaign run right around the country by Federal Senator Glenn Sterle. He has been calling for rest areas to be cleaned up and kept open, especially for heavy vehicles during COVID. He is doing a fantastic job. I draw the attention of members to that campaign. It is very basic, but it actually matters for the working people who spend so many hours on these roads. A lot of these places were closed during COVID. Senator Glenn Sterle has been working directly with the rest areas and service stations to make sure that anyone who is doing a hard day's work will have somewhere clean to rest up, maybe have a shower and a bite to eat at the end of the day.

Finally, I raise one question that sits behind all this. Plans are good and priorities are important, but often it comes down to funding. That is the truth of how government works. Today when I looked at the budget I was concerned about the area of road safety. The budget papers state that the investment required for the Road Safety Action Plan will continue. In 2022-23 we will see a significant investment of \$421.5 million. I assume most of that is coming out of the Community Road Safety Fund. That is a significant investment. I note that all the camera revenue around the State goes into this fund and sustains it. The four-year revenue here is \$838.4 million over the total of the four years. In the 2022-23 budget we will see \$421 million of funding, but that goes off a cliff in the three years after that to an average of \$139 million each year. That is a real concern.

We will not hit the priority contained in the plan and we will not keep people safe if Treasurer Kean and Premier Perrottet slash road safety funding by hundreds of millions of dollars in the out years of this budget. I draw the attention of the House to that. What is going on there is now a question for the Government. I do not seek to jump to any other conclusion at this point; it is up to the Government to clarify what is going on. But on the face of it, the budget figures that have been tabled today in this House and in the other place are very concerning. I would like some explanation, given the important work of this committee and the important work that sits in that road safety plan.

**Debate adjourned.**

## **PUBLIC ACCOUNTABILITY COMMITTEE**

### **Report and Government Response**

**Debate on *Budget Process for independent oversight bodies and the Parliament of New South Wales: Final Report* called on and adjourned.**

## **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

### **Report and Government Response**

**Debate resumed from 7 June 2022.**

**Ms CATE FAEHRMANN (17:54):** I continue my contribution to debate on the Portfolio Committee No. 7 – Planning and Environment report entitled *Rationale for, and impacts of, new dams and other water infrastructure in NSW: Part 1*. On behalf of the committee I thank Gordon Turner, who shared with us his extensive knowledge of the flood plains of the lower Lachlan during our flight over those flood plains and wetlands. I also thank Mr John and Kerry Webster, who hosted the committee at their property so we could better understand the impact of inundation that raising the Wyangala Dam wall would have on private landholders.

The Draft Lachlan Regional Water Strategy was released while the inquiry was underway. It stated that the project would yield only 21 gigalitres of improvement on a long-term average basis for general security categories per year. It was also revealed that the cost of the dam had exploded from \$650 million when it was first announced to at least \$1.5 billion, and as much as \$2.1 billion. This would be a cost of at least \$30,000 a megalitre compared with the average \$1,100 per megalitre cost of general water entitlements in the Lachlan. As Maryanne Slattery of Slattery & Johnson put it, this would be some of the most expensive water in the Murray-Darling Basin, if not the most expensive. Maryanne Slattery also argued that, based on the project providing an additional 21 gigalitres of water a year and the current frequency of large flood events, this additional yield would only be delivered by a one-in-30-year type of event.

Ultimately the committee made a finding that the claimed economic and water security benefits of the election commitment to raise the Wyangala Dam wall are yet to be demonstrated, and another finding that the Government was yet to demonstrate the cost-effectiveness and water yield benefits of the project. Ultimately the

majority of members on the committee rejected my initial recommendation—which I then included in the dissenting report—that the Government not proceed with the project due to the significant and persuasive arguments against it. Instead, the committee made the following recommendation:

That the NSW Government address significant concerns raised during this inquiry in the business case and environmental impact studies. The Government must take into consideration both the arguments for and against the project, with particular emphasis given to:

- its high cost
- limited water yielded
- impact of climate change reducing inflows into Wyangala Dam, meaning less frequent filling of the dam
- impacts on First Nations people, cultural sites and artefacts
- ecological impacts on floodplains, fish and bird species and general river health.

Of course, the Government's response has come out already. It stated:

The NSW Government recognises that many of the issues raised by the Committee in its report will be addressed through the Final Business Case and the Environmental Impact Statement. The Final Business Case will include a comprehensive assessment of the costs, benefits, and environmental and financial impacts. Key inputs will include:

- hydrological modelling based on paleoclimatic data and taking into consideration climate change, which will confirm the anticipated yield
- ...
- estimates of the impacts on Aboriginal cultural heritage and the costs associated with avoiding, mitigating or offsetting these potential impacts—

as well as details of the impacts on ecology and, it says, a wide range of other factors that will be addressed in the final business case. Of course, the Government claims it has done this, but we may never know. As members heard this morning—and this House is still debating—the Government has not provided access to any draft or final business case for Wyangala and the other dam projects. Two and a half years later there is still no business case for Wyangala, despite every sign that the cost of this project has blown out significantly and the rationale for its construction grows thinner day by day.

In November last year *The Australian* reported that officials close to the projects knew, for example, that Mole River Dam would not be going ahead due to concerns with its economic viability and lack of community support. It also reported that the plan to raise the Wyangala Dam wall was indefinitely postponed because of the increasing costs of biodiversity assets. That was in November last year. However, in March this year water Minister Kevin Anderson told the ABC that the business case for Wyangala was due to be completed in 2021, though it was not expected to be completed at all this year.

The Wyangala Dam wall raising did not feature in the National Party's Federal election campaign. In fact, the former Morrison Government did not even commit to 50-50 funding for the project's increased cost. Infrastructure NSW also looked at those dam projects after the report came out. In its four-year update to the State Infrastructure Strategy, Infrastructure NSW has urged that dam proposals be re-evaluated alongside alternatives. When Infrastructure NSW came out with that update, Nationals member for Cootamundra Steph Cooke was quick to dismiss it, saying that Infrastructure NSW "does not write policy". Water Minister Kevin Anderson claimed the Government remained committed to Wyangala Dam, stating, "I don't want to deal with hypotheticals and have a project put on the backburner because someone thinks it's going to be a problem."

So here we are, after a pretty extensive inquiry. The Government response to the report says that everything is going to be addressed in the final business case, Infrastructure NSW says that those dam proposals are not a great idea and it is best to put them off and consider alternatives, the new Federal Government also says it needs to see a final business case before it will commit to the Dungowan dam and potentially the Wyangala Dam wall raising project, but National Party Ministers continue to say that everything is fine, it is all going ahead and these dams are a great idea. The inquiry certainly uncovered the fact that they are not a great idea and they will be environmentally, culturally and economically disastrous if they go ahead. I thank all committee members for taking part in the inquiry.

I thank the stakeholders who presented evidence to the inquiry as well as the people who hosted visits by committee members. I thank the secretariat for working on what was ultimately quite a complex report. I also thank Bret Walker, SC, for taking part and providing the committee with his legal opinion and very good evidence. That was very much appreciated by the committee and was extremely useful for our deliberations. I commend the report to the House.

**The Hon. ROSE JACKSON (18:02):** It feels like it is "dams day" today. I will make a brief contribution to debate on the report on water infrastructure from Portfolio Committee No. 7 entitled *Rationale for, and impacts*

*of, new dams and other water infrastructure in NSW.* I joined the committee at the end of the inquiry, so unfortunately I was unable to participate in any of the extensive visits that the committee undertook, but I understand from other members how useful they were. I echo the comments of Ms Cate Faehrmann in thanking the individuals who voluntarily took committee members, members of Parliament, around their properties and on their plains to show them the impacts of those projects on regional New South Wales. It certainly was a very extensive process and it took a long time. There were hearings in Sydney and there were regional hearings. There was an interim report and there was a final report. We are finally bringing it to a close today.

In a way it is obvious how we got here. After the millennium drought we said, "Jeez, that was really bad. Thank goodness that won't happen again for a while." But a mere 20 years later we were in the absolutely crippling drought of 2018, 2019 and into 2020. In the midst of that, the community was not unreasonably crying out for something to be done. But the Government did not do the difficult work of seriously investigating how to provide sustainable water security to our communities. It went for the easy option, which was to stand up and announce dam after dam—a dam wall raising, a new dam over here and a dam extension over there. All of those projects would initially and ostensibly provide water security in the context of terrible, crippling droughts. But not unreasonably, considering the costs of those projects, members of Parliament said, "We might want to have a look at that. We might want to investigate whether in fact this is the best way to respond."

It turns out, unsurprisingly, that when we lifted the lid on those announcements a lot of it did not stack up. First of all, as my colleague Ms Cate Faehrmann pointed out, the costs that were originally associated with the projects unfortunately bore no resemblance to the actual cost of delivering them. One of the big findings of the inquiry was that some projects cost twice as much or more. Another finding was that all of the alternative water security options that one might investigate, which might be more efficient and easily delivered, had not been properly investigated by the Government. Residents and councils in those communities as well as the Productivity Commission, water experts and First Nations people have said that a range of options could and should be looked at to develop water security before those billion-dollar investment decisions are made. But that work just has not happened, and that is a real shame because we must provide water security to those communities.

Anyone would find it unacceptable for a town like Tamworth to be at risk of running out of water in the next drought. But the Government's continued insistence that, for example, Dungowan dam is the only way to respond to that misses all of the work that has been done on alternative water security in the Peel Valley—whether it is through water re-use, aquifer recharging and stormwater or groundwater re-use. None of that was looked at, and that was a big part of the inquiry's findings. I draw to the attention of members the finding of the absolute lack of proper First Nations consultation—and it was good to see some acknowledgement from the Government in its response to the inquiry because that has been a consistent theme. It really has become a tick-a-box exercise for some government departments, which say, "We need to talk to local Aboriginal people so we will send out an email or host a little Zoom—box ticked." That is not adequate.

In dealing with projects of this size and scale, which may impact on cultural water and significant Indigenous cultural sites, proper Indigenous consultation is necessary. It was good to see the inquiry report made strong recommendations on that, as well as acknowledgement from the Government that it must do better in that area, which was very pleasing. I hope that work is done in future. I also note that, despite the fact that these projects cost billions and billions of dollars—they are some of the biggest investments in infrastructure mooted by the New South Wales Government right now—the Government's justification for them is often very unclear and fuzzy. Sometimes it is water security for town drinking water, sometimes it is for industry or the environment, sometimes it is for flood mitigation and sometimes it is to support local irrigation. All of those are important, but when we are dealing with this amount of money we must be precise.

The Government must tell the community why those multimillion- or multibillion-dollar projects are necessary. It is not good enough to make hazy justifications to cover a range of different issues by saying, "It is going to stop floods," or "It is going to stop drought." It must be precise, and the inquiry drew attention to the gaping holes in the Government's reasoning for the projects. As Ms Cate Faehrmann noted, in its response to the report the Government often said, "We acknowledge that is a legitimate question. It will be answered in the business case," or, "We acknowledge that that needs to be resolved. It will be addressed in the business case." As has been discussed in debate on another matter before the Legislative Council today, that is an empty and hollow response to the parliamentary inquiry when members cannot see the business case.

It takes us back to the core question in the inquiry, and it is a core question for members of Parliament: Is it or is it not valid for members of Parliament, in representing the community of New South Wales, to be able to see the business case that justifies the investment of many millions, if not billions, of dollars? Is that fair or not? The answer has to be a resounding yes when the Government, in its response to this inquiry, highlighted how important those business cases are to answering some of the questions that this committee asked. I reiterate how

important access to that information is to make considered decisions about whether these are good investments for the State of New South Wales going forward.

I again thank all the committee staff, everyone who made contributions to the inquiry and everyone who appeared as witnesses. The report addresses important questions. There is no doubt that the future of water in New South Wales will be incredibly important, whether it is devastating floods or crippling droughts. Our State does not have stable and secure access to water, for town drinking water, for the environment and for irrigation going forward. Unfortunately, that is not something we have on this dry continent. We did not have it before and we certainly will not have it into the future because of the impact of our changing climate. Therefore, it is really important to examine these questions. I absolutely accept that. We need to have a thorough look at all the options for ensuring that we have water security before we go down the path of a kneejerk press conference, announcing a dam and announcing a massive funding envelope—they announced a DL envelope but they needed an A3 envelope at this point.

Before we waste the time of doing the hard work of ensuring that all of the options for water security have been investigated, the committee inquiry highlighted how we need to grapple with these questions. Unfortunately, the Government has wasted a number of years insisting that its dam projects are the solution whereas we know there are serious question marks about that. The investment decisions from the State and Federal governments probably are not going to be there. I encourage the Government to go back to some of the things that were mentioned in the committee inquiry and really start doing the work to investigate the alternative water security options so that we can ensure that our environment, people in our towns and our farmers have access to the water that they need going forward.

**The Hon. CATHERINE CUSACK (18:11):** I was a member of the committee that undertook this inquiry. I thank my colleagues, especially Ms Cate Faehrmann, because I found it very educational. Indeed the committee adopted a scientific approach. The report is characterised by a lot of scientific evidence and diverse stakeholder input. I am proud and pleased to have been a member of the committee. This is a significant report. Anybody who thinks more dams are a good idea should read this report and understand the pros and cons a little bit better. I will give an example. I had not fully understood how controversial and how damaging on-river storage is. Building a dam on a river in such a way that the dam wall prevents the river from flowing naturally—which I think we all know is controversial already—causes environmental damage and impacts not only on the environment but also on surrounding farmland.

