



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday 23 June 2022**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Announcements .....	7069
Legislative Council Photograph .....	7069
Les Powell School .....	7069
Commemorations .....	7069
Bicentenary of the Legislative Council .....	7069
Motions .....	7069
World Frog Day .....	7069
World Aquatic Animal Day .....	7070
LGBTQ Domestic Violence Awareness Day .....	7070
COVID-19 and Young People .....	7070
International Day for the Elimination of Sexual Violence In Conflict .....	7071
Notices .....	7071
Presentation .....	7071
Business of the House .....	7071
Postponement of Business .....	7071
Suspension of Standing and Sessional Orders: Order of Business .....	7071
Order of Business .....	7072
Bills .....	7072
ICAC and LECC Legislation Amendment Bill 2022 .....	7072
Second Reading Speech .....	7072
Second Reading Debate .....	7073
In Committee .....	7074
Adoption of Report .....	7076
Third Reading .....	7076
Bail Amendment Bill 2022 .....	7076
Second Reading Speech .....	7076
Second Reading Debate .....	7078
Visitors .....	7089
Visitors .....	7089
Questions Without Notice .....	7089
Public Sector Wages .....	7089
State Budget and Regional Transport and Roads .....	7090
State Budget Forecasts 2022-2023 .....	7091
Coastal Land Management .....	7093
Early Learning .....	7093
Climate Change and Environment Protection Authority .....	7094
Transport Asset Holding Entity of New South Wales .....	7095
State Budget 2022-2023 .....	7098
Obstetric Violence .....	7099
Ministerial Offices Electricity Usage .....	7099

## TABLE OF CONTENTS—*continuing*

Toll Relief.....	7099
State Budget Policies .....	7100
Supplementary Questions for Written Answers .....	7101
State Budget Forecasts 2022-2023 .....	7101
Climate Change and Environment Protection Authority.....	7101
Questions Without Notice: Take Note.....	7101
Take Note of Answers to Questions .....	7101
State Budget Forecasts 2022-2023 .....	7101
State Budget Policies .....	7102
Early Learning .....	7102
Transport Asset Holding Entity of New South Wales.....	7102
Climate Change and Environment Protection Authority.....	7103
Ministerial Offices Electricity Usage .....	7103
Toll Relief.....	7103
State Budget 2022-2023 .....	7104
Early Learning .....	7104
Ministerial Offices Electricity Usage .....	7104
State Budget 2022-2023 .....	7104
Take Note of Answers to Questions .....	7105
Bills.....	7106
Bail Amendment Bill 2022 .....	7106
Second Reading Debate.....	7106
In Committee .....	7110
Adoption of Report.....	7117
Third Reading .....	7117
Appropriation Bill 2022.....	7117
Appropriation (Parliament) Bill 2022.....	7117
State Revenue Legislation Amendment Bill 2022.....	7117
First Reading.....	7117
Second Reading Speech.....	7118
Second Reading Debate.....	7118
Third Reading .....	7145
State Revenue Legislation Amendment Bill 2022.....	7145
Second Reading Speech.....	7145
Second Reading Debate.....	7145
Third Reading .....	7146
Documents .....	7146
Transport Assets and Workforce .....	7146
Return to Order .....	7146
Claim of Privilege.....	7146
Committees .....	7146
Public Accountability Committee.....	7146

## TABLE OF CONTENTS—*continuing*

Reference .....	7146
Disallowance.....	7147
Crimes Amendment (Major Facilities) Regulation 2022 .....	7147
Roads Amendment (Major Roads) Regulation 2022.....	7153
Special Adjournment .....	7154
Special Adjournment .....	7154
Adjournment Debate.....	7154
Adjournment.....	7154
State Budget and the Hunter .....	7154
Toll Policies .....	7155
Aussie BBQ Music Showcase .....	7155
The Dreamlife of Georgie Stone.....	7156
Visitors.....	7157
Visitors.....	7157
Adjournment Debate.....	7157
The Hon. Catherine Cusack, Valedictory Speech.....	7157

## LEGISLATIVE COUNCIL

**Thursday 23 June 2022**

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

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

### *Announcements*

#### **LEGISLATIVE COUNCIL PHOTOGRAPH**

**The PRESIDENT (10:02):** As members would be aware, before the House proceeds with business, an official photograph will be taken of members and officers of the Legislative Council. For that purpose, I ask members and officers to follow the instructions of the photographer.

#### **LES POWELL SCHOOL**

**The PRESIDENT (10:11):** From 11.30 a.m. today until lunchtime we will welcome students from the Les Powell School, who are visiting Parliament House for the first time, together with carers and teachers. The Les Powell School is located in the Mount Pritchard area of western Sydney and provides quality individual learning programs for students with a diverse range of complex learning and support needs. This is the students' first visit to Parliament. During their time with us, students will view the *HOPE Butterfly Installation*, to which some of the students have contributed—members may have seen the display in the Fountain Court—and they will be having lunch in the Jubilee Room. The visit has been arranged through our Community, Engagement and Education team. If you have an opportunity, please say hello to the students as they are moving through Parliament House. That would be most appreciated by all concerned.

### *Commemorations*

#### **BICENTENARY OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT (10:12):** Honourable members, I invite you to cast your eyes to my left, to the newest marble bust in this Chamber: that of the late Hon. Virginia Chadwick, the first female President of the Legislative Council. Last month, Virginia became perhaps the final marble figure to be added to the walls. Her likeness sits beside that of the Hon. James Macarthur; then, following along the wall, we have the Hon. John Blaxland and, as members are aware, the Hon. Sir Francis Suttor. To the other side of the Chamber sits the Hon. William Bede Dalley, together with the Hon. Sir Alfred Stephen, followed by the Hon. Sir John Lackey and, finally, with his head turned to look directly at the President's chair, the Hon. Sir John Hay—altogether, eight impressive and masterfully crafted marble figures. But what is the story of each of these silent sentinels? Who were they in real life? And why were they chosen, at various points, to bear witness to proceedings of this Chamber?

To answer these questions, a new video series is being launched as part of the activities commemorating the Legislative Council's forthcoming bicentenary. The eight-part series will introduce each of these immortals, both to us as members and to the community at large. The first of the videos is being released today and features our most recent addition to the Chamber, the Hon. Virginia Chadwick. I encourage honourable members to look for the first immortals video on the Legislative Council's Facebook page today, and later elsewhere across the Parliament's social and digital media channels.

It provides a concise snapshot of Virginia's parliamentary career and a record of the inspiring legacy she left behind as not only a trailblazing female member of the Legislative Council but also the first female chairperson and CEO of the Great Barrier Reef Marine Park Authority. Each of our immortals videos provides a window into the fascinating history of the Legislative Council. A new video will be released bimonthly, and I encourage honourable members to join me in engaging with this series and sharing the videos through their personal networks.

### *Motions*

#### **WORLD FROG DAY**

**The Hon. PENNY SHARPE (10:14):** I move:

(1) That this House notes that:

- (a) Sunday 20 March 2022 is World Frog Day, a day to acknowledge the important role these amphibians play in our ecosystems;
  - (b) 20 species of frogs and toads are listed as threatened in New South Wales;
  - (c) the Northern and Southern Corroboree Frog, Peppered Tree Frog, Spotted Tree Frog and Yellow-Spotted Tree Frog are all listed as critically endangered in New South Wales; and
  - (d) threats to frog populations include pollution, climate change, loss of habitat, disease, displacement and feral animals such as cane toads or introduced fish species.
- (2) That this House calls on the New South Wales Government to act to protect the habitat and ecosystems of native frogs and toads, particularly working to save critically endangered frogs from extinction.

**Motion agreed to.**

### **WORLD AQUATIC ANIMAL DAY**

**The Hon. PENNY SHARPE (10:15):** I move:

- (1) That this House notes that 3 April 2022 is World Aquatic Animal Day, which provides an opportunity for participants to get involved online and advocate for aquatic animals, with a focus this year on sustainability in fishing and agriculture.
- (2) That this House further notes that:
  - (a) in the NSW State of the Environment Report 2021, the health of fish populations in rivers was reported to be poor and getting worse; and
  - (b) New South Wales now has 47 marine species listed as threatened, including seven marine mammals and eight fish.
- (3) That this House calls on the New South Wales Government to:
  - (a) take urgent action to stabilise and rehabilitate our river environments; and
  - (b) ensure that greater conservation efforts are taken to protect all threatened marine species in New South Wales and prevent further marine species from becoming threatened.

**Motion agreed to.**

### **LGBTQ DOMESTIC VIOLENCE AWARENESS DAY**

**Ms ABIGAIL BOYD (10:16):** I move:

- (1) That this House notes that Saturday 28 May was LGBTQ Domestic Violence Awareness Day, a day that raises awareness for the need for increased support for LGBTQ victim-survivors of domestic violence and abuse, and the need for whole of society coordination to break down barriers to accessing help.
- (2) That this House notes that according to the LGBTQ Domestic Violence Awareness Foundation:
  - (a) more than 50 per cent of LGBTQ people will experience domestic, family and intimate partner violence and abuse in their lifetime;
  - (b) LGBTQ victim-survivors remain largely invisible with incredibly low levels of reporting because of a range of reasons including fear of the police system, lack of accessible and affordable support systems, prejudice and social stigmas and a lack of support services that meet their specific needs; and
  - (c) a coordinated whole of society approach is needed to ensure victims and victim-survivors are seen, believed, supported and given hope, regardless of their sexuality or gender identity.
- (3) That this House calls on the Government to support better outcomes for LGBTQ victims and victim-survivors, to break barriers to reporting abuse and accessing supports, and to work toward ending domestic violence for all people regardless of their sexuality or gender identity, through targeted awareness campaigns, education programs and increased funding for frontline support.

**Motion agreed to.**

### **COVID-19 AND YOUNG PEOPLE**

**Ms ABIGAIL BOYD (10:17):** I move:

- (1) That this House notes that according to a report by Orygen and Mission Australia entitled *Clusters of Covid-19 Impact: Identifying the impact of Covid-19 on young Australians in 2021* published in May 2022, which was based on a national survey of 20,000 people aged 15 to 19 during 2021's pandemic and lockdowns:
  - (a) more than 70 per cent of students whose studies were disrupted by the pandemic faced high levels of psychological distress;
  - (b) transgender and gender diverse young people were twice as likely to report adverse mental health effects than their peers;
  - (c) young people in Victoria and New South Wales were most strongly affected compared to the rest of Australia, with 57 per cent of young people in New South Wales reporting multiple and diverse negative impacts across a range of life domains, including mental health, participation in activities, education, employment, financial security and housing;

- (d) there is urgent need for more funding for specialist youth mental health services, such as Headspace, to help young people who are struggling with mental health issues; and
  - (e) young people and their families are at a significantly high risk of homelessness, and there is an urgent need for increased screening for homelessness in all schools along with increased supports for these individuals and their families.
- (2) That this House calls on the Government to:
- (a) take direct action to increase funding for and access to publicly funded mental health services for young people, and to improve mental health risk screening and supports offered through schools and workplaces; and
  - (b) commit to listen to the voices of young people so that the negative impacts of the pandemic do not cause further and ongoing problems for young people.

**Motion agreed to.**

**INTERNATIONAL DAY FOR THE ELIMINATION OF SEXUAL VIOLENCE IN CONFLICT**

**Ms ABIGAIL BOYD (10:17):** I move:

- (1) That this House notes that 19 June 2022 is International Day for the Elimination of Sexual Violence in Conflict, and that:
- (a) women and girls are disproportionately affected by acts of violence in conflict and subjected to heinous sexual violence crimes, including sexual slavery, sexual and labour exploitation, forced prostitution, pregnancy or abortion, and forced marriage;
  - (b) sexual violence crimes are not a by-product of conflict and include the deliberate targeting of individuals for acts of violence outside the scope of military operations;
  - (c) sexual violence crimes in conflict are severely under-reported, which makes it harder to seek justice for the victims and to distinguish gender-based violence [GBV] from other forms of violence; and
  - (d) victims of sexual violence are faced with inadequate law enforcement protection, lack of access to trauma recovery services, and social barriers to living free of shame and stigma.
- (2) That this House notes that United Nations Women conducted a Rapid Gender Analysis [RGA] to gauge the extent of gender-related conflict in Ukraine and found that:
- (a) 90 per cent of refugees who are internally displaced or fleeing for neighbouring countries are women and children;
  - (b) the military conflict in Ukraine exacerbated the sexual harassment of women and girls in public spaces;
  - (c) there are increased calls reporting rape crimes committed on Ukrainian women and girls, and more calls reporting rape crimes on men and boys; and
  - (d) human trafficking is showing a surge in conflict-affected areas of Ukraine, with reports of more minors going missing and increased kidnappings.
- (3) That this House calls on the New South Wales Government to actively condemn all acts of sexual violence in conflict and to cooperate with international organisations and human rights groups to provide support for the victims and work towards the elimination of all gender-based violence in conflict.

**Motion agreed to.**

*Notices*

**PRESENTATION**

*[During the giving of notices of motion]*

**The PRESIDENT:** Order! Opposition members will restrain themselves and listen to the Minister for Finance.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

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

- (1) Business of the House notice of motion No. 1, standing in the name of Ms Cate Faehrmann, postponed until the next sitting day.
- (2) Business of the House notice of motion No. 4, standing in the name of Ms Abigail Boyd, postponed until the next sitting day.
- (3) Matter of public importance relating to the State Infrastructure Strategy 2022-2042, standing in the name of the Hon. John Graham, postponed until Tuesday 11 August 2022.

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

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



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

**Motion agreed to.**

### ORDER OF BUSINESS

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

- (1) That, notwithstanding anything to the contrary in the standing and sessional orders, the following items of Government business take precedence of business of the House and the matter of public importance listed on the *Notice Paper* this day:
  - (a) ICAC and LECC Legislation Amendment Bill 2022;
  - (b) Bail Amendment Bill 2022; and
  - (c) Appropriation Bill 2022 and cognates.
- (2) That, notwithstanding anything to the contrary in the standing and sessional orders, following their first reading and being declared urgent, the Appropriation Bill 2022 and Appropriation (Parliament) Bill 2022 proceed through their remaining stages in cognate, and the State Revenue Legislation Amendment Bill 2022 proceed through its remaining stages as a single bill.

**Motion agreed to.**

### Bills

### ICAC AND LECC LEGISLATION AMENDMENT BILL 2022

### Second Reading Speech

**The Hon. TAYLOR MARTIN (10:27):** On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

The ICAC and LECC Legislation Amendment Bill 2022 seeks to extend existing beneficial provisions relating to judges of the Supreme Court who are appointed to the Independent Commission Against Corruption or the Law Enforcement Conduct Commission so that they also apply to judges of the District Court, and to ensure consistency between relevant provisions.

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

**Leave granted.**

There are five upcoming appointments of commissioners and inspectors of the Independent Commission Against Corruption [ICAC] and the Law Enforcement Conduct Commission [LECC]. The appointment of the Hon. Peter Hall, QC, as the Chief Commissioner of the ICAC, and the appointments of Mr Stephen Rushton, SC, and Ms Patricia McDonald, SC, as commissioners of the ICAC, will expire on 6 August 2022. The appointments of Mr Bruce McClintock, SC, as Inspector of the ICAC and Professor Terry Buddin, SC, as Inspector of the LECC will expire on 30 June 2022. The current appointees are not eligible for reappointment to their current roles, as each will have held office for the maximum available term of five years. The Government is conducting a publicly advertised recruitment process to identify eligible candidates for appointment to these statutory offices.

At the outset, I note that proposed appointments arising from this recruitment process will be considered by the joint parliamentary Committee on the Independent Commission Against Corruption in respect of the appointments to the ICAC and the joint parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission in respect of the appointment of the inspector of the LECC so that they may consider exercising their power of veto. A nominations panel consisting of the immediate past chief justice of New South Wales, the Hon. Thomas Bathurst, AC, QC; retired Federal Court of Australia judge the Hon. Dr Annabelle Bennett, AC, SC; the immediate past president of the Law Society of NSW, Ms Juliana Warner; the Secretary of the Department of Premier and Cabinet, Mr Michael Coutts-Trotter; and the Secretary of the Department of Communities and Justice, Mr Michael Tidball, has been appointed to consider applications and make recommendations to the Government on candidates suitable for appointment.

During the ongoing recruitment process, inconsistencies in certain provisions enabling the revival of a person's judicial commission once the person ceases to hold statutory office in the ICAC or the LECC have been identified. I will now briefly describe those provisions. Section 4 of the Independent Commission Against Corruption (Commissioner) Act 1994—the ICAC commissioner Act—and clause 6 of schedule 1 and clause 8 of schedule 2 to the Law Enforcement Conduct Commission Act 2016—the LECC Act—enable, if certain conditions are complied with, the commission of a judge of the Supreme Court who has resigned immediately prior to their appointment as a commissioner of the ICAC or the LECC or as inspector of the LECC to have their commission as a judge revived by force of those provisions when the person ceases to hold office as a commissioner of the ICAC or the LECC or inspector of the LECC, causing the person to become a judge of the Supreme Court again from that time.

Where these provisions apply, for the purposes of the Judges' Pensions Act 1953, the person's service as a commissioner of the ICAC or the LECC or inspector of the LECC is taken to be service as a judge of the Supreme Court, and references to notional judicial salary are references to the salary payable to the holder of a judicial office having a status equivalent to that of the judicial office held by the person immediately before being appointed as a commissioner of the ICAC or the LECC or inspector of the LECC. Unlike the provisions I have discussed, the Independent Commission Against Corruption Act 1988—the ICAC Act—does not currently make provision for a Supreme Court judge appointed as inspector of the ICAC to have their commission as a judge revived. In addition, the provisions are not available to judges of the District Court who may be appointed as a commissioner or inspector.

The purpose of the bill is to address these discrepancies and ensure that the provisions apply consistently to Supreme Court and District Court judges who may be appointed to the statutory roles. Meritorious applicants may be discouraged from accepting an appointment without legislative amendment to extend the benefit of the existing provisions in the ICAC commissioner Act to judges of the District Court. This is of particular significance in circumstances where the holder of a judicial office is not eligible to be appointed as a commissioner of the ICAC, requiring judicial officers to resign from their judicial office prior to being appointed as a commissioner of the ICAC. There is no compelling reason to exclude judges of the District Court from the benefit of these provisions. The qualification requirements for appointment to both the Supreme Court and District Court are broadly the same: namely, to be an Australian lawyer of at least seven years' standing or a person who holds or has held a judicial office.

Senior members of the bar and highly experienced legal practitioners are frequently appointed to the District Court. Judges of the District Court have varied expertise and experience that would be of benefit to the ICAC and the LECC in performing their statutory functions. I note that a comparable Western Australian commission reviving provision for former judicial officers appointed to statutory offices extends to judges of its Supreme Court and District Court. For these reasons, the Government proposes to amend the ICAC commissioner Act to extend the existing provisions relating to a judge of the Supreme Court to a judge of the District Court. The bill also proposes equivalent amendments to the ICAC Act and the LECC Act to ensure consistency between relevant provisions.

I will now deal with the provisions of the bill in detail. The bill has three schedules. Schedule 1 to the bill proposes amendments to the ICAC Act. Schedule 1A to the ICAC Act contains provisions relating to the inspector and assistant inspector of the ICAC. As I previously indicated, the ICAC Act does not currently make provision for a judge of the Supreme Court appointed as inspector of the ICAC to have their commission as judge revived. Item [1] of schedule 1 to the bill, if passed, will insert a proposed new clause 6A into schedule 1A enabling a person who was a judge of the Supreme Court or the District Court and who resigned immediately prior to their appointment as inspector of the ICAC to have their commission as a judge revived by force of those provisions when the person ceases to hold office as inspector of the ICAC, causing the person to become a judge of the relevant court again from that time.

Items [1] to [4] of schedule 2 to the bill extend existing provisions in the ICAC commissioner Act enabling the revival of the commission of a Supreme Court judge appointed as a commissioner of the ICAC to a District Court judge. Item [6] of schedule 2 to the bill proposes to insert a new section into the ICAC commissioner Act enabling the making of regulations of a savings or transitional nature consequent on the commencement of a provision of the Act or a provision amending the Act. Schedule 3 to the bill proposes amendments to the LECC Act. Schedule 1 to the LECC Act contains provisions relating to the commissioners of the LECC. Items [1] to [4], if passed, will extend existing provisions in schedule 1 to the LECC Act enabling the revival of the commission of a judge of the Supreme Court appointed as a commissioner of the LECC to a judge of the District Court.

Schedule 2 to the LECC Act contains provisions relating to the inspector and assistant inspector of the LECC. Items [6] to [8], if passed, will extend existing provisions in schedule 2 to the LECC Act enabling the revival of the commission of a judge of the Supreme Court appointed as inspector of the LECC to a judge of the District Court. The bill contains savings and transitional provisions providing that amendments made by the bill apply on and from 30 June 2022. This will ensure that the provisions apply to any relevant persons appointed as part of the ongoing recruitment process should the proposed Act commence after the appointment of those persons. The proposed savings and transitional provisions are at item [2] of schedule 1, item [6] of schedule 2 and item [10] of schedule 3 to the bill. I commend the bill to the House.

### Second Reading Debate

**The Hon. PENNY SHARPE (10:27):** On behalf of the Opposition I contribute to debate on the ICAC and LECC Legislation Amendment Bill 2022. The Opposition will not oppose the bill. At present a judge of the Supreme Court who resigns immediately before taking up an appointment as a commissioner, inspector or assistant inspector of the Independent Commission Against Corruption or a member, assistant commissioner or inspector of the Law Enforcement Conduct Commission is permitted to return to their position as a judge of the Supreme Court immediately after they cease to hold such a role. In addition, the Judges' Pensions Act 1953 provides that time served by a judge in such a statutory role is taken to be time served as a judge of the Supreme Court. Historically, those provisions were not extended to a judge appointed as an inspector or assistant inspector of the ICAC, or to a judge of the District Court who was appointed to the roles. The bill seeks to rectify the law in respect of those classes of people.

The bill amends the Independent Commission Against Corruption Act 1988, the Independent Commission Against Corruption (Commissioner) Act 1994 and the Law Enforcement Conduct Commission Act 2016 to permit a person who was a judge of the Supreme Court or District Court before being appointed to one of the previously outlined roles, and who resigned immediately before their appointment to the role, to return to their position as a judge of the same court at the end of their tenure in the role. In addition, the person's entitlements in relation to a judicial pension also continue while the person holds such a role and such service is taken to be service as a judge of the court from which they were appointed. The salient point of the bill is to effectively allow District Court judges to be appointed to any of those statutory roles. The qualification requirements in New South Wales for appointment to the Supreme Court and the District Court are broadly the same—that is, to be an Australian lawyer of not fewer than seven years' standing.

Presently, there are 73 Supreme Court judges and 106 District Court judges in New South Wales. The amendments would also allow applicants to be drawn from a larger pool. It should be noted that the Committee on the Independent Commission Against Corruption and the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission have a power of veto over proposed appointments to those statutory roles, so the Parliament does have the power to exert some control over the proposed

appointments. The bill is reasonably technical and tidies up the arrangements of how to appoint people to those positions. Labor does not oppose the bill.

**The Hon. ROD ROBERTS (10:30):** On behalf of One Nation, I support the ICAC and LECC Legislation Amendment Bill 2022. It is a commonsense bill. As the Parliamentary Secretary and the Leader of the Opposition said, talented potential applicants within the District Court are extremely disadvantaged by the current position. The bill rectifies that by opening up the pool of applicants to a wider and more appropriate group of people. For that reason, we support the bill. I place on record that I will move an amendment in the Committee stage.

**The Hon. TAYLOR MARTIN (10:31):** On behalf of the Hon. Natalie Ward: In reply: I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Adam Searle):** 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 set of amendments: One Nation amendments on sheet c2022-117D.

**The Hon. ROD ROBERTS (10:33):** I move One Nation amendment No. 1 on sheet c2022-117D:

No. 1 **Application of Independent Commission Against Corruption Amendment (Validation) Act 2015**

Page 3, Schedule 1. Insert after line 39—

#### [1A] **Schedule 4 Savings, transitional and other provisions**

Insert after clause 35—

#### **35A Limitation on validation provision**

- (1) Clause 35 does not apply in relation to a person who had proceedings pending in the Supreme Court or the Court of Appeal on 8 May 2015 relating to a finding by the Commission of corrupt conduct.
- (2) For any limitation period for a proceeding brought for or on behalf of a person specified in subclause (1), the period between 8 May 2015 and the date of assent to the *ICAC and LECC Legislation Amendment Act 2022* is to be disregarded in the calculation of the limitation period.
- (3) This clause applies whether or not the person specified in subclause (1) is deceased, including for a proceeding brought on behalf of a deceased person under subclause (2).

This is a simple amendment. I will go to the crux of the matter, which was touched upon last night and will be recorded in *Hansard*. It is similar to the Standing Order 52 motion that was passed last night. This amendment comes about as a result of the Committee on the Independent Commission Against Corruption report No. 4/57 in November 2021. Recommendation 7 states:

That the Independent Commission Against Corruption Amendment (Validation) Act 2015 be amended to put the persons named in the correspondence from the Crown Solicitor dated 23 April 2015 in the same position they would have been in on 8 May 2015 (the date set for the Court of Appeal proceeding) had the Validation Act not applied to them.

During the inquiry there were concerns about the introduction of the validation Act—I will shorten the name of the Act—because it impacted people's ability to seek judicial review of the ICAC findings. They stressed that their reputations continue to be negatively impacted to this day as a result of that legislation. The committee considered that the above recommendation was appropriate. The committee was most concerned regarding reputational harm of ICAC's investigations relating to a period between 14 November 2009 and the 2016 reforms.

The amendment to the ICAC Act was introduced following the decision of the High Court in *Independent Commission Against Corruption v Cunneen* [2015] HCA 14. The validation Act does not reverse the High Court decision but validates action taken by the ICAC before April 2015. The ICAC's position regarding the validation Act is set out in the committee's questions following the public hearing. In response, the ICAC explained that it wanted the New South Wales Government to amend the ICAC Act with retrospective force. ICAC's major concern was that the High Court decision in *Cunneen* impacted a number of past investigations and two investigations that were current at the time. A further concern was that the decision in *Cunneen* could restrict the conduct of future investigations. The committee noted that some inquiry participants called for the validation Act to be amended to enable their rights to a judicial review. For example, the committee heard from people such as John Atkinson, John McGuigan and Richard Poole about their experiences with the ICAC process and how the lack of appeal process has left them in what is known as no-man's-land.

The ICAC made corrupt findings against Travers Duncan, John Atkinson, John McGuigan and Richard Poole as part of Operation Jasper. The committee received evidence that they were in the process of appealing their findings and the ICAC agreed to orders to set aside their corruption findings. The ICAC agreed to set aside those findings. Documents given to the committee clearly established that, together with the agreement by the three judges of the New South Wales Court of Appeal who heard the matter to make the required declarations. However, the validation Act was enacted before the matter could be finalised in the New South Wales Court of Appeal.

Only a handful of people would be affected by these proceedings. However, only a handful of those people proceeded to court to uphold their rights. It is only that small group about whom the committee is able to make a firm finding that they have a legitimate grievance that should be remedied. The existence of this litigation and its settlement by the ICAC was not disclosed to members of the New South Wales Parliament when they debated and voted on the validation Act. Had there been a relevant disclosure, this group of people may—and I emphasise, may—well have been excluded from the operation of the validation Act on the basis of the agreed settlement of the case against the ICAC.

Accordingly, as a matter of fairness, the committee recommended that the necessary legislative changes be made to put the persons named in the correspondence from the Crown Solicitor dated 23 April 2015 in the same position they would have been in on 8 May 2015—the date set for the court of appeal proceeding—had the validation Act not applied to them. Basically, a recommendation was made by the ICAC committee after taking extensive evidence. As I explained last night, the ICAC committee is a joint committee consisting of members from the other place and members of this place, across the Government, the Opposition and also the crossbench, of which I am a member. That was a unanimous report, recommending to the Government that it make changes to the Act to allow these impacted people the rights that they would have had, had the validation Act not been enacted.

That was a unanimous decision. The committee wrote its report. It went to the Government. The Government accepted the vast majority of our recommendations, except recommendation 7. I am taking this action on behalf of the ICAC committee to make that adjustment to the Act to allow those people to have the benefit that they would have received had the validation Act not been passed into legislation. That is the basis of the amendment.

**The Hon. TAYLOR MARTIN (10:40):** The Government opposes One Nation amendment No. 1 on sheet c2022-117D. The amendment appears to implement recommendation 7 of the ICAC committee's 21 November 2021 report entitled *Reputational impact on an individual being adversely named in the ICAC's investigations* that the Independent Commission Against Corruption Amendment (Validation) Bill 2015 be amended to put certain persons in the same position as they would have been on 8 May 2015, had the validation Act not applied to them. The bill we are debating is not an appropriate vehicle for the consideration of that issue. The bill extends existing beneficial provisions relating to judges of the Supreme Court who are appointed to the Independent Commission Against Corruption or the Law Enforcement Conduct Commission so that they also apply to judges of the District Court. In light of this amendment, I inform the Committee that I am reliably informed that Cabinet will reconsider its position on this matter in a timely manner.

**The Hon. PENNY SHARPE (10:41):** The Opposition does not support the amendment at this time. I have heard what the Government member said, and I believe that there will be some reconciliation of this issue. We welcome the discussion between the Hon. Rod Roberts and the Government. It seems they will come to a resolution on this.

**The Hon. ADAM SEARLE (10:42):** Like the Hon. Rod Roberts, I am on the ICAC oversight committee and participated in the inquiry. In fact, I think the minutes will show that I was the person who drafted and put to the committee recommendation 7, which is the subject matter of the amendment. Obviously, as a member of the Opposition, I will not be supporting the amendment today. But it is good that the Government has indicated that the recommendation will be reconsidered by Cabinet, as the committee proposed. As we outlined in debate on the Hon. Rod Robert's motion under Standing Order 52 last night, this is not an attack on the validation Act. It is not an attack on the ICAC. Were it either of those things, I would have nothing to do with it.

A group of five people had gone to court to validate their rights and had all but succeeded. I think Mr Kinghorn actually did succeed at first instance in the Supreme Court. The ICAC was appealing that to the Court of Appeal. The other four gentlemen did not succeed at first instance but took the matter to the Court of Appeal. As has been outlined in some detail, the ICAC had settled the case with those gentlemen and the Court of Appeal was prepared to make the relevant orders on 8 May to set aside the relevant findings. It is a matter of record that the Parliament enacted the validation legislation, but at the time the Parliament was unaware of the litigation of those individuals, who were all but in the same position as Ms Cunneen.

Just as the legislation did not seek to deprive Ms Cunneen of the benefit of her victory in the High Court, it seems unfair and inappropriate that those people were adversely affected by the validation Act without that matter being drawn clearly to the attention of the Parliament. The matter has since been drawn and ventilated. The committee unanimously thought this matter was unjust and should be rectified. The Government has not adopted recommendation 7 at this time. As I said at the outset, I am heartened by the indication that Cabinet will reconsider this matter. I urge it to do so. Let us hope this matter does not come back to this place—or any place—at any time in the future, except to finally resolve the matter.

**The Hon. ROD ROBERTS (10:44):** I acknowledge the contributions of the Parliamentary Secretary and the Hon. Adam Searle. I also acknowledge his outstanding work on the ICAC oversight committee. In light of the proposition posed by the Parliamentary Secretary, I seek leave of the Committee to withdraw One Nation amendment No. 1 on sheet c2022-117D.

**Leave granted.**

**Amendment withdrawn.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### **Adoption of Report**

**The Hon. TAYLOR MARTIN:** On behalf of the Hon. Natalie Ward: I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. TAYLOR MARTIN:** On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a third time.

**Motion agreed to.**

## **BAIL AMENDMENT BILL 2022**

### **Second Reading Speech**

**The Hon. SHAYNE MALLARD (10:47):** On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Bail Amendment Bill 2022, which strengthens the Bail Act 2013 in two respects. In a national first, the bill will insert a provision to require that any electronic monitoring imposed as a bail condition must meet minimum standards prescribed in the regulations. Second, the bill will insert a requirement that bail must be refused following conviction and prior to sentencing where the offender will be sentenced to full-time detention, unless special or exceptional circumstances can be established, in response to three recent bail matters that were widely regarded as out of step with community expectations.

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

**Leave granted.**

The New South Wales Government is committed to keeping the community safe, and to ensuring that our bail laws remain amongst the toughest in the country.

I turn to the first amendment proposed.

Schedule 1 [1] to the bill introduces a new section 22B of the Bail Act. It will provide that a court is not to grant bail or dispense with bail, including in the course of considering a detention application, during the period following conviction and before sentencing for an offence for which an offender will be sentenced to full-time detention, unless it is established that special or exceptional circumstances exist that justify that bail decision.

For the purposes of the provision, conviction is defined in subsection (5) to include a plea of guilty.

As its preamble states, the Bail Act balances the need to ensure the safety of victims of crime, individuals and the community; the need to ensure the integrity of the justice system; and the common law presumption of innocence and the general right to be at liberty.

Bail exists to keep victims and our community safe before and during a trial, and to protect every person's right to the presumption of innocence and the general right to be at liberty until they can have their day in court and their matter determined.

Bail is not intended to be a pre-judgement of someone's guilt, or punishment before conviction.

However, this does not mean that criminals who have been convicted or pled guilty and the Court considers will be sentenced to imprisonment by full-time detention, should be permitted to walk free in our community while they are waiting to be sentenced.

The presumption of innocence does not apply post-conviction or guilty plea.

Currently when an accused person is found guilty of an offence and the matter is adjourned for sentencing to a later date, a bail decision-maker must, under section 18 (1) (i1) of the Bail Act, already have regard to "the likelihood of a custodial sentence being imposed".

This new provision will go one step further to provide that serious offenders who will be sentenced to imprisonment to be served by full-time detention, generally must not be granted bail post-conviction prior to sentencing.

Offenders will not be taken into remand under the provision in circumstances where it is possible that they will later be sentenced to a lesser penalty and released, or are being considered for an Intensive Corrections Order, for example, or for an order under section 11 of the Crimes (Sentencing Procedure) Act 1999—as, by very definition, these are not circumstances where the offender "will be sentenced" to full-time detention.

This is not intended to be a pseudo or abridged sentencing hearing, just as currently having regard to the terms of section 18 (1) (i1) of the Bail Act does not require a pseudo or abridged sentencing hearing.

A full sentencing hearing will still occur before a judge as per the usual processes at a later date determined by the court, with the usual opportunities for parties to make submissions. The defence will still have the opportunity to put forward evidence and arguments about what the precise sentence should be. New section 22B would not be enlivened where there is doubt whether the offender will be sentenced to imprisonment by full-time detention.

This reform will ensure, however, that for those offenders who will be receiving full-time detention, they are not granted bail to be released back into the community in the interim before that sentencing hearing can occur.

This is not about increasing the number of people going to prison—it is about ensuring that offenders who have already been found guilty beyond a reasonable doubt, or pled guilty and are already heading to prison, get there quicker, and are not out in the community while awaiting sentence.

The New South Wales Government will carefully monitor the impact of this reform in practice to ensure it does not adversely impact on the Government's Early Appropriate Guilty Plea reforms, although it is difficult to envisage how this could occur.

If a person pleads guilty under the Early Appropriate Guilty Plea scheme, they will already have a very good idea of the type of sentence they can expect to receive. If that sentence will be imprisonment by way of full-time detention, it should come as no surprise if the new section 22B is enlivened in the course of a bail decision ahead of sentencing.

The provision does acknowledge that special or exceptional circumstances may arise from time to time that justify a granting of bail even in these circumstances, consistent with the approach taken in the existing section 22 of the Bail Act.

Section 22 overrides other sections of the Bail Act by providing that in certain situations bail cannot be granted, except in special or exceptional circumstances. Section 22 appears to be working satisfactorily.

The courts have declined to set out an exhaustive list of factors that may constitute "special or exceptional". For example, in *El-Hiffi and Melville v R* [2015] NSWCCA 146 at [29], Justice Hamill said (their Honours Justices Simpson and Davies agreeing):

"Special or exceptional circumstances" may exist in the combination of factors or in "the coincidence of a number of features ... It is not possible to determine or predict in advance what those features may be."

What is clear is that it is a high bar to be met, and similarly will be a high bar under the new proposed section 22B.

There could, for example, be circumstances where a person argues that special or exceptional circumstances exist as they are required to make arrangements before commencing their prison sentence to avoid hardship on third parties, such as a person for whom they are a carer.

It would be for the court to determine in the circumstances of the case whether the test was satisfied.

Even in the event that special or exceptional circumstances were able to be proven in a case, subsection (3) of the new provision provides that "Subject to subsection (1), Division 2 applies to a bail decision made by a court under this section". This means that the other stringent existing tests in the Bail Act would also need to be applied in determining whether bail should be granted, and what bail conditions may be required.

I turn now to the electronic monitoring amendment.

Schedule 1 [2] to the bill introduces a new section 30A of the Bail Act to provide that, if bail conditions impose a requirement for an accused person to be subject to electronic monitoring, the electronic monitoring must be of a standard that at least meets any minimum standards prescribed in the regulations.

The bail condition must also require the electronic monitoring to be of a standard that meets any standards prescribed in the regulations.

The standards themselves will be contained in subordinate legislation, so they can be updated as electronic monitoring technology improves and in line with industry best practice.

Bail is authority for a person to be at liberty for an alleged offence or offence. The Bail Act sets out the circumstances under which bail can be granted and bail conditions imposed.

In determining whether to grant bail, the decision-maker must follow the strict tests in the Bail Act.

If the accused has been charged with a "show cause" offence, the decision-maker must refuse bail unless the accused shows why their detention is not justified.

If the person does "show cause" as to why their detention is not justified, or the offence is not a "show cause offence", the decision-maker must apply the "Unacceptable risk test".

Bail must be refused if the decision-maker is satisfied that there is an unacceptable risk that an accused will, if released from custody: fail to appear at any proceedings for the offence, or commit a serious offence, or endanger the safety of victims, individuals or the community, or interfere with witnesses or evidence.

The decision-maker is to consider more than 20 matters in making this assessment. If there are no unacceptable risks, the decision-maker must grant bail (with or without bail conditions), release the person without bail or dispense with bail. Bail conditions can only be imposed if considered reasonably necessary, proportionate and appropriate, amongst other factors.

Bail conditions may include a requirement that the accused do or refrain from doing anything, that security be provided, that a character acknowledgement be given, and can amount to effective home arrest.

There are currently no minimum standards for electronic monitoring as a bail condition.

Electronic monitoring imposed as a bail condition is directly arranged with a private electronic monitoring provider, funded by the accused.

This is different to the use of electronic monitoring as a condition of parole or sentence, which is arranged and supervised by Corrective Services NSW.

Currently, courts must assess the suitability of an electronic monitoring condition based on the evidence put before them. That ordinarily includes evidence from the electronic monitoring provider explaining its equipment and monitoring services. Courts assess the reliability and quality of the services (but without reference to any standards).

An accused proposing a bail condition of electronic monitoring must convince the decision maker, often over the prosecutor's opposition, that such an arrangement mitigates the risks.

Electronic monitoring can be a useful tool to ensure that a person complies with their bail conditions or other court orders. These amendments will ensure it is subject to important safeguards.

The bill will introduce, in a national first, minimum standards for electronic monitoring imposed as a bail condition.

New South Wales courts have imposed electronic monitoring as a bail condition since at least 2010.

The Bail Act, rather than narrowly prescribing what conditions courts may impose, provides courts with discretion to impose conditions that are tailored to the circumstances of particular cases, ensuring that courts are able to address the particular bail concerns posed by individuals accused person.

Currently, there are no jurisdictions in Australia that have legislated prescribed minimum standards for use of electronic monitoring as a bail condition for an accused person.

In New South Wales there are no minimum standards, in legislation or elsewhere, for the use of electronic monitoring as a condition of bail.

New South Wales will become the first jurisdiction in Australia to identify minimum standards for electronic monitoring as a bail condition.

Establishing minimum standards will make it clear to electronic monitoring providers, the courts and the community the quality of electronic monitoring and service delivery that the Parliament expects if electronic monitoring is imposed as a bail condition.

Implementing minimum standards will also contribute to improved public confidence in electronic monitoring conditions by supporting improved accountability, transparency and consistency in the quality of services.

The police or the courts, as bail authorities, would still be required to consider the evidence of the electronic monitoring provider in each bail application and make an assessment as to whether that evidence meets the specified statutory standards.

No regulatory scheme can remove entirely the possibility of an accused trying to remove or interfere with their electronic monitoring device.

However, minimum standards will ensure an appropriate standard of service delivery, notification and prompt response expected of providers if an accused does so.

In drafting both amendments, the New South Wales Government has consulted on an urgent basis with stakeholders including Corrective Services NSW, the NSW Police Force, the Law Society of NSW, the New South Wales Bar Association, Legal Aid NSW, the Director of Public Prosecutions and the heads of jurisdiction in the Supreme Court, District Court and Local Court. We thank these stakeholders for rapidly contributing to this important and urgent work.

Bail reflects an important tenet of our justice system. Getting our bail laws right is a delicate balancing exercise and where there are opportunities for improvement, the New South Wales Government is committed to acting swiftly and decisively realise these, to protect our community and to support our frontline services in keeping our community safe, as we have done this week.

I commend the bill to the House.

### Second Reading Debate

**The Hon. WALT SECORD (10:49):** As shadow Minister for Police and shadow Minister for Counter Terrorism, I speak for the Opposition in debate on the Bail Amendment Bill 2022. From the outset, I advise the

House that Labor will support the bill. We have been advocating for a tightening of bail laws in New South Wales for several years. In fact, last week Leader of the Opposition Chris Minns, the member for Kogarah, wrote to the Premier last week asking for bail reforms to be brought before the House as a matter of urgency.

As shadow Attorney General Michael Daley said in the other place, the bill arrives in this place as a result of community concerns about bail decisions that have been canvassed widely in the public arena and in the media for several years. Many media commentators, Opposition members, community members, victims of crime and others have also said on numerous occasions that bail decisions are widely out of step with community expectations. The Bail Amendment Bill 2022 is:

**A Bill for**

An Act to amend the *Bail Act 2013* to require bail to be refused following conviction and before sentencing for an offence for which the offender will be sentenced to imprisonment; and to require that electronic monitoring imposed as a bail condition must meet any minimum standards prescribed in the regulations.

It also states:

The object of this Bill is to amend the *Bail Act 2013* to—

- (a) require bail to be refused following conviction and before sentencing for an offence for which the offender will be sentenced to imprisonment, and
- (b) require that electronic monitoring imposed as a bail condition must meet any minimum standards prescribed in the regulations.

My comments will be brief and direct, as the shadow Attorney General and the member for Oxley, Mrs Melinda Pavey, representing the Attorney General in his absence with COVID, have already made extensive contributions in the other place. For the record, Labor will not be supporting the two amendments foreshadowed by The Greens. Put simply, those amendments are ridiculous and irresponsible. The Greens are advocating that bail remain an option for a minor convicted of, or who has pleaded guilty to, a major criminal offence that results in imprisonment and they are saying that those laws should not apply to a minor who is convicted of murder. That is absolutely irresponsible.

For the past two years, bail reform has not been urgent for this Government. Labor welcomes that the bill was declared an urgent bill earlier this week, but it has not been urgent for the past two years. The Government claims that the bill gives effect to its commitment last week to further strengthen the Bail Act. That is a bit rich. I will only say that this Government is finally acting on bail reform. I think the community and police would feel the same. Who could forget the farce of Mostafa Baluch, the international drug trafficker who cut off an ankle bracelet and absconded while on bail? He was on the run for two weeks and was found after an extensive police search—at great cost to the New South Wales taxpayer—on the border of Queensland. Baluch had been granted bail after being charged with allegedly trying to import 900 kilograms of cocaine into Australia. He was charged in June 2021.

