



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday 11 August 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday 11 August 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.

Bills

TRANSPORT ADMINISTRATION AMENDMENT (RAIL TRAILS) BILL 2022

Returned

The PRESIDENT: I report receipt of a message from the Legislative Assembly returning the bill with amendments.

The Hon. DAMIEN TUDEHOPE: I move:

That consideration in Committee be set down as an order of the day for a later hour.

Motion agreed to.

Announcements

INDEPENDENT COMPLAINTS OFFICER

The PRESIDENT (10:03): I refer to the resolutions of this House of 22 March and 8 June 2022 directing me to join with the Speaker to make arrangements for the establishment of the position of Independent Complaints Officer to expeditiously and confidentially deal with low-level, minor misconduct matters so as to protect the institution of Parliament, all members and staff. Following an independent selection process and confirmation by the Privileges Committees of both Houses, I am pleased to announce that the Speaker and I have now approved the appointment of Ms Rose Webb as the Parliament's inaugural Independent Complaints Officer. Ms Webb is a former senior public servant with extensive experience in a regulatory environment, including in the establishment of regulatory bodies. Ms Webb also has legal qualifications. The joint Clerks are currently finalising contract arrangements with Ms Webb. As soon as those details are finalised, Ms Webb will be communicating with the parliamentary community to introduce herself and advise everyone of how she may be contacted.

I remind honourable members that the role of the Independent Complaints Officer is to receive and investigate complaints confidentially in relation to alleged breaches of the Code of Conduct for Members not related to conduct of proceedings of the Legislative Council or Legislative Assembly or their committees, including misuse of allowance and entitlements, other less serious misconduct matters falling short of corrupt conduct and minor breaches of the pecuniary interests disclosure scheme. The Independent Complaints Officer shall also have the function of receiving and investigating complaints confidentially in relation to bullying, harassment and inappropriate behaviour by members not related to conduct in proceedings of the Legislative Council or Legislative Assembly, or their committees.

Commemorations

BICENTENARY OF THE LEGISLATIVE COUNCIL

The PRESIDENT (10:05): I invite members to cast their eyes to my right, to the marble bust of the Hon. Sir John Hay. With his head turned to look directly at the President's chair, Sir John has been keeping an eye over this Chamber since his bust was installed in 1889—and, indeed, long before that. Sir John remains the longest serving President of the Legislative Council since the establishment of responsible government. He held the office for 18½ years. He is only one of two people in the Parliament's history to have held both Presiding Officer roles, having started his career in the other place and serving three years as Speaker. Most importantly, though, honourable members may be familiar with Sir John's long-lasting procedural legacy.

In his time as President, Sir John's rulings held great weight—in many cases, a weight that carries over to this day. In the 130 years since his passing, many members of this House and many Presidents have referred to Sir John's rulings when taking and ruling on points of order, including during important debates in the 2000s. This is something that is explored in the newest video in the series *The Immortals*. That is the video series I introduced in June, as part of activities commemorating the Council's forthcoming Bicentenary. The new video, which looks

at Sir John, is being released today on the Council's Facebook page and later elsewhere across the Parliament's social and digital media channels. I encourage honourable members to watch it, and to share it through their networks.

Committees

STANDING COMMITTEE ON SOCIAL ISSUES

Extension of Reporting Date

The Hon. SCOTT BARRETT: I move:

That the reporting date of the inquiry into homelessness amongst older people aged over 55 in New South Wales by the Standing Committee on Social Issues be extended to 20 October 2022.

Motion agreed to.

Motions

DISABILITY PRIDE MONTH

Ms ABIGAIL BOYD (10:07): I seek leave to amend private members' business item No. 1944 outside the order of precedence for today of which I have given notice as follows:

- (a) in paragraph (2) omitting "affirms" and inserting "notes";
- (b) in paragraphs 2 (a) and 3 omitting "individual and structural" before "ableism"; and
- (c) in paragraph 2 (c) omitting "recorded statistics only barely touch the surface of many individual and systemic" and inserting "data gaps remain which limits the ability to present a full picture of the".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

- (1) That this House notes that July was Disability Pride Month, which proudly celebrates the diversity of the disability community and their resilience and strength and calls on every level of society to fight for systemic change to eliminate ableism and the barriers people with disability face in their lives.
- (2) That this House notes that:
 - (a) people with disability disproportionately experience marginalisation and barriers to participation due to ableism, inaccessibility, discrimination, lack of support services and more;
 - (b) according to the Australian Institute of Health and Welfare in a report titled *People with Disability in Australia* published in July 2022:
 - (i) 49 per cent of people with disability are not satisfied or only somewhat satisfied with their life;
 - (ii) there are 4.4 million people in Australia with a disability; however, only 519,000 of these people are engaged with the National Disability Insurance Scheme due to eligibility requirements;
 - (iii) 10 per cent of people with disability aged over 15 experienced disability discrimination in the last year;
 - (iv) people with disability are twice as likely to experience social isolation as people without disability;
 - (v) half of people with disability only received informal assistance when they needed health care;
 - (vi) long wait times, cost, inaccessible buildings, discrimination by health professionals and a lack of communication between treating health professionals were identified as barriers to accessing health care for people with disability; and
 - (c) data gaps remain, which limits the ability to present a full picture of the barriers that people with disability face every day in all areas of their lives.
- (3) That this House calls on all members to support the disability community by actively working to improve the lives of all people with disability, supporting increased funding for essential services, breaking down barriers to participation in society, and challenging ableism.

Motion agreed to.

COSMETIC HEALTH INDUSTRY

Ms ABIGAIL BOYD (10:09): I seek leave to amend private members' business item No. 1948 outside the order of precedence for today of which I have given notice as follows:

In paragraph (3):

- (a) omitting "Government to take action to urgently enforce stronger legislation" and inserting instead "Government to review legislation"; and
- (b) inserting "and make changes" before "in line with the recommendations".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

- (1) That this House notes that the 2018 Inquiry into Cosmetic Health Service Complaints in New South Wales recommended that the Minister for Health pursue and examine issues within the cosmetic health industry relating to reforming the Health Care Complaints Commission powers, titles of medical practitioners and informing and protecting the public.
- (2) That this House notes that according to the joint major investigation by *60 Minutes*, *The Sydney Morning Herald* and *The Age* aired on 9 June 2022:
 - (a) evidence, research, advice from industry specialists and witness testimonies indicate that the cosmetic surgery industry is in urgent need of reform as an emerging industry; and
 - (b) a lack of strict oversight and regulation has led to an increase in dangerous procedures and practices being completed by "cosmetic surgeons", which has sparked concerns about patient safety and unlawful actions of cosmetic health service providers.
- (3) That this House calls on the Government to review legislation concerning the cosmetic health industry and make changes in line with the recommendations of the 2018 Inquiry into Cosmetic Health Service Complaints in New South Wales, and to advocate strongly for national reform of industry regulation and oversight.

Motion agreed to.**AUSTRALIAN INDEPENDENT RECORDS AWARDS**

The Hon. JOHN GRAHAM (10:10): I move:

- (1) That this House:
 - (a) notes that the Australian Independent Record Awards [AIR] were announced in Adelaide on 4 August 2022 and congratulates all the winners;
 - (b) notes that the AIR Awards recognise, promote, and celebrate the success of Australia's Independent Music sector; and
 - (c) congratulates the winners from New South Wales, including Felicity Urquhart and Josh Cunningham, Flight Facilities and The Wiggles.
- (2) That this House recognises the AIR Labels Association for its work in promoting and developing the independent recording sector.

Motion agreed to.**AUSTRALIAN WOMEN IN MUSIC AWARDS**

The Hon. JOHN GRAHAM (10:11): I move:

- (1) That this House notes:
 - (a) that the Australian Women in Music Awards were announced in Brisbane on 21 May 2022 and congratulates all the winners; and
 - (b) that the Australian Women in Music Awards recognise the value and contributions of women and address the chronic gender inequality across the full spectrum of the Australian Music Industry.
- (2) That this House congratulates the winners from New South Wales, including Elena Kats-Chernin, Casey O'Shaughnessy, Martha Marlow, Poppy Reid, Cybele Malinowski and Sahara Herald.

Motion agreed to.*Committees***COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION****Membership**

The Hon. DAMIEN TUDEHOPE: By leave: I move:

- (1) That Mr Farlow be appointed as a member of the Committee on the Health Care Complaints Commission in place of Ms Cusack, resigned.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.**COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION
AND THE CRIME COMMISSION****Membership**

The Hon. DAMIEN TUDEHOPE: By leave: I move:

- (1) That Mr Farlow be appointed as a member of the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission in place of Ms Cusack, resigned.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

Members

LEGISLATIVE COUNCIL VACANCY

The Hon. DAMIEN TUDEHOPE: Mr President, in view of the holding of a joint sitting at 10.30 a.m. today in this Chamber to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Catherine Cusack, I suggest that you do now leave the chair until after the joint sitting.

The PRESIDENT: I shall now leave the chair until after the joint sitting and cause the bells to be rung for the House to resume.

[The President left the chair at 10:12.]

Visitors

VISITORS

The PRESIDENT: I welcome to the gallery Aileen MacDonald and members might remember Scot MacDonald. I also welcome their lovely daughter, Nicola.

Joint Sitting

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 10:34 to elect a member of the Legislative Council in the place of the Hon. Catherine Cusack.

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

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

The PRESIDENT: I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Catherine Eileen Cusack.

Mr DOMINIC PERROTTET (Epping—Premier) (10:36): I propose Mrs Aileen Jean MacDonald, OAM, as an eligible person to fill the vacant seat of the Hon. Catherine Eileen Cusack in the Legislative Council, for which purpose this joint sitting was convened. I move that Mrs Aileen Jean MacDonald, OAM, be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. Catherine Eileen Cusack. I indicate to the joint sitting that if Mrs Aileen Jean MacDonald were a member of the Legislative Council she would not be disqualified from sitting or voting as such a member, and that she is a member of the same party—the Liberal Party of Australia (New South Wales Division)—as the Hon. Catherine Cusack and was publicly recognised as an endorsed candidate of that party and who publicly represented herself to be such a candidate at the time of her election at the twelfth periodic Council election held on 23 March 2019. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:37): I second the motion.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Mrs Aileen Jean MacDonald, OAM, is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Catherine Eileen Cusack. I declare the joint sitting closed. **The joint sitting closed at 10:38.**

[The House resumed at 10:55.]

Members

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce that at a joint sitting of the two Houses held this day Mrs Aileen Jean MacDonald, OAM, was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Catherine Cusack. I table the minutes of the proceedings of the joint sitting.

The Hon. DAMIEN TUDEHOPE: I move:

That the President inform Her Excellency the Governor that Mrs Aileen Jean MacDonald, OAM, has been elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Catherine Cusack.

Motion agreed to.

Committees

STANDING COMMITTEE ON LAW AND JUSTICE

Reports

The Hon. CHRIS RATH: I table report No. 81 of the Standing Committee on Law and Justice entitled *Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021*, dated August 2022, together with submissions, pro forma documents, transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That Government business orders of the day Nos 1 to 4 be postponed until a later hour of the sitting.

Motion agreed to.

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) Matter of public importance notice of motion No. 1, standing in the name of the Hon. John Graham, postponed until Thursday 15 September 2022.

Ministerial Statement

YOUTH JUSTICE CENTRES

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (10:59): In response to the Ombudsman's follow-up report in May 2022, I highlight the work that the New South Wales Government has done, and continues to do, to ensure that young people and staff are safe and supported in youth justice centres across New South Wales. In its response to the Ombudsman's report last year, the New South Wales Government, through the former Ministers for Youth Justice and Corrective Services, did not support legislative amendments being made. This was clearly outlined to the Ombudsman in the original joint ministerial response to each recommendation, and it remains the New South Wales Government's position today. Where recommendations were supported, Youth Justice and Corrective Services continue to collaborate to ensure that they are effectively implemented and that body searches are only undertaken when absolutely necessary and are as unintrusive as possible. X-ray body scanners are currently being rolled out across all youth justice centres, which will almost eliminate the need for any body searches that would require the removal of clothing.