Many of our witnesses were farmers who had been impacted. When the height of a dam wall is increased or when there is a new dam everybody up-river will lose property. That was quite eye-opening because stakeholders, who do not normally have a voice and felt they had not had a voice in this process, made that point. I guess I pretty much understand now that on-river storage is technology from the last century that really should never be repeated. Anybody proposing on-river storage is absolutely guaranteed to have a massive punch-up and fight for the project to face enormous environmental offsets, which will mean that any water provided by the project will be at a huge price. We were talking about the numbers, but I cannot remember the specific numbers that were referred to. However, it is ludicrous and it is a complete waste of money to even investigate the process.

In fact, a lot of money has been wasted on these projects. I would like to say, because we cannot assume that stupidity is not implemented anymore in politics, that I thank the Government for canning these projects. The economic case for them was never there. The issue that is really of importance to me is the governance around how these projects even get on the agenda in the first place. A few things are problematic with the governance. I note in the Government's response, which we are actually talking about, the then Minister, Melinda Pavey, had taken some really positive steps to address some of those governance issues, in particular by ensuring that the business case is referred to Water Infrastructure. Because the proper process went through, I believe that is why those projects have been sidelined. At our estimates hearings we heard from John Barilaro. At the time, there was no doubt that he was determined, come hell or whatever—it just did not matter what the number was—to have these dams. It was an ideological imperative.

These towns need an economically viable solution to water security. Everybody on our committee understands the importance of water security. Absolutely nobody is combating that idea. Just because I say that on-river dams are clearly last century and we must never waste another penny going down that ludicrous track does not mean that I do not care about water security. In fact, I am quite passionate about it. One of the problems we encountered during the inquiry was that so many communities believe they want to grow their economies and they believe more water is the solution. I get that. They could attract more business. I do not accept that there are necessarily more jobs because the irrigation really is very capital intensive now and involves a high use of contractors. It is not like grazing, for example. As a former farmer I can say that that is much more employment intensive. Nevertheless I get that they want more jobs, they want more investment in their communities and they see more water as the catalyst.

Our committee was faced with the fact that there is no more water. There is not even enough water at the moment to deal with current entitlements and all the warring and fighting is between people who are not even getting what they are entitled to. Given that those problems are unresolved, to my mind it is difficult to grasp that anybody could think that we would be talking about new allocations or draining more wetland as was being proposed in the Lachlan Valley and destroying more habitat. I feel that those people were very misled and very misguided to even think that that can be on the table. It needs all politicians with one voice to stop lying to people and just be honest with them about needing to solve the problems that are on the table at the moment.

We had some passionate evidence from scientists, including from the CSIRO, that there are water storage solutions off-river and there are potentially some locations. The representative from the CSIRO spoke about his passion for the underground natural aquifers that have been drained and that could be recharged at very little cost to consumers. But he just could not seem to be heard on the issue. I suppose it is because there is no big political bump in that suggestion and maybe those aquifers are not necessarily in the right electorate or whatever. But he was very frustrated. It did hearten me to think that there are people who have really focused on this and have got some good solutions, but the politics has just been too hot to sort out the right solutions.

I do not believe major infrastructure, particularly in relation to dams—which are such emotional issues for communities, for regional Australia and for conservationists—should ever be the subject of an election announcement, State or Federal. I do not believe one level of government should be just dumping hundreds of billions of dollars in a political commitment and assuming that that is then going to trigger hundreds of millions of dollars from the other level of government. I know everybody happily shows up for the photo opportunities. During our inquiry witnesses turned up and pointed out the photo with everybody standing there with the then Prime Minister.

To be honest, it was pretty confronting, given that all of us knew that there was no business case for this. They had not done any homework on it. Everybody's expectations were being raised and anybody who was a doubter or who asked any questions was being dismissed as some zealous Green who does not care about water security and only cares about frogs—which is a complete misrepresentation and a complete fraud, frankly, on regional communities.

I really want to see less politics and more honesty and business cases. First of all, I want to see the problems that we have now solved before we start looking at more water. The problems we have at the moment are so massive that I would love any new water to be allocated towards solving those existing problems. I think there are solutions. I would love to see a bipartisan agreement that nobody is going to come and dump a new dam out as an election promise without the homework being done and the local and State authorities all being on the same page, so that communities are not having their expectations unrealistically raised and so that we know that public funding is being allocated wisely. Ultimately, it is going to be the water users paying for them, and it was the water users' objections that actually resulted in many of the projects being cancelled. Once they found out what the business case looked like, they were appalled. Nobody can afford to buy that water and taxpayers cannot afford to subsidise water at that rate, certainly not when so much damage and offsets are being caused.

I thought the inquiry was great. We would love to see everybody's needs addressed, but my overwhelming take-out from the inquiry is that hot politics is the biggest single hurdle in getting those problems addressed. It is delaying things and consuming time in anger, and now we have spent a whole lot of taxpayers' money to get the answers that I suppose the conservationists told us in the first place. I hope we do not go down that track again. I want to see water security. It is pretty clear to me that there are some good solutions. We need a lot less drama and it needs to be a lot more affordable for regional New South Wales.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The question is that the House take note of the report and the Government response.

**Motion agreed to.**

## **PUBLIC WORKS COMMITTEE**

### **Report and Government Response**

**Debate resumed from 23 March 2021.**

**Ms ABIGAIL BOYD (18:22):** In 2019, on the back of the amazing work done by the likes of the Hunter Community Environment Centre and Environmental Justice Australia, I initiated the inquiry into the costs for remediation of coal ash repositories in New South Wales. At that time we were focused on who had responsibility or residual liability for the coal ash sites following the privatisation of the State's power generation assets, as well as what the cost is likely to be to remediate those sites to meet best practice standards and whether there were opportunities for recycling and re-using coal ash to a greater degree. It is fair to say that many of my colleagues

on the committee were not particularly invigorated by the terms of the inquiry when we commenced. However, I noticed a perceptible shift in attitudes after the morning of the first day of hearings, when committee members were shown photos of enormous coal ash dams and a technical explanation of the issues involved in their remediation was detailed by the Hunter Community and Environment Centre.

Over three days of hearings—one at Lake Macquarie—we heard from a great many well-informed and passionate people about the dangers to the environment and the community that result from leaving toxic coal ash to fester in unlined pits and leach into groundwater or wash or blow away onto nearby land and into bodies of water. We heard from the incredible Gary Blashke, who spoke of his work in gathering data about the clusters of health problems in communities around coal ash dams in New South Wales. He is still continuing that work to this day. Some of the clusters of illnesses he has found are quite shocking, particularly around Lake Macquarie regarding children with brain and spinal cancers. Although we do not have a causal link yet, those cancers are very suspicious and warrant much more attention and investigation from the Government.

The committee recommended that the Government work to establish the health impacts of coal ash and to look at the impact on air and water quality around coal ash dams by the end of this year. The committee also recommended that the Government undertake a comprehensive and independent assessment of the environmental impacts of coal ash dams. In the course of the inquiry, the decision to close Myuna Bay Sport and Recreation Centre was explored and it was found that the decision to close that centre was made with no transparency and that communication with stakeholders and the local community was inadequate. Concerns remain about that site and about the risk that the Eraring ash dam wall may breach. Those risks do not go away just because Eraring is now scheduled for closure. In fact, it causes even greater concerns because, as we heard very clearly during the inquiry, there are real dangers in building on top of coal ash dams.

Toxic coal ash is sitting in unlined pits. If the pits get built over without first being remediated and the coal ash treated or the dams lined, that will contribute to pushing the toxic chemicals further down into the groundwater. We have a lot of evidence from the United States about how that turns out. There is real concern that as coal-fired power stations close, coal ash sites will not be remediated to the extent they should be. Given the findings of the committee that the resulting impact on the health and environment of the surrounding communities is potentially so severe, we need to be more vigilant than ever to make sure that best practice is followed when it comes to remediating coal ash sites.

In relation to the potential opportunities involved with coal ash recycling, the committee found that coal ash is a valuable resource and that there is widespread support across the spectrum of stakeholders for the greater re-use of coal ash as it will lead to industry development and job creation, particularly in the creation of lightweight aggregate products, tiles and other types of construction products, and a reduction in environmental harm as the toxic ash is taken out and treated instead of being left in the ground, while contributing to developing a circular economy. Although the Government gave a nod to that in its waste strategy, that is all it did, unfortunately. We have a golden opportunity to create new industries on the sites of coal-fired power stations that are closing and create more jobs.

To that end, the committee recommended that the Government establish a coal ash re-use task force comprised of State government agencies, unions, industry stakeholders and community groups to lead development of a strategy to achieve at least 80 per cent re-use of coal ash produced in New South Wales and to report by 2022. We also recommended that the new task force investigate regulations affecting the remediation of coal ash repositories and the re-use of coal ash. A number of other recommendations were made that were designed to increase the demand for coal ash in transport projects and to encourage the re-use of coal ash in lightweight aggregates for use in construction.

Despite the delays the inquiry experienced due to COVID, the members of the committee were unchanged throughout the inquiry, which I find is quite rare these days as we tend to have a lot of changes in membership. I sincerely thank my fellow committee members for opening their hearts and minds to this issue, taking the time to understand and engage with it and, I hope, becoming a little bit as enthusiastic as I am in seeing the problem cleaned up. The members of the committee were the Hon. Daniel Mookhey, the Hon. Mark Banasiak, the Hon. Sam Faraway, the Hon. Trevor Khan, the Hon. Shayne Mallard and the Hon. Tara Moriarty.

Given the cross-party support for the recommendations in this report, the Government's response is pretty disappointing. Notably, the suggestion to work with industry and the community to create a task force to accelerate the development of the coal ash re-use industry was merely noted by the Government. We have a need to rapidly diversify employment opportunities in communities traditionally reliant on coalmining and coal-fired power stations, with the opportunity to establish new sustainable industries on site and the potential to achieve a true job-for-job transition, and the Government looks the other way.

If industry cannot even convince the Government, I do not know what can, but words and no action from the Government is par for the course. Despite the Government's lukewarm response, I note the report is hugely helpful in the campaign to have coal ash repositories cleaned up and in ensuring that companies that profited the most from coal-fired power will contribute the most to their clean-up. I thank all those who took the time to contribute to the inquiry and the fabulous team of the committee secretariat and Hansard.

**Debate adjourned.**

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I will now leave the chair. The House will resume at 8.00 p.m.

*Bills*

**TREASURY LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022**

**ICAC AND LECC LEGISLATION AMENDMENT BILL 2022**

**First Reading**

**Bills received from the Legislative Assembly.**

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

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

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

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

**Statements of public interest tabled.**

**The Hon. DAMIEN TUDEHOPE:** According to sessional order, I declare the bills to be urgent bills.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The question is that these bills be considered urgent bills.

**Declaration of urgency agreed to.**

**The Hon. DAMIEN TUDEHOPE:** I move:

That the second readings of the bills stand as an order of the day for a later hour.

*Business of the House*

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: CENSURE**

**Ms CATE FAEHRMANN:** I move:

That standing and sessional orders be suspended to allow the order of the day for resumption of the debate on the motion to censure the Leader of the Government for failure to produce documents to be called on forthwith.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The question is that the motion be agreed to.

**Motion agreed to.**

*Documents*

**DUNGOWAN DAM AND WYANGALA DAM**

**Censure of Leader of the Government**

**Debate resumed from an earlier hour.**

**Mr JUSTIN FIELD (20:05):** I speak in support of the motion, which seeks to censure someone on the Government side of the Chamber. That sounds about right. This issue has a long history beyond all the motions moved by Ms Cate Faehrmann and supported by this House. The Government has an absolutely atrocious record when it comes to transparency on water, particularly with regard to major water infrastructure. Over the past few terms of this Government there have been many debates in this Chamber on the subject of water infrastructure.

Members have seen an ongoing effort to prevent access to reasonable information that the community would want to see. This information would help them to understand why huge amounts of public money are being spent on infrastructure that can substantially change the outcomes for their community regarding access to water, the environment, impacts on the rivers and also on those so-called productive uses of water.

I acknowledge that farming is a productive use of water, but so are the other uses of water. The Government has made an assumption that it can hide this information and make grandiose claims about what a particular dam or piece of water infrastructure will do. I speak in support of this motion and call out this terrible track record of secrecy when it comes to water projects because when I first started in this place I also went through this in relation to the Broken Hill pipeline. When this House was supporting my calls for papers on that particular piece of infrastructure, the project had already been agreed to by Cabinet. It was already under construction, yet the Government was still trying to prevent access to that document. We got up to the point we are at now with this particular series of motions. At the point where the Leader of the Government was going to be censured and removed from the House, the documents mysteriously turned up in hard copy form at my door.

Clearly the Government is prepared for these documents to be available to the public but is trying to keep them quiet as long as possible. Why? In that instance it was mostly because the document contradicted what the Government stated was the motivation behind that particular project and the spending of hundreds of millions of dollars. While the Government was trying to say it was all about water security for the people of Broken Hill, one of the actual prime motivators of that piece of infrastructure was to keep more water upstream for irrigators. That was absolutely clear when we saw the business case. It is totally reasonable that the people of New South Wales should see a business case for a major project where huge amounts of public money will be spent. Sure, it is not necessarily going to be a simple "all good" or "all bad". There will be winners and losers with this sort of infrastructure, but that should be in the public realm. If the Government is so confident about its policy prescription for more and bigger dams and for damming our rivers, it should make the case rather than hide the information about what those projects will actually deliver.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:09):** I seek leave to withdraw my amendment to the motion given that the amendment moved by the Hon. Rose Jackson provides additional time for compliance.