Reform to fix this Government's broken bail system has been urgent for almost two years. In fact, the current bail situation in this State results from the changes that this Government made in 2013. Reforming and fixing the bail system has been urgent for almost two years—it has been urgent for longer than that, but the Government has dragged its feet and done nothing at every turn. For two years, some of the worst criminals in New South Wales have been laughing at the State Government's inaction on bail reform and continue to offend with impunity. We have seen international drug traffickers trying to escape our shores. We have seen horrific domestic violence-related homicides occur when a person was on bail. We have also seen convicted serious sexual offenders still in the community. Bail is broken in New South Wales and it will remain broken even after this bill is passed.

The police have been throwing up their hands in frustration, saying, "Why in the hell do we work so hard and then we see these mongrels crawl out of the courts and straight back onto the streets?" I fully agree with the police and share their frustration. I remind this Chamber that this Government claimed it had "simplified" bail. Instead, it has created a revolving door for violent criminals. Every single time there is an obvious bail fail—often appearing on the front pages of *The Daily Telegraph*, and on Channel 9, Channel 7, Channel 10 and ABC—the response of the Premier, the Attorney General and the police Minister is they will "review" the situation. They make vague promises that they will act and then they do nothing.

There are so many cases. At one point there were six high-profile cases in which the community was genuinely sickened and outraged. Those six cases were referred to the Attorney General's so-called Bail Act Monitoring Group and nothing got heard. I must admit *The Daily Telegraph's* Janet Fife-Yeomans, Josh Hanrahan, Mark Morri, Lachlan Leeming, and 2GB broadcaster Ray Hadley got results on this Government's bail reform. In particular, 2GB broadcaster Ray Hadley gave this Government a kick in the butt it deserved to get things moving



on bail reform. It did not become urgent until Ray Hadley demanded that this Government take action. Ray Hadley gave this Government a deserved kick in the backside to get bail reform moving.

There is still much more to be done on bail reform. As shadow Minister for Police, I have been saying in the public arena that there is community concern about the need to tighten the current laws that were introduced by this Government in 2013 far beyond the scope of this bill. It is time that the Government got serious about bail reform. The next step should be to refuse bail to certain high-risk offenders, including commercial-quantity drug traffickers, serious repeat violent and/or sexual offenders, and serious firearms offenders. Make no mistake, that will reduce the number of serious criminals in the community. Ultimately, we wound up in this situation because of this Government.

There is much speculation in the public arena, in this Parliament and in the media that the current Attorney General, Mark Speakman, was behind blocking so many initiatives involving tightening up bail. He fought those initiatives every step of the way, set up reviews and shunted them to those reviews. He fought the unexplained wealth laws. He fought banning the Nazi symbol. He had to face a backbench revolt. He had to face critics in the public arena, perplexed by his opposition to tightening up bail.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I draw the Hon. Walt Secord back to the substantive motion.

**The Hon. WALT SECORD:** That was directly related to the bill.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I understand contributions to second reading debates have wide latitude. However, the Hon. Walt Secord is starting to stray into areas where I suspect he may need to move a substantive motion against the member of the other place if he wishes to continue along this line.

**The Hon. WALT SECORD:** I take your advice, Mr Deputy President, and thank you very much. In fact, it is very good advice because I think there is case for a substantive motion against the Attorney General for his failure on bail reform.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I invite the Hon. Walt Secord to move a substantive motion to that effect if he believes that to be the case. I ask him to return to the motion.

**The Hon. Mark Latham:** Point of order: These constant interruptions and interventions against speakers in a second reading debate to bring them to order is equivalent to bringing members to order on a question time answer on direct relevance. There is no direct relevance standing order for a second reading debate. Listening to the Hon. Walt Secord earlier on, reflecting on Mr Speakman and his record in this area, it is perfectly consistent with the way in which thousands of second reading debates in this place and in the other place have been conducted. I put to you, sir, that you are overly officious, overly in love with your own voice and overly interventionist in interrupting members and disrupting the flow of the House. It is not a place that is chaotic or loud so that we cannot hear. Members have the right to speak. The Hon. Walt Secord is speaking within the standing orders. I ask in future that, as Deputy President, you allow members to proceed that way.

**Ms Abigail Boyd:** To the point of order: I draw members' attention to the fact that as the Deputy President presently occupying the chair, I believe a certain level of respect is required for that position. It is incredibly inappropriate for the Hon. Mark Latham to have a go at the way that you are chairing at this time. I ask that he be called to order.

**The Hon. Shayne Mallard:** To the point of order—

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I will allow the Parliamentary Secretary to make a contribution to the point of order while I seek advice from the Clerk.

**The Hon. Shayne Mallard:** I identify with Ms Abigail Boyd's comments with respect to the Chair. The remark of the Hon. Mark Latham was out of line. My understanding is that second reading debate contributions must be within the parameters of the long title of the bill. That is what should guide the ruling of the Chair. I suggest that personal attacks on the Attorney General are not within the long title of the bill.

**The Hon. Adam Searle:** To the point of order: While I do not support the comments directed at the Deputy President by the Hon. Mark Latham, the comments made by the Hon. Walt Secord go to inaction by the Government in the area of bail. He is making the case that it is one in a long line of matters upon which the Government has not acted. In that respect, his comments are entirely within the ambit of the long title of the bill and the matters which members are discussing. I think we should probably all just move on and continue to hear the contribution of the Hon. Walt Secord.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Before I rule on any points of order, I draw the attention of members to the *Concise Guide to Rulings of the President and the Chair of Committees*, dated March 2021. The "Second reading – latitude of debate" ruling, which I note President Fazio, President Harwin and President Ajaka have all reaffirmed, states:

*Wide latitude allowed:* This chamber has always allowed wide latitude to members making speeches on the second reading of bills but comments should generally be within the leave of the long title of the bill.

A ruling from the Hon. Peter Primrose when he was in this chair, reaffirmed by the Hon. John Ajaka, states:

*Contribution must be relevant to long title:* With regard to debate on bills, the contributions of members must be more than generally relevant; they must be relevant. A determinant of what is relevant is the long title of the bill. Some degree of latitude is given to permit wide-ranging debate on bills, but only if the contributions of members remain relevant to the long title of the bill.

In relation to the comments made by the Hon. Mark Latham, I take nothing personally. I am new to this role and I do take constructive criticism. I try to allow wide latitude during debates, particularly in the second reading debate, and that is exactly what I have tried to do in this situation. However, I was drawing the Hon. Walt Secord to the point that singling out members of the other place in this House is usually done by way of substantive motion. My comment was not an interjection but rather guidance. I had a sense that his contribution may have led to that path, so I sought to nip that in the bud. Other than that, I have generally continued to allow wide latitude during second reading debates but have very much kept focus in the Committee stage of bills. The Hon. Walt Secord has the call.

**The Hon. WALT SECORD:** I remind members that the object of the bill is to amend the Bail Act 2013, passed when this Government was in government, to require bail—again, under the responsibility of this Government:

... to be refused following conviction and before sentencing for an offence for which the offender will be sentenced to imprisonment  
...

We are in this situation because of the Attorney General. In 2013 this Government set up the bail regime that we currently experience. There has been a conga line of news stories highlighting bail fails in New South Wales, which can be sheeted home directly to one person: the Attorney General of New South Wales. There is much speculation in the public arena—not on this side of the Chamber but on his own—that he was behind blocking the unexplained wealth laws that the Government endorsed yesterday at a snap Cabinet meeting. That came after he was pilloried earlier this week on Ray Hadley's program, where Ray Hadley kicked his butt. Whether the Attorney General or the police Minister is behind the current situation, this Government has an inadequate record on policing and the response to gangs in western Sydney.

Earlier this week, in the Government's budget press releases, the police Minister confirmed that the Government is behind on meeting its promise at the last election to recruit 1,500 additional police officers. In his press release he confirmed that the Government would allocate \$95.9 million to recruit the remaining 550 police officers in order to meet that pledge. Because of problems with training at Goulburn, I do not think the Government will meet its commitment. It will be another broken promise. There is concern within the NSW Police Force about the ability to properly train. An insufficient number of young people are coming forward to join the force because of payments and costs to undertake study.

In other areas, New South Wales has the lowest number of operational staff per capita of any State in Australia: 244 police per 100,000 people. That is woeful when compared with Victoria, which has 312 police per 100,000 residents. As for police response times, families in western Sydney, particularly in Parramatta, who request urgent police assistance face some of the longest waits in the State.

**The Hon. Shayne Mallard:** Point of order: Mr Deputy President, I know that you are taking advice from the Clerk, but members are listening to a budget-in-reply speech talking about policing numbers in western Sydney and response times. We are debating a bill to amend the Bail Act. There are two specific amendments to that Act before the House. I ask you to issue guidance to the Hon. Walt Secord and direct him back to the long title of the bill.

**The Hon. WALT SECORD:** To the point of order: Bail and police are directly connected. I do not know how the member who represents the Attorney General in this place could come to this Chamber and take such a frivolous point of order. Second reading debate contributions allow wide latitude—

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** That is not a contribution to the point of order. The Hon. Walt Secord will come back to the long title of the bill.

**The Hon. WALT SECORD:** I conclude on that note because there will be more to say in the Committee stage, when I will speak on The Greens amendments. Finally, I respond to one criticism of the bill in the public arena from the Law Society of New South Wales. It expressed concern about the bill, saying that if these bail

reforms went through more people would be sent to jail. With respect to the Parliamentary Secretary representing the Attorney General, my observation is that that is the aim of this bill.

**Ms Abigail Boyd:** That's why it's bad.

**The Hon. WALT SECORD:** I'm sorry, Ms Boyd—

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! The Hon. Walt Secord has the call. He will be heard in silence.

**The Hon. WALT SECORD:** I will finish on this point. I heard the Law Society's criticism of the bill last night and again this morning on the ABC. The Law Society of New South Wales expressed concern that the bill would send more people to jail. My observation is that that is why the community wants to see a tightening of bail. If a person is convicted of murder, commercial drug trafficking or serious sexual offences and they have pled guilty or been found guilty by a court, I do not think it is unreasonable that they go to jail or be imprisoned. The amendment proposed by The Greens will seek to remove the application of this to minors convicted of murder. It is just mind-boggling that those members would want to pursue such amendments. On that note, I conclude my remarks. As I said, Labor supports the bill. I thank the House for its consideration.

**Ms SUE HIGGINSON (11:08):** I contribute to debate on the Bail Amendment Bill 2022. The Greens support the insertion of provisions around the standardising of electronic monitoring devices. It appears to be a sensible administrative amendment to the Bail Act 2013. However, we do not under any circumstances support the amendments to the Bail Act that will require the refusal of bail prior to the sentencing of an offender following a guilty plea or conviction. It absolutely flies in the face of one of the fundamental principles of bail and the operation and function of the criminal justice system.

I have worked in the criminal justice system for many years, unlike other members in this House. Let us remember that we already have one of the toughest bail systems in the country. Let us also remember that we are talking about the State exercising its ultimate power of removing somebody's liberty and incarcerating them. It is one of the most extreme powers the State can ever exercise, and we must never forget that when we talk about bail laws. The proposed amendments are harsh, draconian and completely unnecessary. But most significantly, if these amendments to the Act are passed they will disproportionately impact Aboriginal communities, vulnerable and poor people, people with mental health issues and people with addiction. It is shocking that the Government would introduce a law that would result in impacts on Aboriginal communities when it is in partnership with legal organisations like the Aboriginal Legal Service and has committed to implement the work of Closing the Gap.

All members in this place must be under no illusions that these amendments will lead to more Aboriginal men, women and children being imprisoned. These amendments are completely inconsistent with the early and appropriate guilty plea scheme, which was introduced after enormous, lengthy and rigorous review of the criminal justice system to achieve outcomes for the community on community safety. I would have thought that all members in this place were mostly concerned about community safety. That is the end and the edge of the criminal justice system that we must focus on—more than a shock jock and a radio station kicking someone's butt. That is not a sensible way to administer the laws of this State when it relates to taking away a person's liberty, and we must remember that it will disproportionately impact Aboriginal men, children and women, and people who are vulnerable at the hands of the criminal justice system.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! All members will be permitted to make a contribution to the debate. Members will cease interjecting. Ms Sue Higginson has the call.

**Ms SUE HIGGINSON:** One of the significant and perhaps unintended consequences of this very poorly thought out and rushed bill is that people who are being held on remand awaiting sentence will have no access to the programs that are available to other prisoners. People could be facing lengthy waits in prison before their sentencing occurs and they will have no access to the programs that we are all investing in. Those programs, which are reasonably well designed and thought out, rehabilitate offenders and assist in decreasing the reoffending rates and recidivism, which is a major problem in this State. Legal experts, legal institutions and civil society organisations have been working diligently for so long together with bureaucracy to improve our system at the proper end of improvement: the community safety end.

We know that incarceration alone is not how we achieve community safety. Being tough is important. We must be tough on crime, and when it comes to punishment we must be tough, but we must also be smart. It is fine to be a toxic bully by suggesting we are kicking butt on shock jock radio stations, but we would like our system and our State to be smart. To be smart, we must be sensible when it comes to the function of the criminal justice system.

The bill seeks to circumvent one of the most important principles that we have in our criminal justice system, and that is for a judge or magistrate to bring an open mind to the important exercise of sentencing an offender. We are talking about the ability of a judge or magistrate to take into account all of the personal circumstances, antecedents and principles of sentencing. However, the bill seeks to require a judge or magistrate to say that that very important discretion, power and requirement is no longer required in circumstances where somebody has pleaded guilty or has been found guilty and will end up in prison. That is not the place or the time to refuse bail by presumption of no bail. That is the time for the judge to make a decision.

Bail decisions are open to the judge or magistrate to make. In the circumstances that we are talking about, it is highly likely that bail will be refused, but the bill gets it wrong. It will disproportionately impact Aboriginal men, women and children, vulnerable people, poor people and people with mental health or drug addiction problems. It is really important that we do not get lured into populist law and order agendas that we hear on shock jock radio programs or read in tabloid newspapers. It is very important that we listen to our civil society legal institutions that are on the front line of criminal justice. Every day they see and hear the way in which the system functions. They understand the nuances and importance of our common law freedoms and powers that are embedded in judicial and sentencing discretion. It is fundamental that members in this place do not get sucked in to populist thinking without understanding what is happening on the front line.

If by chance a bail decision is wrongly made, we have an appeals process, and it is an incredibly effective and efficient appeals process. Again, I question how many members in this place who support the bill have worked in this system or on the front lines and seen how it plays out. It is important that we do not rush through laws that are not properly considered or consulted on. Yesterday the Aboriginal Legal Service put out an urgent media release saying that it was blindsided by this rushed bill and that this kneejerk, one-size-fits-all approach will harm Aboriginal people. It is begging the Government to maintain its commitment to the formal Closing the Gap partnership. Yesterday in debate on the culture is identity bill all members acknowledged the work we must do to close the gap and to continue closing the gap. Yet here we are seeking to introduce draconian, harsh, tough, populist provisions into an Act as significant as the Bail Act.

The consultation has been absolutely woeful. The Law Society is warning New South Wales that this is a serious problematic step. The Greens are really concerned about whether we are on the slippery slope. I strongly suggest that we are well and truly on a slippery slope into a more draconian criminal justice system where we are actually diminishing some of the most important and fundamental discretions and nuances around the judicial system that we have. Sentencing discretion is fundamental when it comes to achieving community safety objectives and the rehabilitation of prisoners and offenders. The Greens object to and do not support the bill. We will be moving amendments. To suggest that our amendments to remove this proposal completely are irresponsible is absurd, and to suggest that a fallback is to remove children from the operation of the scheme is, frankly, unbelievable.

**The Hon. MARK LATHAM (11:21):** It is commonly believed that the Bail Amendment Bill 2022 is directed at recent incidences of paedophiles being granted bail and that the Government is addressing that particular problem in the New South Wales judicial system. The previous speaker raised the broader implications of the application of these laws, which go beyond paedophiles and certainly go to the question of family and domestic violence. I suggest The Greens cannot walk both sides of the street. We cannot be serious about reducing rates of family and domestic violence in New South Wales without having laws in place to protect women. This legislation relates to a case earlier this year to which The Greens should pay attention.

Ms Sue Higginson did not mention any specific cases where she thought the provisions in the bill would be inappropriate. Because she had no specifics, let me give one to the Chamber. Earlier this year a man—if you can call him that; more likely some form of animal—was let out of jail early having been imprisoned for family and domestic violence offences. On his first day out, he got on the grog with his father and beat his father senseless. He was then brought to a Local Court on the north side of Sydney where he was granted bail and let out. Shortly thereafter he went to the residence of his former girlfriend just south of Newcastle. He stabbed her 20 times and stomped on her head, killing that beautiful young woman. Clearly, if he had not been granted bail on the presumption that he would be imprisoned for bashing his father senseless, that woman would be alive today. That is the reality that The Greens need to confront.

**Ms Abigail Boyd:** Wow.

**The Hon. MARK LATHAM:** What is "wow" about that? Are you celebrating it?

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

**The Hon. MARK LATHAM:** Ms Abigail Boyd says wow like this is somehow a positive thing. "Wow"?

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

**The Hon. MARK LATHAM:** Well, these are the facts of a female life lost.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! The Hon. Mark Latham will direct his comments through the Chair.

**The Hon. MARK LATHAM:** Wow.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I have asked that other members be heard in silence, so I ask Ms Abigail Boyd to allow the Hon. Mark Latham also to be heard in silence. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** In response to the news that a woman was stabbed 20 times to death and the offender stomped on her head, Ms Abigail Boyd said "wow".

**Ms Abigail Boyd:** Point of order—

**The Hon. Walt Secord:** She did not say "tragic".

**The Hon. MARK LATHAM:** She did not say "tragic", or "sad", or "shocking", or "disgusting" at the loss of human life but said "wow".

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! I will hear the point of order.

**Ms Abigail Boyd:** The Hon. Mark Latham is misrepresenting what I said in this Chamber. I was not saying "wow" at that tragic story. I said "wow" at him and his fake concern, and using that for the purposes of this debate.

**The Hon. Walt Secord:** To the point of order: I clearly heard Ms Abigail Boyd say "wow". I clearly heard that. I hope Hansard did.

**Ms Abigail Boyd:** I have explained that the "wow" was at the Hon. Mark Latham.

**The Hon. Walt Secord:** I am sorry, but I took the same interpretation as the Hon. Mark Latham.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! There is no point of order. I invite Ms Abigail Boyd to make a personal explanation later if she wishes. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** I take objection to Ms Abigail Boyd saying my concern is fake. I am the father of a beautiful young woman. Hearing the news of that tragedy south of Newcastle, any father's thoughts immediately go to their own daughter, their future safety and could it one day be them in that situation. Someone is let out of jail early on domestic violence offences, immediately bashes his father and is then granted bail by a Local Court. Then, a few days later, he stabs a young woman—equally as beautiful—20 times and stomps on her head and she is lost to her family and to all those who loved her. In my eyes, I do not think you could say anything more disgusting than to say my concern is fake. Who are you and what do you believe in?

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! The Hon. Mark Latham will direct his comments through the Chair.

**The Hon. MARK LATHAM:** That real-life tragedy points to the need for these bail laws because it would not have occurred if the weak, woke magistrate concerned had not granted bail. That young lady would still be alive today. It is simply appalling for The Greens to then walk both sides of the street and say that they have a pressing concern about family violence but then not put in place laws to protect women in those circumstances. The Greens cannot have it both ways. Either The Greens believe in protecting women against the likes of that animal who killed the young lady from south of Newcastle, or they run the argument that somehow people can be granted bail simply because they are Indigenous—according to Ms Sue Higginson's contribution. The Indigenous stories around New South Wales are equally as horrendous.

Indigenous women have rates of hospitalisation from family violence way in excess of the non-Indigenous population. Sadly, they are not victims of the criminal justice system; they are victims of the people who have bashed them, who are invariably people they know and their relatives. Unfortunately, the biggest tragedy in New South Wales is that police in some townships in the western districts of the State work on the assumption that every Indigenous child over the age of five is being sexually abused. It cannot then be argued on the flipside that being Indigenous gives a free pass out of jail or to be granted bail. Again, The Greens cannot have it both ways. The Greens cannot express any concern for Indigenous people and allow domestic violence perpetrators—the uncles, as they are known locally—free licence. That is completely wrong. The Greens cannot walk both sides of the street on this legislation.

The Greens have a perverted view of the criminal justice system whereby they think it is all about the legal rights of the perpetrator instead of sensible policies to protect victims. Ms Sue Higginson spoke about Indigenous

people suffering at the hands of the criminal justice system. The broader, tragic truth is that they suffer at the hands of people they know in their communities who get on the drugs and the grog at night and do their worst. We owe it to those young girls and some young boys in Indigenous townships to make sure they are able to sleep safely at night, just as our children do. There should be no suggestion that simply because of racial background and skin colour some people receive preferential treatment in the criminal justice system in New South Wales that allows them to go and do it again and again and again. Unfortunately, The Greens have bookended this tragedy with their own approach, echoed previously by Mr Shoebridge and now continued by his successor.

The Shoebridge approach, and now the Higginson approach, is that we cannot take the children out of the home, even though they are being raped and abused, because of Stolen Generation arguments and, at the other end of the scale, we cannot lock up the perpetrators because they are Indigenous. It is easy for Ms Abigail Boyd to shake her head. I am sure her children sleep safely at night, but what thought and consideration does she have for Indigenous children who do not? This is a protection racket The Greens run in the name of ideology and fake understanding of racial relations in Australia. It is a protection racket they run that perpetrates the tragedy. The Greens stand condemned as much as anyone else in this particular debate. One Nation supports the laws because they give real-life protection to women in particular and Indigenous people who have tragedies inflicted upon them. Any person with common sense and compassion would support the bill.

**The Hon. LOU AMATO (11:29):** I contribute to debate on the Bail Amendment Bill 2022. I am totally perplexed by The Greens member's remarks. I thought that, as legislators, we were in Parliament to protect the community and not the criminals. That is why I am pleased to support the bill, which strengthens and improves bail laws in New South Wales. The bill will amend the Bail Act 2013 to establish a requirement for bail to be refused when offenders have been convicted or have pleaded guilty and will be sentenced to full-time detention, unless special or exceptional circumstance applies. Currently, bail decision-makers must consider the likelihood of a custodial sentence being imposed before granting bail to a person convicted of an offence whose matter has been adjourned until sentencing. However, that is one of many considerations which may be taken into account and may not necessarily result in bail being refused.

The community has rightly raised concerns about offenders who have pleaded guilty or have been convicted and subsequently released into the community on bail until the date at which they will ultimately be sentenced to imprisonment. The presumption of innocence and general right to liberty should apply to all accused persons who plead not guilty. However, an offender who has pleaded guilty or has already been convicted is no longer entitled to that presumption, and that should be reflected in our bail laws. That is why I am pleased to support the changes set out in the bill, which will provide that bail cannot be granted or dispensed with following a conviction and before sentencing where the offender will be sentenced to full-time detention.

The provision acknowledges that there may be cases where special or exceptional circumstances apply and bail should be granted. That builds on section 22 of the Bail Act, which provides that in certain appeal matters, regardless of any other provision, bail cannot be granted or dispensed with unless special or exceptional circumstances apply. It is in the interests of both the safety of our community and the integrity of our justice system that we respond appropriately to offenders who have been convicted of crimes and are facing full-time detention. The amendments in the bill further strengthen our State's Bail Act to do just that. That is why I support the bill.

**Ms ABIGAIL BOYD (11:32):** I contribute to debate on the Bail Amendment Bill 2022. I absolutely support all of the comments made by my colleague Ms Sue Higginson. The bill is another terrible one. I have had COVID for the past little while and I am recovering from it. Even though I spent many days in bed, I felt I kept up with the news, but the news I missed is that apparently Ray Hadley is the Premier now. He is not only the Premier but also the new Leader of the Opposition, because apparently whatever gets said to Ray Hadley or whatever Ray Hadley happens to think becomes the law in this State. That happened with the anti-protest laws and now it is happening with a bill that will apparently put children behind bars instead of being bailed out. That is an extreme law, which the Opposition seems very happy to usher in because Ray Hadley has told them to, and it is jumping at shadows.

As my colleague very eloquently set out, the State has a system that allows judges to make bail decisions, and by passing the bill the Parliament is saying that it knows better. In all those circumstances, regardless of who the person is or what the circumstances are, members are saying that they all know better than the judges who have the people and circumstances set out in front of them. Do judges make mistakes sometimes? They certainly do. Will members make mistakes if we require them to deny bail? Absolutely. Taking away a person's liberty is an extreme step. I will touch on the idea of that being okay because a person has pleaded guilty.

I do not know if members have ever been involved in a criminal case where somebody has been accused of something and is lent on to plead guilty, but often people are asked to plead guilty to avoid more serious charges. That is often an incredibly difficult situation for people to be faced with if they do not have the funding for legal

counsel. They can either plead guilty to a charge or all three charges will be thrown at them. If they plead guilty, the prosecutor will take away the other two charges and they will probably have a better time of it, even though they have not done any of the things they are accused of. That happens routinely. Who does it happen to? It happens to those who do not have the money to afford proper legal counsel, to people with intellectual disability, to children and disproportionately to First Nations people.

When Aboriginal men, women and children are dying in custody at an alarming rate in this State, it is extraordinary that the Parliament would pass another law that would chuck vulnerable people into detention or jail in situations where a judge otherwise would not have required it. That is all based on a false narrative from Ray Hadley and the right-wing media that there is a massive problem that needs to be addressed by the Parliament. If there is a problem and if we do believe that judges are getting it wrong more than is acceptable, then there are other ways we can deal with it. We can look at education.

I take the points the Hon. Mark Latham made about the terrible situations where women, in particular, are fleeing domestic violence, where apprehended domestic violence orders [ADVOs] are not being upheld and where police have routinely ignored breaches of ADVO conditions. For the past three years The Greens have been calling for significant funding and a change of laws to ensure that the police and the judiciary as a whole are better educated and made aware of the realities of domestic violence to identify offenders who are at most risk of killing their partner or former partner.

But for the Hon. Mark Latham to accuse The Greens of somehow being complicit in those sorts of tragedies occurring is offensive. He has also objected to every single motion I have ever put up in the House that seeks to provide extra funding for women facing domestic violence. Every single time I have put up a motion calling for measures to keep women in this State safe, he has objected to it as a matter of course. He refuses to give the acknowledgment of country when opening committee hearings and instead goes on with some nonsense about how we also need to acknowledge a bunch of other non-Aboriginal people as part of that acknowledgment of country. For that member to argue that he is somehow the champion of not only women but Aboriginal women is deeply offensive and dishonest.

This discussion is divorced from reality. Members in this place do not understand the realities of the criminal system, the oppression of the vulnerable and the way in which people find themselves being accused of crimes. The bill is incredibly heavy-handed. It is disgraceful that we have a right-wing Opposition siding with a right-wing Government on these issues to deny people a fundamental liberty, driving this State to have one of the most draconian bail systems in the world. Shame on every member who supports the bill.

**The Hon. ADAM SEARLE (11:40):** I make a brief contribution to debate on the Bail Amendment Bill 2022, which the Opposition supports. As a barrister, I have no problems with the bill. I do not have the same familiarity with the criminal justice system as some members in the Chamber, such as the Hon. Rod Roberts or the member for Heffron, Mr Ron Hoenig, in the other place, but I have had some experience with criminal proceedings. The bill is noteworthy and comes before the Parliament expeditiously after the Opposition leader wrote to the Premier exhorting him to introduce such legislation.

Schedule 1 [1] to the bill deals with tightening up the discretion available to judges and magistrates giving bail. It emerged from a series of extraordinary bail decisions regarding Robert Van Gestel, who was convicted of historic child sex child offences, and Neil Duncan, who was also convicted of child sex offences between 2018 and 2020. Those decisions were extraordinary not just because they involved shocking facts—although they did—but because, as I read it as a matter of law, bail should never have been given. Bail is there to preserve the presumption of innocence until a person is convicted or until they plead guilty. The presumption of innocence, as a matter of law, does not apply to a person who is convicted or when a person has indicated to the court that they accept the charges against them and they plead guilty.

I am trying to be neutral about this. I have listened to the debate and some of the intense interactions between members. I understand that passions are moved when dealing with matters of criminal law. So they should, because these are very serious matters involving the liberty of an individual and the protection of society and victims. But, in a sense, there is less to schedule 1 [1] than meets the eye. The Robert Van Gestel and Neil Duncan bail decisions were extraordinary because, based on the facts, they should not have been.

The bill will not prevent bail being given and it will still provide the exceptional circumstances clause, which is well interpreted by superior courts in this jurisdiction. The bill will also tighten up when a judge or magistrate can give bail, and indicates that bail must be refused, except in exceptional circumstances, where a person is convicted or has pled guilty. However, in the ordinary course, bail should not be given in those circumstances. The bill will tighten up the law, and it is the appropriate role of the Legislature to do so.

**Ms Sue Higginson:** No, it's not.

**The Hon. ADAM SEARLE:** I acknowledge that interjection. I have worked in government and I have worked at the bar. It is the judge's job to interpret and apply the law as they see it. When they get it wrong, the appellate courts fix it up. But when they get it wrong and there is community concern or the judiciary persistently misunderstands the legislation—

**Ms Sue Higginson:** Discretion.

**The Hon. ADAM SEARLE:** It is not a question of discretion. Where there is community concern or it is clear that the courts are not applying the legislation as it is understood, the Parliament has the right and obligation to clarify the law. That is what is happening with the bill. We are clarifying the law to make it clear that in the ordinary course, save for exceptional circumstances, bail should not have been given in the cases of Robert Van Gestel and Neil Duncan. It is pretty unexceptionable legislation. It is regrettable that it is deemed necessary, but it is. It should not be a matter of controversy in this place or anywhere else.

Schedule 1 [2] to the bill stems from another serious bail malfunction: the Mostafa Baluch matter. I will not go through the circumstances of Mr Baluch, but in March this year at budget estimates hearings I asked the Attorney General some questions about the matter. I was shocked to learn that Mr Baluch's bail condition was proffered by him but the electronic monitoring that he was subject to was not oversighted by the State; it was provided for and apparently oversighted—I say "apparently" because I am doubtful and I have no knowledge of it—by a private company. It turned out that this was not a one-off and this happens quite a bit. I asked the Attorney General:

Apart from the review by that existing bail monitoring group, has there been any other further investigation done about whether self-arranged private surveillance measures are an appropriate risk mitigation strategy, or are you just going to rely on that advice that you get?

The Attorney General's response was that he does not know whether there has been. I then asked:

Is there going to be a review into the outsourcing of electronic monitoring to private companies more generally?

The Attorney General—and I give him credit for this—answered:

Probably not. This is not something that the State organises. It is something that accused proffer. It is different from parole, where there is electronic monitoring of sex offenders as a condition of parole—or in some domestic violence cases. This is not a State-sponsored activity. This is something that is proffered and, on one view, the court can say, "We are not satisfied as to the efficacy."

Or it can be. I will not go further into the details of the exchange. The committee put some supplementary questions to the Attorney General and in his answers we found out that over two years nearly 100 cases of defendants offered electronic monitoring of themselves as a surety or a condition of bail by a private company. That is extraordinary. I know the shadow Attorney General took up the matter further. We also asked questions about whether the judiciary, which approves conditions of bail, was aware that there was no State supervision of these cases. I do not believe a clear answer was given to those questions. From the research I have subsequently done, I do not believe a number of judicial officers, who may well have approved such conditions, were aware that this was not a State-sponsored or State-monitored activity. At least in a number of cases there may have been a presumption that the State was keeping an eye on these matters.

**The Hon. Shayne Mallard:** I wasn't aware until this morning.

**The Hon. ADAM SEARLE:** No. It is surprising and shocking that such an important matter as making sure that the conditions under which a defendant is allowed to be out on bail is not being monitored by the State, at least in this respect. As we saw in the case of Mostafa Baluch, he was able to slip the anklet and slip the country. Obviously he was a person with significant resources. I will not get into the issue of whether bail should have been given to someone facing such serious charges and with such significant resources at his disposal.

Just as I believe that custodial services should be the preserve of the State and that only the State should run prisons or other detention facilities, I also believe very strongly that the monitoring of bail should also be done by the State because the consequences of someone not complying with their bail conditions are not just that they might abscond or do things that they should not; they may reoffend. Bail conditions are not just to allow a person planning to be innocent to remain at liberty until they have their day in court; they are also to ensure that they do not reoffend and that the community remains safe.

I do not know whether this is the case but it may turn out that one of the reasons Mr Baluch was able to slip his anklet was because it was defective or there was not proper supervision of it. When he broke the anklet and did the runner, did an alarm go off at a warehouse somewhere and was there appropriate monitoring of that by the private company? We simply do not have enough information. With so much private provision for profit of what should be public services, one must doubt whether there are appropriate levels of monitoring. I welcome the second provision in the bill that there must be minimum standards. In budget estimates hearings I asked a



question about whether there were minimum standards for the private provision of the electronic bracelets and anklets. The Attorney General took it on notice, and the answer was that there are no standards in New South Wales. Equally, I do not think there are standards in any other State. Although, I do not know whether other States have the same phenomenon of the private provision of electronic monitoring for defendants out on bail.

I welcome that regulations are to be made. I note that the Parliamentary Secretary in the other place clarified that, until the regulations are made, the judiciary is still permitted to make conditions of bail such as we saw. I believe that the regulations will be forthcoming. I urge the Government to put in place proper monitoring. It is not just a question of standard; it is a question of who is monitoring those standards and who is watching the watcher. We all know that there can be glossy brochures and PowerPoint presentations about how everything is schmick and twenty-first century and state-of-the-art but, in the real world, when corners are often cut for profit, sometimes monitoring is not what it should be. When the consequences are so serious that a person facing serious charges may abscond or reoffend and put other people at risk, that is not acceptable. There should be proper and thorough supervision of those matters, including by the State. I have no issue with either provision. They are good and timely responses to the spotlight put on these important matters raised by the Opposition in different forms.

**The Hon. EMMA HURST (11:51):** On behalf of the Animal Justice Party, I contribute to debate on the Bail Amendment Bill 2022. The bill is yet another alarming example of the Labor Party and the Liberal-Nationals Government coming together to rush through an ill-considered law with serious unintended consequences. It is bad practice, and it is incredibly disappointing to see from the major parties. Rushed law is generally bad law. My main concern is about proposed new section 22B to the Bail Act, which would make it mandatory for judicial officers to refuse bail following a conviction or guilty plea, in circumstances where the accused person will be sentenced to imprisonment to be served by full-time detention.

I understand that the bill has been put forward as a result of several cases where convicted individuals who had committed some very disturbing offences were allowed out on bail. Those cases are serious cause for concern and inquiry, and I do not think any member in this place would like to see convicted child sex offenders out on bail. However, this legislation is far further reaching than those targeted individuals. I am not convinced that rushed legislation is the answer. It has not been given any time for proper consideration or consultation and will affect thousands of bail decisions across New South Wales.

In the 48 hours since the bill was published, the Law Society of New South Wales and the Bar Association have publicly expressed their grave concerns with the bill and the consequences it will have on the justice system. No doubt there are other organisations that would share these concerns but have not even had time to read or consider the bill or may not know it exists yet. A key concern of the Law Society and Bar Association that highlights the absurdity of the bill is that the new provision applies where the accused person will be sentenced to imprisonment. But, of course, at the time of conviction or a guilty plea, it is not yet known whether someone will be sentenced to imprisonment. There is ordinarily a separate hearing on sentencing, where detailed evidence and submissions are put before the court.

This amendment will require a full hearing on sentencing at the point of a guilty plea. It conflates sentencing with bail and will have a huge impact on how that process operates. There are serious concerns that the bill will discourage early guilty pleas due to concerns that the offender will be immediately placed into custody, which will increase backlog in the already overburdened court system. Another serious concern raised by legal organisations is that the bill does not include any exemptions for children. I foreshadow that the Animal Justice Party will be supporting an amendment to deal with that oversight in the Committee stage. There are concerns that the bill may have an adverse impact on Indigenous people, who are already over-represented in the justice system. I note that the Aboriginal Legal Service has said today that it and other Aboriginal-run organisations were not consulted at all on the bill and that they feel blindsided.

The bill will significantly increase the remand population, particularly for non-serious offenders who are not intended to be captured by it. The ability to divert non-serious offenders into treatment or rehabilitation programs will be severely affected. Those are serious issues and neither the Government nor the Labor Opposition have adequately addressed them, nor could they in the incredibly limited time the bill has been given for consideration and debate. Both the Law Society and the Bar Association are calling for further time to consider and consult on the bill.

There is legitimate reason to ensure that dangerous people who have been convicted of serious offences are not on bail in our society. We see that and we agree with that position. The cases that sparked this bill are highly concerning and are cause for legislation, but that legislation must be thought out and consulted on to ensure that there are no unintended consequences, which this bill clearly causes. I strongly urge the Government and the Labor Opposition to hear the legitimate concerns of legal organisations and either vote against the bill or send it for inquiry.

**The Hon. ROD ROBERTS (11:55):** I contribute to debate on the Bail Amendment Bill 2022. I hate bringing this up all the time, but I feel that I need to. Ms Sue Higginson is new to this place, but other members will know that I spent approximately 20 years in the criminal justice system, right at the coalface. I speak about this bill not to represent offenders but to talk about the concerns and frustrations of the police, the community and a group that has not been mentioned once today—the victims of crime. Not one member has mentioned victims of crime in their contribution.

**The Hon. Mark Latham:** What about mine? I did.

**The Hon. ROD ROBERTS:** I apologise. My learned colleague the Hon. Mark Latham spoke about victims.

**The Hon. Mark Latham:** Colleague and former leader.

**The Hon. ROD ROBERTS:** Former leader. He did speak about victims of crime.

**The Hon. Walt Secord:** I did, too, Rod.

**The Hon. ROD ROBERTS:** I have something to say about the Hon. Walt Secord later. I will say it nicely. Victims of crime are exactly that and must have their concerns heard and ventilated as well. I spent a number of years sitting on the opposite side of desks to victims of crime. They were victims themselves and also family members representing deceased victims of crime, who could not speak for themselves. In debating the bill today, let us think about those who are impacted by crime and who it is we are trying to protect.

I wish I had a dollar for every time the name Ray Hadley was mentioned in the Chamber this morning because I would be able to shout us all a drink this afternoon. No, Ray Hadley is not the Premier or the Leader of the Opposition, but sometimes I wish he sat in Cabinet because he appears to be able to get things done. I support the bill, as does our party. But it is a shame that it has taken recent media and public outcry to drag the Attorney General to draft this legislation and make amendments. The overview of the bill states:

- (a) require bail to be refused following conviction and before sentencing for an offence for which the offender will be sentenced to imprisonment.

The key words are "following conviction". It does not say, "Bail refused until your case is heard," or, "On remand," as some members have said, falsely representing it. The bill is about bail following conviction. Further on from that it says, "For an offence for which the offender will be sentenced to imprisonment." It does not say, "Bail refused and held in custody and then given a \$500 fine or good behaviour bond." It says that the offender is staring down the barrel of imprisonment. They might as well start their sentence straightaway. The sooner they get in there, the sooner they will get out. The bill does not deal with shoplifters or minor traffic offenders; it deals with what happens after conviction for those who will be sentenced to a term of imprisonment.

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

#### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I welcome to the gallery Isabella Soriano, a year 12 student at the Caroline Chisholm College in Glenmore Park, who is currently on work experience and is a guest of Minister Ward. Welcome, Isabella. I trust that work experience is not too tough in the Minister's office and hope you enjoy your time at Parliament.

#### *Questions Without Notice*

#### **PUBLIC SECTOR WAGES**

**The Hon. PENNY SHARPE (12:00):** My question without notice is directed to the Minister for Finance, and Minister for Employee Relations. Instead of seeking to fine hardworking teachers, health workers and other public sector workers, why is his Government incapable of sitting down and sensibly negotiating outcomes on wages and conditions?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:00):** I thank the leader of the Opposition for that question. It gives me an opportunity to explain something that I thought would have been entirely apparent to those opposite. There is a vast difference between negotiating in good faith, not accepting a decision of a tribunal and, in fact, acting contrary to a direction of a tribunal on industrial action. Recently, orders made by the Industrial Relations Commission have been flagrantly disobeyed by the union movement.

This is a government that sits down and seeks to negotiate. I start on this premise: At the moment Victoria has a lower wage cap than New South Wales. There is no industrial action in Victoria. Do members know why? Because when a CFMEU official was questioned on why there is no industrial action in Victoria—where teachers' pay is going backwards—the answer was, "It is different in New South Wales because in New South Wales it is all political." When union officials are sitting on Labor's strategy committee, organising the strategy committee—

**The Hon. Penny Sharpe:** Point of order: My point of order goes to direct relevance.

**The Hon. DAMIEN TUDEHOPE:** You cannot be serious.

**The Hon. Penny Sharpe:** I am absolutely serious, because you do this every single day and we have the same debate every single day. We want to know why this Government wants to fine teachers.

**The PRESIDENT:** To be fair to the Minister, the question was quite broad. The Minister was being directly relevant to the question, although some of his comments could be construed as introductory. The Minister will now attend to the nub of the question.

**The Hon. DAMIEN TUDEHOPE:** The great impediment to industrial outcomes at the moment is not the willingness to negotiate; it is the determination to engage in industrial action as dictated by the cosy union officials with whom members opposite are in such intimate connection. The reality is that as a government we will bend over backwards to make sure we get an outcome. That is why New South Wales has the highest wage cap in the country. It is why, yesterday and last night, when they had an opportunity of doing so, Labor members backed that wage cap in. They backed it in, in circumstances—

**The Hon. Penny Sharpe:** Point of order: The Minister is definitely straying from direct relevance at this point. I ask you to call the Minister back to the leave of the question before him.

**The PRESIDENT:** The Minister will come back directly to the question.

**The Hon. DAMIEN TUDEHOPE:** Why have we imposed the increased penalties? Because they are still lower than the penalties imposed in Queensland. They are on par with what exist in Victoria. The Government is moving the penalty regime to be commensurate with other jurisdictions. More importantly, when the Public Service Association called a strike—

**The Hon. Tara Moriarty:** Threatening teachers. Bullying nurses.

**The Hon. Penny Sharpe:** This is the weakest argument you've ever had, Damien. "We want to be the same as Queensland" is not what I would be opening with.

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

**The Hon. DAMIEN TUDEHOPE:** They wanted me to be directly relevant. When I am giving them the answer they want, they do not want to hear it. [*Time expired.*]

#### STATE BUDGET AND REGIONAL TRANSPORT AND ROADS

**The Hon. SCOTT BARRETT (12:04):** My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the record investment that the Government is making in roads and transport in regional New South Wales?

**The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:05):** I thank the honourable member for a good question. The Liberal-Nationals Coalition is building a safer, stronger regional New South Wales. In the regional roads and transport space, we have a \$19.4 billion regional roads and transport infrastructure pipeline.

**The Hon. Penny Sharpe:** How's that tunnel going? How many of your projects have you cancelled?

**The Hon. SAM FARRAWAY:** The tunnel is going just fantastic. I have a meeting with Catherine King; I am sure the Federal Labor Party will come on board.

**The Hon. Penny Sharpe:** We will see your magic tunnel.

**The Hon. SAM FARRAWAY:** At least we know where we are going to build the tunnel—and that is on the Great Western Highway, not the Newell Highway. But we have been there, done that. That was in the last sitting.

**The Hon. Penny Sharpe:** You have basically cancelled it into the never-never. Like the Bells Line.

**The Hon. SAM FARRAWAY:** This budget invests in projects that better connect—

**The Hon. Damien Tudehope:** Point of order: The Leader of the Opposition has become a serial offender in her level of interjections. She generally does them sotto voce, but today she has raised the level to new heights. I ask that you direct her to not interject in the way that she has been.