Strip searches are extremely rare. They would only occur in youth justice centres in the rare event that the Corrective Services team had taken control of an incident and the less intrusive search methods had not resolved a contraband risk. Removing this search option through legislation would remove an incident response tool, which could jeopardise the safety of young people and staff in the centres. The New South Wales Government is committed to keeping those centres safe and will not legislate to remove incident response options. Since the original Ombudsman's report was tabled in June 2021, Corrective Services NSW and Youth Justice NSW have held interagency meetings to update the memorandum of understanding related to Corrective Services NSW providing assistance for emergency responses to critical incidents in youth justice centres. This includes updates in June 2021 in response to the Ombudsman's recommendations. In December 2021, the revised memorandum of understanding was endorsed and formally commenced. I am committed to ensuring the safety of our staff and young people across youth justice centres, which is at the forefront of every decision that is made in the youth justice space.

The Hon. TARA MORIARTY (11:01): I speak in response to the Minister's statement in relation to the Ombudsman's report. In the limited time I have, I say that, frankly, this is just not good enough. The Ombudsman has been pursuing the Government for 2½ years, since this incident occurred at the Frank Baxter Youth Justice Centre. The Government has not implemented the recommendations made by the Ombudsman. And now the Ombudsman has taken the absolutely extraordinary step—this is a very rare thing for the Ombudsman to do—of tabling a further report in this House in May of this year, and using its powers to compel the Minister and the

Government to respond to the report and explain why they have failed to act and implement the Ombudsman's recommendations.

After 2½ years, there has been a complete failure to act on this matter. Young people should not be treated as adults in youth detention centres. They are separated and treated as youth detainees for very good reason. There need to be protections in place. The Government needs to do better than what it hasn't done to date. I am happy to work with the Government to work out what the best processes should be, but the answer just provided by the Minister is not going to cut it. This is not simply a question of black-and-white rules around whether or not these types of searches occur. It goes further than that. The Ombudsman is calling for legislative protections and safeguards around how these searches are conducted. For the record, the Opposition supports correctional officers. We support officers working in correctional centres. We support officers working in Youth Justice. But we also think that there need to be safeguards in place to protect young people, as well as the safety of staff working in the facilities. The Government needs to do better.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:04): I move:

That, notwithstanding anything to the contrary in the standing or sessional orders, the business for today be conducted as follows:

- (1) Government business orders of the day.
- (2) Matter of public importance.
- (3) Business of the House.

Mr JUSTIN FIELD (11:04): I move:

That the question be amended to give precedence to business of the House after Government business orders of the day.

It is highly unusual for business of the House to be put after Government business and other business of the House. Of course, this item—so members are aware of what this debate is really about—has to do with the disallowance of the floodplain harvesting regulations. This is the first opportunity the House has had to consider those regulations since the Government brought them in just after we rose for the winter break. Do I need to remind the members of this House that we have previously disallowed substantially similar regulations three times? The Government has thumbed its nose at the decisions of this House to disallow those regulations and at the related debates we have had in this House.

Those debates have reflected the community concern over the risks that this set of Government policies present to the Murray-Darling Basin and the rivers and the communities across that area. Three times we have brought a disallowance motion; three times it has been successful. The Government has waited out the four months and has brought substantially similar regulations. And it deliberately waited to bring them in until after the winter break so we could not consider them. What would it have been doing during that time? It would have been issuing licences to make the problem worse.

Why would we run the risk of not using today to very quickly send a message to the Government that we reject this regulation for a fourth time? The risk of not doing it earlier in the day is that we do not get to consider it until September. The Government will issue yet more licences over that time, which will undermine our ability to protect the interests of downstream communities and the environment over what is a multibillion-dollar gift to a handful of large irrigators in the northern Basin. Changing the order of business is not something we normally do. It is certainly not something that we normally find out about on the morning of an expected debate. The community is expecting this debate to happen this morning.

I ask that we bring that debate ahead of the matter of public importance, which would be the normal practice. Those sorts of business of the House notices would normally occur before a matter of public importance. I recognise that there is a lot on the Government's agenda today. I recognise that there is an intent from most members of the House to get through that agenda today. I wish we were doing the disallowance first up, but I do recognise, and I am prepared to concede, that we should get on with the Government's business. But let's deal

with the disallowance next so we can do it today and make sure that we put the interests of communities and the river where they should be, given this Government's ongoing disregard for the decisions of this House.

The Hon. MARK LATHAM (11:07): One Nation opposes the amendment and supports the motion of the Leader of the Government. The Hon. Justin Field has given just a tiny snapshot of the history of this matter. The truth is that floodplain harvesting has been running, in quite a disgrace for this Parliament, for 20 years. This is the longest running unresolved public policy issue for this Parliament. And to have it resolved properly, it should reflect the true will of the Parliament. The reason to delay would be quite simply that we are down two members. We are down the Hon. Mark Banasiak, who is not here this week, and we just had a joint sitting to fill a vacancy for a member who resigned on Tuesday morning. The past disallowance motions that Justin Field referred to were all carried by a vote or two. This has been a finely contested and balanced resolution of the House. In having the debate again and, in my view and the view of those who support the regulations, bringing finality to this long-running, bleeding, horrible 20-year debate, it should reflect the true will of the House.

I for one will not allow someone who has never been elected by the people of New South Wales to lecture us about democratic will and due process when all 41 voting members should be in attendance to reflect the true will of the House. If this disallowance is carried today solely for the reason that two members are absent, it would be completely illegitimate. I assume to know what you are up to, pal, and that is to destroy jobs, livelihoods and agriculture and to continue your 100 per cent record of hurting the people of New South Wales and never to create a job, never to help an enterprise and never to help a livelihood. So do not lecture me about what you are up to. We are onto you big time.

The PRESIDENT: Order! I caution the Hon. Mark Latham to direct his comments through the Chair.

The Hon. MARK LATHAM: The truth is that this Chamber should have a fair and full reflection of the will of its 41 members rather than a vote taken with 39 present, where those who support the disallowance are maximising their chances in an illegitimate way to continue yet again the farce of a 20-year bleeding issue that does enormous discredit to this Parliament. So let us try to get a resolution. I say to the Labor Party—it looks like it will win the election in March—if it thinks that it will be easier after March to resolve floodplain harvesting with the shadow Minister playing politics and being involved in these charades, that is a delusion as well. I would have thought it was in the interests of the Labor Party, which has sensible members supporting the legitimacy of floodplain harvesting, to resolve the matter after 20 years with the full 41 members voting in this Chamber and to get it off the agenda. It should let the system work and let the farmers access their water in a fair and legitimate way rather than having another five, 10 or 20 years of this going on and on.

Ms Sue Higginson: You don't know what farmers think.

The Hon. MARK LATHAM: The relatively new member interjects. She has not sat through all those ridiculous debates and the obstructions of the disallowances. We do know what is going on. Everyone knows the numbers. Everyone knows the intent. I would have thought that it was very much in the interest of the fairness, reputation and effectiveness of this Chamber to have the matter resolved only when its 41 members are here to vote.

The Hon. PENNY SHARPE (11:11): On behalf of the Opposition I make a short contribution to debate on the conduct of business motion. There has been a lot of attention in this House to floodplain harvesting and regulations. Labor supports the amendment from Mr Justin Field in relation to this. In dealing with these matters, we are not seeking to disturb Government business in relation to the bills that it wishes to get through today. We are keen on that as a basic principle. The disallowance would normally come up as a first item of business, so we feel that, in ordering the business today, that is the best way to deal with what is a thorny issue that I am sure will be fully ventilated in debate on the disallowance.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:12): In reply: I understand exactly the argument made by the Leader of the Opposition in support of the amendment. Firstly, this exact issue was voted on in the other place yesterday and it was rejected. There was an opportunity to have a debate in the other House on exactly the same issue and it rejected that motion. Giving this House an opportunity to debate the same issue that was debated in the other place does not give it the sort of priority that Mr Justin Field seeks to give it, because the issue is alive. It has been ventilated as recently as yesterday.

The House cannot ignore some of the contribution—I do not endorse all of it—made by the Hon. Mark Latham. The Government would say that this is an important issue. The member knows that the Government has views in relation to this and potentially members who are not in the Chamber who can vote should be afforded that opportunity and right on this issue, which is, as he rightly says, very sensitive. We accept what Mr Justin Field has had to say about the priority of Government business. I welcome the contribution that he acknowledges

there are some important pieces of legislation that we want to debate in the House today. But the disallowance of the regulation should not proceed until such time as members who are not here have an opportunity to vote.

The PRESIDENT: The Hon. Damien Tudehope has moved a motion, to which Mr Justin Field has moved an amendment. The question is that the amendment of Mr Justin Field be agreed to.

The House divided.

Ayes19
Noes16
Majority.....3

AYES

Boyd
D'Adam (teller)
Donnelly
Faehrmann
Field
Graham
Higginson

Houssos
Hurst
Jackson
Moriarty
Moselmane (teller)
Nile

Pearson
Primrose
Searle
Secord
Sharpe
Veitch

NOES

Amato
Barrett (teller)
Borsak
Fang
Farlow (teller)
Farraway

Franklin
Latham
Maclaren-Jones
Martin
Mitchell

Poulos
Roberts
Taylor
Tudehope
Ward

PAIRS

Buttigieg
Mookhey

Rath
Mallard

Amendment agreed to.

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

Motion as amended agreed to.

Bills

NATIONAL PARKS AND WILDLIFE AMENDMENT (RESERVATIONS) BILL 2022

Second Reading Speech

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (11:26): I move:

That this bill be now read a second time.

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

Leave granted.

This bill makes amendments to the National Parks and Wildlife Act 1974 to revoke small areas of land from the national parks system to enable high priority Government infrastructure projects to proceed.

The bill also makes a minor amendment to National Parks and Wildlife Amendment Act 2021 to remove the Maiyingu Marragu Aboriginal Place from the Gardens of Stone reserves, which were created under that Act.

Revocations

Let me turn firstly to the revocation proposals.

National parks are our most precious environmental assets and are protected in perpetuity. They protect places of exceptional natural and cultural value, and spectacular landscapes.

They also offer incredible visitor opportunities that not only underpin much of the New South Wales tourism industry but helped sustain the health and wellbeing of the people of New South Wales throughout the worst times of the COVID-19 pandemic.

Since 2019 the New South Wales Government has grown the national parks system by over 441,000 hectares. We have also made significant investments in new visitor infrastructure and park management activities, including bushfire management.

The requirement for Parliament to approve any proposal to remove land from our national parks is an important measure to safeguard the State's conservation assets.

Revocations of our national parks estate are only ever considered as a last resort, however, it is a routine process that is required from time to time to enable minor adjustments to be made and ensure sensible and efficient management of the national parks estate. The last revocations bill was in 2020, when around 92 hectares were revoked from 10 parks, and before that in 2016, when 351 hectares were revoked from 12 parks.

I can assure the House that the revocation proposals contained in this bill are in the public interest, are necessary because there is no other feasible option, and will not result in any net loss of conservation values.

To ensure a balance between supporting essential improvements to our roads infrastructure and conservation objectives, the bill will ensure that appropriate compensation is provided for revocation of land from the national parks system. This is a longstanding practice that has been followed for similar bills over many years.

The New South Wales Government is committed to improved transport infrastructure and road safety across the State. The need for improvements to the Great Western Highway in the Blue Mountains, and the Princes Highway on the South Coast are well known. Congestion and accidents continue to impact local communities, tourists, and road freight. Delivering safer, more reliable, and efficient road travel is a priority for this Government.