**Leave granted.**

**Amendment withdrawn.**

**Ms CATE FAEHRMANN (20:09):** In reply: I thank all members who made contributions to debate on the motion and I indicate that The Greens support Labor's amendment as it is very practical. I thank Labor for its assistance in making it a bit easier for the Government to comply with the order for papers by affording it a week to provide just one or two documents that are already before Infrastructure NSW.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** Ms Cate Faehrmann has moved a motion, to which the Hon. Rose Jackson has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**The House divided.**

Ayes .....19  
Noes .....13  
Majority.....6

**AYES**

Boyd	Higginson	Pearson
Buttigieg (teller)	Houssos	Primrose
D'Adam (teller)	Hurst	Roberts
Donnelly	Latham	Searle
Faehrmann	Mookhey	Sharpe
Field	Moriarty	Veitch
Graham		

**NOES**

Amato	Farraway	Poulos
Barrett (teller)	Franklin	Rath

	NOES	
Cusack	Mallard	Tudehope
Fang	Martin	Ward
Farlow (teller)		

	PAIRS	
Jackson		Taylor
Moselmane		Maclaren-Jones
Secord		Mitchell

**Motion as amended agreed to.**

*Business of the House*

### SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

**The Hon. MARK LATHAM:** I move:

That standing and sessional orders be suspended to allow private members' business item No. 1876 outside the order of precedence relating to the censure of the Treasurer, and Minister for Energy for misleading Portfolio Committee No. 1 – Premier and Finance, to be called on forthwith.

I understand the Government is accepting the censure and the suspension just needs to be voted on.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The question is that the motion be agreed to.

**Motion agreed to.**

### MATT KEAN, TREASURER, AND MINISTER FOR ENERGY

#### Censure

**The Hon. MARK LATHAM:** I move:

That private members' business item No. 1876 outside the order of precedence be considered in long form.

**Motion agreed to.**

**The Hon. MARK LATHAM (20:22):** I move:

- (1) That this House notes that:
  - (a) during the Budget Estimates 2021-2022 supplementary hearing held on 3 November 2021 the Treasurer, and Minister for Energy, the Hon. Matt Kean, MP, informed Portfolio Committee No. 1 – Premier and Finance that with regard to the owners of coal-fired power stations telling him they were closing early, "None of them have told me they are leaving early";
  - (b) during the Budget Estimates 2021-2022 additional hearing held on 28 February 2022 the Treasurer, and Minister for Energy, the Hon. Matt Kean, MP, informed Portfolio Committee No. 1 – Premier and Finance that:
    - (i) he "first found out of the decision to close Eraring a day or two before it was announced"; and
    - (ii) "There was no decision to close Eraring until Origin Energy informed the market the other week."
  - (c) Origin Energy announced the early closure of its Eraring Power Station, in 2025, on 17 February 2022.
- (2) That this House further notes that:
  - (a) documents returned on 16 May 2022 to the order for papers relating to the Eraring Power Station show that:
    - (i) the closure of Eraring was never in doubt—it was not a question of if, but when;
    - (ii) the Power Station was uneconomic, losing Origin Energy substantial amounts of money; and
    - (iii) in July 2021, Origin approached the Government with its closure plans, but recognising the impact of closure on electricity supply in New South Wales, gave the Government an opportunity to either take ownership and control of Eraring Power Station and/or fund a capacity mechanism, contributing taxpayers' money to keep Eraring open for 2 to 3 years past 2025 and/or expand Origin's Shoalhaven hydro generation.
  - (b) this is evident in the following documents and statements:
    - (i) Origin Energy's summary document on "Planning the Future of Eraring" submitted to the Government in July 2021, stated "The market shift to renewable energy coupled with commitments to build more dispatchable capacity means Eraring is already lossmaking and this position will deteriorate over the decades ... On a commercial basis, we would submit our notice now and retire the plant in early 2025";

- (ii) on 8 September 2021 Origin executives reported to Government officers that "timing: (we) submit now to close in March 2025 – timeline hasn't been chewing up real money but now it is. From here, every month of discussion is another \$8-10 million cash loss";
  - (iii) concerning the announcement of Eraring's closure timeline, on 5 November 2021, James Hay, the CEO NSW Energy Corporation and Deputy Secretary, Energy, Climate Change and Sustainability, noted: "We understand your deadline of making an announcement to the market with your half-year results in February";
  - (iv) on 11 November 2021, the Origin Executive Manager, Energy Supply, Greg Jarvis, advised the Government that "Absent our discussions with the State we would have lodged notice of Eraring Powers Station retirement in August of this year.";
  - (v) on 29 November 2021 Origin Energy executives Graeme Cuthbert and Tony Lucas advised the NSW Government that "When the closure announcement is made AEMO will forecast a reliability shortfall. Doesn't think it makes sense to then immediately extend operating life having just announced early closure"; and
  - (vi) on 28 September 2021 James Hay, the Government's chief energy advisor, informed other ministerial energy advisers working on Project Phoenix, following further discussions with Origin Energy that, "We recognised neither the Roadmap nor post2025 will be ready in time for Origin's timelines for Eraring".
- (3) That this House is of the view that the Treasurer, and Minister for Energy, the Hon. Matt Kean, MP had every reason to believe the Eraring Power Station was closing early, yet he repeatedly misled Portfolio Committee No. 1 – Premier and Finance by denying his knowledge of this reality.
- (4) That this House:
- (a) notes that questions are an important mechanism of executive government accountability to Parliament that provide members an opportunity to seek information and hold the government accountable for its actions; and
  - (b) accordingly censures the Treasurer, and Minister for Energy, the Hon. Matt Kean, MP, for misleading Portfolio Committee No. 1 – Premier and Finance, during the Budget Estimates 2021-2022 hearings held on 3 November 2021 and 28 February 2022 about his prior knowledge of the early closure of the Eraring Power Station.

The truth of the matter is that Mr Kean should not have been delivering a budget today. He should have been sitting on the back bench, having resigned under the Westminster standards for misleading the Parliament. This is an open and shut case of a Minister, in the bad habit of just saying what he thinks gets him off the hook for the next five minutes, actively misleading budget estimates Portfolio Committee No. 1. There is no doubt about what he said. There is no doubt what the Standing Order 52 [SO 52] documents show. If the Premier had any standards and any respect for the Westminster tradition, he would not allow one of his senior Ministers to mislead the budget estimates committee, to mislead this Chamber or to mislead the Parliament.

Mr Kean should have been made to resign. If he had any standards himself, he would have resigned. He is notorious around this building for being loose with the truth, for telling people what they want to hear and for saying the thing that diverts attention from his failings for the next 10 minutes or so. What happened at the budget estimates hearings over a series of meetings, quite frankly, is a disgrace. The point of this censure motion is to uphold the integrity and standards of the Legislative Council. There is no point having budget estimates if we allow Ministers to go there and mislead and lie and make things up to just get themselves off the hook in front of the media. There is no point having budget estimates unless we as a Chamber have a standard beyond politics—that Ministers must tell the truth. This is one of the most fundamental things about parliamentary life: Ministers must always tell the truth and, if they do not, they can accommodate themselves on the back bench. That also applies to public servants when it comes to the budget estimates committees.

What happened was that I asked Matt Kean on 3 November 2021—which turns out to be some four months after negotiations started with Origin Energy about the nature of the closure, not the possibility of the closure, of the Eraring Power Station but the actual nature, format and timing of it. I asked Matt Kean if he had had word from any of the owners of the coal-fired power stations telling him they were closing early. Minister Kean responded:

None of them have told me they are leaving early.

The SO 52 documents give a total lie to that proposition. He said:

None of them have told me they are leaving early.

In July Origin Energy said, "We're under financial pressure. This power station will be losing \$10 million a month after March 2022. We will be closing it." The only thing up for grabs here is when it closes, is it 2025, or will the State Government take ownership of it as an energy capacity mechanism to keep the lights on, or will they subsidise to keep it going for a couple of years, or subsidise Origin to expand its Shoalhaven pumped hydro capacity? It was never a question of if; it was only ever when, and Kean had been told that Origin was closing Eraring early. During subsequent budget estimates on 28 February this year, which were to sound Kean out about

what he knew—this was 11 days after the announcement of the closure of Eraring—Matt Kean said to me during questioning:

I first found out of the decision to close Eraring a day or two before it was announced.

That was a bald-faced lie from someone who has a personality flaw of being permanently loose with the truth. He said:

I first found out of the decision to close Eraring a day or two before it was announced.

Then, in questioning from the Leader of the Opposition, the Hon. Penny Sharpe, he said:

There was no decision to close Eraring until Origin Energy informed the market the other week.

If any member of this House looks at the documents that have been de-privileged now under the initial SO 52, they will see that the closure of Eraring was never in doubt. It was not a question of if, but when. The power station was uneconomic and losing Origin Energy substantial amounts of money and in their eyes they had a fiduciary duty to the shareholders to close down this loss-making venture. In July 2021 Origin approached the Government with its closure plans that recognised the impact on the electricity supply in New South Wales. They gave the Government the opportunity either to take ownership or to fund a capacity mechanism to keep it open, possibly for two or three years after 2025. But it was never going to last into the next decade. It was never going to go to its original closure date in the 2030s. It was closing in this decade, either in 2025, or shortly thereafter depending on the Government's response to the request by Origin for subsidies. Members can look at the documents. The original Origin Energy summary document, which was ticked off by Minister Kean, was called "Planning the Future of Eraring". It was submitted to the Government in July 2021. It stated:

The market shift to renewable energy coupled with commitments to build more dispatchable capacity means Eraring is already loss-making and this position will deteriorate over the decades ... On a commercial basis, we would submit our notice now and retire the plant in early 2025.

That was the starting point of a very clear intention from Origin that this was closing on a commercial basis and giving notice in early 2025. Minister Kean knew that. It was the basis on which he then authorised negotiations for either a government takeover or a capacity mechanism to possibly keep it open to 2027. He knew of the early closure of Origin—years earlier; seven years earlier at 2025 and five years earlier at 2027. He knew at that point because that was the summary document from the company upon which the negotiations followed. Then concerning the announcement of the closure time line, on 5 November 2021 James Hay, the Chief Energy Adviser and the CEO of the NSW Energy Corporation, noted in one of the documents:

We understand your deadline—

Origin's deadline—

of making an announcement to the market with your half-year results in February.

The Government knew that the Origin company had an important deadline and one of its half-year result announcements in February. They had to make the announcement then. It was a clear deadline for these negotiations to close it early. That is confirmed and it was known to the Minister. Then on 11 November last year Origin Executive Manager, Energy Supply, Greg Jarvis, advised the Government that:

Absent our discussions with the State we would have lodged notice of Eraring Powers Station retirement in August of this year.

Their commercial and fiduciary duty and responsibilities meant they were going to announce it in August of last year. The only thing delaying it to February was whether the Government would buy it or subsidise it to keep it open for a couple of extra years to get through the energy supply crisis that is evident in other parts of the documents between 2025 and 2027, most notably before we have certainty about the HumeLink and Snowy 2.0 coming online.

At this point, it is very clear that when I asked Minister Kean in budget estimates hearings in November last year if he knew of any intention or had been told by the owners of coal-fired power stations that they were closing early, he should have said, "Yes, I have been advised by one of them and we're in negotiations to see if that early closure can be delayed a year or two." At that point, having been honest with the Parliament and the committee, I suppose Origin would have had to respond and say, "Yes, it's us. We are closing," and the Government negotiations—which fell over, anyway—would be terminated at that point. Their chief of energy supply had said that absent those discussions they would have announced the retirement in August of last year. It was available for the Minister to be honest and give the answer, which all Ministers should do frankly and honestly at budget estimates hearings, "Yes, one of them has notified me. For commercial reasons, I'll allow them to make that announcement," and within a couple of days Origin would have fessed up and said, "It's us. We would have done it in August, anyway. We are doing it right now"—in the first week of November last year.

The misleading of the Parliament is obvious. The way in which the Minister dodged the truth is obvious and the Parliament needs to censure the Minister who very clearly has done the wrong thing. We cannot allow Minister Kean to set an example for his colleagues, saying, "Oh, yeah, I just told them what they needed to know politically. For my convenience, I told them I didn't know much. It was only ever a possibility. I fobbed Latham and Sharpe off." All the other Ministers would say, "We'll go to budget estimates and do the same. We won't tell any of the truth. We won't be frank and honest under questioning. We'll use the Kean technique of just lying through our teeth." That is part of a pattern of behaviour and personality.

I know the Hon. Catherine Cusack has said things publicly about Matt Kean where he said he was the greatest ever environment Minister, the Muhammad Ali—"I am the greatest!" Ali had the rope-a-dope; this bloke is just a dope. The Minister was basically trying to lead you, Madam Deputy President, down the garden path of dishonesty, saying that he was going to look after the koalas while negotiating and doing a side deal with what the Hon. Emma Hurst has called "the koala killers", and then saying, "Well, that's just how politics works." That is not the work of an honest individual. He sees the truth as a political convenience that he can chuck to one side whenever it suits him, and that happens time after time.

It happened at the budget estimates hearings. The Hon. Catherine Cusack has publicly given her account of what happened. We find this convenience and looseness with the truth time after time. At one point this Minister was saying, "We're driving coal out by 2030. All the fossil fuels will be gone by 2035." Yet we find out that last week he was crawling to Government House, to the Governor, to declare the delivery of coal to be an essential service in New South Wales, which is the wartime power equivalent of Commander Kean surrendering to coal.