**The PRESIDENT:** I was enjoying the interplay between the Minister and the Leader of the Opposition. But, now that you have raised that as a point of order, if the Leader of the Opposition would restrain herself to a dull roar, that would be great. The Minister has the call.

**The Hon. SAM FARRAWAY:** To the interjection from the Leader of the Opposition, we have \$163.2 million going towards the jointly funded \$4.5 billion that is committed to the Great Western Highway project from Lithgow through to Katoomba. We are not only committed to the 34 kilometres of duplication works that will start early next year, for which the tender will be awarded later this year; we are also interested, ready and committed to delivering a better piece of road infrastructure, a critical piece of road corridor. Whether it is for the freight sector or the communities of Blackheath, Mount Victoria or the Blue Mountains—which, might I add, is represented by the Australian Labor Party—we are delivering infrastructure.

It just proves that we govern for all. We do not govern like members opposite, for whoever they pick and choose. We govern for all. Government members can walk and chew gum at the same time. We can make sure that we build the critical legacy infrastructure that this State needs, whilst representing all voters. We are governing for all—even Labor voters in the Federal and State Labor electorates in the Blue Mountains. That is because we govern for all, we have a plan and we are building the infrastructure that matters to people in this State. That is why we are the only ones who can deliver, like we have this week, a budget for all.

In the budget we have invested, as I mentioned, \$19.4 billion in the regional roads and transport pipeline. We also invest in services, which we have seen the Treasurer deliver this week. We invest in people. That is how we have a better State. I have digressed a little bit, and that is because I love talking about the tunnels. Members opposite can just keep talking about the tunnels. The tunnels will happen. The tunnels are a good investment. We will work with the Commonwealth Government to deliver that. Whether it is the Fixing Country Rail program, \$10 million for the first trial of hydrogen-powered electric buses on the Central Coast or \$27.4 million for the Main Western rail line, we are here to deliver for all.

#### STATE BUDGET FORECASTS 2022-2023

**The Hon. JOHN GRAHAM (12:09):** My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. KPMG has stated the Government's budget forecast for State final demand and gross State product appear "optimistic". Given that the figure for nominal gross State product for next financial year is 9.75 per cent, is KPMG not right?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:09):** I thank the member for his question. Having listened to the budget reply speech of the Leader of the Opposition in the other place today, I definitely know that the forecasters on the other side of the House got it wrong because there is absolutely nothing—

**The PRESIDENT:** Order! I remind the Hon. Daniel Mookhey that he is not answering the question—the Minister is—and he should restrain himself. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** Whilst I have enormous respect for the great work done by KPMG—

**The PRESIDENT:** Order! I call the Hon. Daniel Mookhey to order for the first time. I call the Hon. Rose Jackson to order for the first time. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** The question is about optimism. I want to be directly relevant to the question because it is asking whether we are optimistic. As a government, of course we are optimistic. Because we have a government that is fiscally responsible, we in fact have a vision for New South Wales. What we have seen from the Leader of the Opposition today is all rhetoric, no substance. We did not get one idea out of the Leader of the Opposition other than rhetoric about taking us back to the past.

**The Hon. John Graham:** Point of order: My point of order is taken on direct relevance. This is a key budget assumption that underlines every other page in the budget. The Minister should be drawn back to the number of 9.75 per cent. Is that not wildly optimistic?

**The PRESIDENT:** Before the Minister resumes answering the question, I uphold the point of order. The time for commentary relating to the question's context is well and truly past. The Minister has the call to continue his answer.

**The Hon. DAMIEN TUDEHOPE:** All forecasts fall within exactly that: They are forecasts.

[*Opposition members interjected.*]

What I would say to members opposite is that this Government has delivered value for the people of New South Wales. We prepare a budget by looking at how we can improve our asset position. Do the people of New South Wales get value for money from this Government? The answer is a resounding yes. Why? Look at what we now own.

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

**The PRESIDENT:** I think I understand where the Deputy Leader of the Opposition is going.

**The Hon. John Graham:** It is direct relevance.

**The Hon. DAMIEN TUDEHOPE:** To the point of order: The question is about why the Government is optimistic and the basis on which we are optimistic. Notwithstanding that the Hon. John Graham might not like the response, the question does go to the budget documents and why this State should be optimistic about where the budget is taking us.

**The PRESIDENT:** I will rule on the point of order. The question clearly states:

KPMG has stated the Government's budget forecast for State final demand and gross State product appear "optimistic". Given that the figure for nominal gross State product for next financial year is 9.75 per cent, is KPMG not right?

I can understand where the Minister is trying to go in seizing on the word "optimistic". However, it needs to be constrained by the context of the question, which is about KPMG's view on the State final demand, gross State product and the 9.75 per cent forecast. The Minister will be directly relevant in that regard.

**The Hon. DAMIEN TUDEHOPE:** The Government is not wildly optimistic. While we welcome KPMG's commentary, we are prepared to accept the estimates made by Treasury officials in respect of where they see the economy is going. I would say, though, that KPMG also welcomes tax reform. The Opposition does not want to tell us what KPMG is saying about tax reform because the Leader of the Opposition made no statement today about tax reform. Wildly, we got a deadset zero. [*Time expired.*]

**The Hon. JOHN GRAHAM (12:14):** I ask a supplementary question. Will the Minister elucidate that part of his answer where he talked about the specific forecast of 9.75 per cent? Noting the OECD's predictions for China's GDP growth, is the Minister saying that the State of New South Wales will grow more than China next financial year?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:15):** What I am telling members opposite is that they are the forecasts made by Treasury. The Hon. John Graham does not like those forecasts because they do not suit Labor's narrative. Labor's experts are talking the economy down. This Government has a vision for the people of New South Wales, which will deliver greater productivity, greater tax reform and additional infrastructure. That is the basis on which we will deliver growth for this economy. The fact of the matter is—

**The Hon. Scott Farlow:** Point of order: I am trying to hear the Leader of the Government. It is very difficult to hear him when the Hon. Daniel Mookhey is letting out expletives, effectively, at the Leader of the Government. I ask that he and other members of the Opposition be called to order.

**The PRESIDENT:** I uphold the point of order. I did not hear any expletives.

**The Hon. DAMIEN TUDEHOPE:** Well, not like Hugh McDermott's.

**The PRESIDENT:** I am not sure to what the Minister is referring. Members on my left will resist the temptation to interject until the Minister has had a chance to respond. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** Members opposite are entitled to their opinion, but they are not entitled to their own set of facts. The shadow Treasurer comes into the Chamber and he weeps that the Government can deliver a budget, like we have done this week, predicated on productivity, tax reform and delivery of infrastructure. They were all missing from the budget-in-reply speech today. All we heard was, "We will deliver for our union mates." When we talk about productivity and forecast, we point to a record where we deliver productivity, tax reform and infrastructure. They are all the things upon which productivity and growth are based.

**The Hon. MARK LATHAM (12:18):** I ask a second supplementary question. Will the Minister elucidate his initial answer where he spoke at length about the budget providing value for money for New South Wales taxpayers and how that is demonstrated in the budget documents? Why, then, did the documents of the last two budgets record 362 policy changes by this Government, with a value of more than \$20 million, but only three of those—that is, one in every 120 policy changes—are cuts to expenditure or cost savings? Why are the taxpayers getting so little value from a government that has given up, effectively, on cost savings?

**The Hon. Scott Farlow:** Point of order: While we now have a wide bow on asking second supplementary questions, but this seems to be very far removed from the original question or the supplementary question asked by the Hon. John Graham.

**The PRESIDENT:** It is a fine point on which to adjudicate. The original question related to State final demand and gross State product. Whilst the Minister reflected on value for money in the context of his answer, moving into the range of policy options that the Hon. Mark Latham mentioned in his second supplementary question is a step too far and unreasonably extends the scope of supplementary questions.

**The Hon. Mark Latham:** I seek clarification, Mr President. Does the supplementary need to be relevant to the initial question and not the actual answer?

**The PRESIDENT:** It needs to be relevant to the—

**The Hon. Mark Latham:** Should I ask John Graham?

**The PRESIDENT:** No, it needs to be elucidating the answer from—

**The Hon. Mark Latham:** John, would you comment on these statistics?

**The PRESIDENT:** Order!

**The Hon. Mark Latham:** Is the ruling that it has to be relevant to the question?

**The PRESIDENT:** No, it needs to be elucidating something that the Minister said in his answer that is also relevant to the question initially asked. There is a context.

**The Hon. Mark Latham:** So if you allow the Minister to be irrelevant, a member cannot ask a supplementary on the irrelevance?

**The PRESIDENT:** No, that is not the way to interpret what I have just said.

#### COASTAL LAND MANAGEMENT

**Ms SUE HIGGINSON (12:20):** My question is directed to the Hon. Sarah Mitchell, representing the Deputy Premier, and Minister for Regional New South Wales. It concerns the findings contained in the *Final report: Advice on Coastal IFOA operations post-2019-20 wildfires*, dated June 2021. Will the Government implement the recommended changes to the coastal integrated forestry operations approval prescriptions to increase the retention of hollow-bearing and recruitment trees and ensure that there is sufficient habitat in State forests for native animals, particularly threatened species that rely on hollows for their survival?

**The Hon. Wes Fang:** Point of order: The question relating to IFOAs has been directed incorrectly. It should be directed to the Minister representing the Minister for Agriculture.

**The PRESIDENT:** The Minister has indicated she is happy to respond on behalf of the Government.

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:21):** I thank Ms Sue Higginson for her question. It is very detailed, with lots of acronyms. I cannot pretend to be an expert on the issues she has raised, although I have no doubt that her interest is genuine. I am happy to take that on notice and refer it to the Deputy Premier—and also, I would envisage, the Minister for Agriculture, who has responsibility for that policy area. I will do so straightaway and get an answer back to the member as soon as I can.

#### EARLY LEARNING

**The Hon. WES FANG (12:22):** My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on the New South Wales Government's vision for early learning, and whether there are any alternative policies?

**The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:22):** When it comes to the early learning space, those opposite have gone from fanciful last week to futile this week. It is said imitation is a form of flattery, but I am a little insulted.

**The Hon. Walt Secord:** Sarah, this is not your narrative. Stick to your lane.

**The Hon. SARAH MITCHELL:** This is 100 per cent my narrative. The dedication of members on this side of the Chamber to early learning is evident. It was evident in our budget—and completely lacking from the Opposition in the other Chamber this morning. This morning the Opposition made it clear—

**The PRESIDENT:** Order! I call the Hon. Daniel Mookhey to order for the second time. The Minister has the call.

**The Hon. SARAH MITCHELL:** Today the Opposition made it very clear that it has no plan and no vision for education in New South Wales, offering no new education spending and pulling a complete backflip on its response to the plans for pre-kindergarten and early education set out by our Government. Last week those opposite called the Government's pre-K plan "fanciful"—but now they have moved to futile. What have they done? They have promised only 100 government preschools, which barely scratches the surface of the need, the ambition and the vision of our Government.

We are delivering generational reform that will impact on and improve the fortunes of all families. This reform starts immediately. Fee relief to families for preschool is happening right now and is locked in from January for the next four years. It is also being extended to people in long day care services. New sites for preschools are being identified as we speak and will be turbocharged in 2023. We have an unprecedented investment in the early learning and development workforce. It is a major workforce boost, at more than \$280 million—the most we have ever invested in this space.

What do those opposite have? They have shown that they do not understand the sector, they do not understand reform and they do not have a plan or ambition. They say they are going to deliver 100 government preschools. We have about 100 government preschools on school sites now and their average size is about 38 children. Those opposite are going to find places for another 3,800 children. Something is not right in the maths there for the 100,000 preschool kindergarteners who will need it. For those opposite to pretend that by 2027 they will be delivering universal pre-K with 100 preschools on school sites shows that they are a day late and a dollar short.

They have no idea what they are doing in relation to this sector. They are trying to say that they will use money we have already allocated, but they are not talking about the things they will cut. Are we not going to do developmental checks? Are we not going to do preschool affordability? Are we not going to invest in the workforce? The fact is, there are no alternative policies from those opposite. It was obvious in their response today that they have no idea.

#### CLIMATE CHANGE AND ENVIRONMENT PROTECTION AUTHORITY

**Mr JUSTIN FIELD (12:25):** My question is directed to the Hon. Ben Franklin, representing the Minister for Environment and Heritage. In response to a Land and Environment Court decision in August last year that ordered the Environment Protection Authority [EPA] to develop environmental quality objectives, guidelines and policies to ensure environment protection from climate change, the Minister's predecessor and now Treasurer, Matt Kean, said in budget estimates, "I expect the EPA to respond to the ruling ... I expect the EPA to get on with the job of implementing the decision of the court." What is the Minister's expectation with regard to the EPA's obligations as a result of the court order? Will the Minister update the House on what action the EPA has taken to implement the decision of the court?

**The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:26):** I thank Mr Justin Field for his question. I am delighted to advise that the New South Wales Government is taking urgent and decisive action to address climate change. That is why the Government has committed to delivering our Net Zero Plan to accelerate the decarbonisation of the State's economy. We have set targets to achieve net zero emissions—

**Mr Justin Field:** Point of order: I appreciate what the Government is doing. The question was specifically about the EPA's response to the court, what the EPA is doing and the Minister's expectations of the EPA. I ask you to draw the Minister back to being directly relevant.

**The PRESIDENT:** I take the initial comments from the Minister as providing some context. I believe the Minister will no doubt address the question shortly in explicit terms.

**The Hon. BEN FRANKLIN:** In literally two lines from now! We have set targets to achieve a 50 per cent reduction in emissions by 2030 based on 2005 levels. In line with the New South Wales Government's ambitious climate change agenda, climate change is also a strategic priority for the NSW Environment Protection Authority. I am advised that to support its objectives and deliver on the decision of the Land and Environment Court of New South Wales, the EPA is advanced in developing a climate change policy and action plan. The EPA's policy and action plan will complement, support and build on the foundations set in the New South Wales Government's *Climate Change Policy Framework* and Net Zero Plan. The EPA will set out specific environmental quality objectives and expectations for the industries it regulates and will outline the actions it will be taking as part of its evolving regulatory response to climate change. The EPA will publicly consult on its draft policy and action plan in the coming months.

Over the past three years the EPA has responded to the realities of climate-induced disasters and incidents. It has played a critical role in responding to and cleaning up environmental issues caused by the Black Summer

fires and the 2021 and 2022 floods. Through joint Commonwealth and New South Wales government funding, \$350 million has been allocated for flood clean-up and disposal. As part of this operation, the EPA has contributed over 15,000 person hours in support to date. It has coordinated the removal of over 190,000 tonnes of disaster waste from flood-affected areas. It has mobilised incident teams to respond to concurrent, compounding and consecutive climate-induced incidents such as flood-damaged sewage treatment systems, overflowing wastewater treatment plants and inundated landfill gas treatment systems.

The EPA is committed to taking action to support its regulated industries to reduce emissions, mitigate climate change impacts and build greater resilience to climate change risks. The EPA is leading world-class programs that are aimed specifically at reducing greenhouse gas emissions and preventing methane-generating organic waste from going to landfills, such as Net Zero Plan for organics and Waste Less, Recycle More. It is directly regulating emissions of short-lived pollutants, which are the precursors to ozone, and it reports on New South Wales' progress under the Net Zero Plan in the State of the Environment Report. In its most recent update last year, the report showed that New South Wales is on track to meet its 2030 and 2050 targets and that greenhouse gas emissions are reducing. I am delighted to assure the member that the Government is taking urgent action to address climate change, and the EPA is and will continue to be a crucial partner in that work.

**Mr JUSTIN FIELD (12:30):** I ask a supplementary question. Will the Minister elucidate on the two points he made about the emissions reduction target and the review of the EPA's regulatory responsibilities? Despite the public commitment to reduce emissions by 50 per cent by 2030, the Government has approved 10 major coal and gas developments with combined scope one and two emissions of almost 100 million tonnes over their lifespans. Will the Government consider empowering the EPA under the Protection of the Environment Operations Act to regulate those permissions and enforce compliance with conditions of consent to take all reasonable efforts by coalmines in New South Wales to reduce carbon emissions? And if not, why not?

**The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:30):** The honourable member asked about the Government's 2030 and 2050 targets. He may have misheard me or he may not have heard at all due to the melee caused by the Leader of the Opposition. Last year's most recent update to the State of the Environment Report showed that New South Wales is on track to meet both its 2030 and 2050 targets.

**The PRESIDENT:** Order! I caution the Leader of the Opposition. The Minister has the call.

**The Hon. BEN FRANKLIN:** Greenhouse gas emissions are reducing, which I am sure—

**Mr Justin Field:** Point of order: My point of order is on direct relevance. My question was about the EPA's regulatory responsibility on emissions. If the EPA has no regulatory role on carbon emissions, the Minister should say so.

**The Hon. BEN FRANKLIN:** To the point of order: The member asked a question with two parts. The first part was about the Government's 2030 and 2050 targets and the second part was about a specific set of issues on the EPA. I was answering the first part of the question and was about to move on to the second part.

**The PRESIDENT:** The Minister was being directly relevant. The Minister may continue.

**The Hon. BEN FRANKLIN:** I was sharing the great news that greenhouse gas emissions are reducing, which members on all sides of the Chamber would applaud and appreciate. With regard to the specifics of the second part of the question, I will take that on notice.

**The Hon. PENNY SHARPE (12:32):** I ask a second supplementary question. In his answer the Minister spoke about the EPA's work to help people who have been flooded on the North Coast. Will the Minister elucidate on his answer and explain what is being done to clean up the bitumen that has run through people's houses in South Lismore?

**The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:33):** I will treat that question with the seriousness it deserves. I do not know. I will take the question on notice because those issues are significant and profoundly important to both the Government and the Opposition.

**The Hon. Penny Sharpe:** And for the people living in the houses.

**The Hon. BEN FRANKLIN:** And for the people of Lismore obviously.

#### TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

**The Hon. DANIEL MOOKHEY (12:33):** I direct my question to the Minister for Finance. The Transport Asset Holding Entity has cost taxpayers \$25 billion in writedowns and bailouts while jeopardising rail safety.



Does the Minister agree with Labor's policy announcement, and will he join us in abolishing the Transport Asset Holding Entity?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:34):** That is an appalling admission from the shadow Treasurer. The Government would clearly not support a policy that is not delivering and could not possibly deliver for the people of this State. The member has spent three years demonising the Transport Asset Holding Entity as an accounting sham in circumstances where it is engaging in the management of \$40 billion worth of real estate. The Transport Asset Holding Entity holds more real estate assets than the whole of the Philippines and it is engaged in a commercial operation for the benefit of the people of this State. It is delivering the possibility of the redevelopment of—

**The Hon. John Graham:** It will be getting a small business tax break soon.

**The Hon. DAMIEN TUDEHOPE:** A \$40 billion holding entity is not a small business, but members opposite treat it that way. In fact, to treat that properly managed organisation with such scant respect does Labor no service. I ask the shadow Treasurer whether it is a sham accounting entity or a proper commercial organisation? The Government says that all of the available evidence demonstrates it is a proper asset holding entity and it is developing those assets for the people of this State.

**The Hon. Penny Sharpe:** You stick with that line.

**The Hon. DAMIEN TUDEHOPE:** Of course I will stick with that line, because it is true. Members opposite have an elliptical regard for the truth and they only focus on things that suit their narrative at the time. They cannot have it both ways. Either it is an accounting trick or it is engaged in a commercial operation. It has demonstrated that it is a proper, functional and commercial operation delivering for the people of this State. We would never support the proposal articulated by the Leader of the Opposition in his speech in reply to the Budget Speech.

**The Hon. DANIEL MOOKHEY (12:37):** I ask a supplementary question. Given the Minister said he would never support Labor's policy, where will the Government find the billions of extra dollars that the Auditor-General says Sydney Trains and NSW Trains will need in order to pay the Transport Asset Holding Entity's fees after 2024-25?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:38):** The New South Wales Government has the ability to manage the economy, which Opposition members could only dream about because they could never, ever do it. In Leader of the Opposition's speech in reply to the Budget Speech we heard exactly why Labor should never, ever be given the responsibility of managing the economy. In fact, the references to the Transport Asset Holding Entity [TAHE] that were made in that speech and the fact that Labor would bring it back on book, so to speak, is exactly the reason why it should never be in government. Labor has demonised TAHE over a period of time to try to jeopardise its very existence. That is why Labor should never, ever be in government. When a commercial organisation holds assets to the extent that TAHE holds assets on behalf of the people of this State and when we are developing those assets for the people of New South Wales, that entity needs to be backed in.

**The Hon. Penny Sharpe:** How much are you bailing it out for?

**The Hon. DAMIEN TUDEHOPE:** The Opposition has never, ever wanted to back in TAHE in circumstances where that organisation—

**The Hon. Daniel Mookhey:** We never have. Guilty!

**The Hon. DAMIEN TUDEHOPE:** Let me give an example.

**The Hon. Daniel Mookhey:** Point of order: My point of order relates to direct relevance. I asked a very specific question, which was where is the Government intending to find the money to fund the additional assets fees TAHE needs from Sydney Trains and NSW Trains from 2024-25, as warned by the Auditor-General?

**The PRESIDENT:** The Minister was being directly relevant for some parts of the question—and then moved between that and being generally relevant—but I think the example the Minister was about to give might bring him back.

**The Hon. DAMIEN TUDEHOPE:** In fact, in the redevelopment of assets in, potentially, railway air space—

**The Hon. Daniel Mookhey:** Oh!

**The Hon. DAMIEN TUDEHOPE:** But we do not want to do that, do we?

**The Hon. Daniel Mookhey:** Asset sales?

**The Hon. DAMIEN TUDEHOPE:** You do not want to do that. You do not want to see that happen.

**The Hon. Daniel Mookhey:** You want to sell—sell us out with privatisation.

**The Hon. DAMIEN TUDEHOPE:** You do not want to see that happen because it will generate revenue and dividends for the people of this State.

**The Hon. Mark Buttigieg:** It's a sale—a fire sale.

**The Hon. DAMIEN TUDEHOPE:** In fact, you want to rule it out, as the Leader of the Opposition agreed to do. What we will do as an organisation is ensure that it delivers for the people of this State.

**Mr JUSTIN FIELD (12:40):** I ask a second supplementary question. Will the Minister for Finance, and Minister for Employee Relations elucidate his answer with regard to the \$40 billion he attributed to the value of assets held by the Transport Assets Holding Entity, given that its annual report cites the value of its assets at \$21 billion? Will the Minister explain the \$19 billion discrepancy?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:41):** I accept the correction.

**The Hon. Daniel Mookhey:** And it is 19 billion bucks!

**The Hon. Walt Secord:** What's 19 billion?

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

**The Hon. Greg Donnelly:** It's a rounding error.

**The PRESIDENT:** Order! Do members want to listen to the answer or not? The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** What I would say in relation to the assets that are held by the Transport Assets Holding Entity is this: With any money given to the Transport Asset Holding Entity, it delivers more productivity for the people of the State.

**The Hon. John Graham:** It's just that it is tens of billions of dollars out.

**The Hon. DAMIEN TUDEHOPE:** Members opposite have no vision for the future of this State and they have no plan.

**The Hon. John Graham:** You just lost tens of billions of dollars in two minutes.

**The Hon. Daniel Mookhey:** Point of order: My point of order relates to direct relevance. The question asked by Mr Justin Field was excellent. He asked why there is a \$19 billion discrepancy between what the Minister said and what is in the annual report. To the Minister, \$19 billion might not mean much, but the people of New South Wales would like to know where the rest of this \$19 billion that the Minister recorded reported on a balance sheet is.

**The PRESIDENT:** I understand that the point of order is direct relevance. The other commentary is probably superfluous, and I would not encourage that in the future. But so far as the Minister's response is concerned, I think his response initially was directly relevant with respect to the discrepancy in that figure, and perhaps then moved on to some general comments. I now encourage the Minister to come back and be directly relevant.

**The Hon. DAMIEN TUDEHOPE:** I say in relation to this issue that there is an accounting treatment, which Mr Justin Field has identified correctly, but the land is still our land. It is still the asset owned by the people of New South Wales.

**The Hon. John Graham:** But just worth a lot less on the books.

**The PRESIDENT:** Order!

**The Hon. DAMIEN TUDEHOPE:** It is still land that is owned by the people of New South Wales and is being delivered for the benefit of the people of New South Wales. Every cent of this money—

**The Hon. Daniel Mookhey:** You are meant to be the shareholder.

**The Hon. DAMIEN TUDEHOPE:** TAHE is owned by the Government. Get that in your head.

**The Hon. Daniel Mookhey:** You're the shareholder.

**The Hon. DAMIEN TUDEHOPE:** I am a shareholder.

**The Hon. Daniel Mookhey:** You are.

**The Hon. John Graham:** He has lost \$19 billion in five minutes.

**The Hon. DAMIEN TUDEHOPE:** It is owned by the Government and the funding of TAHE does not cost the taxpayer one cent.

**The Hon. Penny Sharpe:** So \$19 billion does not matter.

**The Hon. DAMIEN TUDEHOPE:** You would like it to, but it does not.

**The Hon. Penny Sharpe:** I do not think that is true.

**The Hon. DAMIEN TUDEHOPE:** It is true.

**The PRESIDENT:** Order! The Minister will resume his seat. Question time is not being helped by that type of interjecting. I call the Leader of the Opposition to order for the first time. In relation to some of the commentary, the Minister should direct his comments through the Chair. I think that directing them at the member on the other side of the Chamber is not helpful because all that does is encourage a further response and the crescendo increases. The Minister should direct his comments through the Chair. Interjections could be somewhat more limited. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** I must say that I accept also that responding to interjections is always disorderly.

**The Hon. John Graham:** Is this a point of order?

**The Hon. DAMIEN TUDEHOPE:** No. I was given a handwritten point of order by the Hon. Mick Veitch.

**The PRESIDENT:** You are taking a point of order on yourself?

**The Hon. DAMIEN TUDEHOPE:** I accept the Hon. Mick Veitch's point of order. Rather than demonise TAHE in this place, get in behind it and back it because it is an entity which will deliver outcomes. [*Time expired.*]

#### STATE BUDGET 2022-2023

**The Hon. SCOTT FARLOW (12:44):** My question is addressed to the Minister for Finance, and Minister for Employee Relations and the Leader of the Government. How has the New South Wales Government's 2022-23 budget set up New South Wales for a brighter future over the next four years and beyond?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:45):** I thank the Hon. Scott Farlow for his question. The 2022-23 budget was delivered on the winter solstice. Each day since then has been getting brighter. The budget has struck a balance between targeted cost-of-living and productivity-enhancing measures, such as those facilitating women's economic participation and the goal of returning to surplus by 2024-25, which members opposite can only dream about.

The Leader of the Opposition and the shadow Treasurer must have had a challenging time climbing the highest mountains, running through the fields, only to be with each other and try to think up attacks on this excellent budget. They seized on a comment from Moody's, which unsurprisingly noted that the flood response, recovery initiatives and new recurrent spending programs will widen the State's operating deficits for 2023 and 2024—a credit negative. However, the Leader of the Opposition today announced that he would scrap our successful asset recycling policy, ignoring the praise from Moody's in the very same post-budget note. This is what it said: "The State's borrowing requirements have been materially reduced through a debt retirement strategy following the receipt of proceeds for the sale of 49 per cent of the WestConnex with \$7.7 billion of debt retired to date."

**The Hon. Scott Farlow:** Point of order: Mr President, I note you already have chastised the Leader of the Opposition, but she seems to have not learnt the lesson and continues to sledge the Leader of the Government across the table. I ask you to direct her to desist.

**The PRESIDENT:** I uphold the point of order. I ask the Leader of the Opposition to refrain. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** Labor's pathological hatred of asset recycling would pose a clear and present danger to our triple-A credit rating. The shadow Treasurer and the Leader of the Opposition desperately ran and crawled and scaled the city walls, only to end up with each other trying to think up an actual policy: toll relief—which is now half of our \$260 million per year; Western Sydney infrastructure—we put \$5 billion in WestInvest, seeded from asset recycling; the NSW Jobs First Commission—sorry—we are establishing the Modern Manufacturing Commissioner; dismantling TAHE—to stop it acting as a property developer to create

station precincts fit for a world-class city, including affordable housing within easy walking distance of rail transport—sorry; no opt-out from stamp duty for first home buyers but no alternative policy; and on regional policy, the Opposition has nothing at all. With apologies to U2, I can now hear the shadow Treasurer and the Leader of the Opposition bemoaning the futility of their search for a policy:

But I still haven't found  
What I'm looking for.  
But I still haven't found  
What I'm looking for.

### OBSTETRIC VIOLENCE

**The Hon. EMMA HURST (12:48):** In directing my question to the Minister for Women, Minister for Regional Health, and Minister for Mental Health, I refer to budget estimates in March when the Minister indicated she was willing to be briefed by maternity advocacy groups regarding the issue of obstetric violence. However, since that time the Minister's office has failed to agree to a meeting with Maternity Choices on the basis that this group had a meeting with NSW Health on an entirely separate topic. Would the Minister advise why she seems to have changed her position since budget estimates and if she is willing to reconsider meeting with Maternity Choices to be briefed on the issue of obstetric violence?

**The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:49):** I thank the honourable member for her question. I remember discussing the issue in budget estimates hearings. My understanding is that department staff had met with that organisation to discuss things, because they discussed that with me. I will follow up on that and find out if that occurred or not, but my understanding is that meeting did occur. I will follow it up and get back to the honourable member.

### MINISTERIAL OFFICES ELECTRICITY USAGE

**The Hon. GREG DONNELLY (12:49):** My question without notice is directed to the Minister for Finance, and Minister for Employee Relations. Given that the Government begged the community to not use electricity on cold winter nights and the Treasurer begged the generators to stop putting profits above people, why have Ministers, including the Minister for Energy, had their office lights, including their electorate office lights, burning continuously over the course of the week?

**The PRESIDENT:** Order! The Minister will be heard in silence.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:50):** I am aware of the President's rulings on direct relevance, but I think the Minister for Energy made reference to the issue and said that there was some fault or other that was being—

**The Hon. Walt Secord:** A faulty wire.

**The Hon. DAMIEN TUDEHOPE:** I am only repeating the explanation the Minister gave about why the lights were on. One thing the Government can guarantee is that we will keep the lights on.

### TOLL RELIEF

**The Hon. CHRIS RATH (12:51):** My question is addressed to the Minister for Metropolitan Roads. Will the Minister update the House on how the New South Wales Government is securing a brighter future for Sydney motorists?

**The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:51):** I thank the Hon. Chris Rath for his question and his interest in the issue. Today is a big day in New South Wales. It has been 384 days since Mr Chris Minns became Leader of the Opposition and 1,086 days since the Hon. John Graham became shadow Minister for Roads. Finally, under protest and because it had to announce something, Labor has a policy on toll roads. There is just one issue. A little over a fortnight ago, the Government announced its toll relief policy. We were clear about contributing \$520 million over two years to give motorists 40 per cent back from every toll road in New South Wales. It is a pretty clear policy that is costed and effective. At the time, Labor said the policy was terrible and that it was awful to give money back to the taxpayers of New South Wales. They said it was one step forward and one step back.

Today demonstrates how out of touch and how lazy Labor is, because it has finally released its policy after doing a bit of homework. One would have thought that after creating a scare campaign on Sydney tolls, Labor would have gone big and made it a policy centrepiece. Instead, it announced \$134 million for maybe some motorists in western Sydney, with no details. We do not know what Labor will do. The New South Wales Liberals and Nationals govern for everyone in the State. Our toll policy guarantees that eligible motorists will get 40 per cent of their tolls back, with a total relief amount of up to \$750, on all of our motorways. We do not

discriminate; it does not matter where a person comes from. Drivers will get a rebate back. In addition, we will be investing \$10.4 billion in roads across Sydney, including in western Sydney, with more than \$1.5 billion allocated towards the western Sydney growth roads program to accommodate population and employment growth in western Sydney. In metropolitan Sydney, game-changing projects are being delivered through commitments of \$4.1 billion over four years for the Western Harbour Tunnel.

**The Hon. John Graham:** Tell us about the northern beaches.

**The Hon. NATALIE WARD:** I will tell the Hon. John Graham about that. We are committing \$3.7 billion over four years for Sydney Gateway, creating jobs, connecting communities and bringing people together across New South Wales. While Labor wants to divide New South Wales into "us and them", we want to bring people together on our motorways across New South Wales. The Perrottet Government is investing \$1.2 billion over four years to complete construction of the WestConnex motorway, delivering the M4-M5 Link Tunnels—all of which was opposed by Labor. The Government delivers. I would like to know one single project that Labor has committed to, because I have not heard anything. Is there even one? Labor should come up with one infrastructure project—[*Time expired.*]

### STATE BUDGET POLICIES

**The Hon. MARK LATHAM (12:55):** My question is directed to the Confessions of a Failed Finance Minister, Leader of the Government and Minister for Finance. I refer to the Government's consistent claim that it is providing value for money as shown in the budget documents. Why then, over the past two budgets, has the Government made 362 policy changes at a value of more than \$20 million but only three of those actually involve a cost saving and expenditure reduction? Why has the Coalition Government lost track of the need for fiscal discipline? Why has the Government given up on cost savings, racking up a record gross debt of \$182 billion?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:55):** That is a broad-ranging question. I am sure the member is aware of the significant cost burden placed on the State by the impacts of COVID.

**The Hon. John Graham:** Just tell the Hon. Mark Latham that he is actually right on this one.

**The Hon. DAMIEN TUDEHOPE:** I am sorry, the Hon. John Graham wants to answer the question.

**The PRESIDENT:** The Hon. John Graham will resume his seat. I call the Hon. John Graham to order for the first time.

**The Hon. DAMIEN TUDEHOPE:** In view of the pandemic and the floods and the like, there is a significant impost on the budget that requires governments to be agile. We have supported businesses and provided relief for small businesses and people affected by floods and the impacts of COVID. The process going forward is fiscal repair. Fiscal repair involves policy changes to deliver that level of responsibility. I noticed last night that the Hon. Mark Latham voted to remove the wage cap. It is interesting that the Opposition did not do that and backed the Government. Members opposite recognise that the wage cap is an important component of fiscal responsibility, which we need to continue to back in.

The honourable member voted to remove the wage cap, which would have had a significant impact on the delivery of fiscal responsibility outcomes. When the Hon. Mark Latham goes down the track of saying that there are unsustainable levels of debt and the like, he should make sure he votes for the things the Government is doing that are delivering outcomes for the people of this State. I am happy to discuss with the member at any time a number of the Government's revenue measures. I am sure he will ask a supplementary question. I am sure he will ask me about those revenue measures and I am happy to go through each of them. [*Time expired.*]

**The Hon. MARK LATHAM (12:58):** I ask a supplementary question. Will the Minister elaborate on his thesis that despite spending more money on the pandemic, bushfires and flood relief, this Government has stopped making cost savings on the other 95 per cent of the budget, other than three measures out of 362, that is, for every 120 policy changes, this Government only makes one expenditure cut?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:59):** The fiscal repair of this economy is made up of a number of components. The first is making sure that we are a productive economy. The second is tax reform, because a component of fiscal repair and managing policy outcomes is predicated on accepting responsible tax reform. I call on members opposite to abandon—

**The Hon. Mark Latham:** Point of order: My point of order is on relevance. The question is not about tax reform or productivity; it is about the inability of this Government to make more than three cost savings out of 362 policy changes in the last budget. It is as fiscally reckless as anything since Whitlam and Cairns.

**The PRESIDENT:** When a member takes a point of order, it is important that they address the grounds on which the point of order is taken. It is sufficient to provide a brief example rather than a dissertation on the range of matters that the member wishes to raise, which may not be directly relevant. I understand the member's concerns about direct relevance. The Minister was trying to frame tax reform around decisions that have been made, which was certainly in the context of the question. The Minister will continue to be directly relevant.

**The Hon. DAMIEN TUDEHOPE:** Regarding the management of debt and liabilities that arise in the budget, a whole chapter in the budget deals with the manner in which we will manage debt. I refer the member to the budget papers.

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 FORECASTS 2022-2023**

**The Hon. DANIEL MOOKHEY (13:01):** My supplementary question for written answer is directed to the Minister for Finance, and Minister for Employee Relations. Will the Minister elucidate his answer in response to the question of the Hon. John Graham about his reasons for optimism when he mentioned tax reform? How many first-time buyers paid stamp duty on transactions between \$800,000 and \$1.5 million this year and in each of the past three financial years?

**CLIMATE CHANGE AND ENVIRONMENT PROTECTION AUTHORITY**

**Mr JUSTIN FIELD (13:02):** My supplementary question for written answer is directed to the Hon. Ben Franklin, representing the Minister for Environment and Heritage. It relates to my question about the Environment Protection Authority's [EPA] role in climate change. In budget estimates hearings in October last year, the EPA CEO indicated that he expected to make public the development of a climate change policy early in the new year to respond to the Land and Environment Court decision. However, in his response during questions without notice, the Minister indicated that the policy would go out for public consultation in the next few months. Will the Minister explain what has caused the delay in the consultation, and does the EPA expect to implement a final policy before the end of 2023?

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. COURTNEY HOUSSOS:** I move:

That the House take note of answers to questions.

**STATE BUDGET FORECASTS 2022-2023**

**The Hon. COURTNEY HOUSSOS (13:02):** It is clear that although a reply speech to the budget was not delivered in this place today, Government members were watching the speech in the other place closely. For the benefit of the House, I will recap some of the key points. If elected, NSW Labor will retain public ownership of the Sydney Harbour Bridge and the Sydney tunnel. It will use those funds to deliver toll relief to motorists. After some excellent work from the shadow Treasurer, the Hon. Daniel Mookhey, we announced that we will bring the Transport Asset Holding Entity back within government and ensure that safety for commuters is the most important thing that the entity managing our transport assets will consider—not being concerned about running a development operation or building new hotels.

Labor will rebuild a domestic manufacturing industry in New South Wales that this Government has destroyed. We used to build trains across the regions in New South Wales; in fact, we have built trains in New South Wales since the 1870s. But this Government is the first to completely dismember that economy. We have a concrete plan to deliver 100 new public preschools that will be built in new public schools on land that is currently under-utilised. That is not controversial. We all know the importance of the two years before children go to school.

Instead of some thought bubble or press release, today the Government could have agreed that it will deliver public preschools in the new schools that it will build over the next four years. But the Minister refused to do that. Let us look at the facts. After 12 long years of this Government, we have the fastest declining education outcomes in the world, teacher shortages across the State and not enough classrooms. Indeed, today *The Daily Telegraph* reported that Carlingford West Public School has 93 demountables. This Government crows about its record on education standards—when a public primary school in New South Wales has 93 demountables. After 12 long years in government, the past week has seen more money sprayed around than promised by Scott Morrison or Anthony Albanese over the entire Federal election campaign. Now, instead of negotiating with teachers, it wants to fine them. This Government is out of time and out of ideas.

## STATE BUDGET POLICIES

**The Hon. MARK LATHAM (13:06):** I take note of the answer of the Confessions of a Failed Finance Minister, the Hon. Damien Tudehope, who had no answer or explanation of why the Government has failed to make cost savings in the budget. It can spend money on pandemics, bushfires and floods, but that does not stop it from saving money in the other 95 per cent of the New South Wales budget. What we are seeing with "Keanism" is a direct repeat of the failings of the Morrison-Frydenberg era. They spent recklessly and Australian voters were shocked to hear that a Coalition government could rack up \$1 trillion of Federal government debt. A lot of people asked, "Is that really the same Coalition party, the party of Howard and Costello, that got the budget into surplus and paid down the debt?" If people do not recognise who you are in politics, you lose your base.

The Morrison-Frydenberg Government bled votes to the "teals" and also to traditional conservative voters, who have the prudence of wanting a balanced budget and do not want \$1 trillion of debt. Why would Matt Kean repeat those mistakes? Some people say that he is responding to the teal revolution, but what he is actually doing is repeating the mistakes of Morrison and Frydenberg, and he will probably end up in the same spot—in opposition. That is evident in the record New South Wales government debt of \$182 billion gross and \$115 billion net. The people of New South Wales need to comprehend that the State Coalition has given up on cost efficiency. The Perrottet-Kean Coalition Government has abandoned the field. It has surrendered and waved the white flag on the proposition that savings can be found in a \$95 billion budget, instead of saying, "Here's how we can do something more efficiently, here's something we don't need to do, or here's something that gives taxpayers an assurance that we are constantly on the job to make savings."

In last year's budget the Government volunteered 145 policy changes that were discretionary—not structural or revenue changes. It did not make a single cost saving; it just gave up. It is spend, spend, spend, with no need for any savings for taxpayers. Of course, the easiest thing to do in politics is to spend other people's money and not care. That is the point that this 11-year-old Government has got to: spending other people's money and not caring about value for the taxpayer. This year's record is hardly any better: 217 policy changes with only three cost savings. That is a paltry return on value for New South Wales taxpayers. A government that does not care about efficiency and value for money is a government that loses its legitimacy. I'm afraid that, just as it happened to Morrison and Frydenberg, it is happening here on Macquarie Street.

## EARLY LEARNING

**The Hon. WES FANG (13:08):** I take note of the answer given by the Minister for Education and Early Learning to the question I asked about the policies the Government has announced through the budget for pre-kindergarten education. I also take note of some of the contributions made by the Opposition—notably, the budget reply speech given by the Leader of the Opposition in the other place and also the numerous interjections by the Opposition during question time. They were quite animated and I think that is because they realise that, all of a sudden, we have a plan and they do not.

The Hon. Courtney Houssos said in her contribution that we were watching closely, and we were. We were looking for any sign of a policy, and there were no policies anywhere. But the education Minister has a policy that will see \$15.9 billion rolled out over 10 years to transform how children are educated in this State. The policy is so good that the Victorian Labor Government has copied it. But the Opposition here has not copied it. In fact, I am not sure what the Opposition has announced. It promised 100 new preschools, but we are on track to deliver many more than that. I do not understand how the Opposition can claim that whatever it has attempted to present in the other place in the budget reply speech is anything other than a complete and utter failure for the children of this State.

Another concern of mine is that as a member of regional New South Wales and The Nationals, the education Minister knows the importance of education in rural and regional communities. Those on this side of the House understand the importance of rural and regional communities in general, which is why there has been a focus on rural and regional education and health. Yet the Leader of the Opposition in the other place made no mention of those things or of rural and regional New South Wales at all. It was a budget reply speech solely focused on metropolitan areas. Those opposite have walked away from their nurses ratio promise and last night they voted with us to keep the wage cap. I say again: What plan does Labor have?

## TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

**The Hon. MARK BUTTIGIEG (13:12):** I take note of the answer given by the Leader of the Government to a question about the Transport Asset Holding Entity [TAHE] asked by the shadow Treasurer, the Hon. Daniel Mookhey. The shadow Treasurer asked a relevant and specific question about this entity and the old trick of putting these government entities off book to soak up as much debt as one possibly can so that it does not show up on the Government budget and then wondering how it is going to get us out of this massive black hole on

behalf of the New South Wales taxpayer. The shadow Treasurer asked, "How will the Government pay for the billions extra required to prop up TAHE after 2024?" The shadow Treasurer is not making that up; the Auditor-General said that it needs to happen.

The leader in this House is an honest fellow and sometimes we get pearls of truth from the Government. He gave a very revealing answer when he said, "Well, we're going to do all of this development to pay for the deficits TAHE has created and that the Auditor-General has identified." That is code for and shows that the Government is obsessed with privatisation. It is the last holy grail; there is nothing much left to sell off. The Government now has all these rail assets owned by TAHE that it intends to develop to get us out of this mess, which is code for selling off publicly owned assets, which those opposite do not own, we do not own, but which the New South Wales people own. The Government wants to sell it off to make up for its accounting trick. It is absolutely disgraceful.