The National Parks and Wildlife Amendment (Reservations) Bill 2022 will facilitate the upgrade of the Great Western Highway between Katoomba and Lithgow in the Blue Mountains. The bill will revoke about 23 hectares from the Blue Mountains National Park, and about 3.56 hectares from Hartley Historic Site. This will enable Transport for NSW to commence the priority road upgrades that will help reduce congestion, provide safer more reliable travel to the Blue Mountains, and better connect our communities in the central west.

This bill will also make way for important upgrades to the Princes Highway between Jervis Bay Road and Sussex Inlet Road on the South Coast. The bill will revoke small parcels of land from Parma Creek Nature Reserve, Conjola National Park and Corramy Regional Park. Amounting to about 39 hectares, this will enable road upgrades to the Princes Highway that will ease congestion and improve safety for travellers on the South Coast.

Where revocations are necessary, it is essential that appropriate compensation is agreed before any final decision is made to remove protections for these parcels of land.

The National Parks and Wildlife Service is negotiating with Transport for NSW to determine an appropriate compensation package for revocations associated with the Great Western Highway and Princes Highway. As provided by the bill, the transfer will not occur until the Minister for Environment and Heritage is satisfied that the proposed compensation package is adequate and appropriate.

The last of the revocations proposals contained in the bill involves a regional road in the Port Macquarie-Hastings local government area. The bill will enable much needed upgrades to the Maria River Road, between Port Macquarie and Crescent Head on the mid North Coast.

This upgrade will be undertaken by Port Macquarie-Hastings Council and will require the revocation of just 2.35 hectares of land from Limeburners Creek National Park. Revocation of a number of small pockets of land alongside the Maria River Road will facilitate important safety improvements to 30 kilometres of this popular tourist drive. These improvements are critical to keep our local and holidaying families safe and support the local visitor economy.

Port Macquarie-Hastings Council and Kempsey Council are working with the National Parks and Wildlife Service to identify appropriate compensation for this revocation. Similar to the other revocations proposed in this bill, the land to be revoked from Limeburners Creek National Park will not be transferred until the Minister for Environment and Heritage is satisfied with the proposed compensation package.

Overall, about 54.3 hectares of land will be revoked across six national parks and reserves to enable these important road upgrades to proceed.

Gardens of Stone Reserves

This bill also addresses the need for a minor amendment to the National Parks and Wildlife (Amendment) Act 2021 to revise the scope of lands included in the Gardens of Stone reserves.

The 2021 Act identified over 31,000 hectares of State forests and other Crown lands to be added to the national parks system, including a new Gardens of Stone State Conservation Area and additions to the existing Gardens of Stone and Wollemi National Parks.

This new park protects areas of significant natural and cultural value and provides major opportunities for enhanced visitor and tourist experiences, driving job creation and economic activity in the Lithgow region.

In support of these objectives, the New South Wales Government has committed to invest \$49.5 million in delivering an exciting new ecoadventure tourism destination, representing one of the largest visitor infrastructure packages ever delivered for a new park.

The majority of the Gardens of Stone lands were reserved as part of the national parks system by proclamation on 6 May.

The remaining areas were reserved automatically under the National Parks and Wildlife (Amendment) Act 2021 on 30 June 2022. That includes the Maiyingu Marragu Aboriginal Place.

The 491-hectare Maiyingu Marragu Aboriginal Place, declared in 2008 under the National Parks and Wildlife Act 1974, includes culturally significant art stencils and holds special meaning to Wiradjuri people, who have a continuing cultural connection to the place.

The current tenure of the Maiyingu Marragu Aboriginal Place is Crown land—specifically, it is a Crown reserve set aside for public recreation and conservation.

The Mingaan Wiradjuri Aboriginal Corporation has raised concerns about the inclusion of this Aboriginal Place in the Gardens of Stone reserves and the implications of reservation for future management arrangements.

On behalf of the New South Wales Government, I thank the Mingaan Wiradjuri Aboriginal Corporation for raising these issues.

To respect the views and feedback from the Aboriginal community, the bill will therefore act to remove the Maiyingu Marragu Aboriginal Place from the Gardens of Stone reserves.

The outcome of the bill will be that the existing tenure of the Maiyingu Marragu Aboriginal Place, as a Crown reserve, will remain unchanged.

Overall, 491 hectares of land originally identified for inclusion in the Gardens of Stone reserves will be excluded. This amounts to about 1.6 per cent of the total Gardens of Stone reserves.

Conclusion

Fundamentally, this bill is about a sensible and targeted package of essential revocation proposals matched with appropriate compensation to protect the overall integrity of the national parks system.

It also rightly addresses the concerns of Aboriginal people about the future management of a place that has deep significance to them.

Second Reading Debate

The Hon. PENNY SHARPE (11:26): I speak on behalf of the Labor Opposition on the National Parks and Wildlife Amendment (Reservations) Bill 2022. From the outset, I want to place on record that the revocation of any national park land is no small matter, and 54 hectares being revoked across our national park estate is a substantial loss. Every square metre of protected land should be valued and only ever revoked when there is no other option. Of course, I acknowledge that there are circumstances when it becomes necessary to revoke some land within national parks to progress infrastructure projects—as is the case with this bill. That is what is before the House today. The Government advises that the revocations before us are required to progress a number of road projects. This includes parcels of land along the Great Western Highway in the Blue Mountains, the Princes Highway in the South Coast region, and Maria River Road between Port Macquarie and Crescent Head.

Labor is proud of the national parks protections it achieved in the last government. Labor added over three million hectares of land to our State's national park estate. Labor does not view any decision to revoke land lightly. The National Parks and Wildlife Act makes the process to revoke national park land clear. First, it has to come to Parliament. This is a very important protection for our conservation lands and is why we are able to have this debate today. The Act requires that any land that is revoked is required, under the revocations policy, to be compensated for. The Minister for Environment and Heritage is prohibited from transferring this land until satisfied that appropriate compensation has been provided. The Minister is accountable to ensure that no national park area described under the bill, including in the Blue Mountains, is touched until compensation of equal or greater value is determined and secured.

I thank the Minister's office for the information that was provided to the Opposition in relation to the bill. I acknowledge the Minister is in the Chamber and I thank him for being here today. I acknowledge the work of his staff and their helpfulness in responding to my questions. The Opposition's questions around this issue were pretty straightforward. As I said, every square metre of national park is precious in Labor's view, and revocations need to be carefully looked at. We on this side did have questions about what compensation is going to be made as a result of these revocations. We understand that there are discussions going on about that, and that sometimes it takes some time. The Opposition would prefer to have more information about when compensation for these lands is coming.

I particularly acknowledge my colleague Trish Doyle, the member for Blue Mountains. Trish is a vigorous and strong supporter of the environment, particularly the national parks within the Blue Mountains area. She is extremely proud and has worked for decades on World Heritage protection; she defends every blade of grass within that national park and is very proud to do. We are glad that she does. She has put on record in the other place her concerns around the loss of 23 hectares from the Blue Mountains National Park under this bill, and I thank her for doing so.

I put on record that if Labor is elected after March next year, one of the first things we will do is look closely at this revocation to ensure that the amount of land revoked is as minimal as possible and that the compensation is more than adequate. It is not a reflection on the Minister, but it is a statement of intent in relation to our unease about how large we believe this revocation is. A key finding in the recent *Australia State of the Environment* report was that Australia has suffered catastrophic habitat loss, including in New South Wales.

National parks are one of the best tools to protect and restore our unique Australian environment. It can only be done by expanding what land we have reserved and effectively funding those who look after it. Conservation efforts should never take a back seat to road improvements.

The bill will have a number of ramifications. On the South Coast, Labor supports the much-needed upgrade of the Princes Highway, which requires a 21.43-hectare revocation from Conjola National Park, 3.68 hectares from Parma Creek National Park and 0.3 hectares from Corramy Regional Park. The upgrade to the Maria River Road connecting Port Macquarie and Crescent Head will need 2.35 hectares revoked from Limeburners Creek National Park. That is to address the safety of the unsealed road, which has been particularly bad during the recent bad weather. Anyone who has been anywhere near where the weather has hit will appreciate that. As I said, the Great Western Highway in the Blue Mountains requires 23 hectares to be revoked from the Blue Mountains National Park between Lithgow and Katoomba and a further 3.56 hectares from the Hartley Historic Site.

Revocations on the Great Western Highway in the Blue Mountains are a small part of a much larger and more controversial project. When debating this today, we have to be aware of the context of the revocation and why Blue Mountains local residents and others have concerns. As it currently stands, the Government has broken the highway upgrade into a series of smaller projects, essentially dealing with it bit by bit. Under this planning regime, there will be a review of environmental factors as opposed to an environmental impact study for that whole project. I am sure the Government has its reasons for that, but I place on record the Labor Party's concern, and the concerns of the member for Blue Mountains and the Federal member for Macquarie in particular. They are very concerned that, in this environmentally sensitive area, a large road project like this should not be done in tiny pieces. There should be a whole environmental impact statement to actually understand that and to make sure that it is a rigorous process. The members are very keen for that.

I place on record Labor's interest and concern. Death by a thousand cuts is what we are worried about, and we believe that a full environmental impact statement would be better so that we could take all of those issues into consideration. As this goes forward, Labor will continue the conversation around this project to make sure that the upgrades are done in the best interests and needs of the people who live there while also ensuring that the World Heritage-listed Blue Mountains National Park is as protected as possible. Every blade of grass that we can protect, we want to protect. We will keep doing that.

Finally, an important part of this bill is to make some changes to the Gardens of Stone State Conservation Area. That is at the request of the Maiyingu Marragu Aboriginal Place and the First Nations people there. I think this is a failure of consultation. We are very supportive of the creation of the protection of the Gardens of Stone. Some people have been campaigning for decades. I have been there on several occasions, and I am aware how important that declaration is. But it goes to how serious we are and how we need to do better in speaking with, consulting and genuinely involving First Nations people in the management of parks and conservation areas. The local Aboriginal community did not support just whacking that into the conservation area, and we have to reverse that and sort it out. I know that there have been announcements recently about Aboriginal rangers and about more joint management; however, these kinds of errors should not happen. I am glad that we are fixing them up.

The Opposition's point of view is that we need to be moving towards a position where the management, discussion and consultation, particularly in relation to protected lands and national parks, is done in partnership with First Nations people and not over the top of them. Labor obviously supports the bill. I know that The Greens have foreshadowed a series of amendments, but Labor will not support those. I will go into detail at the Committee stage. I understand what The Greens are seeking to do. I understand their concerns around compensation and knowing what is in place before we do revocations, but I will address that at the Committee stage.

Ms SUE HIGGINSON (11:35): On behalf of The Greens, I contribute to the debate on the National Parks and Wildlife Amendment (Reservations) Bill 2022. I acknowledge at the outset that the Government and department have been incredibly helpful in providing briefings on the bill, and I understand the objectives of it. The revocation of some national park land for Transport for NSW has been explained as a relatively common administrative function that only occurs when all other options have been exhausted. I accept that that is the view of the Government and the department but, as I will explain shortly, it is not the view taken by The Greens. It is not a view that we can share without the processes being more transparent and more in keeping with the intentions of the National Parks and Wildlife Act.

I note that the exclusion of an Aboriginal place from the Gardens of Stone State Conservation Area is at the request of the Wiradjuri community. It is important to support that so that the management of the Gardens of Stone will not impinge on the wishes of the custodians of that place. We cannot support amendments to revoke land from our national parks without plans for compensation to first be available. In this time of climate and extinction crises, our national parks are too precious to lose. We must also examine their current management. The process is one of death by a thousand cuts. That is, in fact, what we are doing.