The zigzagging and erratic behaviour, the lack of clear public policy, misleading the Parliament and his colleagues are part of a pattern of behaviour and personality trait in Matt Kean that we should condemn and censure so we send a very clear message to the rest of the Perrottet Government that we are not tolerating any of it. Whether one believes in coal-fired power stations and baseload power or 100 per cent renewables is not the issue before the Chamber. The issue is about the Westminster standard of Ministers telling the truth. We see this erratic and dishonest behaviour from Matt Kean time after time.

He has declared a clean energy revolution but, given the energy crisis we have in New South Wales, it is looking like the equivalent of when Idi Amin declared in the 1970s that Uganda was joining the space race. It is not a revolution that is ending all that well. Minister Kean needs to be held to account. He has a reputation around the Parliament. I am struck by the number of Labor, Independent, crossbench, Liberal and National MPs who say that he lies through his teeth time after time. It is his political modus operandi of getting through the next day and the next media cycle. Many people are disillusioned with it and this Chamber should condemn it.

I meet all sorts of people in politics with all sorts of personalities. Parliament is a fascinating collection of humanity. But I have never met anyone like Matt Kean. In my time of watching people and observing their practices, I have never met anyone so dishonest in every single respect. From the moment he rang me after the last election and we had a discussion about his energy agenda, it was all BS. It was all untrue and designed to tell me what I wanted to hear. He was going to stay out of the climate wars. How did that go? He was going to rely on baseload power. How did that go? He was a supporter of nuclear power. How did that go? The faces of all Government members are staying very straight. There may be a few little smirks behind a hand, but they know the truth of it as well. If it was a free vote, he would barely have the vote of anyone in this Chamber. That is the truth of Matt Kean.

He reminds me of that great story of the populist American Louisiana Governor Huey Long. He was very much like Matt Kean. To win the Catholic vote in the different boroughs of Louisiana, Huey Long would get up on the pulpit and when addressing the Catholic congregations he would tell the story, "When I was a small boy, I would hitch up my horse and I'd ride 55 minutes every Sunday morning to go to Catholic church for mass. Then I would hitch my horse up again and I'd ride home." Borough after borough, Catholic congregation after Catholic congregation he would tell this story of hitching up his horse, riding about an hour and going to mass and then riding the horse home. Finally his chief of staff, having heard the story dozens of times on the campaign trail, said, "Mr Long, I really gotta say to you, I don't think you should be telling that story because you ain't a Catholic," and Huey Long responded, "Catholic be damned; we didn't even own a horse."

That is Matt Kean. He is the Huey Long equivalent that we have in this Parliament today. Matt Kean will say and do anything to advance himself and maybe try and win a few votes temporarily. He is Huey Long and basically says, "Truth be damned, budget estimates be damned; I'm just telling what I want people to hear," regardless of honesty and accountability in the New South Wales Parliament. We must carry this motion on that basis. The evidence is very clear. He outright misled the Parliament. For those who think, "Maybe Latham deserves a bit of misleading. Give him a bit of rough treatment," he also misled the Leader of the Opposition, who I think to her credit pursued the line of questioning. Surely as the energy Minister, when Origin told him months

ago there was an intention to close, he knew of the early closure. But his answer in the November budget estimates hearing, "No, nobody's told me anything,"—the Sergeant Schultz defence—could not have been true.

Then he misled the Leader of the Opposition as well. I gather at that budget estimates hearing that if everyone around the table had asked the same question, he would have misled them as well. This bloke has not got a skerrick of truth in his body. He has no integrity or honesty, and this censure motion should be upheld by the Chamber to condemn a Minister who, quite frankly, is a disgrace to the Westminster system. When asked questions some Ministers will give an answer that avoids the truth, a non-answer, or say, "I can't answer that," and that is a technique they use. Minister Kean goes three or four bridges further into straight lies and straight misleading. Maybe he could have said in November, "I've got information, but for commercial reasons I can't tell you. I can't tell you what I know." At least it would have been the truth that he knew something. His answer was to say, "I know nothing of these early closures and the possibility of them."

I encourage members to have a look at the second tranche of documents from the Eraring order for papers that have now been dumped. Minister Kean is a slippery character because he dumped one lot and then three or four weeks later he dumped a second lot. We will try to de-privilege those. I cannot say too much about what is in those documents in the Mookhey library because at the moment they are technically privileged. I guarantee the House that those documents will confirm triply that Kean misled the Chamber, that he was briefed and knew at every turn that Origin was on the way out. It was only a question of when. It was never a possibility they would stay open to that closing date in the 2030s. He knew what was happening at every single turn. He has no regard, even for the ministerial technique of avoiding an answer with a non-answer or an excuse. He just goes straight to the lie. This guy's instinct in politics is to go straight to the lie.

I know that people on his own side of politics realise that and are very disappointed that such an individual could have risen so far within the ranks of the parliamentary Liberal Party. The rest of us, whether Labor or from any of the crossbench parties, have an interest in demanding the highest standards. A lot of MPs put a lot of work into their questioning at estimates and they do a lot of research. It is not hard for Ministers—in fact, it is a basic standard that they must tell the truth. When a Minister fails to do that, this House has a duty in the name of integrity and accountability to censure that Minister, and that is what I recommend to the Chamber.

**The Hon. PETER POULOS (20:40):** The Government does not support the motion. The Treasurer did not mislead the House in his responses, and he rejects the assertion by Mr Latham. When Origin first approached the New South Wales Government in July 2021, it informed the Government, under the strictest confidentiality, that it was considering the future of Eraring Power Station. At that time it was stressed that no decision had been made. Indeed, if a decision had been made, as a publicly listed company Origin would have been required to immediately inform the market under its disclosure obligations.

No decisions were taken until early on 17 February 2022, when the Origin board agreed to give notice of the potential early retirement of Eraring Power Station to the Australian Stock Exchange [ASX] and the Australian Energy Market Operator [AEMO]. That notice was issued prior to markets opening on 17 February 2022. The Government was advised around 8.00 p.m. on the evening of 16 February 2022 that the board would be meeting prior to the market opening the next morning to decide whether to give the ASX and AEMO notice of the potential early closure of Eraring.

When the Treasurer, and Minister for Energy provided evidence to Portfolio Committee No. 1 at the supplementary budget estimates hearing on 3 November 2021, clearly no decision had been taken by Origin and the Treasurer's evidence was true and correct. The Treasurer did not mislead the House. Likewise, when the Treasurer, and Minister for Energy provided evidence to Portfolio Committee No. 1 at the budget estimates hearing on 28 February 2022, his account of the time line was true and correct. The Treasurer did not mislead the House. Origin Energy's announcement of its proposed potential early retirement of Eraring Power Station in 2025, while disappointing, was the decision of a publicly listed company. It was a decision for Origin's board and Origin's board alone. Origin engaged with the Government on the future of the power station on a strictly confidential basis. Revealing any information about those discussions would have led to material adverse consequences for an ASX-listed entity.

The energy industry is in transition. The development of considered evidence-based policy to respond to that transition in a way that is in the best interests of this State and its citizens requires the Government to have sound relationships and open lines of communication with key industry operators. Now more than ever it is essential for owners of retiring coal-fired power stations to be confident in their ability to engage as candidly as possible with the New South Wales Government. That is at the very core of the effective conduct of government. Government cannot effectively manage New South Wales' significant interests in critical matters if decisions such as Origin's are taken without consultation. Similarly, it cannot operate in an environment where vital details are withheld because companies are worried that providing this information will put them in breach of their legal

obligations to the market if Government is unable to commit to protecting this information appropriately. That would undermine the Government's ability to develop sound, evidence-based policy responses.

In this instance it is clear that Origin had not decided to close Eraring, as suggested in the motion. If it had made such a decision, it would have had to immediately give notice to the ASX and AEMO. That was not done until 17 February, and even then the decision was only to provide notice "to the Australian Energy Market Operator indicating the potential early retirement of the plant after the required 3½-year notice period". Therefore, the basis of this censure motion is completely unfounded and misrepresentative. For those reasons, the Government opposes the motion, and I urge all members to oppose it accordingly.

**The Hon. PENNY SHARPE (20:44):** Labor supports this censure motion, not in a flippant manner, because we believe the Minister misled the committee at estimates, and that is a serious matter. We are very familiar with the Treasurer, and Minister for Energy and, apparently, the former self-declared greatest environment Minister in New South Wales' history. We are familiar with the fact that he often stretches the truth and is not up-front in the way that he deals with responses or chooses to answer questions. I am very familiar with the Treasurer, and Minister for Energy, as for many years I have sat across from him at estimates hearings.

He always brings his A game, always has a few quips to make and always has his little attack sheets on various members of the committee to go after us—all of those kinds of things—but there is a line that members are not allowed to cross. Every day he is close to the line but, on this occasion, he crossed the line. He was asked questions about the discussions that he had had with Origin Energy and what was going on with the Eraring plant. I will not get into the details of the policy questions. I have very different views from the Hon. Mark Latham on those matters, but I am on a unity ticket with him in relation to the seriousness and importance with which Ministers should take their participation in estimates hearings or proceedings of this House.

There was a time when, if a Minister was found to have misled Parliament, they resigned. That convention has been reduced for the past decade or so, but I still think it is important. I hope to one day be sitting on the other side of the Chamber as a Minister, and I hope that I would take what I tell the people—and it is not just for those of us sitting here; what we tell the public, the community, is supposed to be truthful, and members are supposed to be able to deal with that—seriously enough and that I would not try to use tricky words and semantics, which I think the Parliamentary Secretary did in his contribution about whether what Minister Kean said was misleading or not. It was clearly misleading and I think it was deliberate.

There are ways in which a Minister can answer a question that does not necessarily provide the answer that I might have been seeking when I asked the question. Ministers must protect the sensitive negotiations that Government has with various stakeholders. That happens all the time; that is the business of government. At times every Minister deals with and has to manage sensitive material, whether it is a Cabinet-in-confidence matter or the sensitive requirements of working with publicly listed businesses. Ministers should be grown-up enough, mature enough and sensible enough to manage that.

When he was asked at estimates, all Matt Kean had to do was to say, "There is a range of discussions going on. I'm not able to talk to you about them. That is it," rather than telling us, "I didn't know anything, and I only knew the day before because that was their decision." That is complete and utter rubbish, and it is clear from the documents that that is the case. I will make a couple of other points in relation to this. The Government does not like motions under Standing Order 52 and this information being public. I get that; I have been on the other side of the Chamber, and we did not like it either. But that is government, that is accountability and that is the democracy of this House that has delivered a Chamber that demands that level of scrutiny, and that is a good thing.

These things would be easy to deal with if they were managed with more openness. Rather than providing us with the documents, we go through a ridiculous process. The Hon. Mark Latham said that. We say, "This is the time frame." The Government says, "Can you give us more time?" We say, "We'll give you more time." The Government basically waits until the day before the papers are due and makes half of them privileged, which means that there is a whole process of deprivileging them. Our arbiter is paid a lot of money to make things unprivileged when they should not be privileged in the first place. That is factored in as business as usual in the way that the Government releases information. It has happened again today with a new tranche of documents. We are pretty generous in saying, "If you've got a real reason about why you need an extension and if the documents are coming, that's fine." But we want the Government to be honest. It is gaming it every time. It is looking for every loophole and every way to privilege the material.

I am pleased that the Procedure Committee is again looking at the issues of privilege and what happens with Standing Order 52, because we desperately need it. The Government cannot stand in the House with a straight face and pretend that it is doing this diligently and really trying to provide the documents. That is just rubbish. It is not doing that. It is trying to avoid scrutiny for as long as possible. It is being dragged kicking and screaming

through an arbitration process to get documents unprivileged that should not be privileged but have been made privileged into the public domain. We must be honest about that. If the Parliamentary Secretary were serious about that, he would be honest about it rather than defending it by saying that there was no mislead and somehow there were tricky words used. This is clearly a mislead. It is not okay.

I will make two final points about the Treasurer, and Minister for Energy in this space generally. Firstly, he has been parading around for a long time that energy prices are going to go down. That is clearly not the case, and he needs to be held accountable for that. Secondly, part of the energy crisis problem is that the energy systems have been privatised—they are now for profit, not for people. Until we are serious about that, we cannot deal with the broader issues and the difficult energy policy situation that we are in. The Minister for Energy says, "There's nothing to see here. There's nothing to be worried about." He says that he has done everything he needs to do and it is fine, but it really is not. Finally, censure motions are important and are not taken lightly by the Labor Opposition. We believe that misleading committees and the House is a serious matter. We urge members of this Chamber to support that notion and hold the Executive Government and the Minister to account. He cannot continue to say whatever he thinks and think that nobody will notice.

**Ms ABIGAIL BOYD (20:52):** I have listened with interest to the debate, particularly to the Parliamentary Secretary's response. I find this to be incredibly disappointing. I have read the documents that were obtained through the Standing Order 52 request and, as a member of Portfolio Committee No. 1, I have witnessed and read through the discussions that were had with Minister Kean. It is disappointing that a cute form of words used by the Minister is being defended as something other than misleading. As the Hon. Penny Sharpe commented, it is well within the Minister's rights to allude to ongoing discussions and being unable to talk about them. He did not do that when asked very specifically if he had been told about the possibility of closure. Understanding the context of the entire discussion in that November budget estimates hearing, he was clearly conveying to the committee that he had no more knowledge than anybody else.