A question was asked by the Hon. Greg Donnelly about electricity and how the Government has been begging generators, "Please, do the right thing and put the prices down. We can't control this", while their lights are blazing night and day. This is shaping up to be a very interesting election because the ideological differences could not be clearer. The Government was happy to sell off the electricity network. In 2015 when we campaigned against, it the Government took it to the electorate and sold it off.

Now there is a vertically integrated monopoly from wholesale through the network to retail which the Government cannot control on behalf of the people who elected it. It does not have control over oligopoly practices on the wholesale side and the retail side and it cannot bring prices down on the network side because the network cannot claim money back from the retailer. It is the poor old consumer who suffers and all the Government can do is pick up the phone and say, "Please, bring the wholesale price down." That does not work. The Government has lost control because it is obsessed with privatisation.

#### CLIMATE CHANGE AND ENVIRONMENT PROTECTION AUTHORITY

**Mr JUSTIN FIELD (13:15):** I take note of the answer given to my question about the Environment Protection Authority [EPA] and its response to the Land and Environment Court decision last year, which ordered the EPA to develop environmental quality objectives, guidelines and policies to ensure environment protection from climate change. That decision was made in response to a challenge through the courts that the New South Wales Government, specifically the EPA, was failing in its obligation to address the climate risk to regulate carbon emissions in the interests of the people of New South Wales and the natural environment. In budget estimates last year, I challenged the then environment and energy Minister, Matt Kean. His response to the question about how the EPA was going to respond was:

I expect the EPA to respond to the ruling ... I expect the EPA to get on with the job of implementing the decision of the court.

He then deferred to the CEO of the EPA, who made it clear that they were in the process of developing a policy. It was going to be consulted on in the coming months at that stage and go out for full public consultation early in the new year. It is now almost July and that has not happened. After asking the question of the Minister today, the indication is that it will not even start public consultation for the next couple of months. I do not think it will happen before the next election. The EPA is not fulfilling its court order obligations. I am starting to see a lot of holes appearing in the Government's climate change credentials. The New South Wales Treasurer and energy Minister holds himself up as the climate champion, with the Net Zero Plan. But there is an explosion in carbon emissions in New South Wales from the ongoing approvals of coal and gas mining and the failure to regulate the land sector. We know that by looking at the Government's Net Zero Plan. The Minister called out the target today. Sneakily, page 28 of the plan says:

... the NSW Government policy is that the NSW Government's objective set out in this Plan, to reduce emissions by 50% below 2005 levels by 2030, is not to be considered in the assessment or determination of development and infrastructure applications under the *Environmental Planning and Assessment Act 1979*.

That is code for the EPA—which regulates everything when it comes to the environment—does not regulate carbon emissions from coalmines. That is up to Planning, conditions and consent. That policy has achieved 10 major coal and gas approvals in the past three years of this Government. The emissions domestically from those projects totally write off the carbon gains from this Government's renewable energy road map. The Government's big picture that it is serious about climate change does not stack up when we look at the details.

#### MINISTERIAL OFFICES ELECTRICITY USAGE

##### TOLL RELIEF

**The Hon. CHRIS RATH (13:18):** I take note of issues relating to energy and the answers that were given by the Leader of the Government. Myths have been developing about the privatised network in New South Wales. We must compare it to what is happening in Queensland. Queensland has a government-owned electricity system



and the prices are substantially higher. There were a lot of mistruths in the comments made earlier by the Hon. Mark Buttigieg. I take note of my question to the Hon. Natalie Ward about tolls and her eloquent response about how the Perrottet Government has yet again delivered for the people of New South Wales, with families at the forefront of its mind.

The Perrottet Government is investing a record \$10.4 billion in building and enhancing metropolitan roads across New South Wales. The budget delivers for families of western Sydney, with more than \$1.5 billion over four years for the western Sydney growth roads program. Game-changing projects are being delivered in metropolitan Sydney through commitments of \$4.1 billion over four years for the Western Harbour Tunnel and \$3.7 billion over four years for the Sydney Gateway, creating jobs and connecting communities. The Perrottet Government is investing \$1.2 billion over four years to complete the construction of the WestConnex motorway.

I found it interesting that when the Leader of the Opposition was asked in a recent television interview about a single project that he would do differently to the Government, he could not answer the question. He is all politics and no plan. Additionally, about half a million motorists will save up to \$750 a year on tolls under the New South Wales Government's toll rebate scheme, commencing on 1 July 2022. NSW Labor knows a lot about tolls, since it privatised and tolled so many roads, including the M7, the M2, the Lane Cove Tunnel and the Cross City Tunnel. Who was the architect of those toll roads? It was definitely Chris Minns, who was in the Minister's office at the time—the high priest of Sydney's toll network. Unlike those opposite, the Perrottet Government delivers and will continue to deliver for the people of New South Wales.

#### STATE BUDGET 2022-2023

#### EARLY LEARNING

#### MINISTERIAL OFFICES ELECTRICITY USAGE

**The Hon. ROSE JACKSON (13:20):** I take note of answers given in question time today. Honestly, I thought that Treasurer Matt Kean hated John Barilaro after he tried to bring down the Coalition Government over killing koalas. After this week, when he spiked the entire budget and the billion-dollar cash splash, he really must dislike John Barilaro. Fair enough. There is no doubt that the Government has spent billions of dollars on its re-election plan this week. There have been a lot of promises and announcements to try to turn the electoral tide, which we know is firmly against this Government. It reminds me of a quote from way back in 2015, which was, "Governments trumpet record spending rather than trumpet record outcomes." It is quite a good quote. It comes from then finance Minister, now Premier Dom Perrottet. Dom Perrottet may not be right about very much, but he is absolutely right about that.

That is exactly what this Government is doing. It is trumpeting its record spending and the debt is absolutely at record levels. The spending is at record levels. After 12 years in government, the outcomes—the delivery—are the things that we should be focused on. The finance Minister loves to say, "The best guide of future results is past performance." How many times would I see that if I looked up the *Hansard*? He loves to say it. Again, the finance Minister may not be right about much but he is right about that. The best guide to future results is past performance. After 12 years in power, this Government's record of delivery, its past performance, does not bode well for future results or for good outcomes. The Government has now decided, after 12 years, that it supports universal pre-kindergarten in early childhood education. By the time that is available, my four-year-old will have almost finished high school. It is a policy commitment off in the never-never.

Through the budget reply today, the Opposition made a solid commitment and delivered a serious plan on manufacturing. How could members opposite possibly say that we do not have any policies for regional New South Wales? The skills hub is going to the Hunter. Where is the manufacturing going to be done? It will be in the Hunter, in the Illawarra, in regional New South Wales. That is an actual policy to build jobs in regional New South Wales. Finally, on energy, let us not forget what former Premier Mike Baird said in 2015. The pledge was there. I have the card in my office; I will drag it out. He said, "Electricity prices will be lower." It is a promise that has been broken.

#### STATE BUDGET 2022-2023

**The Hon. SCOTT BARRETT (13:24):** There have been lots of questions and answers about the budget. I am immensely proud to represent areas and communities that are home to the world's oldest surviving culture. I have enjoyed the opportunities that I have already had to meet with, chat with and learn from Aboriginal people. Recently I went with the Deputy Premier, Minister Saunders and Minister Taylor to visit Wilcannia, on the banks of the wonderful Darling River. I am also aware that we need to do more for Aboriginal people. Acknowledging the past failures of traditional government-led approaches on this front, Minister Franklin has announced an investment of \$401 million delivered hand in hand with Aboriginal communities, as the ones who know best what changes are needed to help communities thrive.

The funding will support initiatives co-designed with Aboriginal stakeholders, such as improving cancer care pathways and support for Aboriginal community housing providers. It will see grants of up to \$250,000 given to Aboriginal community-controlled organisations for practical, immediate and locally focused activities. Some \$40 million will go to expand and strengthen the Aboriginal Languages Trust, and \$15.3 million will go to support Stolen Generations Keeping Places and memorials. This is a commitment to respecting, protecting and empowering Aboriginal people and communities. It is a big step in achieving targets set under the National Agreement on Closing the Gap by 2031.

Access to health care is a key aspect to the livability of our regional communities, and we have some remarkable health services across our regions. Part of the reason for this is the amazing men and women working in this field. I have been lucky enough to meet with and to spend time with some of them. I think particularly of Mary Urquhart, the health service manager at Cobar, and her wonderful team. My visit there filled me with pride in the work they were doing and confidence in the service they offer. However, it is evident, wherever we go, that we need more of these amazing people. As such, Minister Taylor has just announced \$883 million over the next four years to attract and retain staff in these areas. That covers sign-on bonuses, retention payments, assistance with childcare expenses and professional development.

There will be increased training positions for nursing graduates and medical interns and opportunities for metropolitan staff to try out working in regional New South Wales—an opportunity I recommend to anyone living in metropolitan areas. These are great initiatives that will assist our amazing health service managers to add to their marvellous teams and to staff the fantastic facilities that we have in regional New South Wales, providing a better health service to residents. It is another reason that regional New South Wales is such an amazing place to live, work and raise a family.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. LOU AMATO (13:27):** This Government is committed to ensuring it is building a brighter future for the people of New South Wales. It is connecting our local communities by building the infrastructure that matters. In the past 12 years, the Government has delivered record investment in the regions to ensure our communities are better connected. It is fantastic to see the \$12.7 billion infrastructure pipeline delivering for our communities. This funding is making a real difference to regional communities and creating a brighter future. Projects like the \$1.7 billion upgrade to the Newell Highway are helping to ensure safe journeys for people travelling the longest highway in New South Wales.

A significant investment is happening in the regional road and transport space, from school zone safety upgrades in Orange to the successful tender for the Coffs Harbour bypass, which will remove 12,000 cars travelling through the CBD and save motorists time on their travel. Our communities are better off, thanks to the New South Wales Nationals and Liberals. Members on this side of the House understand exactly what the people of New South Wales need and we have a plan to deliver it. We are building a legacy of infrastructure that will help remove trucks from major centres and create a smoother journey for road users and a safer environment for everyone.

We are investing in upskilling our local workforces, boosting local economies and leaving a skills legacy that will endure beyond the life of the project. We are committed to local communities, which is why we are delivering projects that will make the future of New South Wales brighter. Those opposite do not care about the regions or investing in infrastructure that has a real impact for the people of New South Wales. In fact—I say this with a heavy heart—those opposite do not even have a plan for New South Wales.

**The Hon. Natalie Ward:** Shame!

**The Hon. LOU AMATO:** I acknowledge the interjection. I congratulate the Minister for Education and Early Learning on her vision for early learning in New South Wales. Families will save thousands of dollars a year on childcare costs, thanks to our \$775 million landmark investment to expand access to high-quality, affordable care. I welcome all the investments from this Government, as I know they will all greatly benefit the community.

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

**Motion agreed to.**

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

*Bills***BAIL AMENDMENT BILL 2022****Second Reading Debate****Debate resumed from an earlier hour.**

**The Hon. ROD ROBERTS (15:00):** I resume my contribution to debate on the Bail Amendment Bill 2022. The bill affects people who have already been convicted of an offence for which they will receive a substantial sentence of imprisonment. Those people have not been found guilty of offences such as shoplifting or graffiti. As I said previously, it is a shame it has taken recent community outcry and media coverage to force the Government's hand. Bail reform has been talked about for a long time. A bill is finally before the House, but it is a bit late. The people we are talking about are those who pose the most risk to the community if they remain free while waiting to be sentenced.

The NSW Police Force had an old saying: You can only get life once. So let us look at an example. I am a major drug dealer, I get arrested by the police and I go before a court. I am convicted but I am granted bail pending my sentence and the start of my incarceration. My natural instinct would be to do one of two things. I could take flight because I am going to jail for a hell of a long time. If I am caught and put in prison, I will serve the same amount of time, so I cannot be given another penalty. The other option available to me is to commit more crime because I have a wife and children. The old expression used to be, "I need to build up a whippy to look after my wife and children while I am inside." So there is no disincentive for me to stop committing crime. The bill is directed towards people who pose the most serious flight risk, which is why I am so enthusiastic about it.

The bill seeks to refuse bail to persons who have been convicted of offences for which they will be sentenced to imprisonment. Contrary to what The Greens would have members believe, sentencing is conducted by the same judge or magistrate who listened to days or weeks of evidence and that evidence informs them whether to sentence an offender to a period of imprisonment. The judge or magistrate does not come to the matter cold and then make a determination. They have usually heard evidence from witnesses such as police officers, scientific officers and, more importantly, victims, which helps inform them whether to sentence offenders to a period of imprisonment. Members have failed to mention the safety net at proposed section 22B (1) (a) on making a determination for full-time detention. It states:

- (a) on a release application made by the accused—must not grant bail or dispense with bail, unless it is established that special or exceptional circumstances exist that justify the decision ...

There is a safety net, to use that expression, for someone who is a primary carer or in similar circumstances. Members should not forget about that. The provision acknowledges that special or exceptional circumstances may arise from time to time to justify the granting of bail. That is consistent with the approach taken in section 22 of the Bail Act. It is not entirely correct for members to say, "There has been a determination. Throw away the key. There is no escape clause." I turn now to paragraph (b) of the overview of the bill, which states:

- (b) require that electronic monitoring imposed as a bail condition must meet any minimum standards prescribed in the regulations.

That aspect has not been addressed much, but we are talking about ankle bracelets. There is a belief in the community that ankle bracelets should meet certain standards in terms of rigidity, monitoring and effectiveness. The amendment to the Bail Act will ensure that the expected high standards will be implemented to satisfy the court, the Parliament and, more importantly, the community. The standards also include service delivery, notification if there is a breach of bail—as determined by the location of the ankle bracelet—and a proper response if a person removes or tries to remove the ankle bracelet. There is a definite need for high standards, as the Hon. Adam Searle touched upon, which I will go through in more depth.

Late last year 33-year-old Mostafa Baluch was required to wear an ankle bracelet while on bail. He cut off his ankle monitoring bracelet and disappeared into the night. He was arrested in June at his waterfront Bayview mansion. Police suspected he was involved in the biggest ever plot to import cocaine into Australia—900 kilograms that was seized off Ecuador. Again, we are not talking about minor offenders; their crimes are extremely serious. Fortunately, due to the good work of the New South Wales and Queensland police, Baluch was found hidden in a truck. The Hon. Adam Searle said he fled overseas. Although he tried, he did not get that far. He was found on the border crossing between Tweed Heads and Coolangatta.

**The Hon. Shayne Mallard:** That is overseas.

**The Hon. ROD ROBERTS:** Sometimes we would think so, given the different rules. Baluch was found concealed in the back of a truck while trying to escape. That is why we need sturdy ankle bracelets. I will describe one more case because they are extremely serious criminals. Damien Peters was an evil individual who was jailed

in 2002 after murdering and dismembering the bodies of two male partners. I do not want to be too graphic but it is necessary because members have glossed over the types of crimes we are talking about. They have tried to make it sound all lovely and fluffy, as though these people have been misinterpreted or misrepresented. Peters stabbed 50-year-old Tereapui Akai twice in the neck before dismembering his body in a deliberate and cold-blooded fashion. He flushed the man's organs down the toilet and disposed of the rest of the body in a council bin. After the crime, Peters withdrew money from Akai's disability pension a number of times—that is just a small matter. Eight months later, Peters killed 57-year-old Bevan James Frost by stabbing him during a massage. He then sliced up the man's body.

Peters parole terms required that he wear an ankle bracelet. Disappointingly, when he was released on parole, he chopped off the ankle bracelet with a pair of kitchen scissors and went back on the streets. Eventually he was arrested on Oxford Street, where he had been terrorising other members of the gay community, instilling fear into their community. They are the type of people we are talking about and that is why serious regulations on ankle bracelets are necessary. I put on record that today The Greens referred to my Labor colleagues' party as a "right-wing Opposition". I would not describe Labor as a right-wing party. I do not often agree with their policies but I must put on record that the Hon. Walt Secord, who led for the Opposition in debate on this bill, is not from the right wing. He is grounded in reality and aware of the community's concerns, unlike members of The Greens.

**The Hon. TARA MORIARTY (15:09):** As Labor's shadow Minister for Corrections, I speak in support of the Bail Act Amendment Bill 2022. I also support the remarks made by my colleague the Hon. Walt Secord and other members who have spoken in more detail than I will about the bill. The bill is a very necessary change to fix a very significant gap in our bail laws. Let us keep it simple. We are not redoing the justice system; we are not looking at everybody who is facing a sentence or who has committed a crime. We are talking about a limited number of people who are serious criminals who commit murder, are paedophiles, or otherwise commit very serious offences. They have either been found guilty or pleaded guilty—at this point there is no question about that—and they will serve a custodial sentence. They are going to jail.

Somehow there is a loophole in the system. Offenders who are found guilty of a very serious offence—murder, paedophilia, serious sexual offences or other really serious offences—will go to jail but, in some cases, while they wait to be sentenced, they are able to wait at home and be a member of the community. It is extraordinary this gap in the system exists. I support making sure that people have a chance to sort themselves out if they have made bad choices in life. I want our justice system to offer all the rehabilitation and support services to help people turn their lives around. Some offenders will need to serve a sentence but when they return to the community, they will need to be supported so they can make a contribution in life. The bill is focused on a rare group of people who are very serious offenders who will go to jail, but while they wait to be sentenced they will be in the community. So I support actions to fix the loophole.

I understand The Greens will move an amendment relating to young people. As I am also the shadow Minister for Juvenile Justice, during debate in the Committee stage I will examine the details of the amendment. Ideally, we do not want young people to be locked up. The truth is that in the real world young people rarely but unfortunately do commit serious offences. Young people are capable of committing and have committed serious sexual offences, murder and other serious offences. I reiterate that I want people, particularly young people, to sort themselves out and to have support when serving their sentences. Even if they are guilty of a crime, but particularly a serious crime, they will be back in the community at some point. We want people to be able to turn their lives around, but the truth is that we do not live in fairyland. I do not want young people, or anyone, to be committing violent offences.

Our role is to make sure that community safety is paramount first and foremost, that victims are supported and that the community is protected. I reiterate that we do not live in fairyland. Unfortunately, young people are capable of committing and have committed serious offences. It is not okay to suggest that there should be a loophole for a young offender who commits a serious crime—not all crimes but serious offences. I will examine the detail of the amendment and will contribute to debate at the Committee stage, but the Opposition will not support a loophole existing. Again I make the point that this legislation applies to a limited group of people in circumstances that we all wish did not exist. Certainly their victims would not want situations of serious crime to exist. We want offenders to sort themselves out, but it is ridiculous that an offender who is going to jail because they are guilty of committing a serious offence has an opportunity to participate in society while waiting to be sentenced. That needs to be sorted out.

**The Hon. SHAYNE MALLARD (15:13):** On behalf of the Hon. Natalie Ward: In reply: I thank members who contributed to debate on the Bail Amendment Bill 2022: the Hon. Walt Secord, Ms Sue Higginson, the Hon. Mark Latham, the Hon. Lou Amato, Ms Abigail Boyd, the Hon. Adam Searle, the Hon. Emma Hurst, the Hon. Rod Roberts and the Hon. Tara Moriarty. The bill has evoked a lot of passion around issues such as crime, liberty, victims and justice. I will briefly address some of the relevant matters raised by members during the second

reading debate, while being mindful that several of the issues will be discussed in further detail during consideration of the amendments by the Committee of the Whole, which will commence shortly.

The Opposition's support for the New South Wales Liberals Government's reforms is welcome but it is important to be clear about some of the facts. The Opposition is keen to rewrite history and perhaps there is a lack of corporate memory among Opposition members. The Hon. Walt Secord and the Hon. Adam Searle referred to the New South Wales Liberal Government's reforms of the Bail Act 2013. What they did not mention was the fact that the Opposition at that time did not oppose the Bail Bill in 2013 nor did it table any amendments to the Bail Bill in either House. In fact, the Hon. Adam Searle, who led for the Opposition in debate on the Bail Bill 2013 in this place stated in his second reading speech on 22 May 2013:

Prior to the last State election both sides of politics argued that there needed to be a new Bail Act.

It was the New South Wales Liberal Government that delivered that new Bail Act.

**The Hon. Walt Secord:** Which was a disaster.

**The Hon. SHAYNE MALLARD:** And which Labor voted for and did not amend. What neither the Hon. Walt Secord nor the Hon. Adam Searle mentioned earlier today was that the New South Wales Liberal Government went further and provided an additional safeguard by engaging former Labor Attorney General Hatzistergos in 2014 to review the reforms and identify any further opportunity for reform of the Bail Act. Former Labor Attorney General Hatzistergos published an interim report in July 2014 and June 2015 and recommended 15 changes to further strengthen and clarify the Bail Act. It was the New South Wales Liberal Government that accepted all his recommendations and gave effect to them through a series of amendments, including the Bail Amendment Act 2015, which implemented recommendations of not only the Hatzistergos report on the review but also the joint Commonwealth-New South Wales Lindt cafe siege review and a report by the NSW Sentencing Council on bail and show cause matters.

The amendments arising from the final report of the Hatzistergos review included extension of the show cause category of offences to include any serious indictable offence committed by a person who is the subject of a warrant authorising their arrest and the introduction of the following additional factors required to be assessed as part of assessing unacceptable risk in regard to bail: the person's history of compliance with additional sentencing orders, such as intensive correctional orders; and any warnings or previous breaches of bail conditions when considering whether to revoke bail for a further breach and the likelihood of a custodial sentence being imposed with a bail decision being made after the person has been convicted, which is relevant to this debate. Under this Government, the Bail Act Monitoring Group has been monitoring the ongoing operation of the Bail Act since the implementation of these reforms.

Contrary to the Hon. Walt Secord's suggestion that the Attorney General was behind "blocking so many initiatives involving tightening up bail", the Attorney General has in fact been leading the New South Wales Government's response to strengthening even further our State's bail laws. As reflected in the Hon. Adam Searle's contribution to this debate, the Attorney General has been working consistently in a manner typical of a senior silk, as the Hon. Adam Searle would know, that is, meticulously, accurately, painstakingly, precisely and not involving the tabloids.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The Parliamentary Secretary will address his comments through the Chair.

**The Hon. SHAYNE MALLARD:** I am. The Attorney General reviewed those matters with his colleagues and stakeholders, reviewing the transcripts of cases, meeting with agency officials, the Secretary of the Department of Communities and Justice, and having multiple meetings with the Minister for Corrections, the Minister for Women's Safety and Prevention of Domestic and Sexual Violence, and their respective agencies in relation to criminal justice matters, including previous and current police Ministers and the Commissioner of Police. The Attorney General, as many members of this House would know, is committed to getting the job done well, professionally, quietly, and without fuss or headlines. This morning the Hon. Adam Searle referred during his speech to electronic monitoring and expressed his shock at learning that electronic monitoring was provided and oversighted by a private company. What the Hon. Adam Searle did not mention was the fact that electronic monitoring as a bail condition by a private company has been in place since well before the Coalition Government was elected in 2011.

New South Wales courts have imposed electronic monitoring by private providers as a bail condition since as early as 2010, if not earlier. It was the Attorney General who this week introduced this bill, which will be the first time in Australia mandatory minimum standards for electronic monitoring are legislated. In November last year the Attorney General requested the Bail Act Monitoring Group to review recent bail matters and consider in the context of those matters whether any legislative, operational or procedural reforms may be necessary or

appropriate. As the Parliamentary Secretary said in the lower House yesterday during her second reading speech, the Bail Act Monitoring Group's final report is due to be received in July 2022. The Hon. Walt Secord did not mention that. To the Attorney General's credit, rather than waiting for the report, he moved swiftly to ensure the two discreet reforms could be addressed now before the mid-winter break.

Last week the Attorney General announced that the New South Wales Liberal-Nationals Government would bring reform to the Parliament this week, before the Leader of the Opposition wrote to the Premier and before the Leader of the Opposition went on radio. Members raised a number of additional matters that were already addressed in the second reading speech in the Legislative Assembly and in the bill's statement of public interest. As the condition for the Government to supply a statement of public interest for a bill has been imposed, I encourage members to read the quite comprehensive four-page statement of public interest for this bill. It deals with a lot of issues that were raised during debate.

I will not repeat those issues but I will mention for completeness that Ms Sue Higginson raised concerns about the phrase "special or exceptional". As outlined in the second reading speech and the statement of public interest, that is not a new phrase in the Act and the courts have declined to set out an exhaustive list of factors that may include special or exceptional circumstances. Clearly it is a high bar to be met and the bar will be higher under new section 22B of the bill, but the courts and the judiciary still retain their discretion. The background to those cases is comprehensively outlined on page 2 of the statement of public interest to the bill.

The Hon. Emma Hurst referred to the importance of judges retaining discretion to sentence. As outlined in the second reading speech and the statement of public interest, that is not intended to be a pseudo or abridged sentencing hearing. Just as currently having regard to the terms of subsection 18 (1) of the Bail Act does not require a pseudo or abridged sentencing hearing, a full sentencing hearing will still occur before a judge per the usual processes at a later date determined by the court, with the usual opportunities for parties, including the defence, to make submissions.

As outlined in the second reading speech and the statement of public interest, the New South Wales Liberal-Nationals Government will carefully monitor the impact of the reforms in practice to ensure they do not adversely impact upon the Liberal-Nationals Government's early appropriate guilty plea reforms, although it is difficult to envisage how that could occur. The Hon. Walt Secord, Ms Sue Higginson and Ms Abigail Boyd made comments about increasing the number of people going to prison. As outlined in the second reading speech and the statement of public interest, the reforms in the bill are not about increasing the number of people going to prison. They are about ensuring that offenders who have already been found guilty beyond a reasonable doubt or have pleaded guilty and are already heading to prison get there quicker and are not out in the community while awaiting that sentencing. That is the community expectation that the Government is meeting.

In conclusion, the measures in the bill demonstrate that the Liberal-Nationals Government will always strive to get bail laws right in New South Wales while ensuring that we continue to strike the right balance between community safety, individual rights, the rights of victims and the integrity of the justice system. I acknowledge the significant work of the Attorney General in moving swiftly and decisively to improve the operation of electronic monitoring and address community concerns about the three recent bail decisions by consulting urgently with the key stakeholders, including the legal profession, on the draft bill; moving quickly to incorporate practical and sound solutions in the form of the bill; and urgently progressing the necessary regulations despite being unwell at home with COVID. The bill contains important further protections to our existing law. I commend the bill to the House.

**The Hon. WALT SECORD (15:23):** Under Standing Order 89, I respond to a misrepresentation by the Parliamentary Secretary in his reply speech. The Hon. Shayne Mallard misrepresented me and the Labor Opposition with regard to the Bail Act 2013. When the bill passed in 2013, Labor accepted the reforms in good faith but they turned out to be unsuccessful and needed to be reformed again this year. I also stand by my criticisms of the Attorney General in delaying reforms to the Bail Act.

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

**The House divided.**

Ayes .....35  
Noes .....6  
Majority.....29

AYES

Amato  
Banasiak

Graham  
Houssos

Poulos  
Primrose

## AYES

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

## NOES

Boyd	Field (teller)	Hurst
Fachrmann	Higginson	Pearson (teller)

**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. There are two Greens amendments, one on sheet c2022-125A and one on sheet c2022-126A. The Committee will deal with sheet c2022-125A first, followed by sheet c2022-126A.

**Ms SUE HIGGINSON (15:37):** I move The Greens amendment No.1 on sheet c2022-125A:

**No. 1    Limitation on bail during period following conviction and before sentencing**

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

This amendment is entirely necessary because it removes the part of the bill that seeks to interfere radically, harshly and draconically with the bail system in New South Wales. It is also necessary because it will preserve the current system that enables justice to be done where it should: in the courts of New South Wales, where judges or magistrates ably, responsibly and in accordance with the current law make determinations about whether and, most importantly, when a person ought to have their liberty taken away from them.

There have been discussions saying that the Government's bill will fix loopholes and that it is all about victims. That is not the case and The Greens amendment seeks to fix that. It is not the case because, as it stands, the Government bill without The Greens amendment will have a disproportionate impact on Aboriginal communities, vulnerable people, people experiencing systemic poverty, people struggling with mental unwellness and people experiencing drug dependency. We know that because criminal laws, criminal behaviour and criminal offending is complex, including serious offending.

It is fine for members to stand in this place and try to make it simple, as Ray Hadley manages to do on his radio shows and as the tabloids manage to do. But it is not a simple case of there being a victim and a perpetrator. There are always incredibly complex circumstances around criminal behaviour. The in-depth study of criminology shows that. Institutions on the front lines of this system are begging us in this place not to support the proposed law and to support The Greens amendment, which will fix the problem with the Government's hurried, rushed and unthought-out bill. It is serious that we are planning to be tough without being smart. It is serious that we are going to impact the wrong people by this rushed, knee-jerk law reform.

The simple fact is that a bail application ought to be considered on its merits, under the circumstances and in a court with a magistrate or judge. That is how the criminal system works. Our bail laws are already seriously tough and stacked against people walking free. It does not work like that. This is not about fixing a loophole. The Government is seeking to placate some kind of shock jock law and order agenda. It is disappointing that members in this House are supporting it. I commend The Greens amendment. It is a sensible amendment. The system in place is about trying to allow offenders in certain, very rare circumstances to access programs to help their rehabilitation and recovery. We should not be taking this onerous, draconian and overly harsh step. It is simply unnecessary.

The Greens amendment will fix what the Government is trying to do and save it from making the serious mistakes that will happen without the amendment. It is fundamental that a few years ago a system of early, appropriate guilty pleas was introduced. That system is still playing out and is delivering better outcomes for community safety in the short, medium and long term. The laws that the Government is trying to impose will

interfere with that system and will result in people not engaging in that early plea system and not taking advantage of some of the available programs. This law will have unintended consequences and will impact disproportionately on those people who are currently most at risk in the criminal justice system. I commend The Greens amendment and I implore members in this place to support it.

**The Hon. WALT SECORD (15:44):** I lead for Labor on The Greens amendment and indicate that we will be vehemently opposing it. The amendment removes the core and the whole intention of the bill. It completely strips away the reason we are legislating in this area. The amendment would mean that bail could be provided to someone who has been found guilty or someone who has pleaded guilty and is awaiting imprisonment. That is extraordinary. It rips away the whole reason we have been trying all day to pass this legislation. It would completely weaken and destroy the bill.

I take complete exception with Ms Sue Higginson's whole approach to the bill. We are legislators. Our job is to listen to the community and the community has spoken strongly for the past two years about the bail system in New South Wales being broken. The Greens are legislators. Their job is to represent the victims of crime and the families who have lost loved ones to the perpetrators of crime. Their job is not to represent perpetrators in the Parliament. I find that extraordinary. Labor will be opposing the amendment.

**The Hon. CATHERINE CUSACK (15:46):** I also oppose the amendment moved by The Greens. I will pick up on an excellent point and I am interested in the Parliamentary Secretary's response to it. My understanding is that prior to a person being sentenced, when they are on remand, it is virtually impossible to require them to undertake any programs in the penal system. In the case of juveniles, I think the member was referring to the fact that occasionally conditions of bail are set whereby the juvenile will voluntarily admit themselves to a rehabilitation program, for example.

It is the more serious programs pertaining to sex offenders that I am concerned about. We all know that sex offenders are almost impossible to reform. Having sex offenders on remand for years—particularly in the juvenile system but also in the adult system—and unable to access any programs is an issue that will potentially be exacerbated by the legislation. I see it as a solvable issue. I am interested in the Government's response to that. We want these people to access programs at the earliest opportunity, so perhaps waiting until the sentence has passed is an unnecessary delay.

**The Hon. ROD ROBERTS (15:48):** On behalf of One Nation, we will not be supporting the amendment, which probably comes as no surprise to anybody. The purpose of the amendment is to simply gut the contents of the bill. As the Hon. Walt Secord said, we have just spent the best part of two, maybe three, hours extolling the virtues of the bill and why we, apart from the Animal Justice Party and The Greens, all support it. For that reason, we simply will not be supporting the amendment.

**The Hon. SHAYNE MALLARD (15:48):** It is no surprise that the Government does not support the amendment. I concur with the Hon. Walt Secord's assessment that it guts the intention of the bill. The presumption of innocence does not apply post conviction or after a guilty plea. This is not about increasing the number of people going to prison. As I said in an earlier contribution, it is about ensuring that offenders who have already been found guilty beyond a reasonable doubt, or who have pled guilty and are already heading to prison, get there quicker and are not out in the community while awaiting sentence. This is the community expectation and standard that we are meeting.

Currently, when an accused person is found guilty of an offence and the matter is adjourned for sentencing at a later date, a bail decision-maker must, under section 18 (1) of the Bail Act 2013, already have regard to "the likelihood of a custodial sentence being imposed". That is already the situation; this is just tightening it up. The new section 22B will go one step further to provide that serious offenders who will be sentenced to imprisonment, to be served as a full-time detention sentence, generally must not be granted bail post-conviction prior to the actual sentencing. The provision acknowledges that special exceptional circumstances may arise from time to time that justify the granting of bail.

I encourage members to refer to the statement of public interest, which details the precedents and court rulings with regard to exceptional circumstances, which may arise from time to time, that justify the granting of bail even under this amendment. Consistent with the approach taken in the existing section 22 of the Bail Act, new section 22 overrides other sections to provide that in certain situations bail cannot be granted except in special, exceptional circumstances. It appears to be working satisfactorily. Regarding the question from the Hon. Catherine Cusack, I have a brief answer. Once a person is sentenced, they are part of the prison system and have access to all the programs. Once they are convicted, they will have access to the programs because they are classified as a prisoner. The Government will not be supporting the amendment.



**Ms SUE HIGGINSON (15:51):** The Hon. Shayne Mallard is not quite correct. The whole basis of the argument is that there is a period of time between the guilty plea, or guilty finding, and the sentence. That is why this is just so fundamentally wrong and why the Government is now struggling to justify one of the principal problems and unanticipated consequences of the bill. Some pre-sentencing reports can take months. I do not know if the Government member has ever been in a criminal court or had experience of these proceedings, but they can take many months. Those are months during which a young person, for example, would be incapable of accessing what they need to commence on the path of rehabilitation. That diminishes their chances and their opportunities for rehabilitation. The Government's bill flies in the face of the very thing we are put here to do—to make communities safe and to protect victims but also to look after those people who are somehow wrongly caught up in the criminal justice system.

We all know that those people are, more often than not, those in our community who need the most help. They are people who are subjected to a criminally racist system, namely, Aboriginal people; young people who are disenfranchised; people experiencing poverty; or people experiencing mental unwellness or some form of disability or dependency. Those are the people we are talking about. Now we are taking away their one chance—and it is such a small chance—between the finding or the admission of guilt and incarceration. The Greens amendment seeks to fix this. It would allow the criminal justice system, and all the incredible experts working on the front lines, to keep driving that system so that we have a safer community and so that we are tough on crime but smart in the way we do it. I commend the amendment.

**The CHAIR (The Hon. Wes Fang):** Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2022-125A. The question is that the amendment be agreed to.

**Amendment negatived.**

**Ms SUE HIGGINSON (15:54):** I move The Greens amendment No. 1 on sheet c2022-126A:

No. 1 **Limitation on bail during period following conviction and before sentencing not to apply to children**

Page 3, Schedule 1[1]. Insert after line 20—

(3A) This section does not apply in relation to an accused person who is a child.

This amendment seeks to remove children from the scheme. It exempts an accused person who is a child. It is a very simple, straightforward amendment and I am sure that everyone in this place knows what a child is. Children as young as 10 years old can be prosecuted and imprisoned under the current laws. The Government's laws, without The Greens amendment, will make that reality even worse in New South Wales.

It is no secret that The Greens have been working alongside millions of people in New South Wales and across Australia to raise the age of criminal responsibility to 14 years. Members have all seen the evidence that under the age of 14—even at the age of 14—children do not have a fully developed understanding of responsibility in the complex terms that the criminal justice system expects from a 10-year-old. The Greens, along with many members of the community, have been arguing that the age of criminal responsibility should be raised to 14. In fact, we should not be incarcerating any children under the age of 16. They should be placed into alternative avenues of rehabilitation and education.

This amendment seeks to avoid those terrible circumstances where a child between the ages of 10 to 16 who may find themselves before a court having had to plead guilty to an offence and who may be likely to be incarcerated will be incarcerated. That is an interesting concept. We are really talking about the predetermination of a judge because until you are actually sentenced, you are not in prison. To defy the very nature of judicial integrity and override the exercise of a judge's mind, power and discretion by requiring them or a magistrate to incarcerate someone pre-sentence because they cannot consider the matter fully under the bail laws that currently exist is quite mind blowing. Perhaps I need to go back to law school. Maybe I missed something.

Again, The Greens amendment seeks to avoid that terrible reality. Think about the statistic that in 2018 Aboriginal and Torres Strait Islander children made up 5.9 per cent of the total child population in Australia but in New South Wales last year they made up 42 per cent of court proceedings brought by police. The degree of over-representation of Aboriginal young people in the court system and in our incarceration system is an absolute racist blight. Here we are, willing and able to make that situation worse through this Parliament. I ask members to consider the amendment deeply and support simply removing children from the application of these overly harsh bail laws.

**The Hon. ROD ROBERTS (16:00):** One Nation will not be supporting the amendment. Ms Sue Higginson likes to use the word "child" all the time, but the more accurate description is "young offender". The member will have us think we are back in Dickens' time talking about Oliver Twist, with children being sentenced to jail for stealing a loaf of bread. We are not talking about that at all as we touch on reality, which is far apart from what The Greens think.

Members are aware of the terrible stabbing incident at the Easter Show earlier this year, involving young offenders. We are all aware of what has been labelled the postcode wars at the moment in the western suburbs of Sydney, with young juvenile gangs stabbing each other. I directly quote from an article in *The Sydney Morning Herald* on 18 April this year, which is directly relevant to this particular amendment:

Children were suspected of carrying out one in five stabbings in NSW last year, with experts concerned about the trend of young men and teenage boys carrying knives and calling it a "recipe for disaster".

Data obtained by *The Sydney Morning Herald* after the fatal stabbing of 17-year-old Easter Show worker ... shows there were 61 "persons of interest"—a police term for suspected offenders who may or may not be charged—last year aged 10-17 in knife attacks across the state ...

I could continue, but there is no need to. The reality is we are talking about young offenders and serious crime, people who have been convicted and will be sentenced to a term of imprisonment, not Charles Dickens and somebody stealing a loaf of bread.

**The Hon. WALT SECORD (16:01):** On behalf of Labor, I speak in debate on The Greens amendment. We will again be opposing the amendment. So many misrepresentations are being presented to this Chamber today involving this bill. I fall in behind the Hon. Rod Roberts' comments. The amendment refers to "children" and "child" when they are minors or young offenders who have committed serious criminal offences and have been found guilty or have pleaded guilty. We are not talking about a kid caught with a joint, a shoplifter or a kid caught graffitiing CityRail with a spray can. We are talking about major criminal convictions, or someone who has pleaded guilty to a major crime, things like murder, stabbing and knifings.

**Ms Sue Higginson:** No, it is not.

**The Hon. WALT SECORD:** Yes, we are. You do yourself no service by misrepresenting the legislation.

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

**Ms Sue Higginson:** You need to be able to read.

**The Hon. WALT SECORD:** I read it right here. It says very clearly—

**The CHAIR (The Hon. Wes Fang):** Order! Members will refrain from interjecting while the Hon. Walt Secord is making his contribution. Other members were heard in silence.

**The Hon. WALT SECORD:** I have been around for a long time. I have been involved in politics at State and Federal levels since 1991. We talk about being tough on crime and sending people away, but prison is often a last resort for minors. I speak from very close family experience. My father, a Mohawk-Ojibwe First Nation man, was a juvenile offender in Canada who went to juvenile detention for car stealing. It is a last resort. Those minors are young offenders who have committed serious major offences, who have been found guilty or who have pleaded guilty.

The Greens are doing no-one a service by presenting that to be anything other than what it is. I urge The Greens to reconsider their position. It is a very important bill. Too often, The Greens become obsessed with the perpetrator rather than the victim or the family member left behind. Yes, they used the word "child", but these are not innocent little children who have made a mistake and are caught shoplifting. These are major offenders who have been found guilty or convicted. I thank the Committee for its consideration.

**The Hon. CATHERINE CUSACK (16:04):** I join with the Government in opposing The Greens amendment. I echo the thoughts of the Hon. Walt Secord that those young people are serious offenders. They are in a lot of trouble and a lot of investment needs to be made to turn that around while they are juveniles. This bill is the opportunity to do that. The NSW Bureau of Crime Statistics and Research did research some time ago relating to juveniles who return to incarceration after breaching their bail, and that research found that a third of those juveniles had committed further offences while they were on bail. Those young people who returned to detention then faced additional charges, which was certainly not in their best interests, let alone the best interests of the new victims, who are mightily unimpressed to be offended against by young people already convicted of a serious offence but were given bail. It does not help anybody in that situation.

In recent years Queensland tightened the presumption against bail for juveniles. It has resulted in a monthly average increase I think of about 100 young people in detention in Queensland, but it has also resulted in a 10 per cent drop in juvenile offending in Queensland. I particularly emphasise that point. It is obviously very good for the young people. It obviously reduces pressure on our police, who have to go out and re-arrest people they had already arrested and had convicted but because they are out on bail, they are having to investigate and arrest again. Most of all, those young people are not facing even more serious charges and longer records.

When I had the shadow Juvenile Justice portfolio, I worked with one family in Dubbo. Their child had been run over by a young offender, who had received something like 29 good behaviour bonds—I could not even get my head around how that was possible; I hope it is not anymore—and was on bail. Their eight-year-old son, who was on a bike, was run over and killed by that young offender. Believe me, it ruined that family but it also ruined the life of that young offender, who just became brazen and reckless, increasingly so, as he seemed to be having no consequences because he was constantly being convicted but let out again. If we are interested in rehabilitation, second chances and turning things around, while it is definitely in the interests of the safety of the community, I also passionately believe it is in the interests of the young people themselves for us to oppose the amendment.

**The Hon. TARA MORIARTY (16:07):** I make a couple of comments on the amendment moved by The Greens. Like my Opposition colleagues, I do not support the amendment. Of course, we back support services and rehabilitation services for young people. Young people being locked up in juvenile detention, or any kind of detention, is absolutely supposed to be a last resort. It should be as rare as possible and only when absolutely needed to protect the community and to intervene in that young person's life to force any kind of opportunity to turn themselves around and live successful lives for themselves—and for the community—for the rest of their lives.

The arguments made by the mover of the amendment, Ms Sue Higginson, with the greatest of respect, had nothing to do with the amendment itself. What members heard was an argument relating to the Raise the Age campaign which we are all aware of—something we want to see work on. I have talked about it in this place in the past. I know the Attorney General and attorneys-general around the country are doing work on it and I urge them to be faster about it. We are waiting for the New South Wales Attorney General to take some action on this.

If members want to talk about rushed bills, a couple of months ago The Greens tried to rush through a bill on this subject because the campaign was getting a bit of momentum in its earlier days. Its members introduced a bad bill into this place and it was defeated. If we want to talk about proper, considered legislation that assists young people in these situations to be rehabilitated—for us to intervene in their lives, because at necessary points that is what is required—then by all means let us work on that, plus defining the age of criminal responsibility. But that is not what this bill is. Today we are talking about an amendment to bail laws, so I do not understand the argument that was made by Ms Sue Higginson.

I do not support the proposed amendment because this provision is for very serious, very rare circumstances. We are not talking about 10-year-olds here. We are talking about young people who in a small number of rare circumstances have committed very serious offences, including murder, sexual violence and other serious offences. Let us not pretend that we are talking about something different here; let us be serious about what we are doing because this is a very serious issue. All members in this place take the rehabilitation of young offenders very seriously. I take it extremely seriously in my role. Let us be serious about the debates that we have in this place and talk about the legislation that is in front of us. I do not support the amendment.