The Greens recognise the need for road safety upgrades and that those upgrades will sometimes impinge on protected areas, but the process is the wrong way around. If a revocation is identified as necessary, then the process should be that compensation of equal significance—or greater—must be identified and reserved prior to the revocation occurring. We have to end this system of destruction first with some pretence that we can compensate or offset it later. We need to reverse that and do it up-front. To diminish the precious, important protected area network without first identifying that a fair compensation of land is available is a dereliction of the network. In areas as precious as the Blue Mountains, it is not good enough to take even a small part of land away without first identifying transparently that there is an area of equal value that can replace the revocation. The Government has emphasised that these revocations are just a tiny part of the overall park, but that is not the point of protected areas. These areas have been specifically created where they are because of the value they have as a whole.

In the recent debate about the raising of the Warragamba Dam wall, the argument was also made that only a small part of the World Heritage area would be destroyed. That argument is inadequate in the extreme because the integrity of the Blue Mountains is what makes the area significant enough to be included as World Heritage. Every part of a national park, nature reserve or conservation area is important. We cannot examine those special places as a series of small parts that can be peeled away or have other bits tagged on in bits and pieces. We need to respect the integrity of protected areas, because the integrity is why we have protected them in the first place.

We need to be more ambitious than ever before when it comes to our protected areas. Although work might not commence on the road upgrades until after compensation has been arranged, there should be assurances that there is in fact suitable land available before the revocations are brought to this place. More than just meeting hectare-for-hectare requirements for compensation, the Minister should be adding to the protected area network at every stage of the process. The Greens will be moving an amendment during the Committee stage of the debate that seeks to do exactly that.

I acknowledge what the Hon. Penny Sharpe said regarding the part of the bill that omits the Aboriginal place from the Gardens of Stone State Conservation Area. There has been a serious failing here; we really must do better, we can do better and we know what it looks like to do better. We need to be doing more to listen to First Nations people and the custodians of the lands, particularly when it comes to the care, control and integration of traditional knowledge in the management of those significant places. It is time for us to relinquish a lot of that control and get this right up-front.

Given where we are and given the predicament we are in, The Greens wholeheartedly support the request of the Wiradjuri people to have their place managed under the existing regime through Crown Lands. I recognise and respect that they should have the autonomy and the care and control to have their places managed in accordance with their wishes and their traditional practices. I am glad that they have been consulted and listened to on this issue, and that the management of the Gardens of Stone will not encroach on their existing management practice. I leave my remarks there for now, and I look forward to contributing further during the Committee process.

The Hon. MARK LATHAM (11:41): One Nation welcomes anything that reduces the size of the national park estate in New South Wales for the simple reason that we are the great practical environmentalists in this Chamber, not engaging in the expansion of the estate just for the sake of it, only for nobody to use those areas. It goes to the basic fact that one can listen to The Greens and some of the Labor left until the cows come home, but they will never, ever tell you about who is using the vast number of areas and spaces in New South Wales.

The Hon. Penny Sharpe: Millions of people.

The Hon. MARK LATHAM: She says millions of people. When she becomes the Minister, I will ask her the same question I asked the previous Minister, Matt Green, about how many people actually use the 900 national parks and State reserves in Australia and how many use them case by case. Entire national parks and State reserves do not have a single person using them in New South Wales. Why? It is because it has become a major party political game to announce more areas for the sake of the inner-city Green left vote, knowing that we have so many of those areas that it is simply not possible for the limited number of people interested in bushwalking, communing with nature and so forth to actually visit any of the areas in remote locations.

The shame of it is that at election time the major parties go through the charade of announcing a new area just for the sake of it, knowing no-one will ever visit. If the Government had the integrity of use figures in trying to demonstrate its point, it would answer my questions on notice truthfully. I see there is a new Minister in the gallery. He has replaced Matt Green, but he is something of a Green protégé. Maybe if I put the question on notice, he might answer it this time, or I could move that motion to invite him into the Chamber for the debate and he could answer this question: How many users are there annually in each of the 900—we are not talking about

nine or 90—national parks and State recreation areas? Case by case, how many of them have users in New South Wales?

The shadow Minister said she would provide that information as Minister. Why was it not provided by the previous Minister? We will see how the current one goes when I put the question to him. But if members know anything about major party politics, the truth is it is an electoral game to think, "We have 900 national parks. If we announce the 901st, 902nd, 903rd or 904th it will look good for a certain constituency", safe in the knowledge that nobody will visit them because we are overloaded. We have so many of those areas, we are better off concentrating on looking after the popular national parks and State reserves and making them work for the people of New South Wales.

I am afraid the Gardens of Stone is an example of an area that was added to the estate simply for the sake of doing it, because it is not possible for the number of people interested in the high-quality bushwalking and national parks in the Blue Mountains to also engage with the Gardens of Stone. It is not a real flash, attractive area, and people who are interested in those things will use the Blue Mountains. When I asked Matt Green whether he had any projections or a business case for how many people will use the Gardens of Stone, he again could not answer.

The Government spends a huge amount of money on a huge amount of expansion for political and electoral reasons, without any evidence that those extra areas are used. Probably the only bushwalker I have ever known was Bob Carr. I do not know of that many people who have rushed out to the Gardens of Stone or rushed out to Matt Kean's new reserve in western New South Wales, where he is doing some things because of the Kyoto Protocol and the Australia clause. There has to be a limit on how many people in a State of 7½ million people will use the 900 national parks and State reserves, so a political game is being played.

The speeches of The Greens never identify the number of users in any of those areas. Would it not make sense to devote our limited, scarce State resources to making the parks and reserves that have popularity and regular use work for the people who want to go there and enjoy nature? Is that not the whole purpose of the efficient use of scarce government resources, instead of just the scattergun approach of saying, "Oh, we've got 900; next year we'll have 1,000"—knowing that nobody will ever really use the extra 100 and there is an expense to hiring some staff to identify them and patrol them?

It is an inefficient process, and that is why I say in this Chamber that One Nation are clearly the great practical environmentalists. We want environmentalism to work in a practical, effective, empirical way for people, rather than this major party political game of a bidding war about who can notionally have the biggest number of national parks and reserves without people actually using them in any effective way. Reserving those areas just for the sake of it is ineffective, and the Government is doing something very limited here. I would probably like to move an amendment in future bills of this nature to halve the number of national parks and reserves and concentrate the resources in a practical way on the ones that actually get the use. We can tell the ones that get the use.

Ms Sue Higginson: Yay!

The Hon. MARK LATHAM: The new Greens member is cheering. Up to her intellect, she says, "Yay!" Well, it is good to have a cheer squad for any form of debate, even if it is a kindy kind of cheer squad.

Ms Sue Higginson: Do it again.

The Hon. MARK LATHAM: Yay! That was her contribution. One Nation members love The Greens; we are next to them in the office. But every now and then—especially on a Thursday—we get this sort of whiff down the corridor that has made them a little light-headed, a little cheery, a little "Yay!" Maybe this is such an occasion, given the type of contribution that they make. But the Government says it is committed to improving transport infrastructure and road safety across the State. It is committed to the protection of national parks and reserves, but it will carve some out for roads. I suppose that is worth supporting, because it is practical environmentalism. People cannot get to those areas unless there is a road to get them in. Nobody is hiking from Sydney to western New South Wales to look at scrub. They need roads to get in there, and the bill will facilitate the removal of small areas of land—it is only 54 hectares—from six reserves to enable the construction of priority road projects.

The areas revoked from parks will remain vested with the environment Minister. One would have to ask the question: Why do they not go to the roads Minister? If we are building roads, should it not be the excellent Minister for Regional Transport and Roads who has control of those facilities? It does not make sense to have an environment Minister in charge of road construction and maintenance. The poor National Party chap has been snubbed. Consistent with longstanding policy, suitable compensation is required for the revocations, so that is happening. The bill will also revoke about 2½ hectares from the Limeburners Creek National Park.

Ms Sue Higginson: Where is that?

The Hon. MARK LATHAM: That is a very good question. The Greens member does not even know where it is. She cannot possibly use it if she does not know where the Limeburners Creek National Park would be. She needs a map of New South Wales.

Ms Sue Higginson: I know where it is; I go and visit.

The Hon. MARK LATHAM: You go there, okay. How many others? How many do you see when you are there?

Ms Sue Higginson: All of them.

The Hon. MARK LATHAM: All of them—everyone is there? Some 7½ million people in New South Wales are trekking through the Limeburners Creek National Park, which, quite frankly, none of us have ever heard of. Limeburners Creek National Park does not sound all that attractive to go to, burning lime, does it? Anyway, that is what The Greens do—burning that other substance I mentioned earlier on, as well. This facilitates the upgrade of Maria River Road in the Port Macquarie Hastings Council. I think they have six users of this national park per annum, so it is one of the popular ones outside of—

The Hon. Walt Secord: Name them!

The Hon. MARK LATHAM: They are sitting over there, aren't they? The 30-kilometre road links communities in Port Macquarie Hastings Council, so that is all going fantastically. Fifty-four hectares of land will be revoked from the six-reserve total and result in the loss of natural values from those parks. This is a small impact on the vast estate, which consists of 900 national parks and State recreation areas. It is having a limited impact. The main focus of debate has been about the Gardens of Stone, which has attracted very few users, to my understanding.

The Hon. SHAYNE MALLARD: It has just been declared.

The Hon. MARK LATHAM: It has only just been declared. If it was just declared, was there not a queue of people outside the boundaries who were keen to get in and saying, "You beauty! It has just been declared; I'm rushing in"? The hapless Shayne Mallard again shoots off his foot by admitting that at the moment of declaration, at the point when one would say, "By popular demand, we are declaring this Gardens of Stone"—the name itself tells us everything we need to know. Who wants to look at stones in a so-called garden? A garden should have plants, greenery, shrubs, foliage and beauty to it, not just a series of stones. This is caveman stuff from Shayne Mallard, saying that a garden of stones can be attractive. He declares it, and nobody turns up. He is all dressed up with nowhere to go, and nobody has turned up at the Gardens of Stone. It perfectly makes the point that if we do not have use of these areas, what is the point?

The truth is that the estate is being debased for electoral reasons in this bidding war to see who can declare the greatest number of areas, safe in the knowledge that nobody is going to look at the Gardens of Stone and that its use in the immediate past period has been minimal. The roads in the bill are necessary but, with the new Minister here, and other greenies in attendance, I urge a rethink to adopt the One Nation manifesto of practical environmentalism. It has cheered up the Minister. My colleague and friend the Hon. Ben Franklin is very happy at the mention of our manifesto of practical environmentalism because it is the way to maximise use. These areas are not there for us to just talk about, look at on a map and move legislation about. They must be there for people to use. It must be practical use and utility that drives this policy, which sadly has not been the case. This bill is a small start to a different kind of approach. Hopefully, we will see that in the future.

The Hon. JOHN GRAHAM (11:52): I will resist the urge to respond to all of what the Hon. Mark Latham has put on the record in debate on the National Parks and Wildlife Amendment (Reservations) Bill 2022. I will respond directly and reject outright his attempt to halve the national park estate in New South Wales. That is a remarkable position. He would have to be the only person who has lived through COVID and now wants to drive people indoors. The outdoors is crucial to the health of the State, and it is one of the remarkable things about our State, so I reject the member's comments. On the issue about getting people into these parks, the member has something to say there. I am the shadow Minister for Roads. This is a personal view, not a policy position: Follow the policy position of the shadow Minister for the Environment. We have to get more people into our parks. There is a problem with the culture of not encouraging people to get out there. That is a serious agenda that should be pursued and it is really important.

The park estate in the city and across the State is one of the remarkable things about New South Wales, and people should get out there. As prices rise, they are one of the few places that working-class people can afford to go to take the kids and go on a holiday. It provides an alternative for ordinary people. In 2018 some 60,236,009 people entered our park estate. The most popular of those is the Blue Mountains National Park, where many of

the revocations are happening. I place some views on the record about the revocation of 23 hectares, which is a serious debate. Firstly, to observe what my colleague said in leading for the Opposition, Labor supports the bill and revocations. But I raise some concerns more from a transport point of view than from an environment point of view. My colleague has put on record the view and the thanks of the Opposition for the briefing that has occurred so far on the environment agency side, but there are concerns on the transport side.