He referred to media reports. From the documents obtained under Standing Order 52, it is clear that that was not the case; that in July the Minister had been notified of the possibility of closing Eraring early and, in fact, an entire project team had been established in order to work out exactly how that closure would happen and what the parameters of that closure might be. I think it is clear that what we have is a Minister who sought to mislead the portfolio committee, which is an incredibly serious matter. Unfortunately, it is something we are seeing more and more of in these budget estimates sessions, whether it is Ministers threatening to not answer any more questions if they do not like them, taking everything on notice, pretending not to know the answers, or taking things on notice and then providing answers that are deliberately designed to not give the answer the committee was after, necessitating additional questioning at further estimates sessions.

There is a real lack of transparency and a desire to be held accountable. This sort of leadership from Ministers flows through to the public sector. We see a number of officials taking on a similar approach to budget estimates. As the Hon. Penny Sharpe said, the Government may not like being held accountable. We have seen that with some of the responses to orders under Standing Order 52, the responses to questions on notice, the responses to questions without notice in this place, where Ministers are deliberately not answering the questions they have been asked even when they have had prior warning of them. This disdain for the powers of this House cannot be tolerated. It is bad for our democracy and bad for the people of New South Wales. Unfortunately, Minister Kean has been called out on this occasion. So The Greens believe we have no choice but to support this censure motion.

**Mr JUSTIN FIELD (20:56):** I will make a short contribution. I have listened to members' contributions. I had not made a decision on how I would vote on this matter. I agree with all that has been said—the frustrations with Government members and how they treat their responsibilities around transparency when it comes to orders under Standing Order 52 in particular. I have spoken many times about the problem of secrecy in this Government. But to some degree that is a conflation with the matters before the House. I would love to take out all my frustrations on the Government when it comes to secrecy, the non-provision of documents, the deliberate obfuscation when one tries to get documents and its misuse of claims of Cabinet in confidence. But that is not what is before us here. The motion has to do with whether the Minister deliberately misled the committee about his knowledge of a very particular set of commercial circumstances.

I am one of those people who spend a lot of time preparing for budget estimates. I am well aware of many of the government processes that go on around stuff that is internal government processes, such as departmental reviews and statutory reviews of codes, guidelines and legislation. I ask questions of Ministers all the time about the time line on that process. What do they say to me? They say, "We'll announce it in due course." That is misleading. They know what the time line is. A decision has already been taken. They are doing work on it. I get misled all the time on that sort of stuff. Should I bring a censure motion to the House, six months down the track, every time I become aware that this process was in train and that they just did not want to be honest with me about

it? I hate it because I genuinely want to engage in the process. That has become par for the course for this Government. I do not think it is good enough, but we cannot bring censure motions like that in every instance.

The Hon. Mark Latham acknowledged what would have happened if the Minister had said, "A range of discussions are going on around the potential changes in the time line or potential changes in the closure of coal-fired power stations when compared against the closure regime that had been circulated in the net zero plan, but I cannot go into the commercial details of that." The Hon. Mark Latham acknowledged that within two days there would have been questions and Origin would have had to come clean within the market. Isn't that the point?

I do not agree with how the Minister responded, but the game would have been given away and the negotiations could not have continued. Maybe there was a legitimate reason why those negotiations should have been able to proceed behind closed doors. The problem is, as the Hon. Penny Sharpe has indicated, that we have lost control of critical assets that, at a time of transition, would have been really useful to have within government control. We could have directed this transition. But once you have engaged with the commercial decisions of private companies, that is a really tough place for a Minister to be.

I am frustrated with this Minister in particular. In the adjournment debate tonight I will speak about my frustrations around trying to make sense of the Government's net zero plan. There is an absolute black hole when it comes to the underpinnings and the assumptions that go into the plan for a 50 per cent reduction by 2030. The budget today left me dumbfounded by how little information there is about how the Government is supposedly on track to meet its targets. I am going to interrogate those targets in budget estimates. I hope the Minister is listening and considers a slightly different approach to what he will publicly talk about. I am really frustrated with him and with the lack of transparency around this process.

I know that the Hon. Mark Latham has been like a dog with a bone on the issue of energy. His particular concern is with energy prices and ensuring that the power will still come on and that this transition will not leave households and communities worse off. I can acknowledge that. We approach our roles with a similar degree of gusto on these issues, coming at them from slightly different angles. I am frustrated with the Minister for Energy. I am not exactly sure what the right thing for him to have said at the time would have been. I can understand how people perceive it as being misleading. I can understand that it is difficult when you have to intervene and engage, in some way, in what is ultimately a decision for a commercial entity that has obligations to the market, to shareholders and to others. I can understand both sides of the argument. On balance, I will not support the censure motion.

**The Hon. MARK LATHAM (21:01):** In reply: I thank the contributors to the debate. In particular I thank the Hon. Penny Sharpe, who gave an accurate and forensic assessment of what has gone on. She made the really good point that it is not only the Parliament misled by Minister Kean, it is the people of New South Wales. He promised a \$130 household electricity bill reduction and a \$430 reduction for business. How is all that going? It has gone in the opposite direction: a promise broken 180 degrees the other way. She also made the good point that it would have been better, in this imperfect electricity market, for the Government to hold assets of last resort.

The Government should have been the reliable electricity supplier of last resort in New South Wales. The market has been fully privatised and it has imperfections. In the energy crisis we are seeing a number of things, and one of them is market failure. It was a faulty privatisation that was not thought through, and now we are paying the price for that. That is a policy failure that would be very hard to correct, but it is not going to be corrected or overcome by a Minister who will not tell the truth to the Parliament. I thank Ms Abigail Boyd for her forensic assessment, for reading the documents and for the research that she put into the material. Her presentation was also accurate.

Mr Justin Field said he is worried about Ministers misleading him by saying that the policy will be announced in due course. If he votes against this censure motion, he is going to be misled much more. He is basically saying to those Ministers that he does not bring motions in the belief that he has been misled, and he is not going to support the censure of a Minister who has clearly misled the Parliament. Mr Justin Field should not be a passing duck on the shooting gallery asking for people to mislead and mistreat him at budget estimates but should stand up for the high principle in the Westminster tradition of Ministers needing to always tell the truth. If they do not, they should resign or they should be sacked. Unfortunately, that has been a fading tradition but it is important to this Chamber.

If a House of review like ours—a House of accountability—does not hold a Minister to account, who will? It will not happen in the Legislative Assembly. It will not happen in Matt Kean's swirling mind of lies, fantasy and greatness as an environment Minister. It will not happen at any of those levels. This House has to enforce it. It is a sad moment to hear Mr Justin Field say, "I don't particularly mind what is going on here. I'm not going to censure a Minister who has misled," while he is worried himself about a statement that the policy is going to be announced in due course. Technically, if they say that, it is true. They are going to announce it in due course.

What we have with Matt Kean is a totally different scenario. It is not a diversionary set of words, "We will announce it later." It is a deliberate misleading of the committee and the Parliament. This was so deliberate and so stark, it cannot be allowed to stand.

This is where I come to the Parliamentary Secretary, the Hon. Peter Poulos, who tried to defend his old boss Matt Kean and the exercise of Project Phoenix to negotiate these matters with Origin. Take the statement that Kean made on 3 November last year at the Portfolio Committee No. 1 hearing, "None of the companies have told me they are leaving early." Okay, they had told him that Origin was definitely closing down and they had a deadline of February 2022 when they had their half-yearly result. You could put that aside if you like. But, come the budget estimates hearing of 28 February, 11 days after the closure, it is very clear that this is misleading, for one simple reason, and the Parliamentary Secretary should have known this. Yes, Origin has legal obligations of disclosure to its shareholders and the share market. But by 28 November, 11 days after the announcement, when Matt Kean said he first found out of the decision to close Eraring a day or two before it was announced and he did not know until Origin Energy informed the market, that was blatantly untrue, because the negotiations with his own advisers notified him that it had fallen over prior to 17 February. That is self-evident.

Prior to 17 February the negotiations with the Government had fallen over, fallen flat. They were kaput—finished. He knew at that point of negotiation failure that Origin Energy will now close. Origin Energy will now close because it has no other choice. We have not done anything to keep it open a few years longer. We have not given it any money. We are not going to take ownership of Eraring. He knew that Origin will close this power plant early, it will do it for 2025 and it will announce it in February, as it has told us consistently under its obligations to release its half-year profit results.

At that point, the case is so clear. The Parliamentary Secretary made the statement, "Oh, Origin did this only when it had the obligations to its shareholders." The Minister knew that, and there was no way he was keeping it open for a moment longer—a day longer—than what the announcement was for 2025. So, at that point, the argument of the Parliamentary Secretary counts for nothing. The censure motion should be carried by the House.

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

**The House divided.**

Ayes .....18  
 Noes .....14  
 Majority.....4

**AYES**

Boyd	Higginson	Pearson
Buttigieg (teller)	Houssos	Primrose
D'Adam (teller)	Hurst	Roberts
Donnelly	Latham	Searle
Faehrmann	Mookhey	Sharpe
Graham	Moriarty	Veitch

**NOES**

Amato	Field	Poulos
Barrett (teller)	Franklin	Rath
Fang	Maclaren-Jones	Tudehope
Farlow (teller)	Mallard	Ward
Farraway	Martin	

**PAIRS**

Jackson	Cusack
Moselmane	Mitchell
Secord	Taylor

**Motion agreed to.**

*Rulings***SUB JUDICE CONVENTION**

**The PRESIDENT (21:17):** During the giving of notices of motions today, Ms Sue Higginson gave a notice on a New South Wales police raid on a property in the Colo Valley on 19 June 2022. According to media reports, seven individuals were subsequently arrested and charged for a range of alleged offences. I indicated that I would reserve my ruling so as to be able to carefully consider the important principles and precedents of the House in relation to matters of sub judice.

As I have previously stated, although the Houses of the Parliament of New South Wales have the right to debate any matter within the Parliament's legislative power—and indeed sometimes debate matters outside the Parliament's legislative power—a convention has developed whereby members of the House refrain from making reference in debate, motions, questions or committee proceedings to matters before the courts where this could prejudice proceedings or harm specific individuals. This is known as the sub judice convention. The convention is a restriction that the House voluntarily imposes on itself through practice and rulings of the President, rather than a specific standing order that must be followed.

Having now had the full notice of motion brought to my attention, I am concerned about paragraph (1) (c), which states that the House note that occupants of the raided property "had committed no crime". In 1990 principles relevant to the issues raised by this notice of motion were articulated in a significant ruling on the sub judice convention given by President Johnson, the most pertinent of which are:

- The onus falls on the Chair to weigh public interest and possible prejudice.
- The Chair should be guided by a presumption for discussion. The likelihood of proceedings occurring in the reasonably foreseeable future is an important consideration.
- The Chair should not automatically exclude discussion in the House on matters of public interest which are already being freely ventilated in the media.
- Debate upon general background and related matters is permissible, but there should be no reference to specific issues before a court.
- Although it is unlikely that a judge will be influenced by what is said in the House, it is undesirable that the House should set itself up as an alternative forum.
- The sub judice convention is much stricter in relation to criminal matters than civil matters. In criminal matters, the convention may be applied from the moment a charge is brought until the announcement of the verdict and sentence.

In upholding members' freedom of speech in debate and privilege to raise matters on behalf of their constituents, I am very reluctant to unduly constrain members. After weighing the above, I have instructed the Clerk to amend the notice when it appears on the *Notice Paper* to omit the words "had committed no crime" from paragraph (1) (c).

*Budget***BUDGET ESTIMATES AND RELATED PAPERS 2021-2022**

**Debate resumed from 22 June 2021.**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:20):** In reply: I commend the motion to the House.

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

**Motion agreed to.**

*Bills***TRANSPORT ADMINISTRATION AMENDMENT (RAIL TRAILS) BILL 2022****First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Sam Farraway.**

**The Hon. SAM FARRAWAY:** I advise that a statement of public interest has been prepared.

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

**Statement of public interest tabled.**

## Second Reading Speech

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:22):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Transport Administration Amendment (Rail Trails) Bill 2022. The bill amends the Transport Administration Act 1988 to create more streamlined processes for the creation of rail trails and new roads and road infrastructure projects that cross disused rail lines, including those that provide access to special activation precincts. Currently the Transport Administration Act provides that the repurposing or removal of track or other works on disused rail lines outside of the greater metropolitan region is a closure of the rail line.

Section 99A of the Transport Administration Act treats a line as closed when the land concerned is sold or otherwise disposed of, or the railway tracks and other works concerned are removed. Therefore, the removal of remaining tracks or other works from a disused corridor constitutes a closure and requires authorisation by an Act of Parliament. This is a significant barrier to opening up disused rail lines to other uses that could benefit the local community and the economy in the short to medium term. The process to achieve this authorisation takes considerable time and can place financial pressure on councils that need to fund rail trails and cause costly delays to the development of road projects that aim to benefit regional areas.

By amending the Transport Administration Act, as this bill intends, it removes the need for authorisation from an Act of Parliament every time a new rail trail, other recreational or tourism use or other road or road infrastructure purpose is proposed, and allows track and other rail infrastructure to be removed from disused corridors in areas outside the greater metropolitan region without the line being formally closed. By amending the Act, we can increase opportunities for public access to the disused corridor. It will be easier to deliver infrastructure across disused corridors that can help to boost the regional economy. Rail trails are an innovative use of non-operational railway lines that will generate substantial economic and social benefits for local communities. They open up public access to scenic regional areas, acting as a stimulus to local tourism. Rail trails provide an opportunity for all members of the community, regardless of age and level of mobility, to improve their physical and mental health.