**Ms ABIGAIL BOYD (16:11):** This has been a really heartbreaking debate to sit through. We have before the Committee what I believe to be a very reasonable amendment from my colleague Ms Sue Higginson, which seeks to at least protect children from this draconian law. I remind members that we are talking about children. We are talking about 10-year-olds. The idea that somebody who turns 10 and falls foul of the law is somehow no longer our responsibility—and is to be detained on a mandatory basis—is quite extraordinary. This conflation of the idea that imprisoning somebody magically rehabilitates them and that all of their problems and the things that led them to where they are today will suddenly disappear is quite extraordinary. It underlines the attitude of a government that has failed in its responsibility to provide for the very basic needs of the population.

If a child of 10 finds themselves in that circumstance, the idea that we would take away the discretion of a judge or magistrate in working out whether or not that child should be detained or allowed bail is quite extraordinary. We are talking about a circumstance before sentencing. It is not certain that this person would be going to jail; we are pre-empting sentencing. I keep hearing this nonsense that this is only for the worst offenders, such as murder, but we are talking about offences that can land a person in jail. It is all very good to talk about it in theory, but let us look at the context of how the criminal laws work in this State. In this State we have laws that state that those who protest could be chucked in jail for two years. Is that a serious offence? We are going to put a 10-year-old in jail for having—

**The Hon. Walt Secord:** Point of order: I have listened very patiently. This amendment is about "children" and "a child". It is not an opportunity for The Greens to canvass issues that are well out of the scope of the amendment and the long title of the bill.

**Ms ABIGAIL BOYD:** To the point of order—

**The Hon. Walt Secord:** It has nothing to do with the protest laws.

**The CHAIR (The Hon. Wes Fang):** Ms Abigail Boyd wishes to speak to the point of order.

**Ms ABIGAIL BOYD:** Clearly this was directly relevant to the Hon. Walt Secord's contribution, in which he falsely claimed that this was only in relation to murder and other types of offences. It was clearly relevant to the debate on this amendment.

**The Hon. Walt Secord:** You are misrepresenting me again.

**Ms ABIGAIL BOYD:** Speak more clearly.

**The Hon. Walt Secord:** What did you say?

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

**The Hon. Walt Secord:** Are you making fun of my accent?

**Ms ABIGAIL BOYD:** No.

**The CHAIR (The Hon. Wes Fang):** Order! I will rule on the point of order. In relation to the contribution of Ms Abigail Boyd, I direct all members to focus their contributions on the amendment as discussed. I believe Ms Abigail Boyd was being relevant in relation to offences where a child would not be given bail. In that respect I will allow her contribution. However, I remind members that all contributions need to relate to the amendment before the Committee. Ms Abigail Boyd has the call.

**The Hon. Walt Secord:** I want to raise a matter with the Committee. I find it offensive that Ms Abigail Boyd would make reference to the way I speak. Yes, I have an accent. If she cannot hear me—

**Ms ABIGAIL BOYD:** Oh, my goodness.

**The Hon. Walt Secord:** If you cannot hear me enunciate—

**The CHAIR (The Hon. Wes Fang):** Order! I will allow the Hon. Walt Secord to address this at a later time. At the moment we are just going to deal with the amendment. Ms Abigail Boyd has the call.

**Ms ABIGAIL BOYD:** For clarity, I do believe that—

**The CHAIR (The Hon. Wes Fang):** I ask that you address the amendment.

**Ms ABIGAIL BOYD:** I seek leave to make a personal explanation in relation to the slur that was just made against me. It will be very quick.

**The CHAIR (The Hon. Wes Fang):** It cannot be done at this stage of the Committee.

**Ms ABIGAIL BOYD:** All right. Clearly it was a ridiculous assertion.

**The Hon. Walt Secord:** Mr Chair—

**Ms ABIGAIL BOYD:** Oh, my goodness.

**The CHAIR (The Hon. Wes Fang):** Order! Is another point of order being taken?

**The Hon. Walt Secord:** Ms Abigail Boyd has been warned and she is continually offending.

**The CHAIR (The Hon. Wes Fang):** I ask Ms Abigail Boyd to continue her contribution on the amendment.

**Ms ABIGAIL BOYD:** Thank you, I will. We must look at the operation of this law—and the amendment my colleague has moved in order to protect children from the operation of this law—in the context of the full impact that our criminal law system has on the most vulnerable people in our State. We do need to look at all of the laws that could apply in this circumstance. I was trying to say that perhaps this needed clarification by Opposition members, but if they continue to say that this relates only to very serious crimes, I think they misunderstand the nature of criminal laws in this State. Those laws do include putting people in jail for simple protest.

We are looking at a law that tries to override the basic discretion of a judge to take into account the type of offence they are dealing with, the age of the child and all the other myriad factors they would normally take into account when working out whether or not to bail a person. If members look at it in context, there is a clear need to protect children from the operation of these laws. I support the amendment and encourage members to read and understand the legislation they are about to pass. It will have unintended consequences that will impact on children in this State.

**The Hon. MARK PEARSON (16:18):** The Animal Justice Party will be supporting this amendment. We totally understand its complexities. However, we are of the view that this is a situation where the Government or the Parliament is going too far and taking away the discretion and wisdom of the judiciary. A young offender is a child. Just because they have committed an offence, they are still a child. Protest laws in this country can attract a prison sentence. We must be careful to not lock in the judiciary or remove its discretion and capacity to make judgements. If there is an issue with reoffending by people who are on bail, magistrates and the judiciary must deal with that in terms of how the law is applied. The Animal Justice Party does not think we should go so far as to lock the judicial system into acting in a particular way. We must respect the balance of the Westminster system. For that and other reasons, the Animal Justice Party supports the amendment.

**Ms Abigail Boyd:** I seek leave to make a personal explanation.

**The CHAIR (The Hon. Wes Fang):** I will seek some guidance. Personal explanations may only occur when there is no question before the Chamber. The member may speak more than once to an amendment if she wishes to make a further contribution.

**Ms ABIGAIL BOYD (16:21):** In my previous contribution I made a comment to the Hon. Walt Secord about speaking more clearly. To clarify, I was not referring to his accent; I was referring to the clarity of his arguments.

**The Hon. Walt Secord:** That is not what you meant.

**Ms ABIGAIL BOYD:** Please, this is ridiculous.

**The Hon. SHAYNE MALLARD (16:21):** The Government does not support the amendment. Some contributions from members have not reflected the way the bill will operate in practice. New section 22B will only apply to individuals where the offender will be sentenced to imprisonment to be served by full-time detention. Under section 4 of the Bail Act, children are defined as persons under 18 years of age. I am not sure whether The Greens amendment seeks to ensure that that section does not apply to children under 18.

**Ms Sue Higginson:** Yes.

**The Hon. SHAYNE MALLARD:** Children who are defined as persons under the age of 18 according to the Bail Act are not excluded from the operation of the amendment to section 22. However, it is expected that the section will rarely have application to children, and certainly not to 10-year-old children. Sentencing options for children require the courts to have regard to the importance of therapeutic options, with a greater focus on rehabilitation than punishment or deterrence, and that will not change. As such, the courts will still be required to take great care in making an early determination as to whether a child will be sentenced to imprisonment without the benefit of a complete sentencing hearing. Nonetheless, in extraordinary cases—and some of those have been outlined in contributions to debate on the bill—where an offence is so serious that there is no option but for a sentence of full-time detention to be served by way of imprisonment, the provisions in the bill may have effect. The Government does not support the amendment.

**Ms SUE HIGGINSON (16:23):** I thank all members for their contributions, particularly my colleague Ms Abigail Boyd. We are talking about children, young people, innocents, young offenders, whatever you want to call them.

**The Hon. Rod Roberts:** They are not innocent; they have been convicted.

**Ms SUE HIGGINSON:** However we describe them, those young people have been caught up in a terribly complex criminal justice system. Those children, young people or young offenders find themselves in the worst circumstances imaginable. The Greens amendment seeks to stop the Parliament from imposing draconian, harsh and unnecessary interference on the criminal justice system at the whim and under the boots of Ray Hadley. That is why we are debating the bill today. The Greens amendment seeks to spare children from this populist law and order agenda that members have succumbed to. I commend the amendment to the Committee.

**The CHAIR (The Hon. Wes Fang):** Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2022-126A. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....5  
Noes .....35  
Majority.....30

AYES

Boyd

Higginson (teller)

Pearson

## AYES

Faehrmann (teller)

Hurst

## NOES

Amato

Houssos

Poulos

Banasiak

Jackson

Primrose

Barrett (teller)

Latham

Rath

Borsak

Maclaren-Jones

Roberts

Buttigieg

Mallard

Searle

Cusack

Martin

Secord

D'Adam

Mason-Cox

Sharpe

Donnelly

Mitchell

Taylor

Farlow (teller)

Mookhey

Tudehope

Farraway

Moriarty

Veitch

Franklin

Moselmane

Ward

Graham

Nile

**Amendment negatived.****The CHAIR (The Hon. Wes Fang):** The question is that the bill as read be agreed to.**Motion agreed to.****The Hon. SHAYNE MALLARD:** I move:

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

**Motion agreed to.****Adoption of Report****The Hon. SHAYNE MALLARD:** On behalf of the Hon. Natalie Ward: I move:

That the report be adopted.

**Motion agreed to.****Third Reading****The Hon. SHAYNE MALLARD:** On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a third time.

**Motion agreed to.****APPROPRIATION BILL 2022****APPROPRIATION (PARLIAMENT) BILL 2022****STATE REVENUE LEGISLATION AMENDMENT BILL 2022****First Reading****Bills received, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.****The Hon. DAMIEN TUDEHOPE:** According to standing order, I table a statement of public interest accompanying the State Revenue Legislation Amendment Bill 2022.**Statement of public interest for the State Revenue Legislation Amendment Bill 2022 tabled.****The Hon. DAMIEN TUDEHOPE:** According to standing order, I declare the bills to be urgent bills.**The DEPUTY PRESIDENT (The Hon. Wes Fang):** The question is that the bills be considered urgent bills.**Declaration of urgency agreed to.****The DEPUTY PRESIDENT (The Hon. Wes Fang):** I note that, in accordance with the resolution of the House this day, the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022 are to proceed through

their remaining stages in cognate. The State Revenue Legislation Amendment Bill 2022 will proceed through its remaining stages as a single bill.

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

That the second reading of the State Revenue Legislation Amendment Bill 2022 stand as an order of the day for a later hour.

**Motion agreed to.**

### Second Reading Speech

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:39):** I move:

That the Appropriation Bill 2022 and the Appropriation Parliament Bill 2022 be now read a second time.

I refer members to the Treasurer's Budget Speech, which was incorporated in *Hansard* on Tuesday 21 June 2022. I commend the bills to the House.

### Second Reading Debate

**The Hon. DANIEL MOOKHEY (16:40):** I lead for the Labor Party in the debate on the Appropriation Bill 2022 and the Appropriation Parliament Bill 2022. Labor will not oppose the bills, but I will give Labor's response to the bills in two stages. I thank the Government for extending that courtesy to me. I refer members to the contribution of the Leader of the Opposition to the second reading debate in the Legislative Assembly. His speech is the core of Labor's political response to the budget. I will talk to the particular technical features of the budget, in keeping with the conventions of the house of review and the fact that the House does not have the constitutional power to reject appropriation bills. I think it is appropriate I do that. I will make certain remarks about different choices Labor would make and different facts revealed in the budget, which are startling to us as a house of review and which should perhaps guide our deliberations over the next year as to what should be scrutinised in the budget.

The key number that we all look for in a budget is the budget result. I note that last year, because of circumstances beyond the control of the Parliament, we had to pass the budget quickly. In that budget the Government predicted that the deficit would be \$8.5 billion for the coming year. In the half-year update in December, that deficit prediction was revised upward to \$19 billion. This year's budget reports a deficit of \$16 billion. That \$2.896 billion improvement is overwhelmingly due to two factors. The first is additional revenue, which the Government reports in this budget. That additional revenue arises predominantly from higher stamp duties, higher GST payments and higher mining royalties. Had that money been used to improve the deficit rather than spent in a quite startling manner nine months before an election, the deficit would no doubt have been much closer to somewhere between \$10 billion to \$12 billion. Members do not need to take my word for that. They can analyse the monthly statements the Government has released since the half-year review.

The other startling part about that result is that the budget picks up quite a lot of underspends as well in respect of employee expenses and grant funding. That raises questions about precisely why we were underspending on employee expenses for a long part of the last financial year. I would not mind if the Minister was in a position to provide any explanations or an update on that. To be fair to the Minister, the past two months of financial statements are yet to be published. I accept that, but it would be helpful to hear some part of an explanation in that respect. More troubling about the budget results are the forecasts. In December a deficit of \$33,000,612,000 was forecast for the next year, but that has now blown out to \$11.26 billion, which is a \$7.6 billion turnaround.

As John Kehoe said this morning, more spending has been added to the budget for the next financial year than in the COVID emergency response. That is the simplest way of putting it. The budget has been loaded with more spending than the response to a once-in-a-century pandemic and a shock. Why is the Government now rushing to add \$7 billion to the deficit? It is to make up for 12 years of neglect in so many of our vital public services, which means this catch-up money now has to go out the door. That is borrowed money. Had the Government made better choices earlier in the cycle of its 12 years in power, that money would not have to be made right now. With that, I might, as I flagged before, return to those remarks a second time. I thank the Government for the courtesy of allowing me to do that.

**The Hon. PETER PRIMROSE (16:45):** I contribute to the debate on the Appropriation Bill 2022 and the Appropriation Parliament Bill 2022 and make some initial observations. It has been a long 11 years under this Government. People are talking most about a sense of a lack of delivery on promises made and being made by the Government in the budget. Members already know about the non-delivery of the often-promised new public schools, such as those announced in 2018. Four years later they are still yet to move beyond the planning stage.

The schools include the promised Gregory Hills and Westmead primary schools, a new high school at Edmondson Park and other schools at Macquarie Park and Rydalmere.

When I talk to people in the community, they tell me that their sense of this Government is that things are promised, things do not happen and then, accordingly, they do not feel any better off. The cost of living has gone up. There has been massive disruption to their lives through fires, floods and the pandemic, but the current Government has not done much to support families and communities through those tribulations. It has made promises but has not delivered. The communities of Lismore, the Hawkesbury and Cobargo have had a lot to say about floods and fire, as has western Sydney and their differential treatment during the pandemic.

I turn now to some of the specific details of the New South Wales Liberal-National Government's budget and how it falls short of delivering for people across New South Wales. Recently the Independent Pricing and Regulatory Tribunal released its determination on special rate variation decisions for local councils. One thing struck me about that: 86 councils are listed as being granted special rate variations. Usually a couple of councils are granted special rate variations each year, but 86 councils is unprecedented and highlights just how much the State Government relies on councils to pick up the slack for its failure to properly fund services. The so-called local government reforms the Government brought in were supposed to ensure the financial sustainability of local government.

Instead, six years on, local councils are struggling, forcibly merged councils are struggling and non-merged councils are struggling. The main reason for that is State Government cost shifting. There is no relief in the budget for councils that are expected to pick up the slack because of Government inaction. Regional councils in particular have been at the forefront of demanding State Government action on the regional health crisis. Instead, councils are doing the work on the ground in their communities to attract and retain health practitioners. That work should be part of the State Government's agenda. Regional councils are making significant health expenditure that would otherwise be spent on local infrastructure and community services that are actually part of the remit of local councils.

Under the Local Government Act, local councillors justifiably see their role primarily as the basics, such as looking at their rate base for rubbish collection, local roads and regional roads, along with the State Government. However, councils are making decisions about rate pegging and are constantly shouldering additional burdens without the additional resources to meet them, so they are having to make significant decisions about which areas they will no longer be able to service adequately.

Most people use local roads most of the time to do their everyday tasks: go to work, drop off kids at school and pick them up, and do the shopping. Those roads have the most safety issues but, again, the State Government has done nothing, and has had nothing to say, to ensure that local roads are brought up to a satisfactory road standard. That is to say nothing of the so-called regional road transfer program, which is supposed to transfer 15,000 kilometres of road back to State government management. After three years, only about 350 kilometres of road has been classified and transferred.

Remember what this Government promised at the last election: to transfer back 15,000 kilometres of road, which local ratepayers and local councils were responsible for funding. But, unfortunately, the Government decided to set up a committee and instead of 15,000 kilometres, only 350 kilometres has been transferred back. That is about 116 kilometres of local roads each year. I can only assume that the program has been caught up in the broader review of infrastructure and road projects that will determine which roads will be abandoned and/or deferred due to rapidly escalating costs and labour shortages.

After speaking repeatedly about the ongoing issues in the construction sector during this term of Parliament—not enough qualified and skilled construction workers, massive increases in material costs, and limited access to plant and equipment—those opposite have finally decided to recognise that there simply are not the workers, materials, plant and equipment available to deliver on many of their promises. This is not a recent issue. Two years ago, former transport Minister and, most recently, failed candidate for Gilmore, Andrew Constance said that the construction market was overheated. So what did the Liberal-Nationals Government propose to do? It reviewed what it could abandon or defer and repackaged past budget allocations and announcements into so-called new announcements and funding allocations. The people of New South Wales will be not be fooled again by this tactic.

I cite the example of the Newell Highway, which is an incredibly important road. It is the State's longest highway and runs from the Victorian border to the Queensland border. It is also important for the transport of freight. Funding for the Newell Highway is already listed among the projects on the "in planning" page of the Infrastructure NSW website, as part of the NSW Infrastructure Pipeline—precisely the same pipeline that the Premier has announced is being reviewed by the Government project by project. The people who use the State's longest highway—from Tocomwal to Goondiwindi—cannot know for sure if all the promised upgrades will be



funded. After almost 12 years of this Government, they still cannot be sure whether the overtaking lanes will be built on this critical highway, whether the roads will be widened to allow trucks to pass cars safely, whether the massive cracks in the highway pavement will be repaired, or even whether B-doubles will continue to have to uncouple and wait for another cab because they cannot safely use the existing highway.

Across the last four budgets, \$200 million is supposed to have been allocated for flood mitigation works between West Wyalong and Forbes. Of that, only \$3.8 million has been spent. The New South Wales Liberal-Nationals Government's promises are just promises and might as well be written in invisible ink. As I said at the beginning of my contribution, people are not concerned with promises that things will get better; they are concerned that those promises are not delivered. The issue of housing has been at the forefront of many people's minds when I have spoken to them. People are couch surfing and living in their cars because there are no available affordable rentals. Key service workers who moved to the outskirts of cities and towns so they can afford to put a roof over their head are now sluggish with the impost of fuel costs.

The Treasurer announced \$750 million to unlock housing across our State. But given the crunch in the construction sector and the difficulty that those opposite have securing the much-needed workers and materials to deliver infrastructure projects on time and on budget, how will this happen? Many small- and medium-sized building businesses are shutting up shop because of rising costs. How is the New South Wales Liberal-Nationals Government going to alleviate housing insecurity by building or refurbishing existing dwellings if it cannot even get the workers and materials for its current construction projects? One aspect of the budget that I find mystifying is the absence of manufacturing. There is no mention of it in the Treasurer's speech.

This year Transport for NSW finally spoke about committing to local manufacturing content for rolling stock and equipment, but there has since been a complete absence of any further discussion. Given the latest period of turbulence—from fires to pandemics to floods—I would have thought that those opposite would have at least prioritised building capacity for the local manufacture of health and safety equipment. Why has the Liberal-Nationals Government not considered the importance of being able to locally manufacture health and safety equipment to prepare us for future disasters and possible epidemics? Why is it instead trying to belatedly source it overseas?

Given the efforts of our frontline health workers—particularly nurses, the police, SES and other volunteers, and Fire and Rescue NSW and Rural Fire Service workers—I would have thought it would be essential to ensure the safety of all those people. By not investing in local sources for the emergency equipment that those workers and volunteers need, the Government does not appear to have any concern for their health and safety. We should never again allow ourselves to be in the position where those workers do not have access to the necessary health and safety equipment, especially when they are supporting people at a very vulnerable moment in their lives. We need to "build it here" or jobs will keep disappearing. That should not only span rolling stock and equipment but also include the things that keep frontline workers safe and our communities protected, such as medical equipment.

The budget highlights the blurring of State and Federal agreements that fund key services, in particular early childhood education, which is a vital service. As a former social worker, I have seen the benefits of quality early childhood education for improving the lives of children and families in many parts of this State. However, the critical areas of aged care and disability support do not seem to appear at all in the budget. If the State Government is moving back into early childhood services, why not also aged care and disability support services? Many families are now sandwiched between younger and older care responsibilities. Families and community members who require disability assistance are also struggling to find the necessary supports to open up opportunities.

Given the New South Wales Government's foray into early childhood education—with which I have no problems—where are the similar promises to aged care and disability support services? We need to clarify the direction in which the Government is moving in that area. I can only surmise that older people and people with disability were not considered, or even thought about, in the development of this budget. Those are some of the issues that have been raised with me over the past two days and that stick out when I read the budget papers. This budget does not reflect the current economic and social circumstances that we are in. It does not alleviate the concerns that families have. Instead, it puts the forthcoming election at the centre of its largesse.

**Ms ABIGAIL BOYD (16:59):** I respond to the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022 on behalf of The Greens. I thought I had seen some spin before, but this budget really does excel at being all hot air. It is marketing over substance and words over action. It is telling us what we apparently want to hear, without giving us anything that we actually need. It is promises without concrete plans, targets without strategies, and lofty idealistic statements without any funding to make those ideals a reality. In short, it is the most dishonest budget that I have had the displeasure to read. It is no more a women's budget or a progressive budget or a "teal" budget than the ones that this Government has produced over the past 11 years. It is as old-school conservative as they come, just marketed quite differently.

Tony Abbott told us in 2010 that he was doing good work for women by keeping their ironing bills down. Treasurer Matt Kean is telling us in this budget that he is doing good work for women by relieving them of their childcare responsibilities and helping them to reproduce. "Wait," I hear you say, "isn't this the women's budget?" Well, only if you listen to the Treasurer and, let us face it, most of the media have been. They have been lapping up the idea of Kean being the saviour of womankind. But saying the word "woman" over and over while failing to listen to a word women say and doing nothing to recognise them as autonomous human beings does not make him the expert when it comes to what women want.

It is not hard to work out what women want. You do not need to establish a special expert reference panel stacked with all of your women pals. You just have to listen. For example, you could listen to the domestic and family violence sector, which has been calling out for decades for significant funding for women's shelters, caseworkers, trauma recovery centres and safe rooms in every courtroom. It has been calling for better training for police and the judiciary and for any number of initiatives that would make a real and tangible difference to the experience of victim-survivors and to keeping women safe in their own homes. What do we get instead? A few million dollars for streetlights. Is it only women who like a well-lit street to walk down? How is that for women and not a necessary infrastructure spend?

Perhaps the Treasurer thinks that if he lights up more streets, his Government will not need to increase funding to sexual violence support hotlines. Instead of ensuring that the one in three calls that fail to be answered because of a lack of funding will be answered, he thinks lighting up streets will magically reduce the number of women being assaulted. Did the Treasurer miss the memo that it is actually in our own homes and not on the streets where we are most at risk of being abused and being killed? What else do women get? They get a few million dollars to ensure that The Greens amendment, passed a couple of years back, to ensure that perpetrators cannot cross-examine victim-survivors can be implemented across all of our courts. That is very late and it is the bare minimum.

What does that leave us with in this so called "women's budget"? Child care and money for fertility treatments because that is what we are apparently—walking wombs. We are not autonomous individuals; we are the members of the family who are primarily responsible for bringing up children. This Government chooses to reinforce that notion by presenting an extra year of school as a boon for women instead of as a policy that is beneficial to children, which, of course, it is. Quality, universal, accessible child care is a much-needed policy for children, parents and grandparents. But the idea that women will somehow see it as a gift to them as women is very much misguided.

With the way the Treasurer was talking in his Budget Speech, anyone would think he had just woken up in the late twentieth century and discovered sexism. He tells us that women are scared for their physical safety. He tells us that women's ideas are not listened to or, worse, stolen by men. On the back of that twentieth-century feminism, he tells us that he has all the answers. Women have been saying those things for decades and have said what they want in no uncertain terms through their budget submissions. The Treasurer not only did not listen, he decided he knew better. How ironic. Let us take a moment to reflect on the fact that two of the most feminised workforces in the State, teachers and nurses, are striking next week because they feel they have not been listened to by the Government. What do women want? Respect, with decent pay and conditions. What has the Treasurer given them? A bunch of words that will make no meaningful difference to their lives.

It appears that when it comes to women, this Government has learnt nothing from the Federal election result a month ago. Maybe it learnt something about the need to take significant steps to address climate change. Well, no. The budget has set aside \$200 million in direct mining and fossil fuel subsidies. The Government wants to subsidise or pay outright the cost of exploration and geotechnical surveying of the pristine areas of our State to see if there are any exploitable fossil fuel or other mineral resources that can then be granted to a private mining company to harvest billions of dollars in profits, all while paying little to no tax.

New South Wales has taken in over \$3.4 billion, around \$1 billion more than expected, in additional coal royalties in the past year. But there is practically nothing to accelerate or ease our transition to a decarbonised future. There is no additional funding allocation to the Royalties for Rejuvenation fund to assist coal-dependent communities to embrace the incoming economic evolution. There is \$8.5 million to advance the electricity infrastructure road map and \$10 million towards clean manufacturing, including green hydrogen, cement, ammonia and steel. But there is \$35 million towards carbon capture and storage.

This Government has served up a seven-year-old election promise to deliver a statewide climate change adaptation plan sometime next year. What tragedies and harmful impacts might have been avoided in the seven years since that was last promised, if we had a plan to deal with climate change impacts on the State's physical assets and services, like every other State and Territory in Australia has had for years? We could have been more prepared for bushfires and flooding. Our schools, hospitals, nursing homes and critical energy infrastructure, to

name a few, could have been better equipped to deal with the realities of blistering heatwaves, devastating floods and other extreme weather events.

Instead, the budget is jammed full of business as usual, spin and further support for destructive fossil fuel projects that will only compound the already looming disasters. The Government continues to charge ahead with its full support of the destructive, dangerous and flawed Narrabri Gas Project, which will see the world locked into further deepening climate disaster by releasing immense amounts of carbon into the atmosphere or, in the best scenario, see itself become a stranded asset, one which has already caused irreparable environmental and cultural harm where it has sunk its destructive talons into our State's soil.

The cost of climate change impacts on our State's infrastructure are immense. We must urgently fully fund preventive and adaptive responses to upgrade and make resilient our State assets. But the Coalition Government has failed to learn the lessons from recent catastrophic energy price hikes, driven by private market profiteering, and is embarking on an even greater project of energy grid privatisation, with nearly every dollar dedicated towards climate change mitigation coming in the form of subsidies, tax breaks and low-interest loans to big business hoping to capitalise on a new industry that is ripe for monopolisation. Energy is an essential public utility and should be in the hands of the State to ensure that we are being fairly and equitably served. There is practically no money in this budget to help reduce people's exposure to the flawed and exploitative energy market.

Where is the money to assist people to insulate their homes and electrify their households and to support the development of micro-grids, community batteries and community solar or wind projects? Energy poverty and energy inequality is already an enormous issue and will only get worse without a proper transition plan. Those with the means to own their own homes that can be well insulated and who can place solar panels on their roofs and high-quality batteries on their properties will see the benefits of reduced exposure to the market. Those with fewer means will find themselves prey to an increasingly predatory market that is seeing its profits shrinking and so is seeking to extract as much as possible for those who remain.

Where is the money to assist renters who cannot control how draughty and poorly insulated their homes are, who are paying exorbitant prices on electricity bills because of old water heater technology, and who have no access to solar panels and no means to upgrade to more energy-efficient appliances? A measly \$100 million or so over eight years to chip in a small amount on a new washing machine is not going to cut it. In the short term, the brutality that is the Government's energy payment assistance scheme is recklessly inadequate and cruel. More people die of cold in winter here than they do in Sweden. Yet this Government is willing to sit by and let it happen.

There is enormous opportunity to lift our shared prosperity through a bold and fearless approach to tackling climate change by reducing our exposure to the energy market, electrifying everything and improving energy efficiency. Instead, the gulf of compounding inequality will continue to widen, as planning decisions encourage heat islands filled with people who will not be able to afford to run an air conditioner in summer or a heater in winter. One need only turn on the radio, flick through the television or glance at a newspaper front page to see that we are in a cost-of-living crisis.

Wages have failed to keep up with the cost of living for years, and that has only become worse in recent months. The insufficient and arbitrarily imposed public sector wage cap, energy price gouging, inflated petrol prices, exorbitant tolling regimes and exploding rental prices—to name a few—are causing real financial pain to the people of this State. We are one of the wealthiest States in one of the wealthiest nations in the world at the time of greatest global wealth, and yet the majority of people would not know it. For most, times are getting leaner, and they are struggling to keep afloat. But this Government has no desire to actually do its job, which is to ensure the shared prosperity of the people that it is supposed to represent.

This budget was supposed to be the "women's budget". Well, women make up half of the population. Women are feeling at least half of the economic pain, if not more, given the disproportionate representation of women in the lowest paid jobs. This budget does nothing to raise the standard of living for the working-class people of this State. It further grinds them into deprivation, austerity and financial precarity. We should be investing in building economic resilience and redistributing some of the immense wealth in the State more equitably. Of course, a fundamental pillar would come from raising wages. As the single largest employer in the country, the New South Wales Government has a wage setting normative effect on the wages of the private sector. Yet the Government has committed to locking in an arbitrary public sector wage cap well below the rate of inflation. The average public servant in New South Wales will be \$2,410 worse off, in real terms, under the Government's current policy settings.

The Government has no desire to do what is actually necessary, to do what is being demanded of it by the working people of this State. If in order to stop the so-called debt and deficit or to boost or to somehow keep the economy running what this Government needs to do is push down the wages of some of the most vital workers in this State and if it cannot give people a fair wage because otherwise it will somehow break the economy, it is

doing the economy all wrong. That is not an excuse. The Government cannot say that it is sorry, but it wants to give a couple hundred million in fossil fuel subsidies to fossil fuel companies and a few hundred million to the racing industry. But when it comes to workers, it is going to make sure that it puts a cap on wages, because the workers can cope. That is showing that, to this Government, the workers do not matter.

That is what the Government is telling the people of New South Wales. It is telling them that it cannot manage this economy in such a way that it could pay a decent wage to public sector workers, who are holding this State up. That is an absolute disgrace. It shows me, The Greens and the people of New South Wales that this Government does not understand what economic management is. It is giving to the rich, the wealthy and the people at the big end of town, while absolutely screwing over the workers who keep this State running.

Members will know how passionate The Greens are about rights for people with a disability and how disappointed I have been, since coming to this place, by the Government's continual failure to provide for the disability community of this State. People with disability are not so much as an afterthought for the Liberal-Nationals Government in this budget, and the disability community and sector are rightly disappointed. One in four people in this State have a disability, but there is not a single new initiative or line item that targets people with disability, and not even additional funding committed to the existing disability accessibility and inclusion targets that the Government is lagging behind on meeting.

Because the Liberal-Nationals Government has failed to adequately resource or prioritise its commitment to accessible public transport, it is going to fail to meet the national targets it signed up to in 2002 to have all train stations in the State accessible by the end of this calendar year. Because of the imposition it will supposedly put on the construction industry, this Government refuses to sign up to the National Construction Code minimum accessibility standards for new residences. With a commitment to universal accessibility for people with mobility issues and the dedicated funding to accompany it, this Government could have joined Victoria, Queensland, Tasmania, the Australian Capital Territory and the Northern Territory in ensuring we can keep up with the demand for accessible housing caused by an aging population and the increasing numbers of people with disability choosing to transition away from group housing and into social and private housing.

It is bitterly disappointing that the developer lobby has once again won out in this budget. Despite the Government considering the employment of people with disability in the public sector a Premier's Priority—a figure which has not increased from the 2.5 per cent of the total public sector workforce since it became a priority in 2019—there has been no funding commitment to address the clear failure to tackle this supposedly priority issue. If that was not insulting enough, the budget papers are forecasting a 30 per cent increase in the disabled workforce in the public sector for absolutely no reason. It is a joke.

As I have said many times in this place, budgets are about choices, and they show us very clearly what a government cares and does not care about. It is clear from this budget that, as we already knew, animals and animal welfare are not particularly high up on this Government's list. In fact, it is hard to find any mention at all of money going to enhance the welfare of animals in our State. What can be found, however, is a tidy \$265 million in new funding for the racing industry. The Government has rightly chosen to amend the point of consumption tax to ensure that online gambling is more appropriately taxed, but then it is handing more than a third of the revenue that will raise to the cruel racing industry, without increasing funding to the welfare and integrity agencies that regulate them or to addiction support services.

Peter V'landys is thrilled, but I doubt the thousands of horses and greyhounds that the racing industry tortures and kills every year are quite as excited. To put that \$265 million in perspective, the Greyhound Welfare and Integrity Commission receives about \$16 million a year, and the New South Wales Government has committed less than \$10 million to companion animals in this budget. That includes a tidy \$0 for community animal welfare organisations in the Northern Rivers, supporting the animals devastated by the floods while they themselves were decimated.

Having sat through education committee hearings in relation to the failures of this Government in providing school infrastructure and being about to start another inquiry looking into teacher shortages, it seems extraordinary to me that this Government thinks it can successfully roll out an additional year of schooling for New South Wales children. This is a government that has presided over a shocking lack of facilities in our public schools, that has left schools to fend for themselves in maintaining the most basic facilities, such as toilet blocks, and that has left teachers so demoralised and undervalued that they have left the profession in droves. Yet it happily jumps on any large school infrastructure project that it can hang its "paid for by Government" sign on, or partner with the private sector on—yet again putting an announceable ahead of more pressing needs. Don't get me wrong, the idea of an extra year of schooling is very welcome, but the idea that this Government is capable of delivering it is farcical.

Speaking of farcical, let us look at the Coalition Government's approach to housing. One of the most pressing cost-of-living stressors in New South Wales is the cost of housing. Again, housing affordability and

homelessness are issues that experts and frontline workers have been offering up solutions to for decades. But, again, this Government has decided that it knows better. Firstly, the shared equity scheme—as my colleague the member for Newtown, Jenny Leong, said so well, it "won't even touch the sides of the affordability crisis in this State." It is yet another scheme where the eligibility criteria is so strict that it will barely begin to help those actually in need.

Instead of taking just an equity stake and propping up the private housing market and the balance sheets of the big banks, the Coalition Government should be making a massive investment in public housing. It is only with 100 per cent State ownership of more housing stock that we can begin to turn this crisis around, along with properly investing in crisis accommodation and wraparound services for people who are homeless, and bolstering renters' rights. Secondly, the long-awaited announcement to replace stamp duty with a property tax is thoroughly disappointing. We are punching in the dark a little here, given that we have not been given the opportunity to see the details of what is now being proposed. It is almost like the Government has not yet ironed out the wrinkles in its initial proposal, which was largely panned by the building industry and social services groups alike. But what we know about the scheme does not fill us with hope.

There is no doubt that stamp duty is an inefficient and unproductive tax, and it is long overdue to be replaced with something far more equitable that recognises that land is a finite resource that needs to be shared more fairly by the community as a whole. However, from the details we have seen so far of the Coalition Government's plan, it looks to have also done away with the concept of progressivity in property taxes, replacing what is currently a tiered stamp duty system, albeit imperfect, with a flat 3 per cent tax. Limiting the scheme, even if just initially, to first home buyers at a certain purchase price is also likely to distort the market and create some odd results when it comes to select individuals being able to, effectively, buy a property one day and sell it the next without paying any substantial transaction taxes at all.

I am bemused as to why the Coalition does not look to the example set by the Labor-Greens Government in the Australian Capital Territory and implement the scheme properly from the outset, with a sufficiently long transition period to enable both buyers and sellers in the market to have time to plan and adjust. There are many refinements that The Greens could suggest to that sort of scheme, and we are more than willing to work with the Government to get this major reform right, but the half-baked proposal it has put on the table in this budget looks like it is simply not workable.

In the absence of evidence to the contrary, it does appear that the home equity scheme and the proposed stamp duty reforms are first and foremost about lining the pockets of the Coalition's property developer mates. Those ideas come from a position of wanting to spend as little as possible on providing the funding and the services that the public expects a government to provide and instead pushing core government responsibilities onto the private sector and charitable groups to bear the burden. After decades of poor policy when it comes to housing and the finance sector, it will take a more bold and more progressive set of reforms to address the current housing crisis.

Much has been said in the past year by the Labor Opposition and The Greens about the pickle this Government got itself into on Transurban and our toll roads. Having chaired the transport and infrastructure portfolio committee's inquiry into road tolling in this State, it is crystal clear to me that the Coalition Government, through its continued obsession with privatisation, has created a scenario where it cannot offer toll relief to drivers without at the same time lining the pockets of Transurban. There is simply no scenario under the contractual terms by which our roads have been sold off whereby Transurban can be asked to reduce its profits and lower its toll revenue, and so any effective reduction in the amount being paid by drivers in tolls is paid for straight by the State.

The Greens do not buy into the whole privatisation of major infrastructure thing but if we did, I would hope that we would at least do it properly. My understanding of that sort of privatisation is that in an effort to take the short-term burden off the Government's balance sheet, responsibility and profits are handed over to a private company. However, in New South Wales we now have the worst of both worlds: a government that has lost control of major public assets by selling them off to the likes of Transurban but which is still having to dip into its own pockets to relieve the average resident from eye-watering toll bills.

Nobody has benefited from that arrangement except Transurban. We welcome any relief given to those who use our toll roads when they have very few practical alternatives due to extremely long commutes needed to get to suitable work or because the public transport alternatives are so poor after more than a decade of neglect of our broader public transport system under this Government. But we must not lose sight of the fact that it was this Government's poor economic management and obsession with privatisation that got us into this mess in the first place. While we are talking about public transport, there is still no resolution in this budget to the mess caused by the creation of the Transport Asset Holding Entity. I can only presume that has been put into the too-hard basket, awaiting another difficult conversation with the Auditor-General.

The final message that voters delivered at the recent Federal election that this Coalition Government appears to have overlooked is the desire for greater transparency, accountability and integrity of government processes. While any increase to ICAC's budget is welcome, we cannot escape the fact that for the ICAC to do its job fearlessly, that funding must be independent of the government of the day. The Greens will continue to fight for independent funding of the ICAC and other essential independent agencies. As we have become far too used to, the budget is significantly lacking in transparency. Again, it is very hard to compare it with previous budgets to know what specific line items have changed or to work out which projects have been funded. As in previous years, we will have to tease that vital information out of the Government through the budget estimates processes and calls for papers under Standing Order 52. Clearly that is not good enough. By yet again shielding the Government from accountability, the presentation of this budget makes a mockery of our democracy.

We must work together to ensure that documents of this nature are meaningful and give an accurate picture of not only the vision of the government of the day for the future but also how well it has achieved its objectives of the previous year. The Greens' recent Fiscal Responsibility Amendment Bill 2022 to amend the Fiscal Responsibility Act would take us some way towards that goal, requiring the Government to report on the actual tangible impacts of its actions over the past year on the material cultural, environmental and social wellbeing of New South Wales. In the meantime, we must treat the budget with the contempt it deserves. It is a bunch of aspirational statements wrapped up in a big teal bow.

**The Hon. DANIEL MOOKHEY (17:24):** By leave: I thank the House for its indulgence. I particularly thank the Government for extending me the courtesy to make a second contribution to debate on the Appropriation Bill 2022 and Appropriation Parliament Bill 2022. Earlier I made reference to the column that was published today by John Keogh. In that column, he pointed out that for the next year we have added more to the deficit than we spent in response to COVID. That is happening at a time of high inflation and rising interest rates, and it is happening because we have a government that needs to repair 12 years of neglect in less than 12 months. That is why so much money is going out the door and why it is now a more than \$7.6 billion deterioration in the course of the budget—and that is just for the next financial year.

In December we thought we would have a budget deficit of \$1.267 billion, but now in 2023-24 we will have a deficit of \$2.796 billion—another \$1.5 billion deterioration. Then, thereafter, we are meant to have a rapid turnaround in the state of the budget and go to a surplus of \$601 million above that for the following year, and then the year after that we are at \$1.43 billion. Of course, such a turnaround is predicated on heroic forecasts of economic growth. I did pay careful attention to the projections for nominal gross State product growth for next year. We have gone from predicting 4.25 per cent growth in December to now 9.75 per cent growth, which is an upward revision of nearly double—in fact, more than double—the growth forecast.

To be fair to the Government, I accept its view that those forecasts are made by Treasury. It is usual practice that Treasury provides a range of forecasts to the Government, and then the Government has to choose its preferred forecast. I look forward to talking to Treasury in budget estimates hearings about that. I looked at the Victorian forecasts for the same period. As the Government would know, the two States often align in how they see things. I accept that there are important differences, but it is the case that we are predicting more growth in New South Wales than Victoria and Queensland did in their forecasts. That is fine; they are entitled to their views and their treasuries might reach different conclusions. So be it.

Two other institutions that we usually pay some respect to are the Commonwealth Treasury and the Reserve Bank of Australia. Neither has such an optimistic forecast as the one put forward in this State budget, and with good reason: The world is trembling in fear of the prospect of a global recession. Members do not need to take my word for it—take the words of Jerome Powell, head of the United States Federal Reserve. Overnight he said that there is a prospect of a global recession. Equally, that is the warning coming now from the Commonwealth Treasury. I will say this about the forecast. The Government now owns that number, and I hope it meets it. We want a bigger economy. We will hold the Government to that.

I look forward to scrutinising the Government about that forecast. If it is wrong, we will have a massive structural deficit coming at New South Wales because we have built very aggressive forecasts for economic growth, for which we are then building massive revenue growth forecasts, for which we will have then spent a lot of money without having yet earned it. Again, members do not need to take my word for that. That is what KPMG has pointed out, and that is what other leading economists have pointed out about the budget. It is telling that such criticisms of the budget are not coming from the *green left*; it is *The Australian Financial Review* reporting those criticisms. Over the course of the next nine months, the Opposition is eager to pay very close attention to whether or not the Government will meet its rosy outlook on economic growth.

I also speak about some of the revenue figures. The Government is forecasting higher levels of GST payments, as it should, because GST is inherently linked to prices and prices are inherently linked to inflation. It is a nominal growth tax. Equally, there are interesting numbers around payroll tax growth. To be fair, that is

because the Government is allowing the payroll tax emergency cut to expire, and that revenue growth is effectively coming from a rise in payroll taxes from 4.75 per cent to 5.45 per cent to be paid now by 52,000 businesses in New South Wales. I will be interested to see how that goes. To the extent to which payroll tax growth is linked to wage growth and increasing wages, we of course always welcome additional wage growth in the economy.

I also make the point that the Government expects to get quite the boon from our mining royalties. To be fair, that is not an unreasonable forecast given the conditions in global coal markets and those of other minerals we export. One wit observed to me that last week the coal industry in New South Wales and other States came to the rescue of Mr Kean's energy grid, and it seems to me like the coal royalties are coming to the rescue of Mr Kean's budget. That is interesting. The wit who gave me that observation was not a member of the Labor Party, I will put it that way. We are interested to see whether or not the revenue forecast figures do come true.

More than that, I am interested in that part of the budget that gives us a sense of what it means for families, which brings me to the issue of real wage growth. This week I have enjoyed my interactions with the finance Minister about the true state of real wage growth—not real wages. I spent my weekend plotting out some charts on this; it was fun. As it turns out, real wage growth—not real wages—has dropped each year, every year, for the past 11 years. When this Government came to power, real wage growth was at 3.5 per cent. It is not that now. The tipping point into real wage cuts effectively took place over the past year. This is a severe cut.