Much of the consultation for this project has been conducted in secret. Much of this has excluded key members of the community, and the people who have been consulted about this project have been forced to sign non-disclosure agreements. Key people who wanted to be consulted have not been consulted. For instance, the Mayor of the Blue Mountains, who everyone here would acknowledge is very active in his community, wanted to be included but was not. Our State member, Ms Trish Doyle, who has been recommended in this Chamber, was excluded from this consultation. The Blue Mountains Conservation Society was excluded.

These are people who have views about their community and are leaders in their community, but they have been excluded. The business case is not available to the community or to the public to view. The view has already been put strongly about the piecemeal nature of the consultation. When the transport Minister talks about it, it is a very big project. For all of those reasons, but mainly the cloak of secrecy that has fallen over this project, I want to be up-front about the difficulty the Opposition has had in assessing the need for each of these serious revocations, which will carve out parts of the most popular national park in New South Wales.

I agree with the Hon. Mark Latham's point about getting people into our parks. We have to drive that. But this is the most popular one, and we are not just taking out a sliver, which is what the community was told. When the community asked about what would be involved and how much would be carved out, they were told by Transport for NSW that a sliver would be taken out. That is not 23 hectares, and that leads to the concern. I want to be clear: The Opposition is supporting the revocations. If they are required to get the road and safety upgrades through, the Opposition will back that.

That is a routine part of government, and there is no argument from the Opposition. As my colleague the Hon. Penny Sharpe said, Labor would run the ruler over this if it was in government. If it is required for construction, there will be no debate. If it is not required, it will be re-examined, which might lead to some aspects of these revocations being returned to the national park estate. We reserve the right to run the ruler over this tightly. One of the reasons we do that is that there have been significant changes to this project as it has unfolded. Residents in Blaxland received a letter in the lead-up to Christmas saying that their homes would be taken from them—

The Hon. Shayne Mallard: Blackheath.

The Hon. JOHN GRAHAM: In Blackheath. They were told they would have their houses claimed by the State. That was then removed as plans changed. Infrastructure NSW has cast significant doubts over this project as a whole, so we need flexibility. Finally, as my colleague has indicated, this park is an important part of the national parks legacy in New South Wales. We are proud of the record of Bob Carr and Bob Debus, backed by Ms Trish Doyle. They are all important conservationists in the Labor tradition. We see this as one of the most special parts of New South Wales, and it would be improved by getting working-class families into it and making it easier to do. That would be better, and that is something that this Parliament should talk about. But we do take seriously these revocations, which is why we have placed on the record today our commitments to the community and our concerns about the secrecy of this process to date. It has made the job of the Opposition in supporting this bill more difficult.

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

Questions Without Notice

MEMBER FOR MIRANDA

The Hon. PENNY SHARPE (11:59): My question without notice is directed to the Leader of the Government and Minister for Finance, and Minister for Employee Relations. When was the Minister first made aware of the alleged misconduct of the former fair trading Minister?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:59): I thank the honourable member for her question. That is a very difficult question to answer. I would like to know what misconduct the member is referring to. The fact of the matter is that the question is a general one that asks when was I first made aware of the misconduct of the former fair trading Minister. The member makes no specific allegation about what that misconduct was or what knowledge she wants imputed to me regarding the behaviour of the former fair trading Minister. The fact of the matter is that this question—

The Hon. Penny Sharpe: Point of order: The Leader of the Government does this all the time. He should know by now that he cannot debate the question. He can answer the question however he likes, but he cannot debate the question. If he is perplexed about the question, he has an opportunity to come clean now about everything he has known about the activities of the former fair trading Minister. I encourage him to do that.

The Hon. DAMIEN TUDEHOPE: To the point of order: I was not debating the question. In fact, I was elucidating the circumference and the width of the question, and the inability of members opposite, even in their question time strategy, to draft questions with any specificity that would help this House.

The Hon. Penny Sharpe: Further to the point of order: The Minister is still not allowed to debate the question. He might not like it or the way it is worded. I thank him for the constructive feedback, but he still has to answer the question, not debate it.

The PRESIDENT: Indeed. The Minister may continue.

The Hon. DAMIEN TUDEHOPE: I thank the Leader of the Opposition for seeking to give some clarification, but because of the question's lack of specificity I have no idea what she is talking about.

COUNTRY RAIL INFRASTRUCTURE

The Hon. SCOTT BARRETT (12:02): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister inform the House about how the Government is building what matters to deliver a brighter future for New South Wales through its Fixing Country Rail program?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:02): I thank the member for his question and his interest in our rail network. Yesterday he mentioned his successful trip on the XPT and Xplorer service to Broken Hill, which showcased the very best of our rail network in regional New South Wales. This week is all about Rail Safety Week. There is no better time than now to talk about what we are delivering across our rail network in regional New South Wales. We are building a safer, stronger regional New South Wales through our record \$19.4 billion investment into regional roads and transport infrastructure. I am pleased to report that a Riverina rail revival is well under way—the largest Fixing Country Rail program project to date. A \$60.4 million replacement of 174 kilometres of rail between Junee and Griffith has been built. It is complete and in action—job done!

That is what we do on this side of the House. We are fixers and builders. We get on with it, unlike members opposite—"chat, chat, chat"—who left us with a \$30 billion backlog. But on this side of the House, we have invested \$19.4 billion in an infrastructure pipeline in regional New South Wales. The completion of the Junee to Griffith upgrade allows heavier freight trains to use the track and adds capacity—

The Hon. Damien Tudehope: Point of order: I am faced with a wall of noise gushing over us from members opposite. I ask that they restrain themselves and just listen to the good news.

The PRESIDENT: Indeed, I welcome that point of order. I was on the verge of issuing a general warning because the cacophony was rising. I ask members on my left to restrain themselves a little and listen to the Minister.

The Hon. SAM FARRAWAY: Obviously members opposite are not very interested in progress in regional New South Wales and the new infrastructure that has been built. I will go over it again. The completion of the Junee to Griffith upgrade will allow heavier freight trains to use the track. It will create efficiency and capacity for those trains to travel at higher speeds, and make the journey more efficient for freight trains transporting goods and produce from our farms in the Riverina across the State and Australia to the port and overseas.

The Hon. Wes Fang: The food bowl of the nation.

The Hon. SAM FARRAWAY: Yes, the food bowl of the south. As one project comes to completion in the Riverina, another one starts. An \$11.7 million project to extend the Coolamon rail siding is about to get underway and, I am pleased to say, will be finished next year. The rail siding at Coolamon will be extended from 920 metres to 1,530 metres, enabling access for freight trains up to 1,500 metres in length. That is in addition to the completion of the Berry to Bomaderry upgrade, which will see 350,000 tonnes of rail freight moved along the South Coast line each year. That will be a welcome boost to our economy. As I said, on this side of the House we are builders, fixers and doers. We do not leave \$30 billion backlogs like members opposite did when they were last in government.

TOURISM AND EVENTS FUNDING

The Hon. JOHN GRAHAM (12:05): My question without notice is directed to the Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism. As the incoming tourism Minister, has the Minister initiated an audit into commitments made by his predecessor, Stuart Ayres, to ensure that any multimillion-dollar commitments he has made to attract specific events to New South Wales will actually deliver a significant increase in visitors, as the charter of Destination NSW requires?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:06): I thank the honourable member for his question. I am incredibly excited to have been appointed as Minister for Tourism in this Government because we have a strong and positive vision to be the premier visitor economy in the Asia-Pacific by 2030. We want economic prosperity, jobs and lifestyle opportunities for the people of this State. We want a compelling destination brand and an iconic, world-renowned visitor experience in this State. We want sustainable visitor destinations and world-class infrastructure. We want a globally connected business and education sector. We are incredibly excited about what we are doing, which is to grow the New South Wales visitor economy. We know that tourism contributes 8 per cent to the State's gross product. Our aim is for that to happen—

The Hon. John Graham: Point of order: I am familiar with the work of the tourism agencies. I do not need a general prelude. My question was very specific: Has the Minister initiated an audit into the commitments that his predecessor made?

The PRESIDENT: I uphold the point of order. Whilst the Minister has given us some important context, I ask him to respond directly to the question relating to initiating an audit into commitments.

The Hon. BEN FRANKLIN: I am very happy to do that. I apologise for being unable to contain my excitement, energy and enthusiasm, not only for the role but of course for the exciting opportunities ahead for the people of New South Wales. However, I was only sworn into this role less than a week ago. I have had one initial small briefing with the department, which has been excellent. I give a particular shout-out to the incredible public servants at Destination NSW, who do an extraordinary job. I have not initiated an audit at this stage. But, as the member mentions regularly, I will be casting a ruler across everything in the works for tourism in this State, which is very exciting. I look forward to doing that. With the indulgence of the House, I give a quick shout out to the Deputy Mayor of the Tamworth Youth Council, Jack Lyon, who is doing work experience in my office. I thank him for being here.

The Hon. JOHN GRAHAM (12:09): I ask a supplementary question. Firstly, with the indulgence of the House, it was remiss of me not to congratulate the Minister on his appointment as tourism Minister. Welcome to the Chamber. Will the Minister elucidate that part of his answer where he talked about the briefings, and will he give the Chamber a commitment that he will rule out wasting millions of taxpayers' dollars announcing events that do not bring significant numbers of visitors to New South Wales?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:09): I am incredibly proud of the events that we bring to this State, and I am incredibly proud of the dollars they inject into our economy. More than that, after the last two and a half years, I am incredibly proud of the connectivity that has resulted from these events. This year's Vivid was, in fact, the busiest and most popular Vivid we have ever had and it brought people together after the last two and half years. We are providing opportunities for people to get out, come together and experience these events, and I am incredibly proud of that. I am incredibly proud of the work that we are doing, and I look forward to continuing to support the work of this Government.

BOURKE INDIGENOUS CHILDREN

The Hon. MARK LATHAM (12:10): My question is directed to the Minister for Aboriginal Affairs. Is the Minister aware of reports by Government officials in Bourke, in western New South Wales, that between 50 per cent and 100 per cent of Indigenous children in the town have been sexually abused, with the local police saying that there are 100 sexual predators in Bourke on any given night. Is the Minister aware that children roam the streets at night to get away from these predators, they sleep all day and do not go to school, their lives are being wrecked on every front? What is the Minister doing to overcome this tragedy, by far the worst social problem in New South Wales?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:11): I thank the honourable member for his question and I note his interest in this issue. We have had some discussions on this front already. I also acknowledge his recent visit to the west of the State, and I know that he has personally spoken to a number of organisations and individuals who have been significantly impacted by the sorts of horrific situations that he has just highlighted. The short

answer is, of course, as the Minister for Aboriginal Affairs I do not have direct responsibility over the issues that he raises; they fall under the auspices of other Ministers. I am aware of some of the allegations. I am not aware of this specific circumstance; I have not been briefed on it. I will give the member this guarantee: I will ask for a full briefing and I will engage with him about the issue, as I will with the other Ministers who have responsibility in this area.

CULTURAL AND ARTS INSTITUTIONS

The Hon. CHRIS RATH (12:12): My question is addressed to the Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism. Will the Minister update the House on how this Government is alleviating cost-of-living pressures through arts and cultural experiences during the school holidays?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:12): I would be delighted to. The Government is working hard to take pressure off families, leaving more money in their hip pockets at the end of the school holidays. In this year's budget, the New South Wales Government announced that general admission to the Australian Museum and Sydney Living Museum sites will be free for the next 12 months. This complements the existing free entry available at our world-class State cultural institutions the Art Gallery of New South Wales, the Powerhouse Museum and the State Library.