Most States in Australia already have multiple rail trails established, with more than 25 active trails in Victoria alone. A 2009 study of the Murray to Mountains rail trail in northern Victoria revealed cycle tourists visiting the trail each spent an average of \$244 per day at local businesses. The New South Wales Government supports in principle councils developing rail trails and other recreational uses on disused railway corridors where there is strong demonstrated community support and a viable business model in place and where proposals align with the New South Wales rail trails evaluation and strategic framework. The New South Wales rail trails evaluation and strategic framework outlines the New South Wales Government criteria in determining the viability and establishment of a rail trail. This includes demonstrated community consultation and support, and evidence of a viable and sustainable business model. Issues relating to environmental impacts, including biosecurity, must also be addressed. The New South Wales Government's current and future transport strategies will also be considered.

Before giving any approval for recreational or tourism uses, the Minister will also need to consult with a range of stakeholders, including the council or councils of the area concerned, the Minister for Regional New South Wales, the NSW National Parks and Wildlife Service, and any local Aboriginal land councils that cover the area concerned. This is in the bill itself, and this process will ensure that any concerns about the proposed repurposing of the corridor can be raised effectively and understood by the Minister before a final decision is made. The New South Wales Government's first rail trail pilot running from Rosewood to Tumbarumba in the Snowy Valleys local government area was completed in April 2020. It attracted over 15,000 visitors in its first year, with 70 per cent of visitors travelling from more than 100 kilometres outside of the local government area.

A draft evaluation of the pilot rail trail projects in New South Wales commissioned by the Department of Regional NSW found that money spent in the Tumbarumba region increased by 20 per cent following the rail trail opening, bringing a much-needed economic boost to Tumbarumba, Rosewood and their surrounding local communities. A second rail trail in New South Wales, the Northern Rivers Rail Trail, is proposed to run between Casino and Murwillumbah. Already made possible by an Act of Parliament, the first two sections—between Casino and Bentley, and Crabbes Creek and Condong—are under construction and, despite disruption caused by recent flooding events, are still on course to be operational by 2023. The Department of Regional NSW, the lead agency on the development of rail trails, is currently in discussions with other councils across the State about bringing forward other rail trail proposals. Some of these proposals are at a preliminary stage, but others are more advanced.

This bill is needed to allow councils to take advantage of available grants more quickly and to boost the local economy and tourist industry. Of course, as previously mentioned, councils must be able to demonstrate at the outset that their rail trail proposal meets the criteria set out in the New South Wales rail trails evaluation and strategic framework before a final decision can be made by the Minister. Rail trail proposals generally involve the removal of tracks and other infrastructure. The rail and its associated sleepers and ballasts often need to be removed to enable the repurposing of the corridor into a safe trail for pedestrians and cyclists. If the Transport Administration Act is not amended, each corridor that is proposed to be repurposed will separately require authorisation from an Act of Parliament, in the same way that this House has already considered the Transport Administration Amendment (Closure of Railway Line Between Rosewood and Tumbaramba) Bill 2017 and the Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020.

The proposed amendment would also allow tourist-related passenger transport services that may or may not utilise the current rail infrastructure—for example, trikes—to operate along disused rail corridors, subject to ministerial approval. Again, this provides benefits to the local community. However, the Minister's powers would be limited to where the repurposing of the corridor is for recreation and tourism uses and related purposes or roads and road infrastructure. Any other proposed uses along the disused rail corridor that require the removal of track or other infrastructure would still be considered a closure and would still require authorisation from an Act of Parliament. In addition to the tourism benefits that will flow from these amendments, the bill will simplify the process for developing roads and road infrastructure that would cross disused rail lines. Currently, Transport for NSW, councils and developers often need to construct road projects that intersect and cross disused rail corridors. Such schemes can be of significant benefit to the regional economy, particularly where they form access roads for special activation precincts.

The current Act does not allow for even a small section of rail track to be removed for those projects without the line being deemed to be closed, triggering the need for an Act of Parliament. The choice currently facing the proponents of those new infrastructure schemes is to either wait for the authorisation from Parliament, which can delay and add uncertainty and significant cost to implementing schemes, or build grade-separated crossings, level crossings or other infrastructure that would allow the tracks to remain in place. That can result in significant additional costs for no benefit, which may result in projects becoming uneconomical. Should future strategy necessitate the rail corridor to be reinstated, then appropriate grade-separated crossings, level crossings or other infrastructure is to be installed at that point to ensure continuity of the existing road infrastructure. And, of course, should it be decided to actually close a rail line in the future, that will be a matter still requiring an Act of Parliament.

By amending the Act, we can open up disused corridors to other uses that benefit the local community. It will reduce red tape by streamlining the process and reduce financial pressures on councils. There is also a benefit if a regulation can be made to approve the removal of rail track and other works whilst retaining the power to return the rail corridor to railway use in the future. This will support a quicker approval process while allowing Parliament to retain oversight of all temporary uses of rail lines.

To be clear, this is not about selling off the rail corridor or preventing the long-term reinstatement of rail services on disused lines. Land in disused rail corridors, which is currently owned by the Transport Asset Holding Entity of New South Wales, or TAHE, will be retained in TAHE ownership so that it can be returned to passenger and freight use in the future if required. In instances where the Minister approves the alternative use of a corridor and subsequent removal of tracks and other works, a lease agreement will be put in place for the relevant local council or joint organisation of councils to manage and maintain the relevant rail corridor on behalf of the infrastructure owner, TAHE. That agreement will include a break clause should the corridor subsequently be needed for transport purposes.

The bill itself is relatively brief and straightforward. Schedule 1 [1] provides that a rail line is not taken to be closed if a regulation is made authorising the removal of railway tracks or lease of the relevant land. Item [2] updates the name of the Mid Coast Council, formerly Great Lakes Council, which forms part of the boundary of the greater metropolitan region. Item [3] inserts the regulation-making power that enables the use of disused railway lines for recreation, tourism or related purposes, or for roads or road infrastructure, and the removal of railway tracks and other infrastructure from that land. It ensures that, where land is used for a recreation or tourism purpose, the rail infrastructure owner is to enter into a lease with the relevant council or joint organisation of councils, with a maximum term of 30 years. That provision also includes the requirement for the Minister to have consulted before making regulations for recreation, tourism or related uses of disused land.

The regulations can set out matters to be included in such leases. Those provisions include limitations to the structures that can be built so that buildings do not frustrate any return of the corridor for transport purposes. The regulations may also address the matters that must be or may be included in the lease, as well as termination of the lease. It should be noted that, in the instance the lease is terminated for a transport purpose, the New South

Wales Government will not be liable for the payment of compensation. However, should the New South Wales Government take the land back for any other reason, it may be required to compensate businesses and/or local government for losses they suffer as a result.

I note and welcome the positive discussions to date that the Department of Regional NSW and Transport for NSW have undertaken with members of Parliament. They revealed general support for the amendment, with many recognising the benefits of rail trails and the delays caused by the current wording of the Act. However, I recognise that some issues were raised during consultation. They mainly focused on the implementation of rail trails and concerns about matters such as councils' management role, the need for community consultation and biosecurity. That reflects more general community concerns about and opposition to rail trails that have been raised during consultations on the existing and emerging rail trails.

To address those concerns, I stress that the existing checks and measures that the Department of Regional NSW and Transport for NSW implement when considering whether a disused rail corridor is suitable for an alternative use, as well as whether the case put forward for repurposing is acceptable, will not change as a result of the bill. All of those matters are already considered when an individual rail trail is proposed. The amendment will streamline the process for those corridors where recreation, tourism or road-related uses are proposed and that are already considered suitable, helping to provide that benefit to the local community and the local economy within the regions. I commend the bill to the House.

**Debate adjourned.**

## **TREASURY LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022**

### **Second Reading Speech**

**The Hon. TAYLOR MARTIN (21:39):** On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

I note that the other place unanimously passed an amendment to the Treasury Legislation Amendment (Miscellaneous) Bill 2022 to require compliance with the Grants Administration Guide, with which the Government committed to implementing legislative compliance as part of its response to the review of grants administration in New South Wales. This bill provides a series of miscellaneous amendments to legislation primarily allocated to the Treasurer and largely serves to catch up on minor and uncontroversial amendments that are normally part of the annual statute law revision program. The changes proposed in the bill are minor and broadly administrative in nature. The bill comes after consultations with key stakeholders to ensure that the changes reflect actual requirements to keep the legislation up to date.

The bill proposes amendments to the following pieces of legislation: the Coal and Oil Shale Mine Workers (Superannuation) Act 1941, the General Government Liability Management Fund Act 2002, the NSW Self Insurance Corporation Act 2004, the Government Sector Audit Act 1983, the Government Sector Finance Act 2018, the Parliamentary Contributory Superannuation Act 1971, and the First State Superannuation Act 1992. The bill is proposed to commence on 1 July 2022 to align with requirements around financial reporting, compliance with changes to Federal law or generally for administrative ease across the sector.

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

**Leave granted.**

I now wish to address the Bill in each of its component parts.

#### **Coal and Oil Shale Mine Workers (Superannuation) Act 1941**

The *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* was legislated in 1941 in order to implement key recommendations of the 1940-1941 Royal Commission of Inquiry into Mine Safety.

The Act was originally conceived in order to mandate the prohibition of employment of mine workers beyond the age of 60 and established a pension scheme for coal workers and their widows.

Since then, our industrial relations landscape has evolved considerably, and the Act now outlines the superannuation arrangements for coal and oil shale mine workers.

The amendment is required to bring the trustee arrangements in line with new Commonwealth legislation that was introduced in response to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, otherwise known as the Hayne Royal Commission.

As a result of this Commonwealth legislative change, AUSCOAL Superannuation Pty Ltd (AUSCOAL) is in breach of its registrable superannuation entity license conditions as it both a corporate trustee of the Mine Superannuation Fund, and administers the Subsidy Fund under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*.

AUSCOAL currently has an exemption from the Australian Prudential Regulatory Authority (APRA), which is due to expire on 30 June 2022.

Therefore, this proposed amendment will separate these functions and introduce a new entity, the Subsidy Fund Administrator, to administer the Subsidy Fund. This will bring AUSCOAL into compliance.

This entity itself will be appointed by the Minister responsible for the Act.

#### **General Government Liability Management Fund Act 2002 & NSW Self Insurance Corporation Act 2004**

The General Government Liability Management Fund Act 2002, was legislated to establish the General Government Liability Management Fund and provide for its management. Payments are made out of the General Government Liability to pay employer contributions to the SAS Trustee Corporation fund on behalf of agencies, among other statutory purposes.

The *NSW Self Insurance Corporation Act 2004* is an Act to reconstitute the NSW Insurance Ministerial Corporation as the NSW Self Insurance Corporation. The NSW Self Insurance Corporation operates Government managed fund schemes, among other functions.

An amendment to the General Government Liability Fund Act 2002 and NSW Self Insurance Corporation Act 2004 is required to remove references to 'Crown Entity' or 'Crown Finance Entity'.

The terms 'Crown Entity' or 'Crown Finance Entity' are not legal entities required to produce financial reports.

This amendment ensures compliance with the Australian Accounting Standards, specifically AASB 1050, which requires that separate financial statements should not be prepared for the Crown entity.

The Crown Entity activities are administered by NSW Treasury on behalf of the State and will be included in Treasury's Financial Statements from the financial year end 30 June 2021.

These reporting changes do not alter the underlying operations of Treasury and there are no budgetary impacts associated with this change.

The critical date for these changes is 1 July 2022 in order to give effect to the change in reporting convention from the end of the financial year on 30 June 2021.

#### **Government Sector Audit Act 1983**

The *Government Sector Audit Act 1983* governs the audit of government sector finances, and establishment and functions of the Public Accounts Committee.

The amendment proposed is required to align the timeframes for auditing and tabling of the Consolidated State Financial Statements, and ensures consistency of the terminology between the *Government Sector Audit Act 1983* and *Government Sector Finance Act 2018*.

The amendment removes redundant reference to general government sector financial statements.

It also makes amendments regarding the timing of the provision of audited Consolidated State Financial Statements and audit opinions by the Auditor-General.

It removes the references to specific dates and replaces them with obligations to provide statements and opinions as soon as practicable.

These changes have also been consulted with the Auditor General who is supportive of the changes proposed.

#### **Government Sector Finance Act 2018**

Also related to the preparation and auditing of financial statements, is the amendment to the *Government Sector Finance Act 2018*.

The *Government Sector Finance Act 2018* was legislated to establish a framework for government sector financial and resource management in New South Wales. This includes the financial reporting of Government Sector Finance Agencies and the auditing of Government Sector Finance Agencies' financial statements.

The amendment to this Act is required to clarify the timing and sequence of the provision of signed certification statements and compliance statements.

An amendment is also proposed to the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018* to repeal redundant instruments and uncommented amendments that have since been superseded.

#### **Parliamentary Contributory Superannuation Act 1971**

The Parliamentary Contributory Superannuation Act establishes a contributory superannuation scheme for members of the Legislative Council and the Legislative Assembly.

An amendment to the *Parliamentary Contributory Superannuation Act 1971* is required to update provisions relating to the eligibility, appointment and removal of trustees

The Act currently requires the trustees of the fund to be sitting members of Parliament. However, the fund was closed to new members in 2007. There are now only 14 members of the fund who are still sitting members of Parliament.