To simplify this, a typical family in New South Wales has the same purchasing power today as it had back in 2017. Families have lost four years worth of income growth. It has been taken away because inflation, as bad as it is across the country, is worse here. That is what the forecasts are, if you compare our forecasts to others. If you look at the CPI numbers in Sydney, there are two reasons why it is worse here than everywhere else: housing and vehicle expenses. That is linked to petrol, but what is special about Sydney is the tolls, which are now showing up in the data. It is why we are likely to suffer worse real wage growth than comparable States such as Queensland or Western Australia. It is disappointing for families in New South Wales, who deserve a fair measure of our wealth.

The budget makes clear that no-one should expect their wages to grow in real terms until 2023-24. The decade-long rise in prices and fall in wages are set to continue until sometime that financial year. It could be as long as two years before people see meaningful increases. That assumes that inflation stays within existing parameters, which is a high risk. Just two days ago the Governor of the Reserve Bank of Australia—it may even have been yesterday—stated that the risk on inflation is on the upside, not the downside. Both sides of politics will have to confront that problem. We have not had to confront a problem like this for a very long time. Members on this side of the House say that it calls into question our wage determination system, both at the Federal and State level.

I note the contribution of the Hon. Mark Latham yesterday around the introduction of enterprise bargaining in 1993 and the effect that it had on generating real productivity growth, which also then allowed us to effectively pay for increased living standards. I love nothing more than a conversation about the 1993 to 1996 core reforms that led to the introduction of enterprise bargaining, a seminal reform led by a Labor government that fundamentally changed how we determine wages in this country. I have been looking at New South Wales' unit price growth on labour for a while now. It is interesting that the actual unit price growth on wages in New South Wales is going down and down and down. When the Government says that paying people more—whether private or public sector—will create an inflation spike, it is wrong.

I also point out that the inflation crisis we are experiencing is not caused by excessive wage claims. We know that because there are no excessive wage claims in the system. The inflation crisis is not caused by a wage crisis because there is no wages explosion—and there has not been for a decade. We are joining other advanced countries in the world in generating and constructing an economy in which it is possible for the economy to grow but family incomes to stay the same. That has happened in the US for 30 years and it is happening across Europe. It is called secular stagnation, and it is a real problem here as well. Some of the best analysis of this is led by our banks. The budget confirms that we are being hit hard by that in New South Wales, which is part of the reason why the Opposition will be going to the next election with a plan to make sure the economy is working for working people. Fundamentally, that will mean that over the long term their income grows, which is not what is predicted in the budget members are debating tonight.

There are some other interesting things that I enjoyed looking at in the budget. I spent a lot of time looking at the debt figures for the State and comparing them with previous debt figures. It was telling that in the last six months since the half-year review, we have debt in gross terms this year going from \$111 billion down to \$105 billion. On the face of it, that is good news. However, there is one issue: It only happened because I and others drew attention to the fact that the Government was going to privatise WestConnex and put the proceeds into the NSW Generations Fund [NGF]. That was the Government's plan in last year's budget; there was a cognate

bill to facilitate that transfer. Had it put the \$11 billion into the NSW Generations Fund, we would have lost billions.

After the Government finally recognised that privatising a toll road and then betting the proceeds on global financial markets when we were reckoning with record cash deficits was not sustainable, it instead used the proceeds for debt relief. I welcome that decision, because otherwise the interest costs in this budget would have been much worse. However, that runs out—as far as the saving comes to our debt—and that is what this budget reveals. In 2023-24, rather than owing \$145 billion in gross terms to our creditors for just the general government sector—I am not even talking about the non-financial public sector—we will have added another \$2.7 billion to the State's credit card. In the following year we will have added another \$4 billion to the State's credit card, and the year after that we will add another \$17 billion. By the end of the forward estimates we will owe \$182 billion, in gross terms, in just the general government sector. We do not pay our interest on net debt; we pay our interest on gross debt.

It is interesting that the Government is putting its spending binge on the State's credit card at a time when markets are telling us it is time to change. I checked exactly how much New South Wales was paying for its three-year debt the day last year's budget was handed down: \$0.43 billion. The day this year's budget was handed down we were paying \$3.98 billion, a seven-times increase on our three-year debt. I note that every other government in the country—Commonwealth, State and Territory, Labor and Liberal—has heeded that and is not piling debt on for that reason. The cost of that debt is getting more and more expensive. Instead, this Government has gone on a massive spending binge on the State's credit card. Why do we care? As a result of the spending binge unleashed in this particular budget, in just a few years we will be paying more in interest payments than we do to fund the NSW Police Force.

The Government has not yet explained the rationale of that particular strategy, and I look forward to further exploring the consequences of that over the course of the next year. Again, the budget states that in 2025-26 we will be paying \$6 billion a year in interest. At that time, apparently, we are still meant to be transferring the cash surplus into the NSW Generations Fund. It is a crazy, brave strategy from this Government, and one that the Opposition looks forward to scrutinising. Other aspects of the budget are most interesting; they are what I would call my personal bugbears. I cannot help but note that in Budget Paper No. 4: Agency Financial Statements, all of a sudden Sydney Trains is getting a 14 per cent increase in its budget. I wonder why? I would like, if it is possible, for the Minister to set out why Sydney Trains is getting a 14 per cent expansion in its operating budget this year. I would be very interested to hear the Minister's explanation for that.

NSW Trains seems to be getting a 10 per cent increase in its budget. I am very interested to hear why it is getting such a massive increase. I am sure the travelling public in metropolitan and regional Sydney are looking forward to the additional services that money will buy. I am sure they think it will lead to a massive expansion in our transport network, but I suspect it might not. I am interested to hear the Government's response to that. I am interested in other issues reported in this budget, but I am really interested in the final-year result as it comes to a cycle, otherwise known as the Treasury Managed Fund. I would be very interested to see its final performance.

**The Hon. Damien Tudehope:** It is in the budget.

**The Hon. DANIEL MOOKHEY:** It is in the budget—until April 2022. I look forward to the last two months of data, although I am surprised. Last year we had a full-year forecast for what its returns were likely to be, but this year we seem to be missing two months of data. It will be interesting to explore the budget to see how that has happened. I also have particular interest in some of the remarkable positions in Budget Paper No. 2, which is the *Infrastructure Statement*. I cannot but help note that the Government has promised the people of Parramatta \$700 million for stage two of the Parramatta Light Rail. Promises have been made in the past three elections and every year I am eager to see when it will be built and how much money it will cost, but I never find out.

However, this year I found out that apparently the Government did not spend the \$80 million that was put towards it last year. It only spent \$26 million. I am really interested to see why it underspent so much because so much was made about how the planning money would be enough to build stage two of the Parramatta Light Rail. It turns out the Government did not spend it. On top of that, that is what it budgeted for this year. I saw where the money is for stage two of the Parramatta Light Rail—it is in the contingency fund or the productivity fund or one of the many other funds in which the Government now seems to want to hide its money. We still do not know when it is going to open or what it is going to cost, but it is quite clear that the Government does not know how to pay for it. I am very interested to hear the Government explain that to the people of Parramatta over the next nine months.

I could spend the last 2½ minutes of my second contribution to debate on the budget bills waxing lyrical about the stamp duty-land tax wedge, but there will be opportunity to debate that soon. I look forward to contributing to debate at that time. This budget contains more hope and aspiration than any we have seen in a long



time. I like the idea of a fantasy budget; it is interesting. Many members of the Labor Party also like the idea of a fantasy budget, but we do not usually write it into law. We do not usually write the appropriation Acts to expend those fantasies. I look forward to the Government explaining how the New South Wales economy is going to grow twice as fast as China's. As I understand it, the economic strategy may come down to this: We are expecting a boom in our relationship with New York because, apparently, we have the best man on the job.

**The Hon. MARK LATHAM (17:42):** I contribute to debate on the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022. The budget raises a fascinating question: How many times in the history of parliamentary democracy has a government broken its own fiscal laws? For this Government it is not once, not twice, but three times—2019-20, 2020-21 and now 2021-22. Its Fiscal Responsibility Act, passed in 2012, was a no-excuses piece of legislation. No matter the floods, bushfires or viruses, Mike Baird gave a guarantee of annual outlays below long-term average expenses growth. He defined fiscal responsibility around that key test. It was not just a test, but law—L-A-W. A government that can no longer manage its budget according to its own laws is a government that has lost legitimacy. Given the Treasurer's pre-election \$27 billion spending spree on Tuesday, a fourth breach seems certain.

Off the back of annual expenditure growth in this financial year of a massive 26.5 per cent, the budget has rubbery figures forecasting a return to surplus in three years. But that has been the forecast for the past two budgets—always back to surplus at the end of the forward estimates, but then always overspending, breaching the Fiscal Responsibility Act and driving the State deeper into debt and deficit. Net debt is at \$115 billion and gross debt is at \$182 billion. Budget Paper No. 1, page 5 – 2, outlines the extent of the Kean fiscal carnage. It is a stunning table on the impact of the 2022-23 budget since last year's half-yearly review. "Policy measures" equal \$9.9 billion in new expenditure. "Parameter and other budget variations" equal \$1.8 billion. Listen carefully to this one: "Reforms, savings and offsets" equal \$32 million. That is not a typo. That is \$32 million in savings and offsets since the half-yearly review—millions not billions. In fact, the cost of a flag on the bridge almost outstrips the reform savings of six months of "Keanism".

The net deterioration in the budget position is \$11.7 billion in just six months. The \$32 million in reform savings and offsets paints a very sad picture of this Government's commitment. All of that chest beating about reform savings and offsets amounted to \$32 million, in a budget of \$95 billion. Plenty of Kean's election slush funds are listed in Budget Paper No. 1 at page A5 - 13 under the category "Whole of Government". It should state "Whole of Government, desperately trying to get re-elected". This Government has been in office for so long it has lost all its energy, determination and hunger for cost savings and efficiency on behalf of the State's hardworking taxpayers. How easy it is to spend other people's money. In fact—doubly true—how easy it is to spend other people's money when you do not particularly care how it is spent. It is a clear measure of this Government's fiscal credentials that the impact of its policy measures have been so poor.

The policy measures listed in Budget Paper No. 1 strip out the structural change and revenue variations in the State budget, which so often ride the roller-coaster of the Sydney property market. These measures, each exceeding \$20 million, look at the discretionary optional policy change of the Perrottet Government. This is their own work listed under the table on policy change. Last year's budget had 145 policy changes and not a single spending cut. It is incredible to think that in a budget of this size, overflowing with waste and inefficiency, the then Treasurer could not find a single saving. If I was given the chance, I would find hundreds. I would do a good job of it. In Kean's budget handed down on Tuesday, there were 217 policy measures, with an impact exceeding \$20 million and just three savings measures.

Kean has a higher ratio of savings to policy measures than Perrottet, whose ratio was zero—he could not get any lower. For all that fiscal rectitude and discipline, the Treasurer was promoted to Premier. What will they do with Matt Kean, who has made an enormous three savings out of his 217 policy changes—his bits of policy genius—on Tuesday? Over the two years of Perrottet-Kean budgeting, that is a total of 362 policy changes. That is quite a dossier of policy change that is impacting markedly on the budget, though in the wrong way. But there were just three efficiency measures, three cost savings, three expenditure reductions. That is one in every 122 policy measures. I reckon they go around the Expenditure Review Committee [ERC] table, where they are all looking at their cards, and when it gets to 120 someone shouts "Bingo!"—there must be a cost saving at the ERC table, which I gather is a cast of thousands.

There is no precedent in Australian politics for this level of extravagance of slothful policymaking. This Government has basically given up on value for money for the taxpayers of New South Wales. Maybe there is one precedent: The increase in New South Wales Government spending for this financial year is 26.5 per cent. That is not a typo either—26.5 per cent. The only figure of profligacy that gets close to it is the Whitlam Government's 1974 budget. I was in year 8 at high school. It was delivered by Frank Crean but authored by Jim Cairns, who had taken control of the Cabinet debate on economic policy. In real terms it increased outlays by 24.7 per cent. That was an Australian record no-one thought could ever be broken. Most of all Liberal Party

members said, "That could never be broken. No-one could be as extravagant as a 24.7 per cent increase in outlays in one financial year." But now we find someone worse than Cairns—Matt Kean with his 26.5 per cent spending increase.

Jim Cairns had a certain "kind of love", which he famously declared at Terrigal. But Kean has love too—a love for himself. He bellows to his colleagues, Ali-style, "I am the greatest." He is the greatest—the greatest spender, the greatest public debt accumulator, the greatest waster of taxpayers' money in New South Wales history. Kean has built huge structural problems into the New South Wales budget. Most likely it will take decades for a true financial conservative—if there are any left in the Legislative Assembly—to weed out the structural problems imposed in just one budget. Traditionally—I saw this in Canberra; it was an active debate—the Commonwealth has tried to shift costs onto the States. By contrast, Kean is a voluntary cost shifter. He is happy to have the Commonwealth budget costs put onto his New South Wales budget. He is the kamikaze pilot of State fiscal management. He has put his hand up to fund responsibilities that are clearly those of the national Government in Canberra.

If the New South Wales Government discharged just its State responsibilities, it would easily be in surplus and paying down debt. We would not have to fund Matt Kean's God complex of thinking that, at a provincial government level, he can save the planet with \$10 billion of annual expenditure on so-called green energy programs, which have been assessed as reducing global surface temperatures by—and this, too, is no typo—0.00055 degrees over a century—that is, basically nothing. We would not have the State picking up responsibility in this budget for the traditional federal role of long day care fee relief or subsidising the construction of childcare centres. Of course, we would have to imagine Jim Chalmers takes note of this: If New South Wales is now funding those federal responsibilities in child care, maybe the Commonwealth can do less and reallocate its money to other areas of priority, sealing the disastrous cost shift for which "Kamikaze" Kean has volunteered.

We would not have nearly \$800 million in self-determination funding in Aboriginal Affairs, handing the money over to the same activist who has wrecked the Walgett Community College. That is throwing more money at a proven failure. We would not be spending hundreds of millions of dollars on arts, culture and multicultural responsibilities better discharged out of Canberra. In terms of fairness, we would not have 27 New South Wales rebate and household subsidy programs that are not means-tested, allowing millionaires to cash in on government money they do not need—27 programs of so-called cost-of-living relief for which the millionaires qualify. When the Treasurer talks about new universal entitlements, he is really saying, "I'm trying to buy well-heeled wealthy 'teal' voters on Sydney's north shore." There are clear and obvious ways of returning the budget to fiscal responsibility. It should be a surplus budget focusing on productivity and economic growth, rather than a vote-buying document heavily in debt.

The Government had money for everything except for the full stamp duty reform program and its huge productivity gains and its benefits for State domestic product. Twenty-five per cent of home owners say that they would move closer to where they work or closer to where their children go to school, or closer to some other family responsibility, if they did not have the up-front impost of stamp duty. It is a massive micro-reform that would ease urban congestion, build productivity and build urban efficiency to allow people to easily move closer to where they work and closer to where they have family responsibilities. But the Government has squibbed it. The Government has money for everything except for the full stamp duty reform, which would have qualified as a genuine productivity benefit. A second productivity measure would have been to abolish the public sector wages cap and return to the Keating-Brereton agenda of productivity-based enterprise bargaining.

**The Hon. Damien Tudehope:** Oh!

**The Hon. MARK LATHAM:** This is a foreign language to the Minister—a foreign language! He would have to do the bargaining. Instead of centralised, Stalinistic wage setting, the Minister would have to actually go out and meet the workforce and their representatives, and bargain by sector, by industry and by workplace. Of course, there are huge efficiency gains to be realised through this process. After more than a decade of centralised wage fixing, we need to go back to what actually works: non-inflationary, productivity-based enterprise bargaining. The productivity gain would give us the benefit of non-inflationary wage increases. The Kean philosophy is a time warp to the Whitlamesque fiscal extravagance of the 1970s and Malcolm Fraser's failed wage-setting system. These so-called modern Liberals are more like economic dinosaurs—and I must say that the Labor Party is even worse. After 11 years of complaining about the wages cap, they voted for it last night. That certainly was something that dropped my jaw to the floor.

A third essential productivity reform is to turn around the failure of New South Wales school education, as recommended in several rather excellent Portfolio Committee No. 3 reports to the Government. We cannot go on with our 15-year-old students being four years behind those in China in maths, 3½ years behind in science and even a year and a half behind their New South Wales counterparts from 20 years ago. Local Schools, Local Decisions set back our primary schools and high schools. Under this Government, many of the TAFE colleges

look like industrial archaeology of the 1970s. So, in realising and releasing its thought bubble for an extra early year of schooling, the Government is saying, "Why should four-year-olds be exempt from our failed education policies? Why shouldn't they cop it as much as anyone else?" This Government talks about reform and productivity but never delivers.

I excuse Minister Mitchell. She was not the author of Local Schools, Local Decisions, which gave schools the freedom to fail and keep on failing with wacky fads and experiments, but she did get rid of it. But of course the replacement can be improved, according to our committee's recommendations. Treasurer Kean is just another political flunky using economic theories like drunkards use lampposts—not for illumination. He is part of the shocking recent trend of making budgets for short-term electoral reasons, laden with debt and deficit, instead of focusing on long-term questions of the public interest. In the age of social media and the 24-hour media cycle, economic policy has become a tool for futile posturing, inevitably funded by other people's money, while avoiding the great structural questions of micro-reform, efficiency and productivity gains.

In Kean's case, sadly, he has turned the New South Wales Treasury into an ATM for his green energy Photios dust programs, as set out in Budget Paper No. 1 at page A5-11. Our State economy and, indeed, the Australian economy are finely balanced at a tipping point. The longest period of continuous economic growth in Western history has turned into a dangerous combination of rising inflation, rising interest rates, capacity constraints, supply chain blockages and a full-blown international and domestic energy crisis. This was not the time for recklessly expansionary Matt Kean green teal budgeting. By stimulating the economy with debt and deficit, the Government is adding to inflationary and interest rate pressures. The value of cost-of-living handouts in the budget will be eaten up by those inflationary pressures, aggravated by the prospect of ambit wage claims fuelling a wage price spiral—again, in the absence of productivity.

The inflation bear is out of its cage and all governments have a responsibility to bring it back under control. The Treasurer promised to the Portfolio Committee No. 1 budget estimates hearing a fiscal repair plan, but the scale of his extravagance on Tuesday would make Paris Hilton, Rose Hancock and Clive Palmer feel like tightwads. Matt Kean has never seen a promise he did not want to break, a truth he did not want to bend and a pledge he did not regard as disposable, but the greatest sin of this budget is its disregard for evidence. Because of the "teal" factor in north shore Liberal electorates, billions of non-means-tested dollars have been thrown at the so-called Women's Opportunity Statement, yet at page 69 of the document the female wages uplift is just 0.4 per cent over a decade—just 1.6 per cent over 40 years—with equally marginal gains in female labour force participation of less than 2 per cent through to the year 2060. I do not think many of us will be here then—probably none of us, except Reverend the Hon. Fred Nile. Fred is timeless.

Those gains include the impact of spending by the new Labor Government in Canberra. So what is the meaning of this claim in the budget of improved gender equity when big, important professions in New South Wales are already female dominated, such as GPs, pharmacists, vets, lawyers, teachers, journalists, public relations specialists, office managers and community service managers? It is not exactly a short list. I am thinking that most parents—and I am certainly one of them—want their daughters to work in those jobs rather than the male-dominated industries of construction, transport, plumbing, garbage, landscaping, removalists, security and the military. I can assure the House that my daughter agrees.

Then we hear about the gender pay gap. In reality, Australia has had equal pay laws for 50 years. When women leave the workforce to have babies—and so far only women can have babies—their career paths are disrupted, hence the so-called gender pay gap. The data show there is no such gap for university graduates entering the workforce for the first time. I know these facts are disturbing to those who live by the fantasy of these doctrines, but this is the evidence. Invariably, gender equity comes down to more jobs for a tiny number of women, and here I echo the words of the great Peter Walsh in that wonderful tome that I passed on: These are the leftie elites who want to be MPs, government Ministers and corporate board members.

That is an accurate description of the committee the Treasurer established, headed by Sam Mostyn and including that well-known struggling, battling, impoverished single mum Daisy "I've only got four paid nannies to help me" Turnbull. God help us if that is the extent of policymaking that we are relying on. The cat has been belled in an excellent article by John Kehoe in the *Australian Financial Review* today. I have not had time to read it in full, but he makes excellent points about the extent of extravagance. Kehoe has been knocked off his stool, stunned by the extent of the spending. He makes the important point:

Despite NSW promoting "returning the budget to surplus" by 2024-25, that is not a real surplus because it includes recurrent spending and excludes infrastructure investments.

Using the same accounting method as the federal government, NSW's cash deficits are \$24 billion in 2022-23, \$16.6 billion in 2023-24, \$12.6 billion in 2024-25 ...

The TAHE accounting trick adds on top of that, depending on the year, between \$1.3 billion and \$2.7 billion in the true cash deficit of this Government. That is tricky stuff to try to avoid the truth. Kehoe has belled the cat. He continues:

Even that is built on heroic assumptions that recurrent spending will shrink for three years in a row – mostly after the election.

There is no sign of that happening. Kehoe continues:

Net debt will more than double to \$115 billion, or 14 per cent of gross state product. Ratings agency Moodys says it is a "credit negative". NSW has given up on reinstating the AAA-rating

The waste and mismanagement of this Government is off the radar. It is spending \$25 million for a flag on a bridge. There is a \$6.1 billion cost blowout on the Chatswood to Bankstown metro. The Sydenham to Bankstown leg of that is unnecessary. There is a \$475 million cost blowout on the first stage of the Parramatta Light Rail. It is wasting \$11 billion on the Badgerys Creek to St Marys metro with its feeble 0.75 benefit-cost ratio and a return to public transport usage of 18 per cent. That is a corrupt pork barrel for Celestino's failed Sydney Science Park at Luddenham in return for interests close to the company funding the moderate faction of the New South Wales Liberal Party. It is wasting \$200 million on water facilities at Celestino's ghost science park, with the bizarre sight of water treatment going in for a vast set of open fields at Luddenham where the only water being consumed is by horses and cows.

The Government is spending \$1.7 billion to move the route of the Outer Sydney Orbital north of the new airport site as a gift to Celestino. It is spending \$90 million for two parks in Matt Kean's electorate as part of a very dubious use of public funds cooked up between him and his mentor Gladys Berejiklian. The budget contains \$3 billion in subsidies for so-called green hydrogen, mainly as a gift to billionaire Twiggy Forrest without any sign of the technological frolic being commercially viable. It is contributing \$1.5 billion in subsidies for electric vehicles for those wealthy enough to purchase \$65,000 cars. It is spending \$753 million for a museum at Parramatta no-one asked for, simply because Mike Baird dreamed one night that it might be a good idea. Baird is gone but taxpayers are left with his expensive Powerhouse when new hospitals and transport links are a much higher priority for the people of western Sydney.

I seek a two-minute extension of time.

**Leave granted.**

**The Hon. MARK LATHAM:** To add insult to injury, the Government is spending \$500 million on the inner city Ultimo Powerhouse as some weird compensation payment for the Parramatta debacle. Then there are the smaller but doubly insulting amounts wasted in the budget all adding up to bigger significant amounts. There is \$7 million for a 30-metre tall great Emu in the Sky sculpture for air travellers to look at as they fly into Badgerys Creek Airport. We are lucky it does not have an Indigenous flagpole on it. There is \$88,000 for a viewing platform at Glen Innes park for tourists to look at a broken disused wind power blade, supposedly as a tribute to renewable energy. Imagine the kids in the cars screaming out, "Let's go to Glen Innes KFC or Macca's," and dad saying, "No, we are going to the viewing platform to look at the broken disused wind tower blade lying on the ground." There would be a palace revolt. The dad would get rolled and the kids would end up at KFC.

There is \$37,000 for a special safe space yarnning room at the Department of Education head office, not that anyone is unsafe in that building. There is \$10,000 for a music busker for staff morale in the Department of Primary Industry Zoom meetings. There is \$38,000 for the commissioning and hanging of a special Indigenous painting in the NSW Treasury tearoom supposedly as part of reconciliation. When asked at estimates, Michael Pratt could not identify any Treasury staff member not yet reconciled. There is \$3.6 million to refurbish the Treasury offices where the staff had not been for 18 months. There is \$56,000 for the Treasury staff to go to the woke SBS inclusion course, which is basically propaganda teaching them how to hate Australia. One wonders why the Treasury is not making savings; it is part of the problem.

This budget is poor public policy and the worst economics. It comes from an aging Government reduced to three policies: spending, spending and more spending, regardless of evidence, outcomes and cost efficiency. Mr Kean has left New South Wales with record debt, the long-term loss of our S&P triple-A credit rating, rising inflation and interest rates, cost-of-living pressures, an increasingly unreliable electricity system, a paucity of gas and a ban on baseload nuclear power, all overseen by a Treasurer who wilfully misleads the Parliament and betrays the people of our State.

**The Hon. JOHN GRAHAM (18:05):** I contribute to debate on the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022. I start where the Hon. Mark Latham did, with the Fiscal Responsibility Act 2012. That Act has not only been breached three times but also I would suggest in three ways. The expenses outlined well exceeded that 5.6 per cent. They have leapt up to 26.5 per cent. The second goal of superannuation has been shattered and has to be re-based. That is yet to be brought to the Parliament for debate. It is quite

disrespectful that the Government just moved that. And the triple-A rating from S&P is gone. All three goals are gone. The Act has been broken three times. The cock has crowed three times on this betrayal of the Government's principles of fiscal management. The point has been made about the surplus, and the budget is back in surplus magically at the end. I have heard of just-in-time production, but the just-in-time surplus appearing at the end of the forward estimates every time is back again in this budget.

I thank the Hon. Mark Latham for his acknowledgement of the appropriate ranking of the Frank Crean-Jim Cairns budget with this State budget by Treasurer Matt Kean. I was quite disturbed when he alleged over the course of the week that Cairns and Crean had held the record. That was the source of some dispute. I am grateful to the honourable member for doing the research. Kean gets the gold medal. I am happy to defend Frank Crean and Jim Cairns coming in second to this budget. It is a remarkable reflection on exactly where we have ended up.

My key concern is in the infrastructure space. I was happy to see the Infrastructure NSW's *State Infrastructure Strategy 2022-2042* come out recently and give some very sensible views to the Government about the way it should deal with infrastructure. It is an independent body which has been questioned at times. But I think it is providing excellent advice, arguing the case to move away from mega projects and move to smaller projects or the ones that really make a difference to the citizens of New South Wales. That was the strategic advice given by the key infrastructure body in New South Wales. Exactly the opposite of that has happened in the budget.

When it comes, for example, to the Roads budget, people want roads in the places that matter to ordinary families—places where they might drive to work, get the kids to school or go on the local grocery run. Those roads have slowed down and the Government has underspent compared with last year's budget promise. The Government has underspent on Western Sydney Growth Roads by \$242 million. It has underspent on roads and bridges outside of Sydney on the Central Coast, and in Newcastle, Wollongong and the rest of New South Wales by \$342 million compared with the promises in last year's budget. Where has the money gone? Where have we overspent? Where have the costs blown out? Where has the action been? It has been on the toll roads and motorways in Sydney, with the Western Harbour Tunnel, Warringah Freeway upgrade, Sydney Gateway and the smart motorways. They are \$160 million ahead of schedule. The money has gone out of local roads and into those toll roads.

The Government was advised to do the opposite and the Opposition encouraged it to do the opposite. Budget Paper No. 3 lays out in detail exactly what is going on on the ground. That is why life is getting harder for families as they move around Sydney. That comes on top of the issues in western Sydney in particular, where there is a history of underinvestment and a lack of access to public transport, but that is where the growth is. Knowing all those things, for the Government to continue with its budget strategy against the advice of Infrastructure NSW is of great concern.

This budget cancelled and delayed projects. The Beaches Link was cancelled, which the Opposition welcomed. We have been asked what are our policies? One of those policies was cancelling the Beaches Link, a toll road in Sydney that Infrastructure Australia was sceptical about. It was low down on its list of priorities. Infrastructure NSW had also become increasingly sceptical about the project and advised the Government to reconsider its strategy. I welcome that project being cancelled; it did not stack up. Other projects have gone as well, including M6 Stage 2, and other projects have blown out, which is the real cause of delays and cancellations. That includes blowouts of \$475 million for stage one of the Parramatta Light Rail and \$6 billion for Metro City and Southwest. Cost overruns are the reason the Government is delaying those projects.

On the one hand we have seen a massive spending spree from the Treasurer, which my colleague the shadow Treasurer outlined well. Contrast that with the handbrake being on for transport projects that were promised by this Government. It has walked away from the promises it made to the communities that need them. The development is piling in but there is no way to get through the roundabout out onto the road. There is no way to get to work or to a medical appointment. Those neighbourhoods are grinding to a halt. It was promised that hope was on the way. Those transport projects have been cancelled when the Government committed to a record gold-medal 26.5 per cent increase in expenditure in a single year on other priorities. That is devastating news for those neighbourhoods. Everyone wins a prize except those neighbourhoods. That is the concern I raise with infrastructure.

The Opposition has been critical of the Government's toll relief package. It will give \$520 million but will take away around \$400 million and free registration. It will give with one hand but take away with the other. Drivers will get some benefit, and that is welcomed, but it will not be much. The Opposition has said that it will build on that and Chris Minns built on that today in the other place in his budget reply speech. He talked about a revenue stream from the Harbour Bridge and the Harbour Tunnel. Not only will Labor not privatise those assets, those revenue streams, it will put them towards toll relief for drivers, building on the Government's toll relief announcement. There is hope for drivers that they will receive some assistance with the terrible tangle this Government has got them into as they try to move around Sydney and live their ordinary lives.

As I spoke about in the House earlier in the week, Labor will not change policies that benefit private tolling companies without asking them to give back to drivers. If those companies see a windfall gain, we expect drivers to benefit. Such gains should benefit the public. That is what Labor's tolling principles will ask for. Today the Opposition announced a number of policies in the tolling space that are the building blocks for a much more significant policy down the track. I do not want to argue with the priorities of this budget, other than in the ways that I have outlined. There are some very good things in it that I welcome and that the State and Federal Labor Party has argued for historically. In many ways it is clear that the Treasurer, in trying to defend teal electorates, has stolen ideas from wherever he could—the McKell Institute, Paul Keating, the Opposition.

**The Hon. Daniel Mookhey:** Albo.

**The Hon. JOHN GRAHAM:** And significantly, from Albo. I welcome where those priorities are adopted, but I have real concerns about how this budget hangs together. In some ways the results and assumptions that sit behind this budget really are quite remarkable. We talked earlier in the House about the nominal gross State product [GSP] figures leaping next year from almost a standing start to 9.75 per cent. That is a heroic and unbelievable growth forecast. My colleague has already indicated, as I did in question time, that the New South Wales nominal gross State product figure is higher than China's. Think about that. Our fate has been so tied to China, but now the Treasurer is telling us that next year, from an economic point of view, for the first time we will outshoot that economy in our region, which has been so successful.

**The Hon. Daniel Mookhey:** First time in decades.

**The Hon. JOHN GRAHAM:** For the first time in decades and that will happen next year. We will hit nearly double-digit growth in nominal gross State product. I would be very surprised if that happens. Expense growth is a gold-medal performance of 26.5 per cent, out-spending Crean and Cairns in 1974. Look at where that expense growth is coming from. In many categories it will continue to increase. The budget acknowledges that employee expenses, superannuation, depreciation, amortisation and interest will increase, but somehow the Government will significantly cut those expenses in just two categories: other operating expenses, and grant subsidies and other transfers.

Treasurer Kean is predicting that they will be slashed by 4.5 per cent and 12.8 per cent every year respectively. If that happens it will be the greatest example of a cutting run and expense-slashing exercise this State has ever seen. That will not happen; it is a fantasy. When this Treasurer waltzes into a room I always hear the faint sound of *Big Spender*. Those expenses will not be cut in the way the budget predicts they will. That underlies the Opposition's concern about whether or not those figures should be or can be relied upon. Over time we have heard much about the net worth of the State, which used to be trumpeted by the Government. It was such a regular refrain. It was the one thing that it really lent on.

The net worth of the State as a percentage of GSP over the forward estimates is a sad tale. It collapses from 36.5 per cent—a momentary spike this year—to 33.5 per cent, a 3 per cent fall over the forward estimates. We heard speeches, harangues and lectures from this Government when the strategy was working and the net worth of the State was growing, but we have not heard a peep now our net worth as a percentage of GSP collapses by 3 per cent over this budget. I would love to hear an explanation from the Government for why that is the case. My colleague the shadow Treasurer touched on the issue of debt. I place on record that debt as a percentage of GSP will head to 13 per cent—

**The Hon. Daniel Mookhey:** Net debt.

**The Hon. JOHN GRAHAM:** I am now referring to net debt—up from 7.8 per cent at the moment. In 2010-11 this Government inherited just 1.8 per cent net debt. That was the record laid down by Carr and Egan. Other people were at work, but they worked so hard in the early days of that Government to pay down the debt and keep expenses under control. They did that successfully and they passed on a budget in good repair. That is gone now, and it will be even more gone by the end of these forward estimates. That is a great pity. I associate myself with the remarks of the shadow Treasurer, but I add that historical context to his point.

I have spoken about my views and I will end shortly. I welcome the chance for this debate in the Chamber. I understand the pressure that the Treasurer felt as he gave his first Budget Speech and stepped up to this Crean-esque and Cairns-esque spending spree. His Premier is a former Treasurer who regarded his own budgets very highly, having clearly read the motivational manual *Good to Great*. The Premier and former Treasurer called his own first budget the envy of the western world. That was Premier Perrottet's review of his own budget as he delivered his first Budget Speech. If you are the Treasurer delivering your first budget and the Premier is cheering you on and telling you to go from good to great, where do you go if you are already the greatest? How can you go any higher, if you are already the highest? I understand the pressure that this Treasurer must have felt.

**The Hon. EMMA HURST (18:20):** On behalf of the Animal Justice Party, I contribute to debate on the Appropriation Bill 2022 and Appropriation (Parliament) Bill 2022. If the budget is meant to reflect what the New South Wales Government believes to be important, then it is clear that animal protection is at the absolute bottom of its list. This budget is an absolute failure for animals. The budget completely fails to engage with the myriad serious and pressing issues affecting animals. Those issues have been raised in this place time and time again by the Animal Justice Party and key stakeholders through motions, debates, bills and inquiries. For example, we have heard time and again about the critical lack of funding for animal cruelty enforcement agencies. The RSPCA and the Animal Welfare League receive less than \$500,000 per year combined from this Government to enforce animal cruelty laws in this State. That is less than 3 per cent of their actual enforcement costs, which means that those charitable organisations are forced to fundraise from the public to uphold the law. That is the lowest funding percentage given by any government to animal cruelty enforcement in Australia.

A Portfolio Committee No. 4 inquiry found that those agencies are making tough choices every day due to the Government's failure to fund them. They are forced to send out their small team of inspectors to respond to calls by themselves. That is a major occupational health and safety risk, given what we know about the link between human and animal violence. Many of those inspectors are walking into domestic violence situations, but they are forced to go as sole inspectors in order to get to as many animal cruelty complaints as possible. They are also unable to respond to animal cruelty complaints 24/7 or conduct proactive inspections of animal use industries, including animal agribusinesses. In short, they are unable to provide any robust enforcement of our animal cruelty laws because they simply cannot afford it.

The need to fully fund the enforcement of animal protection laws has been raised in the House countless times and has been a recommendation of at least two inquiries. The Minister for Agriculture promised he would review the funding and yet, when it comes to budget time, there is no announcement about enforcement funding. Apparently, the New South Wales Government could not find room in its \$120 billion budget to spare a few million for animals. Animal rehoming groups, including those that rehome greyhounds from the racing industry, have also completely missed out in this budget, despite calling on the Minister for urgent funding assistance. Community animal rescue organisations rehome approximately 10,000 homeless cats and dogs every year in New South Wales. That is approximately the same amount as RSPCA NSW and yet they receive almost no government funding. They put in a budget bid to match Victoria's assistance package and received nothing.

Those organisations are the unsung heroes of our society. Largely made up of volunteers, they save the lives of cats and dogs on death row and take animals off the streets. Without them, our pound system would be completely overrun, and euthanasia rates would skyrocket. Those groups are often run on a shoestring budget. I have been told that many are struggling with the enormous increased demand since the COVID lockdowns and the pandemic puppy boom. They desperately need government support for their work. That is pretty ironic given that the Minister for Local Government is currently running a Rehoming Practices Review that is aimed at reducing euthanasia rates in New South Wales. I tell the Minister that the answer is right in front of her: Fund the groups that are actually saving and rehoming those animals.

It is disappointing that the New South Wales Government was not willing to do the same in our budget as the Victorian Government has done in its budget. But it is something the Animal Justice Party will continue to fight for. There are some small wins for animals, which I will touch on briefly. I understand \$2.8 million is going towards combatting wombat mange. That money will fund a grants program for animal welfare groups to deliver mange treatment and care for up to 10,000 wombats, as well as research into the terrible disease. That is something the Animal Justice Party has fought long and hard for, so I am thrilled to finally see it appear in the budget, and not a moment too soon. Mange is incredibly painful, and it could wipe out wombats altogether. The disease affects up to 70 per cent of wombat populations in Australia and is one of their bigger killers. Historically, the Government has failed to act. It is wonderful to finally see some support for the charitable animal protection organisations that are delivering wombat mange treatment.

I also understand that small amounts of funding have gone to the RSPCA, the Animal Welfare League and the Sydney Dogs and Cats Home, but it is an absolute pittance compared with what they need and compared with the funding that is going towards animal use and gambling industries. The comparison between money towards animal protection and money towards industries that have traditionally harmed animals is breathtaking. I was absolutely disgusted to compare the pennies given to animal protection compared with the hundreds of millions given to industries that use and abuse animals for profit.

You can hardly turn a page in this budget without finding tax breaks for racing industries, concessions for fishing licences, money to prop up intensive animal agribusiness and aquaculture, plus millions and millions to kill introduced animals under the false guise of protecting native animals, even though that strategy has not worked for 50 years. This Government, led by The Nationals, is obsessed with killing animals rather than protecting them.

This budget is an absolute failure for animals and those who care about them. As we head into an election next year, I assure the Liberal-Nationals Government that its actions will not be forgotten.

I also address the false notion that this budget is somehow a win for women. That is simply not the case. In fact, I find it pretty insulting that this Government continues to insist that funding for child care and early education is funding for women, reinforcing the outdated notion that caring for and raising children is a responsibility that falls solely on women, as if men with children do not require child care or have no concerns about how they will balance work with raising a family. The same goes for funding for IVF. Those are great to include in the budget, but they are wins for families and parents, not for women.

On the topic of outdated ideas being espoused by this Government, I must mention the \$30 million funding for lighting and CCTV to make women feel safer walking home. That completely ignores the fact that women are far more likely to be harmed by someone they know, and it misses the obvious truth that it is the pervasive culture of misogyny and violence against women in this country, rather than a lack of streetlights, that makes women feel unsafe walking home. That money could have been used for men's behaviour change programs to tackle the real issue of male violence. Those outdated attitudes make me concerned about this Government and its grasp on issues affecting women.

The Women's Opportunity Statement in the New South Wales budget honestly sounds like the Treasurer only discovered the gender pay gap and violence against women last week and wants to let the world know. It reads like something from the 1950s. To add insult to injury, I have seen no substantive funding for things women actually want out of the New South Wales budget such as funding for women's health conditions, endometriosis and adenomyosis, and sexual violence support services. I could go on and on about the ways in which women, as well as other marginalised and socio-economically disadvantaged groups who desperately need support, have been overlooked in this budget. At the end of the day, members in this place would know that this is a government that does not care about the most vulnerable members of society, be they human or animal, and this budget simply reflects that.

**The Hon. COURTNEY HOUSSOS (18:30):** I make a brief contribution to debate on the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022. Members would be aware that I made an extensive contribution in my adjournment speech last night, and I draw the House's attention to some of the comments that I made that particularly relate to my portfolio of Better Regulation and Innovation, which the Government now refers to as "Fair Trading" which, incidentally, did not even warrant a media release out of Tuesday's budget announcement. That was somewhat concerning, especially given there is money in the budget for Construct NSW and I look forward to asking questions about that during the upcoming budget estimates.

Last night I made the point that five years after the Grenfell Tower tragedy, which claimed 72 lives, there is no mention in this year's budget of flammable cladding or of Project Remediate—the Government's signature program designed to remediate buildings. Perhaps that is not a surprise, given the fact that not a single piece of dangerous flammable cladding has yet been removed from buildings. Some dangerous flammable cladding was removed under Project Remediate—in front of the cameras and journalists—by the Minister, the Building Commissioner and some other officials in October last year. Once the media left, it was bolted back onto the building. Five years on, we are still to see a single piece of dangerous flammable cladding removed from buildings.

I also spoke about the fact that this budget will deliver a real wage cut for our frontline workers and public servants. It is pretty remarkable that last week the Fair Work Commission delivered a 5.2 per cent increase to our minimum wage, yet the people who got us through the pandemic—nurses, hospital cleaners, paramedics, teachers, rail and bus drivers and all those people who continued to go to work when we, who could, stayed safely at home—are all facing a wage cut. Unions NSW analysis shows that that wage cut will be in the vicinity of \$2,100 for the average public servant—people such as our emergency services workers and the police. The way that this Government is saying thank you to people who front up and continue to go to work is by giving them a real wage cut.

After 12 years it is clear that this Government is simply spraying money around with no clear plan. As families in New South Wales are facing a cost-of-living crisis with petrol prices increasing, double-digit increases in energy prices and tolls increasing by 4 per cent or higher each year, instead of addressing that cost-of-living crisis this Government has sought to address its own political crisis by spraying money like crazy. Today Labor outlined the start of a serious alternative plan that we will share with the New South Wales community. This Government has no intention of delivering what it announced on Tuesday. It may have announced over \$42 billion but I thank our excellent shadow Treasurer Daniel Mookhey for explaining that that is more money than was promised in the recent Federal election campaign by both Scott Morrison and Anthony Albanese combined.

**The Hon. Daniel Mookhey:** More than double.



**The Hon. COURTNEY HOUSSOS:** More than double. It is a huge amount of money to be spraying around after 12 years of neglect. With those remarks, I simply say that the time is up. There is no clear plan, no way of executing this budget, and the New South Wales public are on to it.

**The Hon. PENNY SHARPE (18:35):** I contribute to debate on the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022. In particular, I address aspects of the budget relating to the environment. I will read onto the record the State Outcome overview of what this State is trying to do about the environment, according to this Government. The State Outcome overview and 2022-23 investment says the following:

Protecting and preserving the quality of our environment and heritage through active stewardship to support a resilient and sustainable New South Wales and build a brighter future for all.

I note that the focus group wording has made its way into the budget papers; I am unsurprised by that. It then goes on to say:

This State Outcome comprises activity across: biodiversity protection including habitat conservation, activating natural capital, threatened species and aquatic habitats; nature-based experiences in national parks and zoos; private land conservation; activation and protection of heritage; and human and environmental health through regulation.

The reason I am talking about this State Outcome overview is that it is the stated aims of what this State is trying to do in the budget about the environment. I point to the stated aims and the actual outcomes that are occurring. I note that we previously had an environment Minister who considered himself to be the greatest environment Minister in the history of New South Wales and possibly even Australia, which is a big call. Let us look at the impact that he has had in that time. I realise that he is not in the job any more, but he held that role for a significant part of the most recent reporting on a whole range of indicators. There are a few points that I want to make.

I welcome the fact that the former environment Minister expanded the national parks estate. We, of course, welcome that after it basically remained stagnant for about the first eight years of this Government. We welcome the additions, which, of course, are very good. I welcome that he was able to come to some sort of settlement with the former Deputy Premier on wild feral horses in Kosciuszko National Park. After the claims we have heard, we will wait to see whether that will be delivered; we will probably need to interrogate that a bit more. It is good that former environment Minister Kean and former Deputy Premier Barilaro got along so well that they were able to do so many deals together over so many issues. I am very pleased about that.