This initiative has been a game changer. During the July school holidays, the Australian Museum saw unprecedented visitation over the two-week holiday period, with over 100,000 people flocking to the museum. What's more, visitors to the Australian Museum were among the first to enjoy the children's gallery, Burra, a brand new creative learning centre which tells stories of Indigenous culture. I strongly encourage people to have a look; it is incredible. I am certain that those who have visited the Australian Museum over the last few weeks have found their experience enjoyable, educative and enriching. The same can be said for Sydney Living Museums, which from 1 to 25 July distributed 26,300 free general admission tickets to their 12 historic sites. Compared with the same period in 2019, Sydney Living Museums' general admissions are up by 72 per cent, increasing by over 11,000 visitors.

Over at the Sydney Opera House, more than 12,000 kids and their families attended a performance, talk or workshop during the July school holidays. This highlights the enthusiasm of the public of New South Wales to reconnect with arts and culture after several difficult years due to the pandemic. The New South Wales Government understands that arts and culture are universal in their appeal. I firmly believe that creative experiences should be available to everyone, everywhere. Regardless of age, gender, geography or personal circumstances, everyone deserves the opportunity to participate in arts and culture. That is why I am so heartened by the uptake of arts and cultural experiences by families and young people throughout these recent school holidays.

The New South Wales Government champions and invests in creative experiences that enrich people's lives. We will continue to support a range of activities across the arts, museums and library sector, from theatre, music, reading and dance to digital arts and screen programs. As cost-of-living pressures increase throughout the world, the New South Wales Government is ensuring that family access to cultural experiences is not compromised. The outcome of Government initiatives over the school holidays have been impactful and immediate. I thank the honourable member for the opportunity to share this news with the House, and I encourage everybody in the Chamber to see our extraordinary cultural institutions and their amazing offerings, particularly now that they are free.

CHIEF COMMISSIONER OF ICAC JOHN HATZISTERGOS APPOINTMENT

The Hon. MARK LATHAM (12:15): My question is directed to the Leader of the Government, in his capacity representing the Premier, on matters concerning ICAC. Why has the Government appointed John Hatzistergos as the new Chief Commissioner of ICAC when as Attorney General, the first law officer in the last Labor Government, Hatzistergos was completely ineffective in stopping the corruption of his parliamentary colleagues in this Chamber, whom he sat with for years—Eddie Obeid, Ian Macdonald and Tony Kelly—and in the Labor caucus, Joe Tripodi? Hatzistergos claims—incredibly so—that he saw no evil, heard no evil, reported no evil and prevented no evil. So how can he now head up the New South Wales anti-corruption commission?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:16): I thank the member for his question and his absolutely correct analysis of the wrongdoing of the members of the Labor Party when they had the opportunity to be in power. Hopefully they will never be in power again. The wrongdoing by those members when they were in power was so criminal that a number of them served sentences in jail.

The Hon. Penny Sharpe: As they should have.

The Hon. DAMIEN TUDEHOPE: As they should have. I turn to the general question about the appointment of Mr Hatzistergos. Those opposite are fond of process. There was a process. Mr Hatzistergos was deemed the appropriate person for appointment to that job. The process was followed, notwithstanding that he was never a political ally of those on this side. In accordance with the Liberal tradition, we choose to appoint people to jobs for which they are suited. The process was one where a number of very eminent people assessed applicants for this job and made recommendations in accordance with what they perceived. When we look at the way the Liberal Government has approached the appointment of people to jobs, we do it on a non-political basis.

I made reference to this the other day when I was talking about the appointment of John Robertson, John Hatzistergos, Morris Iemma and others. I also point out that the appointment of the new commissioner has to be approved by the ICAC oversight committee. In fact, that appointment went to the ICAC oversight committee for endorsement. It is a bipartisan committee of the Parliament for the purposes of—

The Hon. Adam Searle: Multipartisan.

The Hon. DAMIEN TUDEHOPE: That is a correct observation. It is a multipartisan committee in respect of endorsing applicants for those jobs. I am confident that Mr Hatzistergos is eminently qualified for the position that he will now be taking up. I would not endorse any slur on his reputation as a result of his appointment.

MEMBER FOR MIRANDA

The Hon. COURTNEY HOUSSOS (12:19): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. When did the Minister first learn of the referral of the former fair trading Minister's misconduct to ICAC?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:20): I learned of the referral to ICAC when the Premier answered a question in question time in the other place yesterday.

ADAPTIVE SPORTS

The Hon. SCOTT FARLOW (12:20): My question is addressed to the Minister for Finance, and Minister for Employee Relations, and the Leader of the Government. How is the New South Wales Government helping people with disabilities and the elderly engage in active sport and recreation activities in New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:20): I thank the member for his question. Because one of the more worthwhile things in this job is to accept opportunities as the acting sports Minister to represent the sports Minister at events. One of those was the launch of The Adaptive Movement on 20 July. This is a website created to help people with disabilities, veterans and the elderly search through the 170 or so diverse recreational activities at locations all around New South Wales until they say, *You're the One That I Want*.

I understand that many players are now "hopelessly devoted" to pickleball, which is being played at 40 venues around New South Wales. Whether it is disabled surfing, people with a disability bowling in Blacktown, the NSW Wheelchair Rugby League or RAIDaptive diving, everyone can find *Something Better to Do*. Impairments can significantly impact on the ability to engage socially, particularly when a person lacks a strong support network and feels as if they "live on an island far away". Physical activity and social involvement can help improve quality of life and physical and mental health. It can help those with injuries, including work-related injuries, on the path to saying, "I'm 'makin' my recovery", and feeling *Stronger Than Before*."

That is why the New South Wales Government, through icare, is pleased to have partnered with Wheelchair Sports NSW/ACT to establish an accessible, inclusive one-stop shop to foster engagement in sport, connection with the community and "making good conversation". The website is built to facilitate development and networking for new adaptive sport and recreation options. Providers from anywhere in New South Wales are encouraged to join The Adaptive Movement, get their details listed and help contribute to *Making a Good Thing Better*. Mr President, I do not know if I should do this. With apologies to the late, much-loved Dame Olivia Newton-John, I say:

Let's get physical, physical
I wanna get physical, let's get into physical

SCHOOL PERFORMANCE TARGETS

The Hon. MARK LATHAM (12:23): We had the winter break to forget those song puns, but now they have all come back. My question is directed to the Minister for Education and Early Learning. I refer to her

decision to abandon the need for New South Wales schools to meet their performance targets for 2022. Is the Minister aware of this document written by Daniel French, Director, Capability Implementation and School Excellence, marked "NSW Government Cabinet in confidence"? It says that only 12 per cent of schools are on track to achieve attendance targets in 2022, only 36 per cent of schools are on track to achieve HSC targets, and only 38 per cent of our schools are on track to achieve NAPLAN, reading and numeracy targets. Is the real reason that the Minister has abandoned performance targets for 2022 not COVID but the fact that the schools are not meeting the targets? Is it because this is grossly embarrassing to the Minister and her Government and she did not want it known before the March election next year?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:24): I thank the honourable member for his question. Of course, I suspect that these issues may come up in debate later in the House today with the matter of public importance. We have been very up-front in terms of the targets that we have set for our schools. I issued a media release talking about the extension of those targets and the reason we have done that. I think anybody involved in education, anyone who is a parent and, indeed, anyone in this State would know that it has not been a normal two years for education in this State and this country. There have absolutely been impacts of COVID. There is no question about that.

The member referenced attendance targets and the fact that large numbers of schools have not been meeting their attendance targets over the past 12 months. That is true. Because we have been actively saying to people, "Stay at home if you are unwell." Large numbers of students have had COVID. They have had quite a tough flu season, which we are in now. Particularly with COVID, we have seen an impact on student and staff attendance. We have said that targets are absolutely important and that we want our schools to be actively working towards meeting those targets. But—in consultation with the education profession in New South Wales—rather than creating a new set of targets, we are extending the existing targets in recognition of the fact that it has not been a normal two years in education and in recognition of the fact that we want our schools to be focusing on our students, on their wellbeing, and on getting them back into the classroom and picking up any lost learning that may have occurred due to COVID.

These are complex issues. These have been very challenging times for our system. It is pleasing to also make the point that there are some schools that have met their targets, and that is great. But what we are doing is listening to the profession with this extension. I cannot tell you the number of principals who have said to me when I visited schools, "Please give us more time. We have not been able to do what we have wanted to do in relation to those targets." They remain in place. The accountability remains there. The support from the department for those who are not meeting their targets remains there. But we have simply extended those targets in recognition of the incredible disruption that our school communities have faced over the past couple of years.

The Hon. MARK LATHAM (12:27): I ask a supplementary question. Will the Minister elaborate on her extensive mention of the impact of COVID? Does she have any empirical evidence to support what she is saying as opposed to what the research study by professors Ledger and Gore at Newcastle university, which the Government funds for pedagogy projects, is saying? They report that, despite dire predictions about learning loss, their research demonstrates that students on average did not fall behind in their learning in 2020 or 2021. The study involved more than 6,000 students in years three and four and obviously contradicts the claims of the Minister. Why does she not understand this evidence and accept the fact that the targets are not being met and that she did not want that known prior to the election?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:27): I completely reject the premise of the member's question about not wanting things known before the election. It is just incorrect. I can say that I am aware of that study. That was quite specific research. We also conducted our own check-in assessments and there is data available from that, which I am happy to provide to the member on notice. It was a much bigger sample. It showed that there were students who had fallen behind and, indeed, our COVID intensive learning support tuition program is in place and has been running not just last year but this year to recognise that for some students there has been an impact.

In my earlier response I was specifically also speaking about attendance targets and the impact that we have seen during COVID. Of course we have seen fewer students at school because of COVID. We have seen it in this Chamber. We have seen it in businesses. People are impacted by it because they have to stay at home if they have COVID. Many have had to stay at home in self-isolation. So to say to our schools, "You are not meeting your attendance targets," when we are literally living through a global pandemic where one of the key health directions is, "Stay at home if you are unwell," and indeed where public health orders are saying, "Stay at home if you are a close contact and you need to isolate," and currently, "Stay at home if you do have COVID"—that has an impact. There is no question of that.

If the member would like to see our attendance data, I am very happy to provide that on notice for him as well. We are quite public and open about that. We have seen a decline. We are giving schools time to do what

they need to do, which is get children back in the classroom and get that continuity of learning happening. The targets still exist and the expectation of our system is still high; we are merely recognising the impact of the global pandemic on education.

The Hon. WALT SECORD (12:29): I ask a second supplementary question. Will the Minister elucidate her answer where she cited COVID in regard to the revision of attendance targets? When will the targets be reinstated?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:29): That question from the Hon. Walt Secord just shows how little those opposite understand. The targets have not gone. The targets have not been revised. I cannot be clearer. The existing targets have been extended in light of the fact that it has not been, as I said, a normal few years in education. They have not been taken away; the schools have not been told, "We don't want you to meet your targets." We have given them more time to do so, in recognition of being in a global pandemic. I do not think I can be any clearer than that. We are absolutely committed to working with our schools to see those improved outcomes. There are supports in place through the Department of Education. That accountability is still there. We are simply recognising that our schools need more time. They have asked for that, that is what we have given them, and we will continue to support them.

MEMBER FOR MIRANDA

The Hon. GREG DONNELLY (12:30): My question is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Did the Minister discuss with the Premier the alleged misconduct of the former fair trading Minister before her removal on 31 July 2022 and, if so, when?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:31): I thank the member for his question. Before I answer that question, I want to pass on to the House that I just received a text message from my wife, who said she was disappointed that I did not sing in my earlier answer. In any event, I think those opposite might be very grateful that I did not sing. But in answer to the member's question, the Premier did not discuss with me allegations relating to—

The Hon. Penny Sharpe: Did you discuss it with him?

The Hon. DAMIEN TUDEHOPE: Is that the question? Can I have a look at the question?