The proposed amendments will allow past members of Parliament (who are also Fund members) to be appointed as trustees. In addition, the board is proposed to be given the ability to appoint and remove trustees with a majority of a quorum of voting trustees, and the Treasurer, acting reasonably, will also be given the ability to remove a trustee.

#### **First State Superannuation Act 1992**

The *First State Superannuation Act 1992* provides for employer contributions to superannuation for public sector employees. On 7 September 2020 the FSS Trustee Corporation, commonly referred to as First State Super, changed its name to Aware Super Proprietary Limited.

This amendment reflects the name change throughout the Act as well as references to 'First State Superannuation' and 'FTC' in other Acts and Regulations.

To conclude, this bill gives effect to the necessary administrative changes to these pieces of legislation administered by the Treasurer and Minister for Finance. They must be passed before the end of this financial year.

They represent a number of amendments that normally form part of the annual statute law revision program and should not be considered controversial.

I commend the bill to the House.

### Second Reading Debate

**The Hon. DANIEL MOOKHEY (21:40):** I lead for the Opposition in this House to make a very limited contribution to debate on the Treasury Legislation Miscellaneous Amendment Bill 2022. I am indebted, of course, as I always am, to the member for Macquarie Fields in the other place for his diligent contribution. I refer the House to his remarks for the bulk of the Opposition's attitude towards the bill. There are only a couple of matters to which I wish to draw the attention of the House. I am particularly pleased to see in this miscellaneous bill that the Parliament resolved the contradiction that is contained in the Government Sector Finance Act 2018 and the equivalent Act which governs audit arrangements. There was a contradiction between the two, in that one specified a certain timetable for the Auditor-General to have to complete the State's accounts and the other left it open to be a matter of discretion.

Last year this surfaced as a key issue as the Auditor-General and the Treasury were working through the controversy with respect to the Transport Asset Holding Entity in a scenario in which the Auditor-General, in performing her functions, was taking her time, as is her right under law, to resolve the matter. I am now pleased to see that, ahead of this year's audit accounts, we will have resolved this contradiction because, come 30 June and come 1 July, the next audit will commence. It is a good thing that Parliament has resolved this ahead of a forthcoming audit of the total State sector accounts. That did take a lot longer than before and a lot longer than anyone is used to, so it is appropriate that we take steps to resolve that tonight.

I am indebted to the Audit Office for the opportunity to have engaged with it in respect to this bill, and I appreciate its advice. I understand we are a little pressed for time, so I refer members to the remarks made by the member for Macquarie Fields in the other place for the bulk of the contribution as to the attitude of the Opposition towards this Government bill.

**The Hon. TAYLOR MARTIN (21:43):** On behalf of the Hon. Damien Tudehope: In reply: I commend the bill to the House.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** 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 amendment, Government amendment No. 1 on sheet c2022-121.

**The Hon. TAYLOR MARTIN (21:44):** I move Government amendment No. 1 on sheet c2022-121:

No. 1 **Coal and Oil Shale Mine Workers (Superannuation) Act 1941**

Pages 3 and 4, Schedule 1.1, from line 2 on page 3 to line 34 on page 4. Omit all words on those lines.

This amendment arises following conversations between the Government and AUSCOAL Superannuation Pty Ltd with respect to the bill's proposed amendments to the definition of the corporate trustee in the Coal and Oil Shale Mine Workers (Superannuation) Act 1941. Treasury has advised that the bill's provision to amend the definition of the corporate trustee in the Act be retained in order to allow the Minister to appoint an entity as the corporate trustee in lieu of the body incorporated as a result of the arrangements made under section 4 of the Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Act 1994. This provision would allow the Minister to appoint another entity without having to seek amendment to the Act again, which may take time, for example in the event that some external event or new law or regulation makes the corporate trustee not eligible to continue its role or it ceases to exist.

In such circumstances, the revised definition will allow the Minister to appoint another entity immediately to ensure that the purpose of the Act is maintained. However, AUSCOAL has outlined that its preferred position is that the definition of the corporate trustee not be amended. In lieu of alignment on this definition, it was agreed that the amendment to the Act be removed from the bill on the proviso that AUSCOAL accept the associated risks of doing so. AUSCOAL confirmed that it accepts the risks that this would entail, particularly the likely need for

a further exemption to be obtained from the Australian Prudential Regulatory Authority. Further, AUSCOAL has confirmed that it accepts the risk that changes are not likely to be made to the Act in this term of Parliament. I note that this was also done in order to avoid delaying the passage of other changes in the bill, which are time critical. I commend the amendment to the Committee.

**The Hon. DANIEL MOOKHEY (21:47):** The Opposition supports the amendment. We are glad that there has been a dialogue between AUSCOAL Superannuation Pty Ltd and the Government on this particular matter. We commend the efforts of the AUSCOAL chair, Mr Grahame Kelly.

**The CHAIR (The Hon. Wes Fang):** The Hon. Taylor Martin has moved Government amendment No. 1 on sheet c2022-121. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Amendment agreed to.**

**The Hon. TAYLOR MARTIN:** I move:

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

### *Adjournment Debate*

### **ADJOURNMENT**

**The Hon. DAMIEN TUDEHOPE:** I move:

That this House do now adjourn.

### **RISE BONDI MEMORIAL**

**The Hon. SHAYNE MALLARD (21:50):** On Saturday 4 June I was honoured to join hundreds of community members to attend the dedication of *Rise: the Bondi Memorial*. The sculpture tucked discretely into the headland in Marks Park has been built in honour of those who were targeted in homophobic and transphobic attacks in Sydney from the 1970s to the 1990s. Over the course of more than two decades, LGBTQ people were targets of hate crimes and many gay men and trans women were assaulted or killed. There is no doubt that others, including lesbians, were subjected to hate violence in that period too. Some disappeared over those very cliffs at Bondi and have never been found. Many cases remain unsolved today. I commend ACON, which has been working in partnership with Waverley Council since 2015 to establish a permanent memorial in honour of the victims and survivors of hate crimes. It will forever remind us of those dark times and to be vigilant against marginalising minorities and turning a blind eye to prejudice and violence.

The CEO of ACON, Nicholas Parkhill, AM, called upon us to remember those we have lost to, and the survivors of, LGBTQ hate and violence. Aunty Lola Ryan from the La Perouse Local Aboriginal Land Council conducted a moving welcome to country. Joining us for the dedication with the many family, friends, partners and loved ones of victims were the Attorney General, the Hon. Mark Speakman; the member for Coogee, Dr Marjorie O'Neill; and the Leader of the Opposition, the Hon. Penny Sharpe. Special mention was made of the New South Wales Legislative Council Standing Committee on Social Issues, which undertook the recent multi-year parliamentary inquiry into historical gay and transgender hate crimes, which members will recall was held from 2018 to 2021.

The inquiry provided people in the communities and the families and loved ones of victims with an important opportunity to share their experiences and be heard. The committee handed down important findings

that acknowledged the pain and trauma of historical hate crimes and delivered recommendations that would help with the process of healing and justice, including the establishment of a special commission of inquiry to look into unsolved cases of suspected hate crime deaths. As the chair of that inquiry, I am pleased to note that today's budget allocates \$10 million over three years to establish an inquiry by Supreme Court judge Justice John Sackar. It is immensely satisfying to know that our committee work can have far-reaching, important impacts on so many lives.

Present from the inquiries at the dedication were the Hon. Mark Pearson, Reverend the Hon. Fred Nile, the Hon. Penny Sharpe and me. We were also joined by councillors from Waverley Council, who deserve credit for partnering and facilitating this international project. They include councillors Sally Betts, Ludovico Fabiano, Angela Burrill, Tim Murray and the mayor, Paula Masselos. The team from United Art Projects, or UAP, also deserve credit, particularly lead designer John Nicholson, who developed the poignant memorial.

The memorial builds on the work of many dedicated advocates and allies to the community over the years, most of whom gave evidence to the Social Issues inquiry, including Steve Page, Sue Thompson, Greg Callaghan, Rick Feneley, Nicholas Stewart, Duncan McNab, Stephen Tomsen, Garry Wotherspoon, Daniel Glick and many others. The memorial also builds on the work of many LGBTQ community and ally organisations, such as ACON, Dowson Turco Lawyers, the New South Wales Gay and Lesbian Rights Lobby, Inner City Legal Centre, HIV/AIDS Legal Centre, The Gender Centre, Twenty10, the City of Sydney and many others.

In 2018 ACON, with support of many LGBTQ community members and organisations, particularly Dowson Turco Lawyers, released its report *In Pursuit of Truth & Justice*, which led to the establishment of the committee's inquiry. The report delved deeper into cases of suspected hate crimes, and among the dossier of victims were trans people. Dr Eloise Brooke, who is a writer, academic and advocate for the trans community, powerfully addressed the crowd with a contemporary, powerful message about the transphobia that permeated the recent Federal election, the community and the media. She said that we were at an inflection point in time and that the work is not yet done.

In 2005 former Deputy State Coroner Jacqueline Milledge presided over an inquest that looked into the death of John Russell and the disappearances of Ross Warren and Giles Mattaini. Her landmark decision, which overturned previous findings of misadventure and suicide, marked a crucial milestone in the community's pursuit of truth and justice. Ms Milledge's address to the crowd was a reminder of the protracted processes that victims and their loved ones endured in their pursuit of justice. Journalist and author Greg Callaghan has written extensively about the Sydney gay hate murders, including in his book *Bondi Badlands*, which was published in 2007. He spoke eloquently, reminding us that, for so many, Bondi holds beauty but also fear and pain. He said:

This ancient headland, with its majestic view out to sea, is wild and beautiful. It's among Sydney's most popular tourist attractions. It's a place of recreation and reflection. Of escape.

But it's also an unbearably sad place for some.

ACON president Justin Koonin concluded by dedicating the memorial to community members, advocates, academics, activists, journalists, legal professionals, politicians, organisations, and allies in law and justice agencies who are helping to achieve healing and justice. The Bondi memorial is dedicated to them. Sydney Gay & Lesbian Choir achieved a standing ovation as it movingly concluded the dedication on that windswept bluff.

## STATE BUDGET AND BIOSECURITY

**The Hon. MICK VEITCH (21:55):** I make a few further observations about today's State budget. Earlier today I spoke about the importance of biosecurity. Any further investment in biosecurity is always welcome. Last week at a function at which the Minister for Agriculture was present, I said that any money for biosecurity would be welcomed by members on this side of the Chamber. I will roll my sleeves up and help. I will get out there with Scott Barrett, chipping weeds and the like. I also said that, irrespective of what is put on the table, I will say we can and should do more. That is true.

To put it in perspective, James Jackson, the president of NSW Farmers, said today that any biosecurity incursion in New South Wales has the potential to put at risk the Government's so-called surplus in 2025. It is a serious issue. Whether it is lumpy skin disease or foot-and-mouth disease out of Indonesia—it is getting pretty close, and there are concerns about that—it will impact substantially the State's economy. Whatever money we spend now to thwart those incursions is good, but we can always do more. Members will not be surprised to hear that one of the first phone calls I made to the new Federal Minister was about biosecurity. It is such an important issue for not only agriculture but also the people of New South Wales.

I am concerned that there still seems to be a failure in government agencies around their biosecurity obligations. The money in the budget is one thing, but it is focused largely on private landholders. That is not

where all biosecurity issues reside. The Deputy President has heard me ask witnesses at the timber inquiry about blackberries, St John's wort and the like, which also grow on Crown land—publicly owned land. In budget estimates I asked landholding agencies like Transport for NSW, Forestry Corporation and others about how much they spend each year on their task in respect of weeds and pests in New South Wales. The responses were not that flash.

It appears that the focus of budget money is private sector landholders, but that obligation is not matched for government agencies. Government agencies must be put on notice. Biosecurity is everyone's responsibility. It is not the obligation just of private landowners. A lot more must be done in relation to government agencies. On Twitter there are photographs of pampas grass. People have taken photographs from the trains in Sydney. The biosecurity issue concerns public land too. We must do a lot more. Weeds and pests are running rampant along roadsides. We had a long discussion with the new Minister for Regional Transport and Roads about that.

I am concerned by the budget's allocation for Local Land Services [LLS]. In the past few budgets, we have seen cuts to employee-related expenses. For those who do not know, employee-related expenses in the budget are wages—jobs. Local Land Services plays a critical role in biosecurity. If the Government is going to reduce the workforce, I really want to know where those jobs are coming from with a 5.4 per cent cut to employee-related expenses, from \$126.785 million to \$119 million a year. Where are those jobs coming from? Are these the people who support Landcare? LLS plays a role in supporting Landcare. Where are these jobs coming from? The Minister needs to come clean and tell us.

The other thing I say about biosecurity is that Local Land Services will face a revenue cut this year. I am not quite sure how that will work. From this year to the budget estimates prediction for next year, it will see a reduction to its fees and services. Where is that revenue cut coming from? Why has the Government predicted a revenue cut for Local Land Services? LLS is critical to the task of biosecurity for all of New South Wales, not just in regional areas. A lot more detail in this budget has not been exposed.

#### FEDERAL ELECTION AND CLIMATE CHANGE

**Ms CATE FAEHRMANN (22:00):** The people of New South Wales have spoken. They are demanding a government that acknowledges and acts in response to the climate catastrophe that we are facing. Our State has seen floods change the face of parts of the east coast of Australia forever. These floods were worse than any in living memory. They devastated entire towns, all but wiping some small communities in the Northern Rivers off the map. They carved a giant, gaping hole in what was once a stable road in Cornwallis in the Hawkesbury, to the point where that road has now disappeared off the edge of a cliff due to the sheer violence of the water. We have to wonder whether this and so much other damage around the State is repairable. The hundreds of landslides and destroyed hillsides, roads and bridges around the State have made roads impassable for months—we are even hearing years. This is happening not just in the Northern Rivers; roads are being condemned in many other parts of the State.