Let us be clear that the previous Koala Strategy, for example, which we remember was a record investment in saving koalas in this State—I think it was about \$44 million—has come to its end. Over that time we have lost over a third of koalas living in New South Wales as a result of bushfire, clearing, climate change, being hit by cars and being bitten by dogs—a whole range of reasons. We cannot keep pretending that there is not a problem. Of course the Government's response to this is, "We're doubling the number of koalas while we're continuing to take their trees." When we are talking about threatened species, koalas are not looking so good.

That brings me to what is actually in the budget around threatened species, which is a very sad indictment on the Government. To give members an overview, we have over 1,000 threatened species in this State. That figure has grown by about 78 on this Government's watch, yet no animals or plants are being removed from the endangered list—in fact, more and more species are going onto it. The Government made a commitment in the last budget to focus attention on 300 threatened species, and that doing so was important. Essentially we would be working for a triage system in relation to threatened species, accepting that we have 1,000 on the list.

Last year the Government basically said, "We are going to try and turn around 300." However, in this budget the Government has really put up the white flag. The only commitment now is that it will try to save 150 species. Around 15 per cent of threatened species in this State will have some extra protection, but the Government has really just run up the white flag when it comes to threatened species. No doubt I will have more to say about that in coming weeks, but we cannot pretend that everything is rosy.

When it comes to the State Outcome overview, which I alluded to the beginning of the contribution, I make the following observations on habitat conservation. Even if we talk about one species, being koalas, we can point to examples all over the State—whether it is in Campbelltown, Woronora Heights, the North Coast or the mid North Coast—of habitat conservation under considerable pressure, and this Government is not doing anything about it. Again I note the commitment to double the number of koalas by 2050. However, if you keep removing their trees, you are not going to be able to save them. Whether it is the *State Of the Environment Report* or the various levels of data members receive, by every metric we are completely failing in relation to koalas and the Government will not be able to save them.

I will discuss national parks briefly. I welcome the addition of 200 permanent firefighters working within the NSW National Parks and Wildlife Service. It has been a very long time coming. Let us remember that when this Government first came to power, it cut around 25 per cent of rangers. It also made a huge—

**The Hon. Shayne Mallard:** We restructured the whole thing.

**The Hon. PENNY SHARPE:** Yes, and we lost 25 per cent of rangers and a significant number of field officers who had many years of experience in firefighting and a range of other things. Basically those officers were replaced by temporary staff on very low wages. There has been a huge churn there. I acknowledge the work of the Australian Workers' Union, which covers a lot of the field officers, and also the Public Service Association, which also covers the rangers and some of the field officers. Those unions have been campaigning relentlessly on this for at least 10 years. They have finally got an outcome and they are to be congratulated. We need that support. When we consider the wildfires we saw in 2019 and 2020, those officers need to be replaced. I welcome that.

Since this Government has been in charge, the Opposition has been able to identify at least \$125 million that has been cut from the National Parks budget. We are pleased that some of that is getting put back in again. However, members should understand that a lot of that is not actually about protecting threatened species. It is about building tourist facilities within national parks. I am not arguing with that; I am simply making the point that a lot of recurrent money has gone out, which means we do not have the people on the ground to deal with weeds and pests, with fires, or to support volunteer activities. The loss of staff has affected a whole range of things. I am pleased to see some money going back in. However, I warn the Government that some of this proposed infrastructure is over the top and not conducive to what national parks are supposed to be about. It is something that Labor will continue to look at closely.

My reading of the budget papers is that there has been a massive funding cut to waste projects. The outcomes statement suggests that waste recovery rates will go down; I suspect that is also because the money is there. It looks to me that about \$122.3 million per year over the forward estimates has been cut out of waste programs. I am interested, if the Government ever wants to respond to this—and I will obviously be pursuing it—as to whether it has basically raided the waste levy money to fund some other activities. However, there is a big difference between what was committed last year over the forwards and what has been committed this year. I draw that to the attention of members.

Finally, I note that the Natural Resources Commission has done some outstanding work over the past few years. It has been monitoring so many of the various programs across government and how effective they are. It has done excellent work in relation to the bushfires and the impacts on forests. It has also been funded to do a land monitoring program across State forests, Aboriginal areas, national parks and private land. That funding has come to an end. I accept that the commission has still got its core funding but there is now \$1 million less, even though the Government has been asking it to do more.

I urge the Government to find the funding to keep this work going. The Natural Resources Commission works on science and has done outstanding work. The Government leans on it heavily to work through complex issues with competing departments that are working with not-agreed facts. Tonight I flag that this work is essential as an accountability mechanism and also, more importantly, if the Government is serious about threatened species—and keeping trees in the ground to ensure those species have somewhere to live in the future.

I will have much more to say in coming weeks. I acknowledge that there is some money going back into the environment, but it is replacing a lot that has been taken out. A lot more work needs to be done with the various policies, guidelines and processes that this Government has that are competing against stated aims to look after the environment. At the same time, land clearing is up and the tree canopy is down. We have more threatened species than we have ever had before. Koalas are on the way to extinction by 2050 unless urgent action is taken. There is not enough in this budget to address that.

**The Hon. MARK BUTTIGIEG (18:46):** The 2022 budget is an expensive dud without any plan to help our residents with the cost-of-living crisis. The New South Wales Liberals and Nationals are trying to cover up for 12 years of waste and mismanagement—and the people of our State will not fall for it. This budget demonstrates how absolutely ridiculous it is that the Liberals and Nationals members parade themselves around as responsible economic managers. We are 12 years in with this State Government and moving towards \$182.2 billion in gross debt. Our triple-A credit rating is destroyed and we have interest repayments that increase at 24 per cent a year, every year. The Liberals and Nationals do not care that by 2025-26, every single individual in our State will be burdened with over \$21,500 each in debt. They will also be stuck with interest repayments of over \$700 per person every year.

In this year's budget there is new spending of \$71 billion. The Government's recklessness means it will be obliged to borrow an extra \$118 billion over the following four years when interest rates are only increasing. This is double the amount of debt Queensland will issue in the 2023 financial year and one-third more than Victoria. John Kehoe, the economics editor from *The Australian Financial Review*, wrote:

NSW is the only state to report a worsening cumulative budget bottom line over five years since mid-year budget updates ...

On the Liberal-Nationals budget Mr Kehoe went on to state, "It is purely focused on winning a fourth term of government, no matter the cost." He termed it a "desperate spending attempt to win the election". Even Moody's commented on the spending in the New South Wales Government's budget. It said, "It heightens the State's vulnerability to an expected revenue decline." Moody's—the Government's mate—is saying that the New South Wales budget is "credit negative" because "new recurrent spending programs that will widen the State's operating deficits are beyond our initial expectations". This is further evidence that the Liberals and The Nationals are mismanaging our economy. The people of our State should not have to pay for the Government's incompetence and irresponsibility.

The Government has no plan to address the cost of living. It is adding more new taxes, tolls, privatisations and rorts but making no investment in local jobs. Our health system is in crisis. Emergency wait times are the worst on record, paramedics are stretched beyond belief and health workers are terribly overloaded. The Premier has already started to walk back his promise to hire 7,000 health staff. Our hospitals are in crisis. Our residents should be able to get world-class emergency care, but unfortunately many are not getting treatment within the clinical maximum time recommended by the Australasian College for Emergency Medicine. South-west and western Sydney suburbs have an even worse time accessing medical care than other parts of Sydney. Without adequate funding for upgrades, the health and safety of our residents are at further risk. Our residents cannot rely on the Liberals and The Nationals to adequately resource our frontline services. They have not done so for 12 years.

The budget does not address an education system in crisis. There is no plan to futureproof our New South Wales education system. We have an overwhelming chronic teacher shortage and education standards have gone backwards. More than one in five New South Wales students are not meeting the national minimum standard for reading and numeracy, which is simply not good enough. The Liberals and The Nationals only have a plan to put a forever tax on our residents' homes. The Perrottet Government should be taking its plan to introduce a broad-based land tax on every family home in our State to the next election. Our taxpayers should have the right to make a judgement call on the Premier's plan for a perpetual land tax.

Labor has a positive plan and vision for our State. Labor leader Chris Minns is focused on the future of our State; the Premier is simply focused on the next election—and Government members know it. We will build 100 new preschools in New South Wales. They will be publicly owned and co-located with other primary schools. Our plan to build more preschools exemplifies a more proactive approach in enhancing the availability of preschool positions, and takes real steps towards universal preschool prior to 2030. Additionally, Labor will build preschools at existing schools that are underused. The Liberal-Nationals Government has no comprehensive plan in place to ensure universal preschool for four-year-olds or to better student outcomes. Parents cannot wait until 2030 for the Government to start acting on delivering accessible and affordable preschool.

Parents cannot depend on the Liberals when it comes to promises of schools in general. Last week I met with parents at Gledswood Hills, who are very distressed as they moved into the area almost a decade ago on the promise of a new school being built in Gregory Hills, but children and teachers are stuck in other local schools that are at double their capacity. There are demountables everywhere but there is no new school to be seen in the area. The Liberals have completely failed to address overcrowding at schools in Sydney's south-west. We cannot trust them when it comes to resourcing our education system.

The Liberal-Nationals Government has no plan to boost high-quality local jobs in this State. It is obsessed with sending jobs overseas, to the detriment of our local workers. Over the past 10 years, under the Liberal Party and The Nationals, New South Wales has lost 42,000 manufacturing jobs. In comparison, Queensland gained 6,000 jobs. Under the Liberal-Nationals Government, our workers have lost out on 4,000 more jobs because of the offshoring of major transport and infrastructure projects. That has harmed our economy. We cannot afford any more offshoring of our transport manufacturing.

The Government's dodgy, overseas-built trains, trams and ferries are billions over budget. They do not even fit on the tracks, in the tunnels or under bridges. They are riddled with asbestos, cracks and defects or are not even safe for our commuters. Who could forget the notorious new intercity fleet? That is why Labor will bring back domestic manufacturing by setting minimum local content requirements, increasing tender waiting, creating manufacturing centres of excellence and establishing a New South Wales jobs first commission to support manufacturers in this State.

Better local jobs will be the first of the Premier's Priorities for Chris Minns. He will lead a Labor team that actually focuses on rebuilding our domestic manufacturing sector, setting a target of 50 per cent minimum local content for future rolling stock contracts by the end of our first term. Labor will raise tender weightings to 30 per cent, capturing local content, job creation, small business and ethical supply chains. We should not be behind other States in local manufacturing. Labor will tackle the skills gap through TAFE manufacturing centres of excellence, beginning with the Hunter, the Illawarra and western Sydney. Labor has a plan to back in local

workers and manufacturers who can do the work better—unlike the Liberal-Nationals Government, which is proud of sending taxpayers' money and jobs overseas.

Sydney is the most tolled city in the world because of the actions of this Government. They signed the contracts to privatise our roads and created a private toll road monopoly that is continually picking the pockets of Sydney drivers, who have been facing never-ending toll increases. Labor will introduce toll relief for drivers and stop the Liberals' toll road privatisation obsession, which results in never-ending toll increases. Led by Chris Minns, we will make sure that the Sydney Harbour Tunnel toll concession stays in public hands and will give revenue from both the Harbour Tunnel and the Harbour Bridge back to our drivers in the form of toll relief.

Redirecting the revenue to toll relief is just one reason why tolls will be cheaper under Labor than under the Liberal-Nationals Government. We know that Premier Perrottet's record is one of flogging off our public assets, so we know he would love to privatise the bridge and tunnel and put them into the hands of private operators. That would create even more of a nightmare for taxpayers. Under Labor, the public will retain ownership. The obsession that The Liberal Party and The Nationals have with privatisation must stop, and we will put an end to it.

We will eradicate the Transport Asset Holding Entity [TAHE], ensuring that we retain our trains in public hands. There is no hiding that TAHE has been a huge financial catastrophe that the Liberals established as a budget con, costing taxpayers \$25 billion in bailouts and writedowns. TAHE has never been profitable, and the entity has spent millions in taxpayers' money on PR firms and consultants. Last year the Auditor-General took the extremely rare measure of refusing to sign off on the accuracy of the State's accounts. That is because TAHE was being used as a means to artificially shrink the magnitude of the budget deficit. The old trick—get it off the books, load it up with debt and get it off the budget.

**The Hon. Daniel Mookhey:** And then privatise it.

**The Hon. MARK BUTTIGIEG:** And then privatise it. TAHE is a Liberal tool to pursue the Government's agenda of privatisation, which we heard today in question time. How do we plug the hole? We start developing and selling off all the land. It was a very frank response in question time. It was recently revealed that TAHE was stealthily assigned to flog off over \$40 billion worth of public land near train stations, becoming a mega property developer. My colleague the Hon. Daniel Mookhey has rightly pointed out that the public have had enough of the spin and the accounting con job.

Under a Labor government, the safety of our rail network will be put first and honesty in our State's finances will return. Under the Liberals, more than 431,000 public sector employees will not get a pay rise that keeps up with inflation, but Government members have gifted their mate John Barilaro a plush \$500,000 a year job in New York. Can members believe that? That was after they told Jenny West she had the trade commissioner position. Then they rescinded it before her appointment was made public. That is disgraceful. Labor will end the rorts and not allow the scandalous waste of public money. Under Labor, essential workers will get a better deal. We will scrap laws that suppress wages and instead replace them with a system that is established on productivity-based bargaining.

The Liberal-Nationals budget will not fix the mess of the past 12 years. Tolls, fees, fines and taxes are at record levels under the Government, and everyone knows that, including the Leader of the Government. There is no strategy for discipline and responsibility in the management of our State's economy. New South Wales is the highest taxing State and the lowest ranked State economy in the country. Labor, led by Chris Minns, has a positive and credible plan for a better and fairer future for the people of New South Wales. Changing the future of New South Wales is very simple: We need a Labor government.

**The Hon. ADAM SEARLE (19:01):** I contribute to the debate on the Appropriation Bill 2022 and the Appropriation (Parliament) Bill 2022. I make a couple of observations about the budget and the way in which the Government is squaring its shoulders to meet the challenges now and into the future. Time will tell, but it seems like it has missed a few opportunities. I will be unusual in this debate and refer to one of the budget papers, Budget Paper No. 2. On page 10-2 one of the Government's objectives is increases in real incomes for the people of New South Wales. The Government's own wages policy ensures that public sector workers in this State will be receiving real wage cuts of at least 2 per cent or more. Yes, they are going to lift the wages cap to 3 per cent, but we know that inflation is already running at 5.1 per cent and possibly more.

The Government's answer, at least for its own workforce, is not to increase real wages, despite what the budget papers say, but to preside over a cut in real wages. That is problematic, and the inflationary pressures in the economy are not being driven necessarily by consumer overspending because with wages not keeping pace with inflation, particularly in the past couple of years, a pay packet from this year will buy less than it did last year, which means purchasing power of the State's 430,000 public sector workers is getting smaller. That means

each year in the economy as a whole, they are able to buy less goods and services, which will impact on those businesses. The pressures are being driven by supply chain problems and other issues; they are not all internal to the economy. But the Government's policy of cutting the wages in its own workforce will exacerbate the economic problems.

**The Hon. Daniel Mookhey:** Falling back to 2017 levels.

**The Hon. ADAM SEARLE:** Falling back to 2017 levels. That is a real problem. The Government has no answer for that and wants to claim in its own budget that it is growing real wages but it is not. I refer to my two speeches in the last sitting week, both my adjournment speech and my private member's statement. There is significant research that shows there is a relationship between private sector and public sector wage settlements. They influence each other. The wages policy of this Government, by keeping public sector wages down, has had a dampening effect on the private sector as well. We heard that today. So, going back to what the Leader of the Government said in question time, the Government's economic policy, in terms of its own key lever of public sector wages, will certainly help keep government spending down on wages but it will have the negative effect of dampening or reducing what goods and services can be purchased in the wider economy.

In the same budget paper, there is a line item about accessing secure and sustainable energy. In further pages, the Government sets out the virtues of the electricity infrastructure road map—which, of course, Labor did support. There are a number of issues here, one of which is affordable energy prices. What we have not seen from the Government, in all of this debate, is any action in the retail space. Not that many years ago, in 2017, as Labor's then spokesperson on energy, I outlined a plan not so much to re-regulate the retail energy market but to sensibly regulate it to make it more transparent; to make sure when energy companies offered a discount there was truth in advertising—not notional discounts of fictional amounts but real discounts off what people were actually paying; and to make sure that consumers were given the information to make easy comparisons between different products, in comparison to the labyrinthine situation customers face today where they have to navigate many differently constructed offerings from the various energy companies.

Of course, this Government has had nothing to say on that. Only 12 months after Labor had outlined its policy, that noted left-wing outfit the Australian Competition and Consumer Commission [ACCC] delivered a blueprint to do the very things that we on this side of the House said needed to be done in the retail energy market to put downward pressure on prices and to stop the energy companies making super profits. It must be remembered that the way in which those opposite embarked on the privatisation of poles and wires exacerbated the existing market concentration. Three companies now have 90 per cent of the retail market and 86 per cent of the generation market. That has put upward pressure on retail energy prices. Labor's solution was sensible regulation to promote transparency. The ACCC agreed with us. The Morrison Government said it would act but failed to do so, both before the 2019 election and subsequently.

As the energy crisis has unfolded across the east coast market, I would have thought that, apart from the energy rebates which the Government offers, there would have been an offering in this space about putting the wood on the super profits being made by the big energy companies or at least mechanisms put in place to ensure that customers are not gouged on their retail energy prices. But there has been a deafening silence from those opposite. Given the reduced purchasing power of public sector workers and of those workers in the private sector who are also not getting wage increases in line with inflation—other than the very low paid workers who are getting the full 5.2 per cent awarded by the Fair Work Commission—this will exacerbate their inability to pay for their utility bills. That is a real issue.

**The Hon. Damien Tudehope:** So what is your plan?

**The Hon. ADAM SEARLE:** I have already outlined what I have to say about the matter—the Leader of the Government need not interject. One of the other things that the Government has talked about is its role in planning. In the same budget paper, at page 5-1, it talks about initiatives to support home ownership by unlocking housing supply and increasing the number of social and affordable dwellings. I assume this is the bit where the Government's recently announced shared equity scheme would fit in. The shared equity scheme announced by the Government in terms of housing bore a striking resemblance to the one outlined by the current Prime Minister, Anthony Albanese.

**The Hon. Damien Tudehope:** No, ours is better. Ours is better, you goof. Ours is better. Ours is able to be delivered.

**The Hon. ADAM SEARLE:** I did not interrupt any of your speeches. These are good and sensible issues to assist a limited number of people getting into housing, but they do not address the underlying problem. Those opposite and many in the industry say it is all about increasing supply. That is no doubt part of a problem, but the

other part of the problem is that the system of taxation and the way things are treated assists those who are already relatively well off and have property to acquire more property.

I remember talking with developers when I was the shadow planning Minister, and they very proudly told me that up to 70 per cent of all their new product was being purchased by investors—overseas investors, maybe, but investors nevertheless. That means that there is less product for our children to purchase. I have a 22-year-old daughter who is a nurse. On her wage she will never be able to buy a house in Sydney. The way things are going, she probably will not even be able to buy one in the Blue Mountains, where she grew up. This is not party policy, but my view is we need to look at ways of creating increased housing supply only for those in the pay brackets of our key workers—the nurses, the paramedics, the police and other public sector workers—and those in other occupations in the same earning brackets. There is a crisis in hospitality across the State because businesses say that they are not able to get workers. But, of course, the wages they are offering those workers are very low. It is a bit of a chicken and egg situation.

We need to be creative and look at new ways of growing housing stock. The Government has a few tools at its disposal. During the Labor governments of the 1980s, the State-owned corporation Landcom used to offer cheap land and housing packages at reasonable prices for working people who could not otherwise afford homes. The problem in those days was getting commercial banks to lend to them. The problem today, of course, is housing prices. Under the Greiner and Fahey governments, Landcom got out of that business. Under the present Government, its role as I understand it—having observed it as the shadow planning Minister and having questioned it at budget estimates—is to buy and sell land, do master planning and onsell it to developers, which will then deliver the housing. Landcom acts as a middleman, the effect of which has been a very healthy return to government but no real increase in affordable housing supply because the developers who buy the land from Landcom are under no obligation to provide affordable housing.

The Government also has, I think, north of 140,000 social housing dwellings. Those opposite used to taunt us when they first came into government that the last Labor Government had left them with a \$300 million social housing maintenance backlog. They kept that up for three years. Some years ago I put questions on notice asking what the social housing maintenance backlog was. Imagine my surprise when they said, "That is not a meaningful measure." They used a whole lot of waffle words, but they never put a figure on it. They said, "It's constantly changing; we couldn't possibly tell you." We know that it is more than \$300 million.

I know from talking to people who work in this space that, while they have a good understanding of what the figure might be, they do not have the data to put a definite figure on it firstly because their systems are so crap but also because it is in their interests to obfuscate and hide. Imagine taking the land development and trading capacity of Landcom and welding it to the social housing responsibilities of the Land and Housing Corporation to create one super State-owned corporation, which could use its commercial operations to renovate and extend the housing stock for social housing in this State. We know that this Government will not be investing in social housing. Much social housing is not fit for purpose and needs to be renovated, but this Government will not spend the money. Imagine if that revenue was sourced from the trading operations of Landcom. It could then build affordable housing for the key workers in those price brackets so that only those people could buy and trade those properties. Imagine that situation.

**The Hon. Damien Tudehope:** Lots of rhetoric.

**The Hon. ADAM SEARLE:** No, better use would have to be made of existing government levers and resources not only to drive the development of social housing, which is a very important obligation on government—to make sure that social housing is kept up to date, renovated and fit for occupation—but also to increase supply of affordable housing for our paramedics, nurses, teachers and police who serve our communities. Those are the sorts of creative things that I believe the Government ought to have been thinking about.

I move to what seems to have been the centrepiece of the Government's thinking, which is increased women's participation. We heard a lot about the \$5 billion that the Government is going to spend on child care over 10 years. Of course, we see very little delivery of that in this budget. However, we do know that the gender pay gap in the Government's own workforce continues to get worse. This afternoon I went back through the State of the NSW Public Sector reports and found that, at least in the past six years, the gender pay gap in the public sector has got worse. It has gone backwards every year from at least 2015—I did not go back before that. That trend may continue. But certainly since 2015, despite the rhetoric of senior executives like Tim Reardon—whom I questioned closely in budget estimates and who talked the talk about delivering gender pay equity for public sector workers—the Government seems to have been unable to halt the deterioration.

The issues are twofold. One is occupational gender segmentation, particularly in the health and education workforces and in other social services provided by the State. But this Government is failing women employees at its more senior levels. Mr Reardon, Mr Betts and many other senior executives have all made these concessions

in budget estimates: When male workers are employed in senior areas of government, they get put into the middle or the top end of the band. But their equivalent women workers in those bands are put at the bottom or, at best, into the middle of the field. Despite commitments made year after year, this Government has failed to move the needle in the senior echelons of its workforce and has failed to close the gender pay gap. That is a real problem.

Regarding women's participation, from the Australian Human Rights Commission report of 2014 *Supporting Working Parents: Pregnancy and Return to Work National Review* we know that—and these figures have not changed—27 per cent of women workers experienced discrimination on at least one occasion, 20 per cent when requesting or taking parental leave and 17 per cent when they return to work. Some 49 per cent received negative comments and attitudes from colleagues or management. Some 47 per cent reported discrimination relating to pay, conditions or duties and 35 per cent experienced discrimination related to flexible work. The list goes on. Similar figures were reported for the public sector in New South Wales. Although I note the budget includes \$5.8 million for return to work for women, there seems to be very little done to improve the relative bargaining positions of women workers, because no measures have been put in place to address those systemic problems that women face.

Again, the Labor Party has proposed that improved laws are needed in the anti-discrimination legislation and elsewhere to protect women from discrimination when they are pregnant and returning to work, with respect to not only their pay but also the non-renewal of work contracts or having their work restructured out from underneath. Those protections could easily have been announced in the budget. Anyone listening to the rhetoric of the Government about the importance of increasing women's participation in the workforce would think that was incredibly important. I conclude with one figure relating to the issue of gender pay equity.

The Government has done nothing about pay discrimination outside the public sector. In its own workforce it has gone backwards and for those more broadly employed in the economy, it has done nothing. The gender pay gap in Australia is at about 13.8 per cent. If overtime payments are included, it is more than 16 per cent, and if part-time work is included, it widens to nearly 31 per cent differential between male and female workers. The figures for New South Wales are not much different. The Government has talked the talk and said that it has recognised the importance of increasing women's participation. It has provided some money and it has made some promises that will be delivered over a decade, but there is little substance in the budget. These real issues must be addressed.

I will end on the issue of increasing population, development and lack of infrastructure. When I was the shadow planning Minister, it was clear that five of the 15 planning areas had taken more than half the development in and around Sydney over the past decade. Some suburbs that have had development fatigue are resistant to further development. That is because this Government has failed to synchronise population growth and development with the delivery of infrastructure—whether it is transport, hospitals or schools. The growing population around Riverstone still has not delivered a hospital. After a decade in office, it still has not delivered a hospital or health service out there.

The Government was so sensitive about overdevelopment in Ryde that it put a pause on development so it did not lose a seat at the last election. But other areas that have had at least the same amount of overdevelopment, if not more, have not been given the same consideration. Again, synchronising development with the delivery of social and physical infrastructure is necessary if there is to be a sensible discussion on development going forward. Otherwise suburbs and towns will just refuse, and that is not good for anybody.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations)**  
**(19:21):** In reply: I start by saying that some of the greatest contributions to works of fiction that we have ever heard in this State have been delivered by those opposite in response to this Budget Speech. It has been *War and Peace* at its best. The characterisation by those opposite of the Government and its policies, which are articulated in this budget, goes to show their fear that we are progressing the aspirations of the people of this State. In this budget we have indicated to the people of New South Wales that we are delivering for them.

I note a specific component of the budget that is an important characterisation of where we go as a State. Anyone investing for their family wants to make sure that they improve the asset position of the State. For those opposite to lecture us about the delivery of infrastructure is the greatest insult they can pay to the people of this State. This Government has delivered housing stock, hospitals, schools, railway lines and road systems, and that shows in this budget. We can now point to nearly one-third of a trillion dollars worth of asset holdings that this Government maintains and we have improved the asset holdings of the people of this State. The way to look at the Government's performance is by saying, "Have you improved our asset position?" The answer is undoubtedly yes.

While I thank the shadow Treasurer, the Hon. Peter Primrose, Ms Abigail Boyd, the Hon. Emma Hurst, the Hon. Mark Latham, the Hon. Courtney Houssos, the Hon. Penny Sharpe and the Hon. John Graham, the

greatest work of fiction of all came from the Hon. Mark Buttigieg. Fair dinkum! Whenever the Hon. Mark Buttigieg speaks, you ought to be very scared, because that bloke articulates everything that is wrong with the Labor Party. If ever the Hon. Mark Buttigieg was involved in any government decision-making, you could bet your right foot on the fact that you would be going backwards. That guy talks fiction and rubbish like no-one I have ever heard in this Chamber. He is a master at it. Not only that, he gets Mark Morey to write his speeches for him. He picks up the phone and says, "Mark, write my speech."

**The Hon. Adam Searle:** Point of order: I have two points of order. I mean this in good humour: First, the Minister is seriously straying from relevance. Secondly, if he wants to engage in some kind of attack on my friend here, he should do it by substantive motion rather than in this gratuitous fashion. Perhaps he could confine his comments to the policy content of either the budget or the matters he is addressing.

**The Hon. Mark Buttigieg:** Are you implying Mark Morey is not busy enough?

**The Hon. DAMIEN TUDEHOPE:** No, because he is looking for a job here, mate. I accept the point of order. Everyone on that side of the House knows that Mark Morey wants one of their jobs. None of them are in the Chamber, but we know that someone is going to give up their job so that Mark Morey can be here. He was upstairs congratulating people and giving speeches after the Leader of the Opposition's speech in the other place earlier today. He was up there giving speeches because he says, "I want to familiarise myself with this place."

**The Hon. Mark Buttigieg:** Then why is he writing my speeches?

**The Hon. DAMIEN TUDEHOPE:** Because he wants to know how to write a speech. You certainly don't! That is the problem that we have in this place with people like the Hon. Mark Buttigieg. He is the far left of the Labor Party.

**The Hon. Adam Searle:** That is defamation.

**The Hon. DAMIEN TUDEHOPE:** Yes, probably. If we were ever going to give the Labor Party any credibility for the assertions it has made in this place today, we would have already debated and passed the Parliamentary Budget Office bill, which would have exposed Labor's policies to transparency. It gives the lie to everything Labor members assert in relation to the budget, because they will not stand up in this place and deliver a bill which would test the assertions they make and the policies they want to deliver for the people of New South Wales. No-one on that side of the House has any credibility in respect of any of the assertions they have made about this budget.

Government members have told the people of New South Wales what our vision for this State is. We have set it out in detail over five volumes of budget documents. Those documents have been tested by Treasury, and the assertions contained in those documents are available for everyone to see. But the Labor Party wants to keep its assertions secret from the people of New South Wales. It does not want to tell them what its policies will cost. It does not want to tell them what the impact on the budget would be. If it did, Labor would have passed the Parliamentary Budget Office bill, which was urgent but is no longer—and we know why, don't we?

**The Hon. Penny Sharpe:** You need to let it go, Damien.

**The Hon. DAMIEN TUDEHOPE:** No, I am not going to let it go. The Leader of the Opposition wants me to let it go. Of course she does! If I let it go, that might say, "We give up on transparency in this place." Well, on this side of the House, we respond to orders under Standing Order 52. We are a transparent government, but members opposite say things that they never want tested in terms of what the impact will be. The chief offender has walked into the Chamber just as I am talking about it. The chief offender, who does not want budget transparency, has asked questions on the economic growth forecast. He is concerned about it. I was asked some questions by the Hon. John Graham in question time. How can we possibly stand by forecasts that KPMG have said are a bit ambitious? I thought it was important that we address that issue, because it was on the shadow Treasurer's mind.

The honourable member also raised concerns regarding the economic growth we are projected to deliver. First, I highlight the rigorous process that the Treasury revenue forecast goes through in this respect. NSW Treasury conducts an independent review of the macroeconomic forecast using an external peer review panel, which is made up of prominent market and public sector economists. The members of the panel are regularly rotated to canvass a range of economic expertise and to ensure the panel remains independent. Members of the most recent panel included senior economists from the Reserve Bank of Australia, the Commonwealth Treasury, TCorp and two private sector market economists.

Forecasts are presented to the peer review panel twice, allowing Treasury to incorporate feedback received, address any concerns and investigate issues raised by the panel, prior to the forecast being finalised. The peer review panel's assessment concluded that Treasury forecasts represent a fair and reasonable forecast of the State



and national economies. I am prepared to rely on them; members opposite will not be. I suggest that the Opposition come back with its forecasts and its policy proposals and let us have them looked at. Let us have them costed and analysed to tell the people of New South Wales what the Opposition has in store. Second, the strong growth forecast for 2022-23 is a direct by-product of the impact that COVID had in suppressing economic activity in the prior financial years.

**The Hon. Daniel Mookhey:** That's reasonable.

**The Hon. DAMIEN TUDEHOPE:** Hello! We have an admission by the shadow Treasurer that that is reasonable. Thank you very much. In the 2021-22 fiscal year, economic activity was constrained by the Delta lockdown and then the surge in COVID cases with Omicron in late 2021 and early 2022. The economy transitioned to living alongside COVID, with the level of activity having already rebounded in the March quarter 2022. This appears as an apparent surge in growth in 2022-23. Now, that is reasonable.

**The Hon. Daniel Mookhey:** It is, and we will hold you to it.

**The Hon. DAMIEN TUDEHOPE:** Did you apologise? Did you say sorry?

**The Hon. Adam Searle:** No, he said we will hold you to it.

**The Hon. DAMIEN TUDEHOPE:** Did you say sorry for questioning not my forecast but Treasury's forecast?

**The Hon. Daniel Mookhey:** No.

**The Hon. DAMIEN TUDEHOPE:** We have to consider the Government's budget papers compared with the budget reply speech we heard today. Some members opposite must have thought, "We need to change leaders." You did think it, didn't you?

**The Hon. John Graham:** No.

**The Hon. DAMIEN TUDEHOPE:** They say no, but they really think that potentially, before the election, they need to change leaders. They think, "If this is the best we've got, we've got enormous problems on our hands." What we heard today from the Leader of the Opposition was more rhetoric than substance. We heard a toll policy today, which was half that of the Government's policy. They have not told the people that. They came out and said, "We will fix the toll issue," but they did not tell us that it was half as good as the Government's policy. That is the problem with not getting it tested by the Parliamentary Budget Office. Opposition members say that it is an effective toll policy and will deliver outcomes for the people of New South Wales. If it were tested, we would see that it was half as good as the Government's policy.

Opposition members then said that they would require that at least 50 per cent of the Government's contracts be done by Australian manufacturers. If they actually looked at the contracts that have been delivered and have employed the people of New South Wales and given opportunities to the people of New South Wales, they would see that we have used, in the majority of contracts already delivered by the Government, 50 per cent Australian manufacturing. When you build a tunnel and use concrete from a New South Wales supplier and when you are actually delivering infrastructure, which they know nothing about, you are employing people in New South Wales because of the infrastructure we are delivering.

The problem they always have is they say, "We want to use New South Wales manufacturers in relation to it." We say, "We already do it," and they just do not get it. But, more importantly, we actually deliver the infrastructure they never had any thought of delivering. They promised and promised the North West Rail Link. I bought a house in West Pennant Hills many years ago. At that stage, they were promising to deliver the link, and I thought, "This is a good place to live." Time and time again this train line was promised. It was never delivered. We delivered it and, not only that, we—

**The Hon. Penny Sharpe:** How many times have you announced Circular Quay?

**The Hon. DAMIEN TUDEHOPE:** Interjections are disorderly, by the way, Mr President.

**The Hon. Adam Searle:** As is responding to them.

**The Hon. DAMIEN TUDEHOPE:** As is responding.

**The PRESIDENT:** I love it when the House self-regulates.

**The Hon. DAMIEN TUDEHOPE:** What I say in conclusion to—

**The Hon. Daniel Mookhey:** Hurry up. Come on.

**The Hon. DAMIEN TUDEHOPE:** Oh, you need to go—I am sorry. What I say in conclusion about what we have heard tonight is—if it had one skerrick of truth as to some of the assertions which have been made about the Government's position in relation to the budget—the Opposition may have had some credibility, if in fact two weeks ago or three weeks ago the Parliamentary Budget Officer Amendment Bill 2022, which was deemed urgent by Labor in the other place, had come to this House and had been passed here. But in circumstances where that bill came to this House and was an urgent bill to be passed by this House, they said, "No, no. We don't want to pass it anymore."

It could have been passed yesterday but, no, it was not on the list even to be debated yesterday. There is a reason for that: In the other place, the bill was amended to require transparency in respect of the policies that were the subject of analysis by Treasury officials. It was not only that. The policies had to be published, and that is a scary thought because one of the policies announced today was that Transport Asset Holding Entity would be transferred from its existing structure back to part of the New South Wales Government, allegedly for safety reasons, which is the greatest work of fiction of all time. We need to have that policy cost tested.

**The Hon. Daniel Mookhey:** Oh, don't worry.

**The Hon. DAMIEN TUDEHOPE:** You've had it tested. You've had it tested and you don't want to tell us about it.

**The Hon. Daniel Mookhey:** I will take a point of order on this.

**The Hon. DAMIEN TUDEHOPE:** That was what we just heard.

**The Hon. Daniel Mookhey:** That is not what I said. I will make a personal explanation, if you want.

**The Hon. DAMIEN TUDEHOPE:** No, don't worry. Another aspect of Labor's analysis of the Government's policy was on its approach to the wages cap. Yesterday Labor members had an opportunity to tell us what their policy was on wages when a bill concerning the removal of the wages cap was before the Parliament. Guess what? They backed in the Government. Labor members now have the temerity to come into this place today and say that we should have a different policy. They had the chance to do that yesterday. They had the chance to say what their policy was on wages and how it would benefit the people of this State. They did not do it.

Labor members squibbed it because, when their policy had to be analysed again by Treasury officials and they had to tell the people of New South Wales what that policy would cost, it would be detrimental for the workers of this State and, in fact, could not possibly be supported by the public sectors workers that they claim to support. The New South Wales Government has a proper wages policy that is backed in by the Governor of the Reserve Bank and a significant number of economic experts. The Government has got it right. This is a great budget for the people of this State. It is progressive, it is visionary, and it will deliver for the people of this State. Members opposite, who have no vision, will continue to sit on the other side of the House.

**The PRESIDENT:** The question is that the Appropriation Bill 2022 and Appropriation (Parliament) Bill 2022 be now read a second time.

**Motion agreed to.**

### Third Reading

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

That the Appropriation Bill 2022 and Appropriation (Parliament) Bill 2022 be now read a third time.

**Motion agreed to.**

## STATE REVENUE LEGISLATION AMENDMENT BILL 2022

### Second Reading Speech

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (19:43):** I move:

That this bill be now read a second time.

I refer members to the Treasurer's Budget speech which was incorporated in *Hansard* on Tuesday 21 June 2022. I commend the bill to the House.

### Second Reading Debate

**The Hon. COURTNEY HOUSSOS (19:44):** I lead for the Opposition in debate on the State Revenue Legislation Amendment Bill 2022. I indicate at the outset that we do not oppose the bill. We will be watching the implementation of it closely and will judge the Government by its results. I speak specifically on two points in

the bill. One is about the changes to the Betting Tax Act, which will change the point of consumption tax. As the House would be aware, the point of consumption tax goes to the State Government of the resident placing the bet. The bill will increase the rate of the point of consumption tax from 10 per cent to 15 per cent and change the way it is returned to the racing industry from a proportion of total net wagering revenue to 33 per cent of the point of consumption tax. The changes are aimed at setting the same tax rates for online and offline betting products and operators. That will bring our rate of point of consumption tax in line with the other States and will be the same level as South Australia and Western Australia. I note that Queensland has increased the rate from 15 per cent to 20 per cent in its budget this year. The return to the racing industry will also be similar to other States.

The change to the tax in 2022-23 will generate \$156 million and \$740 million over the four years to 2025. I note a proportion of that will go towards responsible gambling initiatives. It is aimed at taxing large, international corporate bookmakers and is designed to ensure that we will be competitively neutral, depending on where the bet is being placed. I turn to the exemption that will be granted under the Payroll Tax Act 2007 to allow for the aged-care bonus not to be counted in payroll tax. We certainly support that exemption; it is a very important payment. I indicate again that we do not oppose the bill but we will be watching the implementation of it closely, led by our very able shadow Treasurer.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (19:46):** In reply: I thank the Hon. Courtney Houssos for her contribution. I welcome her oversight and the close attention she will pay to the implementation of it once it has been passed. I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** I shall now leave the chair. The House will resume at 8.15 p.m.

### *Documents*

## **TRANSPORT ASSETS AND WORKFORCE**

### **Return to Order**

**The CLERK:** According to the resolution of the House of 11 May 2022, I table documents relating to an order for papers regarding transport assets and workforce, received this day 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 this day 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.

### *Committees*

## **PUBLIC ACCOUNTABILITY COMMITTEE**

### **Reference**

**Ms CATE FAEHRMANN:** According to paragraph 9 of the resolution establishing the Public Accountability Committee, I inform the House that this day the committee resolved to adopt the following terms of reference:

#### **Inquiry into the appointment of Mr Barilaro as Senior Trade and Investment Commissioner to the Americas**

That the Public Accountability Committee inquire into and report on the appointment of the former Deputy Premier Mr John Barilaro as the Senior Trade and Investment Commissioner to the Americas, including:

- (a) the circumstances leading up to the appointment;
- (b) the process undertaken to make the appointment;
- (c) the probity and integrity measures that were undertaken as part of the appointment; and

(d) any other related matter.

*Disallowance*

**CRIMES AMENDMENT (MAJOR FACILITIES) REGULATION 2022**

**Ms ABIGAIL BOYD (20:20):** I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the Crimes Amendment (Major Facilities) Regulation 2022, published on the NSW Legislation website on 5 April 2022.

The extraordinary armed police raid on a private property in the Blue Mountains over the weekend to arrest climate campaigners under suspicion of planning a peaceful protest action was an astonishing and brazen overreach of newfound police powers—powers that must be swiftly and decisively rolled back. Labor and conservative crossbench members signed a blank cheque on the Coalition's crackdown on protesters before even seeing the full legislation, and their comments during debate showed that they did not fully understand the repressive nature of these laws. The insidious and outrageous actions by New South Wales police over the weekend have now laid bare how truly draconian these new powers are. That police felt emboldened under this new anti-protest legislation to take this extraordinary authoritarian action should send a shock wave of alarm throughout our society.

It is exactly the kind of assault on our democratic rights that we warned of when these terrible laws were rushed through just months ago. It is not too late to walk back this mistake. We urge all parties to truly consider the legacy that they will be leaving this State if they once again fail to stand against this degradation of our democratic, social and civil rights and liberties. With echoes of *Minority Report*, these laws are being used as a weapon by the recently formed Strike Force Guard to legitimise armed espionage and surveillance activities and a full militarised assault on a camp of peaceful activists. Strike Force Guard was formed in March this year to "prevent, investigate and disrupt unauthorised protests". Its purpose is to enforce a regime that only permits state-sanctioned protests in state-sanctioned places on state-sanctioned topics and terms.

In addition to winding back the repressive legislation that has further empowered its actions, Strike Force Guard must be immediately disbanded. There has been a disconcerting trend in this State and across the nation towards authoritarian oppression of civil society organisations and citizens peacefully struggling for a better world. Democratic rights and liberties are hard won and must be judiciously maintained, because once lost they can be difficult, if not impossible, to win back. We urge the other political parties to do some soul searching and to stand up for what is right and fair. We have the opportunity today to hopefully walk back this anti-democratic trend. I hope the other parties in the New South Wales Parliament have been watching recent events carefully and listening to the alarm raised by leading civil society organisations.

I have a number of open letters from leading civil society organisations that members in this Chamber will be well acquainted with condemning the actions of Strike Force Guard and calling for the extraordinary overreach in the roads and crimes regulations in question to be rolled back. One letter is signed by 40 leading civil organisations, including Amnesty International Australia, Human Rights Law Centre, CounterAct, Greenpeace Australia Pacific, NSW Council for Civil Liberties, Australian Democracy Network, Maritime Union of Australia, Legal Observers NSW, Environmental Defenders Office, Knitting Nannas, Redfern Legal Centre, Community Legal Centres NSW and many more. It states in part:

Forty civil society organisations have expressed alarm at reports of police overreach in preemptive policing of protest, with NSW police conducting covert surveillance and a raid on climate activists north of Sydney on Sunday.

...

The extensive covert surveillance and pre-emptive policing sets a disturbing precedent for protest rights. The raid also continues a troubling trend in the state of disproportionate crack-downs on the right to protest. In March, NSW Parliament passed the *Roads and Crimes Legislation Amendment Act 2022*, draconian new anti-protest laws which threaten everyone from people marching for gender equality to anti-war protestors with up to two years in jail and a \$22,000 fine.

Where previous legislation in NSW covered disruption on major bridges or tunnels, the expanded offence covers roads, train stations, ports and public and private infrastructure, and has been widely condemned.

These new laws are part of a concerning trend nationwide of bipartisan support for regressive legislation that further criminalises peaceful community activists.

David Morris, CEO of the Environmental Defenders Office, stated:

Legislation which unjustly restricts people's freedoms to express dissent ought to be wound back. Heavy penalties and greater restrictions on peaceful protest included in recent reforms are not a proportionate response to non-violent citizen action which draws attention to the climate crisis or other kinds of environmental damage.