The Hon. Penny Sharpe: Either way, answer the question.

The Hon. DAMIEN TUDEHOPE: Would the Hon. Greg Donnelly like to repeat the question?

The Hon. Greg Donnelly: Just to be abundantly clear, did the Minister discuss with the Premier the alleged misconduct of the former fair trading Minister before her removal on 31 July and, if so, when?

The Hon. DAMIEN TUDEHOPE: I have never had those discussions with the Premier.

BATHURST ELECTORATE

The Hon. WES FANG (12:32): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on her recent trip to the electorate of Bathurst?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:32): It is a wonderful part of the world. What a wonderful trip it was to be spending time in Bathurst with, of course, the member for Bathurst and Deputy Premier, the Hon. Paul Toole. We started off by making a really wonderful announcement that the final 12 mainland schools in New South Wales have come off satellite internet and onto fibre-optic cable, which means that those schools now have lightning-fast internet right to their school gate. I acknowledge our partnership with Telstra, which has made this possible by allowing us to provide those final 12 schools with fast and reliable internet no matter where they are located. Executives from Telstra also attended the school visit.

But the most exciting thing was speaking to the students, teachers and staff at Wattle Flat Public School, which is very ably led by Principal Kerry Halley, about how the upgrade has really made a difference to their teaching practice and how it can enhance lessons, deliver reliable videoconferencing and support new professional development opportunities. For the school administration staff, it has completely changed the way that they operate. They were almost in tears with excitement about this internet upgrade. It was lovely to see. I make special mention of some of the school leaders—Ruby, Emi and Jake—for showing us around. It was a great opportunity to spend some time out at Wattle Flat.

We then headed to the Denison College of Secondary Education's Bathurst High Campus to meet with staff and students and have a look around their school. In the recent budget, the Government allocated funding for secondary schools in Bathurst, and so this was an opportunity to hear directly from them about what infrastructure

needs they see as the most pressing. They are really doing amazing things there. I give a big shout-out to principal Ken Barwick and his team.

We also visited SDN Hamilton Street Children's Education and Care Centre, an amazing early childhood service operating in Bathurst. It has a great Facebook page which it did a lot with during the COVID-19 lockdown so that families could see what children were engaging with at the service. It was a really good opportunity to talk to the centre about the Government's budget initiatives in the early childhood space—about our support for the early childhood sector, growing the workforce and how we will be able to provide even more opportunities for the littlest learners in Bathurst to get a great start in life through this Government's record investment in the Early Learning portfolio.

We also popped into Portland Central School. The school is part of our Rural Learning Exchange, in which 83 small schools around New South Wales collaborate and network to deliver high-quality learning. It is really important, particularly for HSC offerings in some of our smaller regional schools. It allows students to access more subjects. They also have a wider range of teachers and greater opportunities for peer support, mentoring and teaching collaboration as well, which was one of the key takeaways from the staff there. It was a great opportunity to spend the day in Bathurst; I enjoyed it very much. It was an amazing snapshot of all the wonderful things that the Government is delivering in education, of course, very proudly represented by our fantastic Deputy Premier Paul Toole.

RAIL SERVICES DISRUPTION

Reverend the Hon. FRED NILE (12:35): My question is directed to the Hon. Natalie Ward, representing the Minister for Transport, Minister for Veterans, and Minister for Western Sydney. What is the Government doing to resolve the ongoing dispute with the Transport Workers' Union [TWU] other than increasing penalties for industrial actions? Why did Transport for NSW fail to supply replacement bus services for commuters in south Sydney going to work anywhere beyond Mascot station? Why did Transport for NSW only supply limited replacement bus services? What is the Government doing to ensure sufficient services in future occurrences?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:36): I thank Reverend the Hon. Fred Nile for his question to me in my capacity as representative for the Minister for Transport, Minister for Veterans, and Minister for Western Sydney. I am just acquainting myself with the question; it is quite long. This is obviously a matter for Minister Elliott, but can I say that this Government is committed to ensuring we get those trains back on track and that we get our network operating efficiently and effectively. Our focus is on getting commuters back on those trains and getting them to work, school and home to their families at night. Minister Tudehope, Minister Elliott and I have been working diligently, together with Minister Faraway, to ensure that in all of our areas we are committing to progressing these discussions and negotiations wherever possible.

We are trying to meet with all of the unions to progress each of the issues, so that we can get those trains back on track, get people back to work and get commuters where they need to go. I have appreciated the opportunity to meet with a number of those representatives, so that we can progress those discussions. In my capacity, I have given some undertakings in my areas of portfolio responsibility and there have been a number of discussions over the winter break to try to progress each of the matters in dispute. As members may know, some of those matters had to be taken to other bodies for consideration. In those cases, we hope that they can be resolved quickly and efficiently.

I will take the balance of the specifics of the member's question on notice in relation to the bus services for commuters. I know that there are challenges with the supply of bus services, with them not having enough drivers across the board for all of those services. It is disappointing, though, that we are in the position of having such disruption to commuters across New South Wales, where we are having to put replacement bus services in place where those services are already stretched. This disruption to commuters is unfair. It puts them in the situation where they are, through no fault of their own, just trying to get to work and school and are disrupted by these actions.

The Government would prefer to have these matters resolved. We have met consistently over the winter break. We continue to do so, and we continue to put on the table everything that we can as a government, bearing in mind the budgetary constraints that we have, to meet those demands. We ask that those matters be progressed in the spirit of conciliation so that we can get matters resolved, get people back on track and get them where they need to go. Commuters expect that members of those unions are doing their jobs, and that we are doing our jobs. We hope to continue to work closely with them in order to get those matters progressed. In relation to the specifics, I will take those matters to Minister Elliott for specific responses.

MINISTER FOR METROPOLITAN ROADS

The Hon. WALT SECORD (12:39): My question without notice is directed to the Minister for Metropolitan Roads. Does the Minister, or her office, provide references for individuals who have been charged with serious road offences?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:40): In the absence of specifics, I can only answer generally. I am asked from time to time to provide references to a whole number of people—particularly when it is preselection time in the Liberal Party, and for other reasons in relation to staff who have worked for me. I encourage them to go on to apply for other roles in a range of ways. I am not sure of the specifics of the honourable member's question. I do not think it matters if road offences are "road offences" or "serious road offences"; I would say both are matters. But, in the absence of specifics, I can only answer more generally and inform the House that I provide references from time to time. I am not aware of specific road offences by people for whom I have written references.

The Hon. WALT SECORD (12:41): I ask a supplementary question. Will the Minister elucidate her answer where she mentioned, several times, "staff"? Has she provided references for staff in this regard? If she is unable to answer, will she take the question on notice?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:41): I refer to my earlier answer. In relation to specifics, I am not aware of any. But from time to time, as I said to the House, I provide recommendations on staff. I have nothing further to add to my earlier answer.

EATING DISORDERS

The Hon. LOU AMATO (12:41): My question is addressed to the Minister for Mental Health. Will the Minister update the House on how the Government is supporting people affected by eating disorders in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:42): I thank the honourable member for his question. I am excited to inform the House that Newcastle will be home to a new \$13 million statewide residential eating disorders treatment centre. It is the first publicly funded service of its kind in New South Wales and only the second of its kind in Australia. The centre will provide extended residential inpatient admissions for people with primary DSM-5 diagnoses of anorexia nervosa, bulimia nervosa, binge eating disorder and any other specified eating or feeding disorder. The centre will be available to people statewide, increasing the options for those living in rural and remote areas.

Eating disorders are extremely complex illnesses, and they have the highest mortality rate of any psychiatric illness. Anorexia, by far, is the deadliest mental health condition in Australia. At any one time, about 400,000 people across New South Wales will be living with an eating disorder. Every year in New South Wales, more than 6,400 affected people present to a hospital, mental health service or emergency department. In more serious cases, treatment requires intensive wraparound support. Residential centres are absolutely essential to deliver this care. The 12-bed centre will provide specialist, intensive treatment, delivered in a home-like environment. The facility will address all aspects of recovery, from physical to psychological, involving families and carers to give those experiencing an eating disorder the very best chance of living a healthy and fulfilling life.

Until the centre is complete, the Government is providing funding for people from New South Wales to access the sister unit in Queensland, called Wandí Nerida, particularly those who would otherwise never be able to afford access to the treatment. Recently, I received a letter from a parent whose 20-year-old daughter was supported by the New South Wales Government to stay at Wandí Nerida. She wrote about her daughter's two-year battle with anorexia: the endless psychiatry, psychology, dietician, recovery coach and exercise physiology sessions; six hospitalisations; and the vicious cycle of weight increase and limited stabilisation in a private hospital followed by a downward spiral at home.

The PRESIDENT: Order! Oppositions members will take their conversations outside the Chamber. The noise is intrusive. The Minister has the call.

The Hon. BRONNIE TAYLOR: The woman described the combination of guilt, shame and blame she felt as a mother, the huge financial toll of managing the disorder, and then the stress of how she would afford to pay for her daughter's treatment at Wandí Nerida. This is why the Government does what it does. I am proud to inform the House that construction of the new centre will commence shortly. It will most definitely be a world-class facility, and I look forward to seeing its doors open next year, as will all the families in New South Wales who have suffered with this.

BOURKE INDIGENOUS CHILDREN

The Hon. MARK LATHAM (12:45): My question is directed to the Minister for Families and Communities. Earlier in question time, the Minister for Aboriginal Affairs said he had no direct responsibility for protecting Indigenous children in Bourke, with the clear inference that it is up to the Minister for Families and Communities. What is the Minister doing to overcome the tragic, terrible circumstances in Bourke that I mentioned earlier?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:46): I thank the member for his question and also for coming to see me yesterday, along with the President, to raise some of the issues that were identified on the visit to Bourke. I want to clarify a possible misunderstanding. The Minister for Aboriginal Affairs did not say that he had no responsibility. He does have an interest and a responsibility for everyone in the Aboriginal community. In relation to the matters that the honourable member raised, I will come back to him with more detail on the information that he has provided, as I indicated to him yesterday. I will also endeavour to meet with some of the people he spoke to, to get more facts and details.

I place on record that New South Wales now has the lowest number of children in out-of-home care in over a decade. We are one of the best performing States in the country, and that is because of the work and initiatives implemented by the Government. I particularly acknowledge our caseworkers. There are a number of programs and initiatives for caseworkers to support not only them and their mental health but also the work that they do. When it comes to child protection, it is not just about one agency or one community or one government. It is actually a whole-of-community and whole-of-government response. It is important that we focus on reporting. There is mandatory reporting in the education and health departments, but it is also important for individuals to come forward. If they are aware of any case of a child who may be vulnerable, they must report that. It is the first and most immediate way that the department can intervene to check on the welfare of a child and take action where that is needed. As I said, I will come back to the honourable member with more detail.

PUBLIC HOUSING TENANTS WITH DISABILITY

The Hon. ROSE JACKSON (12:48): My question is directed to the Minister for Families and Communities, and Minister for Disability Services. Given a recently released NSW Ombudsman report found that the treatment of public housing tenants with a disability involved extensive delays and non-responsiveness to requests for modifications—such that residents were left with serious wound reinfections because they could not shower and with broken knees from unstable flooring, and residents in wheelchairs installed their own unsafe makeshift ramps or had to be carried inside their properties—will the Minister immediately agree to implement all of the recommendations of the report, including offering a personal apology to disabled residents treated so appallingly by the New South Wales Government?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:49): It is nice to hear the honourable member talking about something within her portfolio for the first time, as opposed to a number of other things.

The PRESIDENT: Order! The Minister has the call.