Then, of course, there is the failure of so many crops. I grew up in the Lockyer Valley, which is called "the nation's salad bowl". It also has been hit hard by the floods, putting a hefty price tag on things like lettuces and cabbages in recent weeks. That level of damage costing billions of dollars to taxpayers is—you guessed it—unprecedented and has been caused by catastrophic weather events the likes of which we have never seen, as a result of climate change fuelled by coal and gas. Let's not forget that the floods followed a period of record drought that parched the lands of New South Wales from 2017 to 2020 and culminated in the Black Summer bushfires. By any right, they cannot be referred to as a summer of fires when the first fire in New South Wales started burning in July 2019 and the last was extinguished in May 2020. Those 10 months of bushfires resulted in 26 lives lost, 2,448 homes destroyed, 5½ million hectares burned, and an estimated three billion animals killed or displaced, including more than 61,000 koalas.

Scientists have been sounding the alarm for three decades and in that time governments, including members who have sat in this Chamber, have buried their heads in the sand. Worse still, they have acted in lock step with fossil fuel lobbyists to block genuine climate action. In fact, the major parties have continued to take political donations from the very coal and gas companies that have lobbied aggressively for no climate action. The Government and the Opposition have not acknowledged the extent to which we have already damaged our climate, how much has already been locked in or how woefully unprepared we are. The Greens saw that in the Government's lack of preparedness for the recent floods, which left people confused and unable to access help. Government agencies were so slow to react that months later people are still struggling to access emergency help.

We see it in the Government continuing to approve new developments on flood plains while many people are finding that their homes will become uninsurable in years to come. We see it in the Government approving more native forests for logging while the community prepares for longer, fiercer bushfire seasons. We see it in the Government's refusal to rule out new coalmines and gas projects although we are more than two years into

this critical decade, the decade during which even the head of the United Nations had urged that nations must keep fossil fuels in the ground if much of humanity is to survive.

There is a sickening complacency about what we have just witnessed from both the Government and the Opposition in this State, but the people are not complacent. If there is a lesson the major parties should be drawing from the Federal election, it is that there is strong and deafening demand for genuine action on the climate crisis and that governments are finally being held to account for their roles in deliberately wrecking our climate. Those days of complacency are over. The people of New South Wales will not let their elected representatives continue to act as though everything is okay, because it is not. As elected representatives, it is our responsibility to act on the climate crisis, and to act now.

### WAGES POLICY

**The Hon. SCOTT FARLOW (22:05):** The New South Wales Government is leading the way on lifting wages, and the recently announced increase of public sector pay to 3 per cent is affordable in the context of a strong and growing economy. The Government is balancing the priorities of delivering wage rises to hardworking public servants, particularly those on the front line, and managing its budget in a responsible manner. Since the introduction of the wages policy following the Coalition coming to Government in 2011, New South Wales public sector wages have increased by 4.2 per cent in real terms. This is greater than the real wage increases in the private sector of 2.7 per cent over that same period. The new policy provides amongst the highest public sector wages growth in the country, providing for total remuneration increases of up to 6.5 per cent over two years under the new policy. This is a win for public service workers and also makes sure that we keep a responsible budget bottom line. Both are important for the future of our State.

All we need to do is cast our minds back to the 16 years when the Labor Government was in power, which saw wages policy in the State in freefall and left New South Wales unable to invest in key public services, including improved infrastructure and better services. Members opposite simply do not understand the necessity in giving public sector workers sustainable and deliverable wage rises whilst keeping the budget under control so that we can continue to deliver the infrastructure that our growing State needs. That reckless stance constrains the ability for the New South Wales Government to invest in the infrastructure and services our State needs to deliver a brighter future for New South Wales families. You cannot have it both ways. You cannot have the ability to both invest in key infrastructure and services and maintain budget discipline whilst maintaining a militant union stance of increasing wages to the rate of CPI. Today the Governor of the Reserve Bank of Australia [RBA], Phillip Lowe, warned of the impact that out-of-control wages growth will have on entrenching high rates of inflation for years to come. Lowe stated:

If wage increases become common in the 4-5 per cent range, then it is going to be harder to return inflation to 2.5 per cent ...

He made that clear by stating that 3.5 per cent is the anchoring point. The Labor Party wants to speed through the anchoring point provided by the RBA governor and have the nation's largest employer intentionally create major inflationary pressures within the economy. Additionally, Governor Lowe warned of the vicious cycle we could enter through irresponsible wage rises, with higher inflation, wages responding and inflation becoming persistent. It seems that Labor has forgotten the lessons of the 1970s, when we saw stagflation rise, and it has forgotten the lessons of the Hawke-Keating era accords, which saw a sensible return to economic stability.

The New South Wales Government's wages policy shows that the Government is responsible both for the State's finances and for making sure that it keeps inflation under control. When it comes to Labor's plan for bringing our budget back to surplus, we will wait to see what it delivers. But I remind the House that over the past few years we have had an economic shock 30 times greater than the global financial crisis. The Government wants to see a plan from Labor for budget discipline and a return to surplus, and it wants to see policies—perhaps a little bit more than mobile phone chargers at railway stations and a few signs on a few toll roads. Labor has not had the guts to stand up to the militant unions; instead, the unions are calling the shots.

The cornerstone of the Coalition Government's strong economic management is its \$112.7 billion, four-year infrastructure program, with investments made in schools, hospitals, roads and public transport to make our great State even greater. The Government is focused on delivering fair wage increases for our public sector workers whilst ensuring that the taxpayers of New South Wales will get value for money, with the Government investing in real outcomes for the people of our State with better infrastructure and services.

I am loath to use the word "record" to describe Government spending. The nexus is that we need to focus on real outcomes that have a positive impact upon the lives of the people of our State and make our local communities better places to live and work, rather than on arbitrary figures and money being spent on a policy issue in the hope that more money will solve everything. More money does not mean an issue is suddenly fixed. The Labor Party proposes to splash cash and pray that it works, rather than focus on tangible improvements across New South Wales. Let us compare Labor's tumultuous tenure in Government to the Coalition's decade of delivery

for New South Wales. Labor put our State on the worst economic footing in the nation, with the lowest job growth, while today unemployment in New South Wales is under 4 per cent. We are creating more new jobs than this State has ever seen before, and that is just the beginning of our path to a better, brighter future for New South Wales.

### YOUTH SUPPORT PROGRAMS

**The Hon. TARA MORIARTY (22:10):** Recently I had the opportunity to travel around the State, in my capacity as the shadow Minister for Juvenile Justice, to meet with a number of organisations that provide support to young people. I heard from some young people who have successfully accessed programs of support. I take this opportunity to acknowledge some of them today. Earlier this month I was in western New South Wales, where in Dubbo I met with the local Mission Australia team, which provides a range of services to help young people through difficult situations. Those services include the Youth Justice Joint Support Program, the Happy Healthy Minds program, the Mac River rehabilitation centre and Youth on Track.

I acknowledge the Government's work in Youth on Track. In Dubbo the program is run by Mission Australia. It aims to assist young offenders through early intervention, engaging families and providing interventions that address the underlying causes of a young person's involvement in criminal activity. Mission Australia runs that program across western New South Wales with a very small team, reaching out to communities in Dubbo, Wagga Wagga and Orange. We know that this program works. The team is amazing and does important work supporting youth to keep on track locally. The success of the program is due to the incredible work of a group of dedicated mentors. I thank Mission Australia Dubbo, particularly Ann Winterton, the State leader for regional west New South Wales, Megan Boshell, the area manager, and Kendy Beasley, the program manager, for the work they do every day in supporting young people across western New South Wales in the Youth Justice space.

I particularly acknowledge Luke Taylor, who is a team leader in the Youth on Track program. He is using his personal experience and skills to support young people in his community. Luke is making an incredible contribution to helping other young people get back on track, just as he has. The Youth on Track program is run in seven locations in New South Wales, including Dubbo. Like many successful programs in this space, it would be so much better if it were expanded. I urge the Government to expand and provide a wider network of support to young people, with proper funding more widely available so that more young people are reached, particularly those who are at the most vulnerable time in their lives.

Another promising program is A Place to Go, which is run by the MacKillop Family Services. The program provides accommodation in western Sydney for young people aged 10 to 17 who have come into contact with the justice system and are unable to return home, who have unstable housing or who are experiencing homelessness. Those are known reasons why young people go on to commit further crimes and remain in a cycle of crime. The short-term accommodation of up to 12 weeks provides young people with a safe and nurturing environment. I met people with MacKillop Family Services in Blacktown recently to hear about the contribution the program is making to give young people stability and to restart their lives. I heard from the chair about the many young people currently utilising the service, who shared their stories with the justice system, and the value of a safe place to live in changing the behaviours of those young people.

I was overwhelmed by how critical this service is in this community. I give credit where it is due to say that it is working, but it is only available to a tiny amount of young people. This kind of program keeps people, particularly young people, out of juvenile justice facilities or gives them the best chance to not go into juvenile justice facilities and then, in the worst-case scenario, on to this kind of life cycle. Every opportunity we have to provide this early intervention on a much wider scale is very much required. I thank the team that is running this program, including Dr Robyn Miller and director Naomi Burke. They do terrific work. It is based only in western Sydney, and it needs to be available to so many more young people to have the impact that we need on young people's lives.

So many great organisations are doing terrific things in this space. I will run out of time, so I will have to mention the rest of them on another occasion because I want to note recent increased commentary regarding young people and crime, particularly in this post-pandemic lockdown period. There is a growing need for more attention and intervention in this area at this time. Young people have had it tough over the past couple of years, and particularly our most vulnerable young people need proper attention to keep their lives on track. Bureau of Crime Statistics and Research figures are showing that there is an increase in youth crime. Let us not be naive to that. Let us make sure that we provide proper early intervention and desperately needed support to stop these kids from going down the wrong path and to keep their lives on track. It is in all of our interests, particularly theirs, to do so.

## STATE BUDGET AND CLIMATE CHANGE

**Mr JUSTIN FIELD (22:15):** Today the New South Wales Treasurer, and Minister for Energy, Matt Kean, handed down his budget. This line in his speech was pretty much the extent of the detail about how the budget would address climate change and emissions reductions:

We are on track to reduce our emissions by 50 per cent by 2030, on 2005 levels, and to achieve net zero emissions by 2050.

I say to Treasurer Kean, "Prove it." In this budget there is no evidence to show that New South Wales is on track to reduce emissions by 50 per cent by 2030. On page 10-8 in the budget outcomes paper there is a short, mostly dotted, squiggly line on chart 10.5. It shows CO2 equivalent emissions emitted annually. The actual emissions are represented by a solid line, which ends at 2019. A dotted line, representing estimated emissions, historically and forecast, finishes at 2022-23. Then there is a blank space where avid budget readers like me are invited to assume that the line will magically dip down to reach a diamond placed well out at 2030, at the place where emissions, apparently, will be 50 per cent of 2005 levels. I call it Mr Squiggle climate budgeting.

The Treasurer claims that, in 2022-23, \$465 million from the Climate Change Fund will be invested in programs to reduce emissions and points to the New South Wales Government's Net Zero Plan. While a number of programs have been announced under the plan—the renewable energy road map, an electric vehicle strategy, investing in natural capital—there is almost no information to show how each of these contributes to the goal of 50 per cent emissions reductions by 2030. The budget contains no actual emissions data from after 2019, the time when that plan was first announced. They are not collecting the data and they are not publishing the data. It provides no detail about the assumptions presented in the wiggly line chart about how the forecasts will be met and then leaves a giant hole after 2023. We all know what 2023 is: It is an election year.

What I do not know and cannot find out about is how New South Wales will meet its emissions reduction targets from Matt Kean's budget. But this is what I do know. Since 2019, the start of this term of government and this Minister's term as energy Minister, 10 new coal and coal seam gas projects have been approved in New South Wales. The domestic emissions from these projects over their lives—the emissions created in New South Wales, not those overseas once the coal and gas are burnt—undo all of the reductions estimated from Matt Kean's Renewable Energy Roadmap, which is the heavy lifter in the Net Zero Plan.

I know that land-clearing rates and approvals have exploded in New South Wales in recent years—over 500,000 hectares of approvals just in the last three years—and that data showing land use change as a net carbon store in New South Wales back in 2019 is now likely to be woefully out of date. I would not be surprised if we are at a stage where land use change is now a net carbon liability to this State. I know, however, that if the New South Wales Government were to buy out logging contracts just in the South Coast forests—forests that desperately need to be taken out of harvesting to recover from the damage of the 2019-20 fires—one million tonnes per annum could be taken off the State's carbon budget and do some of the heavy lifting for other industries in the desperately urgent task of reducing emissions to avoid catastrophic climate change.

I am calling "bullshit" on this Government's emissions reductions targets. I am glad to see that Matt Kean is more prepared than most Coalition Ministers to talk about the need for climate action, and I acknowledge the investment in transmission networks to speed up the transition to renewable energy, but claiming we are on track to meet a 50 per cent reduction just does not stack up, based on the information on the public record, on the decisions this Government has taken that are adding to our emissions liability and of the decisions not taken that could make a genuine and big difference to reduce our carbon emissions and prepare this State for climate impact in the future.

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

**Motion agreed to.**

**The House adjourned at 22:20 until Wednesday 22 June at 10:00.**