Alice Drury, legal director of the Human Rights Law Centre, said:

On major issues like this, governments should expect people to continue to come together to voice their concern and demand action. Politicians should resist the knee-jerk response of criminalising protests because it's frustrating or disruptive.

Stephen Blanks of the NSW Council for Civil Liberties said:

NSWCCL has expressed concerns about increasingly harsh and disproportionate laws and actions taken against political protesters in recent years, and supports victims of such laws and actions. The legal right to peaceful protest is fundamental to our democracy. Protests hold governments to account and make our country better.

Paul Keating, Sydney branch secretary of the Maritime Union of Australia, expressed strong concerns. He said:

The very reasons communities and the trade union have opposed these anti-protest laws is for the very reasons like what occurred on the weekend with these raids. This isn't just over-reach, this is the anti-democratic nature of the law that creates space for such overreach and infringes on our democratic rights that so many community groups and organisations and the trade union movement in NSW has voiced its outrage about.

All affiliates of Unions NSW in April through a meeting of the Unions NSW executive unanimously endorsed a resolution condemning these anti-protest laws and demanding that they be revoked. We are seeing now the power of a police state that allows for the police without any accountability to reach into the rights of the people to protest against governments. The MUA will not stand by, we will mobilise to defend our communities, to defend the rights of the people to protest.

Another letter, signed by the Human Rights Law Centre, the NSW Council for Civil Liberties, members of the union movement and others, stated:

Trade Unions, NSW civil society and human rights organisations are calling on the NSW Upper House to seize the opportunity to disallow the short-sighted, draconian regulations in the new NSW Government anti-protest laws through a disallowance motion ...

That is this disallowance motion. The position of our leading civil society organisations could not be clearer: These regulations must be immediately repealed as a dangerous attack on our democratic rights. I draw to the attention of members of the Opposition some of the comments they made during debate on the Roads and Crimes Legislation Amendment Bill 2022 at the end of March and on 1 April this year when the bill was rushed through Parliament. The Hon. John Graham indicated the Opposition's expectation that the regulations would provide a targeted approach that would be used judiciously and cautiously. He said:

It is quite broad legislation, but the Government has been quite narrow when it has described how it will use it. The Opposition trusts that is the case, given the Government's assurances. We will hold the Government to them.

That trust has been misplaced. Will Labor really trust a government that today announced its intention to impose onerous financial penalties on the union movement for exercising their function as representatives of the working class? Will it trust a government that is seeking to further restrict and criminalise the right to strike? Is that the Government the Opposition is placing its faith in? Is that who the Opposition extends its solidarity to?

The Hon. John Graham also proudly told us that he and other members of the Opposition would be in attendance at the May Day rally this year and that they did not expect the laws to intrude on the operation of that action. I regret to inform him that those exact laws were invoked against the union movement—against senior officials at Unions NSW who were attempting to plan and organise the union contingent at Town Hall. Organisers faced strong police opposition, and the police were able to impose their will on that proud day of union solidarity and dictate the terms and location of where attendees of the rally could congregate. The same power has been deployed against School Strike 4 Climate organisers. Police are growing into their new powers, trying them out and seeing how far they can push them. We need to unwind those laws now, before it is too late.

Opposition members were also at pains to emphasise their support for peaceful protest. Blockade Australia climate defenders have no history of violence, and yet they are finding themselves on the receiving end of a fascist imposition of State violence under the auspices of the anti-protest laws. I quote the powerful definition of fascism offered up in the debate on the laws by the Hon. Anthony D'Adam:

... in my view a fascist position is one where those in power cease to think that persuasion is the primary mechanism and that actually the way that you resolve problems, the way that you do seal the deal against dissent, is through coercion.

I also quote the Hon. John Graham, who questioned the need for the additional powers before endorsing their introduction—potentially under some illusions as to their full extent. He said:

Until now governments of either stripe have been able to use the significant powers, prestige and authority of the police and the existing laws to deal with what are small but still very disruptive protests. ... We ask the Government to answer when those laws will apply ...

Answers have not been very forthcoming, but the actions of the police have made it clear: Those laws were not designed to allow police to effectively do what they had previously done, but rather to grant them extraordinary new powers to surveil and disrupt peaceful social and climate justice campaigners and to exercise military-style aggression upon them under spurious circumstances. I again quote John Graham:

While Labor will vote to back the bill, as I said, we will then hold the Government to account. We do not want to see those laws used in a haphazard manner.

What could possibly be more haphazard than what has just occurred—police surveilling a camp of peaceful climate defenders on private property, conducting surveillance without a warrant, failing to identify themselves

as police, ramming camp residents with an unmarked police vehicle and then placing lives in danger through their militarised raid of over 100 police in camouflage gear, riot gear, dogs and helicopters? That is wildly disproportionate and far from the expectations of our society. I quote and echo the sentiments of the Hon. Mark Buttigieg, who said:

The problem with the legislation is that it is a broadbrush bill that does not achieve the outcomes specified in the objectives. ... It should not have any unintended consequences for what should be people's ability to associate freely and make a point about whatever issue they are protesting on.

The Hon. Peter Primrose noted:

... there are already legislation and penalties available to deal with people who cause damage to property, harm individuals, are involved in street protests without police permission or breach their visa conditions.

He questioned the necessity for those further laws. Labor and The Greens moved amendments seeking to protect peaceful protest action from the impact of those laws, but they were voted down. The Hon. Adam Searle said it well when he said:

The Government has given assurances ... that the intention of the legislation is to not infringe on peaceful protest. The Government keeps talking about lawful or legal protests, but there are protests that are at the edge although they are peaceful.

...

That the Government cannot see a clear way to support the Opposition amendments is a matter of grave concern. It suggests that the Government was not genuine in its intention of how the law will be applied.

Well, he was right. Government members were being cute when they described how it would be used. They are throwing their full weight behind forming a police state in New South Wales, and we cannot just stand idly by. I again quote John Graham:

If down the track the New South Wales Government broke the assurance that we have been given, we say that goes beyond the law that we have passed here. It would cease to have the support of the Opposition at that point. If the Government ... used the laws outside the scope of which the Attorney General assured the public—these laws would not succeed.

The time for Opposition members to withdraw their support is now. It is time to roll back the regulations, to reaffirm their commitment to the values of democracy, civil society and the struggle for a better world. It is not for government to determine what is legitimate protest, but the Liberal-Nationals Government has been given free rein and a blank cheque to impose its will through coercive police control on the civil freedoms of people in this State. It is seeking now to introduce legislation to impose onerous penalties on unions for engaging in strike action, and The Greens will stand proudly alongside the Opposition, I hope, in opposing this legislation for the exact same reasons we are articulating in this debate. We must vigorously defend our right to fight for a better world because, as Frederick Douglass so eloquently said, "If there is no struggle, there is no progress. Power concedes nothing without a demand. It never has and it never will." I commend the motion to the House.

**The Hon. EMMA HURST (20:35):** I contribute to debate on the disallowance motion and indicate that the Animal Justice Party supports it. I thank Ms Abigail Boyd for bringing it forward. The Animal Justice Party spoke strongly against the Roads and Crimes Legislation Amendment Bill 2022 when it was rushed through this House at lightning speed in March. We opposed it on the basis that it is a draconian piece of legislation that is fundamentally undemocratic. The legislation is a blatant attack on protestors and a clear attempt to silence free speech by those who criticise the Government, particularly for its failure to address the climate emergency, although I note the legislation will have a much broader application than that.

The dangerous flaws with the legislation were canvassed at length in the second reading debate on the bill. One of my major concerns at the time was the incredibly broad regulation-making powers it gave the government. I have raised that time and time again in this House. The Government has a concerning tendency to try to avoid the oversight and scrutiny of Parliament and instead push major, substantive reforms into regulation, where there is very minimal oversight. We are seeing the concerning result of the broad regulation-making powers contained in the regulation.

The Crimes Amendment (Major Facilities) Regulation 2022 designates a huge number of so-called "major facilities", including a long list of railway and metro stations, ferry terminals, passenger terminals, airports and infrastructure facilities. The effect of the regulation is that the scope of the legislation, with its draconian penalties and overly broad offence provisions, has been expanded substantially to locations throughout New South Wales. It is massive Government overreach without any legislative basis. It does not end with that because the enormous regulation-making powers given to the Government in the legislation mean it can continue to chop and change that list whenever it decides there is protest activity it does not like. I am seriously concerned by the scope of the regulations, and I urge all honourable members to join me in voting to disallow them.

**Mr JUSTIN FIELD (20:37):** I contribute to the debate on the disallowance motion, which I support. I thank Ms Abigail Boyd for bringing it to the House. I did not vote on the Roads and Crimes Legislation Amendment Bill 2022 because I had COVID. I was disappointed to have COVID but more disappointed that I could not stand up in the House and reject with fury the Government's attempt to undermine the fundamental aspect of our democracy. The right to peacefully protest government is an element of democracy that is broadly supported by the Australian community.

I was astonished to see the overreaction by the police in the Blue Mountains. It was a military-style raid on people planning peaceful protests. That is what it was. Ms Abigail Boyd indicated, rightly, that Blockade Australia has not been involved in violent protest. The protesters have caused inconvenience, and they acknowledge that. We acknowledge that there is time to cause inconvenience to bring to the attention of the government and the public that things are either going wrong or governments are failing, and to bring attention to issues that require public attention. In fact, the rationale of the Minister who brought the bill to the House was that she was inconvenienced by some of the blockades and they warranted such draconian legislation. I suggest that the Government went well and truly past what would be tolerable to the people of Australia by using a military-style raid to prevent people from engaging in planning inconvenient protests.

I was shocked, in particular, by the argument of inconvenience caused by people raising awareness of the failure of government to address the climate emergency when we had just seen, and some in this room had lived through, the devastating consequences of that failure in the Northern Rivers: the floods. To talk about inconvenience when communities had lost absolutely everything and, in that context, to now be defending that argument of inconvenience and justifying police action because of inconvenience when some in those communities are still living with nothing is extraordinary to me.

But take it just a step further. I remember being involved in some of the very inconvenient protests, in the Northern Rivers again, against coal seam gas in around 2010, 2011 and 2012. Some of the blockades were very inconvenient. The police were there then. They recognised that they had to deal with what was peaceful but inconvenient protest. In most instances, they did that very respectfully. Everyone acknowledged that there was a genuine community concern, peaceful protests were planned, and the police acted in an appropriate way, in most instances—I am not going to suggest that there were not concerns held about the way police engaged in that activity. What resulted from those inconvenient protests? Everything that was said by those protesters at that time, everything that they campaigned for, has largely now become government policy. The Government recognised that those protesters were right—there was a risk to water, that there was a risk to community, that there was an unacceptable risk to climate change and local economies.

The Government walked away from those proposals. It bought out the gas wells. It cancelled most of the licences. The inconvenience caused by those peaceful protests, supported by the community, resulted in meaningful policy change. I suspect that in a few years' time we will be here considering legislation that affirms the arguments that are being made now by Blockade Australia and other peaceful protesters about the failure of government to respond seriously to climate change, and we will be scrambling to take the action that they are calling for now. Some people come, before their time, to warn us of the things that we should do. That is something that we should uphold and protect. To outlaw that, to put people in jail because of that, to scare them with armed police because of that and to grandstand in the media about that is absolutely abysmal behaviour which should be rejected by all in this place. I commend the disallowance motion.

**Ms SUE HIGGINSON (20:42):** I, naturally, support the disallowance motion put forward by my colleague Ms Abigail Boyd. I acknowledge the incredible and profound, deeply well-researched presentation that Ms Abigail Boyd provided to the House. I point out how significant the remarks of all of those civil society organisations that she quoted to the House are. I find the fact that we somehow seem to be able to walk forward in this place in spite of their pleas quite astounding. That we can ignore or overlook or circumvent the comments and the pleas of the NSW Council for Civil Liberties, the Environmental Defenders Office, the Human Rights Law Centre and all of those incredibly expert civil society organisations tells me something is going significantly wrong in this place and with our democracy. I also acknowledge the contribution of the Hon. Emma Hurst from the Animal Justice Party. Those pleas are significant. This regulation is an affront and a disgraceful to what we are trying to achieve in this place as democratic representatives who are here to preserve the very foundation of what is important to our democracy.

I have a history of working with many people who have engaged in very brave and, at times, incredibly inconvenient acts of civil disobedience. I know of hundreds of remarkable people in the community—some deceased, some young and some still with us—who have participated in civil disobedience, and not one of them has done so without significant detriment and compromise to their own lives. They do it because it is important, it matters and it is the foundation of creating the change we need. They are the forward thinkers, the progressive people and the protectors of the things that matter.

I can go to remarkable and pristine places on this planet that are only there and exist in their current forms because people stood up, contrary to the ordinary behaviour of their lives, and they inconvenienced themselves and, perhaps, others. Protecting the environment is the right thing to do to signal a warning to the rest of us who are going about our ordinary course of business—be it playing golf on Sunday, driving to have a look at the mountains or going to work. Those people stood up because they were on the right side of history and knew it was important and a matter of moment. They stood up to signal a warning to our democracy and to our lawmakers to come together, make changes and face the wicked problems and deal with the big issues that we are facing.

Blockade Australia was the trigger for the Minister for Metropolitan Roads to introduce these regulations. Apparently one morning she was inconvenienced as she was driving to work and she was worried about people getting to their destinations on time. But the real inconvenience is the inconvenience I have to wake up to every day in my home town of Lismore in my home region of the Northern Rivers, where the human face of climate change is alive and well. It is being experienced not only every day but also every night. People are not sleeping because they nearly drowned from the catastrophic climate change event that took place in the Northern Rivers. If members want to introduce regulations because someone was inconvenienced on their way to work, I remind them that this regulation, in context and perspective, is absurd, an affront and grossly unfair.

The many members of Blockade Australia—apparently the cause of this regulation—are our fellow human beings who are engaged in end-of-times conversations. These are very sad conversations. I am not sure if members have ever had an end-of-times conversation. I happen to know a lot of young people who are engaged in those conversations. They are concerned about the apocalyptic fires, the catastrophic floods, the agricultural crop failures and food security, and the millions of climate refugees when we hit temperatures that we cannot survive. Frankly, the regulations that the Government has proposed and enacted, and the Opposition has supported, are a serious blight on our democracy. They are an intolerance that should not be happening.

New South Wales has a history of a healthy democracy. During the Carr years, when we first introduced regulations to provide police with powers to move on protesters, we allowed a small but significant exception for legitimate protest because we knew that legitimate protest was important, in the same way that the House of Lords allows, accepts and appreciates the role that civil disobedience plays in a healthy democracy. I urge all members to support the disallowance motion. It is a chance for all members to remember that civil disobedience and tolerating dissent is fundamental to progress, health, wellbeing and a good environment. It is inspirational, as inconvenient as it may be. It is fundamental for us to get things right, not only for us but also for the next mob, the mob after that and all the ones who can never speak at all. I beg all members to support the disallowance motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:52):** I admire the articulate way in which the mover of the motion and those who have spoken in support of it have articulated their position. I must say this: They would have much more credibility if they had opposed the similar laws relating to protesters and abortion clinics that were passed. Those people were not allowed to protest, but these people are. This whole debate is predicated upon—

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! All members were heard in silence. I ask that the Minister also be heard in silence.

**The Hon. DAMIEN TUDEHOPE:** There is no credibility in selectively supporting protesters. If there is a principle involved about the right to protest, then the members would have articulated that principle in support of those people, using the same principles, when they had an opportunity to do so. But they did not. When they argue about—

**Ms Abigail Boyd:** Something totally different.

**The Hon. DAMIEN TUDEHOPE:** No, it is absolutely the same principle.

**The DEPUTY PRESIDENT (The Hon. Wes Fang):** Order! I remind all members that they were heard in silence and treated with respect. The Minister is addressing the motion. Members will give him the same respect that has been shown to every other member and allow him to be heard in silence. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** Effectively, this disallowance motion is unnecessary and redundant. The House has already ruled on this matter and considered it in substantial detail during the debate on the Roads and Crimes Legislation Amendment Bill. A lot of those arguments were canvassed in this argument. The House has voted and it has a position. This disallowance motion is redundant and unnecessary and for that reason we will be opposing it.

**The Hon. JOHN GRAHAM (20:54):** As the Leader of the Government indicated, this issue has been canvassed over a number of days. I indicate that the Opposition will not be supporting the disallowance motion,



which I previously indicated to the mover of the motion. I will refer to the extensive speeches made by the Opposition over those days although I note that they have already been quoted extensively in the course of the debate. The Opposition understands the concerns about this increasingly controversial Government. Those concerns are being expressed as ordinary workers strike and State Government workers strike. There are protests, increasing calls for action on climate change and a lack of belief that this Government will carry through on the urgent need to act now to save the planet.

We understand those concerns. We are concerned with the nature of the legislation and the way that it was rushed and we are concerned about the political motives of this Government. We are clear on that. This Government is unable to handle the ordinary work of policing its citizens with the significant powers that previous governments have had. It has struggled with that for some reason. However, the Opposition supported the bill at the time and that has not changed. That is our position on this disallowance motion. I reiterate three things: our support for peaceful protest, our support for action on climate change and our support for the actions that the Government announced today, on which the Leader of the Opposition has been quite clear—the increase on fines for unions. That will be heavily opposed by the Opposition.

**Ms ABIGAIL BOYD (20:56):** In reply: I thank all members who contributed to debate on this disallowance motion. I will start with the contribution of the Hon. John Graham on behalf of the Opposition, which is a riff on the contribution of Minister Tudehope that this has already been litigated and discussed. These rushed laws were debated over a short period, despite their significant impact on the community. We certainly did do that. During that debate, no-one had seen these regulations or knew what they were going to say. No member in this place, apart from the Government members who were involved, would have thought that the term "major facilities" as used in the bill that was passed would end up extending, under these regulations, to pretty much whatever the Minister thought of at the time.

We warned the House that if such a broad discretion was given to the Minister to define a major facility that one was not allowed to protest near, then it could end up applying to pretty much all of the State. Lo and behold, that is what happened. "Major facilities" now cover all of the peaceful protest locations where peaceful rallies would ordinarily occur about the climate and workers' rights issues that the Opposition claims to hold so dear. Major facilities include Central Station, Martin Place, Museum, St James, Town Hall and even some of the more suburban train stations. It is quite extensive and bizarre. Not many people would consider those locations to be major facilities. And then the roads regulation covers every road in the State. It is extraordinarily broad.

I really do not believe—and I would love to be corrected—that I missed the memo from the Government that under those regulations it was going to pretty much extend this draconian legislation to cover everything in the State. I do not believe for one second that is what the Opposition thought was going to happen when it voted for those laws. Opposition members are now telling the House that we have already had those arguments but that is not a compelling reason not to vote to disallow those regulations. It is incredibly disappointing.

Speaking of disappointing, Minister Tudehope's response on behalf of the Government was a really lazy argument. When we were talking about the anti-abortion protesters, the law was referring to proximity. Anti-abortion protesters can protest at train stations. No, wait, they cannot, because of the law the Government has passed. But perhaps the police will not be as trigger happy when it comes to stopping anti-abortion protesters from protesting in the wrong places under these laws. The idea that preventing people from hassling women seeking reproductive health care outside the place in which they will receive that medical service is somehow akin to this motion is quite extraordinary and a very lazy argument.

Thankfully, it is not just The Greens. It is also our friends in the Animal Justice Party—I thank the Hon. Emma Hurst for her continuous support against those draconian protest laws—and it is also the unions in New South Wales. All of them unanimously support the views that I am putting to the House tonight, as does all of civil society. I am in incredibly good company with the arguments I am putting forward, but I have complete faith that when this law is brought to the High Court, that court will fully understand the difference between this absolute blight on our democracy and the ridiculous comparison that Minister Tudehope put to the House tonight. I really do look forward to the High Court striking down those laws.

Unfortunately, in the meantime, particularly given the laws the Parliament passed today on restricting bail rights, we are going to end up with a whole lot of people who are acting peacefully and with the best intentions being thrown into jail in what has now become the police State of New South Wales. I reflect on the contribution from my colleague Ms Sue Higginson, who spoke from the perspective of not just somebody who understands the law but also somebody who understands protest and the value that protest has had, over the history of this country, in making social progress and meaningful change. She understands the amazing successes of past protesters in protecting places that we now enjoy, and she is absolutely right that they are the people who will be shown to be on the right side of history. For Parliament to try to stifle them and their right to protest is nothing short of disgraceful.

Finally, I turn to the contribution of Mr Justin Field. His absence was noted during the debate on the original bill. It was a great shame that he had COVID during that time, but his comments relating to inconvenience, in particular, were right on point. The idea that only a protester can stop someone from getting to work—apparently there are no other possible reasons for having traffic. I do not know how much anybody else in the Chamber drives, but I am stuck in traffic quite a lot, and it is not through the fault of protesters, on the whole. In fact, I have never been in that situation, but I have been stuck in traffic many times because of the failures of this Government in ensuring that roads are not flooded or that the trains are running on time et cetera.

The idea that we cannot have a protest because it is going to stop someone getting to work—or, to go with a more dramatic example, that there might be a fire engine—as though that does not happen for other reasons, is absolutely absurd. If you compare that to the inconvenience of being stuck in the roof cavity because the floodwaters have come up above the level of your house, I know which of those I would find to be most inconvenient. I thank everybody for having this debate. I flag that, although I am moving the next disallowance motion as well, we will not be relitigating and having the whole debate again. I really hope that some of what has been discussed tonight sinks in and that we see the Opposition, in particular, change its tune before too long.

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

**The House divided.**

Ayes .....6  
Noes .....27  
Majority.....21

#### AYES

Boyd (teller)  
Faehrmann (teller)

Field  
Higginson

Hurst  
Pearson

#### NOES

Amato  
Barrett (teller)  
Buttigieg  
Cusack  
D'Adam  
Donnelly  
Fang  
Farlow (teller)  
Farraway

Franklin  
Graham  
Houssos  
Mallard  
Martin  
Mitchell  
Moriarty  
Moselmane  
Poulos

Primrose  
Rath  
Roberts  
Searle  
Secord  
Sharpe  
Taylor  
Tudehope  
Veitch

**Motion negatived.**

### ROADS AMENDMENT (MAJOR ROADS) REGULATION 2022

**Ms ABIGAIL BOYD (21:14):** I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the Roads Amendment (Major Roads) Regulation 2022, published on the NSW Legislation website on 5 April 2022.

The arguments I made in debate on the previous disallowance motion are equally applicable to this motion, so I will not relitigate those points. However, I note two things. First, this disallowance motion is also supported by every trade union, civil society organisation and human rights organisations in New South Wales, alongside support from The Greens and the Animal Justice Party. It is of a great shame that it is not supported by at least the Labor Opposition. Secondly, if we were to have regulations that effectively make the definition of "roads" under the Act every road in New South Wales, why did the Act not say that? It did not say that because otherwise the Opposition, I believe, would not have voted for it at the time, and it is deeply disappointing that it now opposes disallowing this regulation. I commend the motion to the House.

**The PRESIDENT:** The question is that the motion be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The House divided.**

Ayes .....6

Noes .....27  
Majority.....21

#### AYES

Boyd (teller)  
Faehrmann

Field  
Higginson

Hurst  
Pearson (teller)

#### NOES

Amato  
Barrett (teller)  
Buttigieg  
Cusack  
D'Adam  
Donnelly  
Fang  
Farlow (teller)  
Farraway

Franklin  
Graham  
Houssos  
Mallard  
Martin  
Mitchell  
Moriarty  
Moselmane  
Poulos

Primrose  
Rath  
Roberts  
Searle  
Secord  
Sharpe  
Taylor  
Tudehope  
Veitch

**Motion negatived.**

#### *Special Adjournment*

#### **SPECIAL ADJOURNMENT**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:20):** Before I move the special adjournment, I hope everyone has a good break. I hope those who can, get away and spend time with their families and do nothing to bring themselves to the attention of the House for any reason when we return. I suggest that the Hon. Daniel Mookhey spends some time reading the budget papers and appraises himself of the good work the Government has done. I move:

That this House at its rising today do adjourn until Tuesday 9 August 2022 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause the Deputy President, prior to that date, by communication addressed to each member of the House, fixes an alternative date or hour of meeting.

**Motion agreed to.**

#### *Adjournment Debate*

#### **ADJOURNMENT**

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

That this House do now adjourn.

#### **STATE BUDGET AND THE HUNTER**

**The Hon. TAYLOR MARTIN (21:21):** The 2022-23 New South Wales budget delivered earlier this week invests in transformational reform to build a better, brighter future for everyone in New South Wales. The budget provides comprehensive measures to boost family budgets. It supports quality services and invests in local infrastructure for a better quality of life for local residents. I highlight some of the projects across the Hunter that the Coalition Government in New South Wales is investing in. The budget includes \$51.4 million this year for the \$835 million John Hunter Health and Innovation Precinct redevelopment. We are building better health services across the State, but we know we need to get the right health infrastructure in place so our medical professionals can provide the care and support the people in our regions need. Construction will commence on the redevelopment, with Multiplex recently appointed as the early works contractor.

The redevelopment will allow for a huge expansion of health services that will transform health care across the Hunter region. The new seven-storey acute services building will see a 60 per cent increase in intensive care unit capacity and almost 50 per cent more theatres. The new emergency department will see treatment spaces for patients increase by almost 40 per cent. The redevelopment will also provide a new birthing suite and an inpatient maternity unit, as well as a new neonatal intensive care unit and special care nursery. The John Hunter Health and Innovation Precinct redevelopment will provide work for local builders, subcontractors and tradespeople throughout construction, with 70 per cent of the work to be delivered by local businesses.

In addition, \$500,000 has been set aside this year for the Cessnock Hospital redevelopment. A review of clinical services, needs and planning will be carried out by the local health district to inform the redevelopment.

The community will be consulted as the \$111.5 million project progresses over the coming years. In addition, more than \$28 million is allocated this year for four school upgrades in the lower Hunter. This includes \$5.6 million for the Hunter River High School; \$5 million for Irrawang High School to continue major upgrades and refurbishments, delivering upgraded core facilities and dedicated learning support spaces; a fully funded redevelopment of Gillieston Public School, with \$1.7 million this year; and \$16.6 million in the 2022-23 year budget for the Newcastle Education Campus upgrade. These four school upgrades will be an incredible asset for the entire community, ensuring high-quality education facilities for students and teachers. Some \$16.6 million has been allocated for the Newcastle Education Campus, which will go a long way for that area.

The budget also contains \$1.4 billion over the forward estimates, including \$117.9 million this year, to continue planning the Pacific Motorway M1 extension at the end of what was known as the F3. The project will see the extension of the road over the Hunter River to Raymond Terrace and the commencement of early works construction on the widening of Hexham Straight to improve traffic flow and travel time and safety for all road users. Companies shortlisted to build the M1 Pacific Motorway to Raymond Terrace were announced in April following approval from the Federal and New South Wales governments, and contracts are expected to be awarded later this year.

Finally, the budget includes \$13.8 million this year and \$156.3 million over the forward estimates for the upgrade of Nelson Bay Road to a dual carriageway, including the section at Bobs Farm, which is currently under construction. Since work started on the \$26 million duplication of stage one in January the project has been progressing smoothly. The preferred route for stage two between Bobs Farm and Williamstown was announced in December, and includes a route that extends from Bobs Farm to Cabbage Tree Road at Williamstown. When completed, the upgrade will mean a much faster and safer trip for residents and visitors to Port Stephens who use that road every day.

With regard to Nelson Bay Road, I acknowledge my friend, colleague and fellow advocate for Port Stephens, the Hon. Catherine Cusack, who in a moment will stand at this podium to give her final speech in this place. In Catherine, Port Stephens has always had a champion, whether it was advocating for the protection of the Mambo Wetlands and improved health and education access or supporting the establishment of the Port Stephens Koala Sanctuary. I know that she has made a valued contribution to the region as the duty MLC in the area, a previous Parliamentary Secretary for the Hunter and a longtime member of this place. On behalf of all Hunter Liberals, I wish her well as she embarks on her next journey in life.

## TOLL POLICIES

### AUSSIE BBQ MUSIC SHOWCASE

**The Hon. JOHN GRAHAM (21:26):** I inform the House that the Opposition took three positive steps this week towards dealing with the issue of tolls, which, as members know, are strangling the city. It is a problem caused by the Government over 12 years through decision after decision both big and small. However, this week we have begun laying out some of the building blocks for dealing with this from a policy point of view. The first of those is no privatisation of the Sydney Harbour Bridge and the Harbour Tunnel. The contract for the tunnel expires on 31 August and the people of New South Wales have paid for its construction many times over. At the moment the Government has refused to similarly commit to keep those assets in public hands. Labor has now committed to dedicating that toll revenue to toll relief for drivers. It is one real source of hope for drivers that help is on the way.

The second building block is a policy of no windfall gains. Private tolling companies can expect their contracts to be honoured, but they should not expect windfall gains from government policy changes. Those windfall gains should go back to motorists in the public interest. We expect those companies to come to the table and negotiate to get that money back to the public, in the form of toll relief, when there are unilateral government policy changes. There are existing mechanisms to do this for specific toll roads, but the Government has not required this of the operators, for example, in the budget on Tuesday. We believe it is the responsible thing to do. It is another one of the tolling policy principles we have outlined.

The third building block is the bill I introduced into the Parliament yesterday: the Roads Amendment (Tolling Transparency) Bill 2022. The bill is a much-needed response to what is going on in Sydney and our concerns about toll mania. Sydney is the most tolled city in the world, and western Sydney the most tolled part of our city. The bill introduces three important principles to tackle this. The first is transparency and independent oversight: giving roles to the Independent Pricing and Regulatory Tribunal and the Auditor-General to oversight contracts, making those contracts themselves and the business cases more transparent.

The second principle is releasing toll information. This is the information that government agencies refuse to release until 2060, possibly even longer. We would require information such as the total toll burden for drivers

to be released to the public. Thirdly, the bill introduces decision point signage on toll roads. This Government has caused the toll mania problem, but this week the Opposition has laid out three positive building blocks in its policy to deal with these issues.

I now move to a very topical matter: the promotion of the economic interests of New South Wales in New York City. It is a hot topic on everyone's lips across the State. People—even those on the other side of the Chamber—cannot stop talking about it. That is right. I am talking about the highly successful Sounds Australia THE AUSSIE BBQ Summerstage 2022 that took place at Central Park last Saturday. I was fortunately able to attend. It is hard to make an impression in a big city like New York, but the Australian acts who were there did exactly that. The crowd was wowed by a very diverse selection of Australian music: sets from Baker Boy, Electric Fields, G Flip, Haiku Hands, Peking Duck and You Am I, all of whom I could recommend to the Leader of the Government when he is considering his answers on Thursdays in question time. They all have good material.

I acknowledge that also in attendance for this music export event were Mitch Fifield, Australia's Ambassador and Permanent Representative to the United Nations; Nick Greiner, the Australian Consul-General in New York; and, of course, former Federal MP and music legend Peter Garrett, who was playing the following night. I remind the House of the Opposition's goal, which is to see New South Wales become a music export State. That should be one of our economic goals. One highlight of the trip was seeing the Rising Star award of the G'Day USA Gala given to Tushar Apte. This is a great Indian-Australian success story. The musician is now one of Los Angeles' top songwriters and producers, having worked with some of the globe's biggest stars like BTS, Blackpink, Demi Lovato and Nicki Minaj. He is going to be huge. He already is. I acknowledge the Australian American Association, Sounds Australia and APRA AMCOS for these two great events.

### THE DREAMLIFE OF GEORGIE STONE

**The Hon. PENNY SHARPE (21:31):** Last week I joined several hundred people at the State Theatre as part of the Sydney Film Festival to see the opening of a new documentary made by *Gayby Baby* director Maya Newell. I knew Maya from when she did *Gayby Baby*, a very lovely documentary about children with gay parents, several years ago. Over the past six years she has been doing many things, but one of them has been making *The Dreamlife of Georgie Stone*. Tonight I put on record a few comments from Maya, from Georgie Stone's mum and from Georgie Stone herself. Rebekah Robertson is Georgie Stone's mum. She says this about the film:

As the founder of Transcend Australia, a charity that works to support Brotherboy, Sistergirl, Trans, Gender Diverse, Non-Binary and questioning young people and their families, as an advocate and as an actor and writer, I understand the importance of storytelling, inviting people into a world they would not otherwise have access to. And when the story involves one of the most marginalised and misrepresented communities on the planet, trans kids, there is a special level of responsibility that comes with that. Trans kids across the world are being actively discriminated against, actively excluded from all the spaces they occupy; educational settings, sports and medical settings. They are used on a daily basis as political footballs and laws are continuously being made specifically to erase trans kids altogether. Trans kids are often marginalised and rejected even in their own families.

We know that trans kids thrive when they are loved and supported ... When a child is simply trying to survive, their own agency and dreams for the future suffer. They internalise the shame the world shoulders them with and they struggle to flourish as a result. Georgie deserved to embrace her life with the same gusto her twin brother Harry can, with the same rights, the same opportunities, the same enthusiasm for what might be possible. Not just survive, but flourish and celebrate her dreams, achievements, ambitions and freedom to be. To fully show up in her own life, not hiding, not afraid and live her one precious life on her terms.

This is the power of *The Dreamlife of Georgie Stone*.

Maya, the director, said:

Throughout the years, trans, gender diverse and non-binary young people and their families were (and are still are) consistently being presented from a deficit position in the media. Everyone seems to be talking about them but rarely do children have a space to speak about their own experiences ... We set out to make that film together.

It was extraordinary to see the love and respect for Georgie Stone from young trans, cisgender and gender-diverse kids. I will end with the words of the most amazing Georgie Stone. This is what she had to say about the film:

Growing up as a transgender kid in Australia, I never really knew anyone like me. For a long time, I thought I was the only person in the world who felt the way I did. Despite having the support of my family, I felt isolated and alone. I couldn't see a future for myself. So much of this, I believe, is because of the lack of positive trans representation on screen and in the media.

For me, this film is about taking the power back. To have agency over my story, for the first time in my life, has been such an empowering experience. I am thankful and grateful to the older generations of trans people who paved the way to create a more accepting world where young people like myself can grow to become our true selves. Whilst this story is my own unique personal experience, our communities are rich with diversity and the trans experience has been a part of our First Nations peoples history for an incredibly long time. I want to extend my thanks and respect to Sistergirls and Brotherboys across these lands.

In *Dreamlife*, I want to portray my journey from a kid who felt so isolated and alone, to a young woman who is finally asserting control over her life, her body, her story. I want to show people the importance of a supportive family, and what that can do for a trans person. I want people to see the trans experience as not black-and-white, but nuanced and multi-faceted. It's lonely and difficult,

but also euphoric and beautiful too. There are times we want it to all go away, and times we are so proud to be ourselves we could explode! And most of all, I want other trans people to see that they have a future.

You can be ambitious and dream big. Our trauma doesn't define us, and it won't last forever. We deserve to have a wonderful life.

I encourage members to watch the documentary. I thank Georgie Stone for her incredible advocacy and being prepared to tell her story.

*[Business interrupted.]*

#### *Visitors*

#### **VISITORS**

**The PRESIDENT:** I welcome into the President's gallery the Hon. Catherine Cusack's husband, Chris Crawford, long-term staffer Tasman Brown and former member of this place the Hon. Dr Peter Phelps. Thank you all for coming along. It is good to see you here this evening. Catherine, you may close the proceedings for tonight.

#### *Adjournment Debate*

#### **THE HON. CATHERINE CUSACK, VALEDICTORY SPEECH**

*[Business resumed.]*

**The Hon. CATHERINE CUSACK (21:36):** The wise ones amongst us are all very respectful of the division timer on the Clerk's table. It seems so slow, then those last grains of sand rapidly run out. Suddenly this is my final contribution in this place that I have worked in and loved for 40 years. I have, of course, reflected at length on those experiences. The most overwhelming emotion is that of gratitude for the opportunities and trust placed in me, especially for the past 19 years as a member of the Legislative Council. I am so appreciative to taxpayers for my salary and allowances. I have travelled millions of kilometres and met tens of thousands of citizens at thousands of meetings. As elected MPs our personal mandates are quite complex. As the Hon. Walt Secord is fond of saying, "I dance with the one who brung me." While our party affiliation is an overriding consideration, it ought not be at the expense of our sacred oath to serve the public interest—those citizens, mostly on lower and insecure incomes, who elect, pay and trust us.

Honouring that profound contract with citizens is something I have never lost sight of. It is up to others to judge if I gave them good value, but I can look at myself in the mirror and know that I have tried. To the public I say thank you. The Parliament as an institution is one that I am as much in awe of today as I was the day of my first visit as a Young Liberal, doing voluntary research in the Parliamentary Library. Back in that day the crime of "buggery" was still in the criminal code, a Labor Minister for Corrective Services was imprisoned for taking bribes, Donald MacKay had vanished along with Junita Neilson, women were fighting for their rights and the New South Wales Government owned and operated uniform factories, laundries, coalmines and banks. Many rivers were little better than sewers, and the Water Board was trying to disentangle our sewerage and drainage systems because of the preponderance of raw sewage that regularly closed Sydney beaches. So I have cherished this place, which has been the engine room powering so much reform and change in New South Wales.

I learnt many years ago never to say, "I have seen it all", because New South Wales politics never fails to surprise. Almost all of it is dramatic. I have seen the best and worst of humanity, and to be here as a witness or a participant is to truly fathom the wonder of democracy and appreciate its great guardians—the Clerks and the professional staff in this building. I really thank them so much. Hansard, committee staff and attendants are all so passionate about the procedures that have been passed to us over generations to ensure courteous assistance to members, but always so careful and so determined to faithfully fulfill the conventions that protect the impartiality and the legitimacy of this Parliament.

The Strangers' Dining Room is bookended by two remarkable tapestries called *City Tree* and *Country Tree*, and I urge members to familiarise themselves with their story if they have not already. The trunks are democracy, and the branches designate the various parliaments. There are no leaves because the leaves are the members, and that is the humbling message in its design—that we are transitory, we are visitors and our individual importance is insignificant in the scheme of democracy. For me the message is to remember your duty, to use your time well and to never forget that the sun comes up every day on this building, whether I am in it or not.

I have, for sure, had disappointments, but the silver lining has been to experience some extraordinary kindness at unexpected moments by parliamentary colleagues and their staff across party lines. Liberal and National colleagues as well as people I have spent my career fighting in Parliament as a professional politician have reached out and picked me up for no reason except that they are actually quite beautiful and caring people. That is a side of politics that nobody sees, but it has meant a great deal to me. I hope to write about them one day.

I need to mention my enduring friendship with the Hon. Melinda Pavey. We are women far flung from Sydney, in male party cultures, raising our young children. Of course our circumstances connect us, but it has been an incredible friendship. I love you, Mel, and thank you. To my great friend Mel Gibbons—Mel et Mel—you are both awesome.

When I was dropped in 2011 and was absolutely floundering, the Hon. Amanda Fazio approached me to run for Chair of Commonwealth Women Parliamentarians. All of the female MPs in this Parliament flocked in behind the idea. That role, which I was elected to, was such a privilege and an amazing experience. I thank all of the women MPs who supported me, and I am your best and most zealous advocate. I will never forget you or let you down. The women who actually care and support other women totally raised the bar for me. They want nothing in return but my best efforts for the cause, and that is the kind of team I crave to serve.

I got a bit down when I nominated for Government Whip—and initially had the numbers—and got pretty excited about being an officer in this Chamber. It was already clear the ambitious young men in the Government did not see a role for me, but I hoped that in the upper House I might have some opportunities. I suppose that was naive, because the backlash was so severe. Anyway, people were prevailed upon to change their minds. It was against that background that I approached you, Mr President, to ask if I could be a Temporary Chair. You just said yes, no strings attached, and it was truly such a relief that you would give me a go when I had nothing to trade for the opportunity—only my experience and my passion to do a good job. Mr President, I really thank you so much, because it has been such an honour to sit in that chair. I am sure it seems like a small thing, but it has been huge for me. I thank all members, because I have not had to name a single one of them during my entire period in the chair.

**The Hon. Damien Tudehope:** We went close.

**The Hon. CATHERINE CUSACK:** One of you went close. I respect and love this Chamber, and that experience is an absolute highlight for me and one I will always cherish. I thank my local Liberals, who have supported me—often in the wilderness—for more than 20 years. I miss my friends who have passed away, especially Jim Carey, poor Matt Dunbar, Pat Furbank, Bette Boland, Honour Brown and Ray Firth. I thank my Ballina and Byron branch, especially Judy Chappell; the Hon. Brian Pezzutti, my predecessor in this place; Jaime Abbott; Denys Wynn; Kenn Dodd; Anne Jacob; Jim Peters; Councillor Troy Fowler; Councillor James Owen; Terry McDermott; the wonder boys from Maitland, James Hannah and Zac Baylis; Councillor Kanchan Ranadive; and Councillor Ben Mitchell. It makes me feel so good thinking of you.

My school friends from Mt Carmel in Yass to Kincoppal-Rose Bay and even The Women's College came out of the woodwork to support me during the flood. It was incredible and I was in disbelief. I told them I have been so buried in politics for 40 years that I did not think I had a single friend left, and yet they were there for me—amazing. I never imagined the strength and power of the women who care, and I can tell you firsthand that the power of the sisterhood is incredible and I am so proud to be part of it.

I thank my family: my parents who yesterday celebrated their sixty-seventh wedding anniversary; Chris Crawford, my husband of 34 years; and my sons Josh and Lachlan, who are both now in their twenties and thriving young men in spite of being the original Parliament brats, having roamed this building—mostly the cafeteria—since they were babies. They have enjoyed my success and supported me in so many ways, kept me real and held me together in the hard times. I am so grateful to them.

I have had several outstanding staff members over the past 19 years, but Tasman Brown is particularly special. He has had to carry me through a lot of turbulence and serve in the most dreadful of times—and I refer specifically to the Northern Rivers floods. Tasman, I am constantly being sent messages of appreciation for you, such as, "You do understand Catherine?" They are really passionate messages from all of those you have helped. I add my own name to the long membership list of the Tasman Brown fan club. You have simply been incredible. I know many have tried but failed to steal you from me, and I hope you always know that the loyalty you have shown me is so appreciated and reciprocated.

My own North Coast community is so colourful and political, and whatever they are up to you can always be sure it is in absolute earnest. My sons were educated in Alstonville and Ballina. From the bus drivers who got them to school to Rob Tobias and the amazing teachers and staff at Emmanuel Anglican College, they backed in my boys 100 per cent and made us feel respected and supported. I could not have even been an MP but for the help of that school, which turned my little boys and their friends into outstanding young men and women. I acknowledge the conservationists on the North Coast who are so passionate and true.

I acknowledge the business folk earning a fraction of their potential incomes simply to share in the privilege of raising their families in that amazing place. I thank Jo Shoebridge and Bruce McKenzie from ABC North Coast, and Jenny Burgess at 2ZZZ, who put up with me being so hard to reach but always persisted anyway. We are all

on the same page for our community, including Janelle Saffin, Tamara Smith and Geoff Provest. During the floods when people were asking if I had gone mad, I heard Geoff on the radio say, "Catherine Cusack has always been a warrior for our region." I have never felt so flattered and honoured than when Geoff said that. We all feel the same in terms of our values and our priorities.

I acknowledge the mayors and the councils in the Northern Rivers. I feel that after all these years I have found such a sense of team and belonging, and that is why I am so hopeful for my future when I leave this place. I end as I began, paying tribute to my mentor the Hon. Virginia Chadwick, whose final speech in this House was so short. Respectfully I will do as she did, which is to leave judgement on my career to others and not detain the House with my personal commentary. I do see and feel her presence in the House today, and I conclude as she did using the words of St Paul: I have fought the good fight, I have finished my course, and I have kept the faith. Thank you all and thank you for being here.

*Members and officers stood in their places and applauded.*

**The PRESIDENT:** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 21:50 until Tuesday 9 August 2022 at 14:30.**