The Hon. NATASHA MACLAREN-JONES: On 10 May I received a final report from the Ombudsman, who has advised he has decided to make a separate special report to Parliament. That special report will be made public, and the Ombudsman will advise when the report will be released publicly. Both my department and the NSW Land and Housing Corporation plan to meet with the Ombudsman to discuss the progress against the agreed recommendations outlined in the report. Both agencies are committed to continually improving the services they provide to their clients, and remain focused on exploring opportunities to meet the objectives in relation to disability modifications. Our Government has a strong record of supporting people with disabilities. Across New South Wales, 1.35 million people have a disability. Not only do we pride—

The Hon. Rose Jackson: Point of order: The point of order is on direct relevance. I asked specifically whether she would offer a personal apology to the residents, as was recommended by the NSW Ombudsman.

The PRESIDENT: The member will refer to the Minister by her title. The Minister will come back to the question directly.

The Hon. NATASHA MACLAREN-JONES: I have answered the question directly.

The PRESIDENT: I am looking for a member of the Government. I call the Hon. Shayne Mallard.

The Hon. Walt Secord: Shayne, you had one job.

The Hon. Natalie Ward: Point of order: The honourable member has referred to the Hon. Shayne Mallard by his first name. It is unparliamentary, and he knows he is supposed to use his proper title. I ask that you direct him to do so.

The PRESIDENT: I uphold the point of order. I remind the Hon. Walt Secord that interjections across the Chamber are also disorderly.

WESTERN HARBOUR TUNNEL

The Hon. SHAYNE MALLARD (12:52): My question is addressed to the Minister for Metropolitan Roads. Will the Minister update the House on how the New South Wales Government is building Sydney's future road network through the commencement of construction on the Western Harbour Tunnel?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:52): I thank the Hon. Shayne Mallard for his question and his interest in this area. The Perrottet Government is building Sydney's future road network through visionary major projects such as the Western Harbour Tunnel. That unbelievable project is absolutely historic; it is a historic moment for our city.

The Hon. John Graham: How is the Beaches Link?

The Hon. NATALIE WARD: The Hon. John Graham can joke and laugh about it, but this is an enormously important project for New South Wales and for Sydney. It was 90 years ago that construction was completed on the Sydney Harbour Bridge, our first crossing of the harbour. It has been 30 years since the Sydney Harbour Tunnel opened, our second crossing, and now construction has commenced on Sydney's third harbour crossing—a phenomenal achievement by this Government. The Perrottet Government is delivering a third harbour crossing in the Western Harbour Tunnel and I am proud to be part of a government that is rolling it out.

Excavation on the first stage of the project has started, with works commencing to carve out 1.7 kilometres of main line tunnels from Rozelle to Birchgrove. That is happening now, in our time. I recently had the pleasure of visiting the site with Premier Perrottet to meet with some of the incredible workers who are helping build Sydney's future motorway network. It was wonderful to meet so many of the women in construction on site and to talk to them about their experiences. Our young women studying in STEM can see those women ahead of them and know that they have a future in those incredible careers.

The Western Harbour Tunnel will take pressure off other major roads by expanding our motorways to serve our growing city. With three lanes in each direction, it will link WestConnex at Rozelle with the Warringah Freeway at North Sydney via a 6.5-kilometre tunnel under Sydney Harbour. That critical piece of infrastructure is expected to support up to 15,000 jobs during its construction, and it will revolutionise how drivers travel around Sydney.

As we look to the future we must also pause to reflect, from Bradfield's vision, to the Perrottet vision of an ambitious \$110 billion infrastructure pipeline, and to the Opposition's vision of protest—of a pipeline of politics and no delivery for the people of New South Wales. The Western Harbour Tunnel was opposed by those opposite; they did not want another crossing. Why would we need a third harbour crossing? They are opposed to vision, opposed to the Western Harbour Tunnel and opposed to this Government's infrastructure agenda for the people of New South Wales. However, the Perrottet Government remains focused on delivering projects that make it faster, easier and safer for commuters to move around Sydney.

PARENTAL EDUCATION ENGAGEMENT

The Hon. MARK LATHAM (12:55): My question is directed to the Minister for Education and Early Learning. I draw the Minister's attention to the Premier's statement at a budget estimates hearing on 21 April. Mr Perrottet said:

... my position is that parents are the primary educators of their children. ... I agree that parents should be informed and provided advice in relation to their children at all times.

The Premier went on to say that that also included information on gender-related issues. What has the Minister done to ensure that New South Wales Government schools are acting in accordance with the Premier's wishes by never keeping parents in the dark about major developments concerning their children? Why has the Minister set up an expensive new bureaucracy called parental engagement but not instructed schools to always ensure, with no exceptions, that parents are informed of major developments about their children at the school?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:56): I thank the honourable member for his question, particularly as it relates to parental engagement in education. I share the Premier's view that it is incredibly important that parents are engaged with their children's education. As someone

who is not only the education Minister but also a proud parent in the education system, there is nothing I enjoy or value more as a mum than understanding what my daughter is learning. My eldest daughter is school-age, and my youngest is joining next year

The Hon. Bronnie Taylor: Look out!

The Hon. SARAH MITCHELL: Yes, look out. There is a bit going on when Till walks in the door. But it is a serious question, because it is important that parents are engaged. Parents being more engaged in their children's education can be a key driver of student outcomes. I differ in opinion from the honourable member, who says that the new Student and Parent Experience Directorate is a waste of money and a bureaucracy. I think it is really important because it provides us with a better opportunity to understand what information parents want to know about what their children are learning, how they can engage more thoroughly with their school and maybe where some of the gaps are.

I appreciate the member's continued interest in this, and I assure him that we will continue to work with not only individual schools and families but also great organisations such as the Federation of Parents and Citizens Associations of New South Wales. It is a key stakeholder in education to make sure that parent views are part of all considerations that we make as a government. The work that the new directorate is doing is very important, and I am happy to keep the member informed as to how that progresses.

NSW BUILDING COMMISSIONER RESIGNATION

The Hon. COURTNEY HOUSSOS (12:57): My question is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. Was the Minister aware of the concerns raised by the Building Commissioner with the Department of Customer Service about the relationship between the former Minister for Fair Trading and Coronation Property group, which are contained within his resignation letter?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:58): I thank the member for her question. I have not seen the resignation letter. I am pleased it has been delivered in accordance with Standing Order 52, and the answer to her question is no.

SPECTACLES PROGRAM

The Hon. TAYLOR MARTIN (12:58): My question is addressed to the Minister for Disability Services. Will the Minister update the House on how the New South Wales Government assists vulnerable and disadvantaged people to see more clearly?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:58): I thank the honourable member for his question. Vision loss can have a substantial impact on a person's health and wellbeing, reducing their quality of life by limiting independence and opportunities for work, education, recreation and social and community engagement. Fortunately, we live in a time when the advancement in technology has improved the lives of the vision-impaired immeasurably. Access to optical aids is something that many of us take for granted; however, the Liberal-Nationals Government recognises that not everyone can afford glasses or eyewear when it is required. The Government has put in place the NSW Spectacles Program so that no-one has to live a life of vision impairment just because they cannot get glasses.

Under this program, the most vulnerable and disadvantaged people in New South Wales receive free optical aids so that they can live fuller lives and prevent the deterioration of eye health and general health. The latest data shows that close to 40,000 people were assisted with spectacles programs over the past year. The program is administered through 392 approved optometrists and optical dispensers, who participated in the voluntary network to deliver the program statewide. Nearly 57,000 optical aids were provided by these services. Unlike other jurisdictions like Victoria and South Australia, which require recipients to make co-payments to the cost of glasses, the program in New South Wales provides optical aids completely free of charge to those who are eligible. It is just one example of how the community reaps the rewards of a government that is delivering for the people of New South Wales.

To ensure that those with the greatest needs have access to vision aids, targeted eligibility criteria applies, which includes seniors, children, people experiencing homelessness, people living in rural and remote areas, people with disability, and Aboriginal and multicultural communities. In particular, the program seeks to address the prevalence of vision impairment in older Indigenous Australians. In selected sites across New South Wales, we are currently trialling new culturally appropriate ways to increase the reach of the program to Aboriginal communities and individuals and remove barriers to access that previously existed. I particularly commend the work of Vision Australia, which has partnered with the New South Wales Government to deliver the program since 2014.

An external review of the program identified that Vision Australia has unparalleled sector knowledge; loyal and dedicated staff; and forward-thinking, proactive management that sought out program improvements and efficiencies. Ninety-four per cent of providers surveyed for the review said they have access to the information and resources they need in order to deliver the program and educate clients about it. The review also found client feedback to be consistently positive, with over 90 per cent of clients surveyed over the year reporting that they were satisfied. This program is another example of the New South Wales Government delivering a brighter future for the people of New South Wales.

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

Supplementary Questions for Written Answers

MINISTER FOR METROPOLITAN ROADS

The Hon. WALT SECORD (13:02): My supplementary question for written answer is directed to the Minister for Metropolitan Roads and relates to the two questions that I asked during question time. Will the Minister provide a full list of the references that she and/or her office has provided since June 2022 relating to serious road and drink-driving offences?

PARENTAL EDUCATION ENGAGEMENT

The Hon. MARK LATHAM (13:02): My supplementary question for written answer is directed to the Minister for Education and Early Learning. Will the Minister provide information about the parental engagement unit? How many parents in New South Wales has it engaged with, either directly or by way of the survey it conducted, since it was established?

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.

NSW BUILDING COMMISSIONER RESIGNATION

The Hon. COURTNEY HOUSSOS (13:03): During question time today, the Labor Opposition asked the Leader of the Government a series of questions about the Building Commissioner's resignation letter, which was coincidentally produced during question time. I have had the opportunity to read the letter, and I encourage other members and the public to read it. We have been calling for the release of this letter for 10 long days, and a number of remarkable things are contained within it. The Building Commissioner outlines the extensive program of reforms that were required to address the huge issues that were plaguing the building industry. Perhaps the most concerning part, particularly for the Labor Opposition and the public, is the revelation that the Building Commissioner had previously raised concerns with the Secretary of the Department of Customer Service about the advised relationship between the former Minister for Fair Trading and Coronation Property. His letter indicates that he has raised this with the secretary on several occasions. He then goes on to outline that he received a call from the Minister's office shortly after a draft stop-work order was issued on Coronation Property. Shortly after that, he received a text message on his personal phone from John Barilaro.

This resignation letter raises more questions about the relationship between Coronation Property and the former Minister, and the way that potential concerns and complaints were being handled within the Government. It is an extraordinary sequence of events, and it certainly alarmed the Building Commissioner enough that he sought to raise it with the Secretary of the Department of Customer Service. I foreshadow that, when this House returns this afternoon, I will seek a variation to my existing call for papers, which passed through the House yesterday, seeking further information as uncovered by the Building Commissioner's resignation letter. We need to get to the bottom of this. We need to make sure that we protect the building industry in New South Wales and ensure quality building work in New South Wales. We need to make sure that the program of reform, which this letter indicates has been stymied and stopped because of the former Minister's lack of action, is allowed to continue, to protect what is not only a person's largest financial investment but also the place where they build their home with their family.

SCHOOL PERFORMANCE TARGETS

The Hon. MARK LATHAM (13:06): I take note of the answer given by the Minister for Education and Early Learning about school performance targets. I quote further from the Cabinet documents to demonstrate that the targets have not been extended. The targets have been abandoned for 2022. They are being abandoned because 64 per cent of schools will not reach their HSC targets and 62 per cent will not reach their NAPLAN reading and

numeracy targets. I go to the consequences of this decision, looking at the Cabinet documents. There is an admission from Alex Martin, the Executive Director of School Improvement, and Deputy Secretary Anthony Manning. I quote:

The delay means a further delay in the introduction of phonics and pathway targets.

The consequences of not moving forward with the targets this year and not holding schools accountable is that there is a delay in the introduction of phonics. The Minister has said that phonics is the best way to achieve early literacy. It is the best way for infants and primary students to learn how to read. Her decision is not just to avoid government accountability prior to the next election; it is damaging the prospects of young students in New South Wales learning to read properly because there will be a delay in the introduction of phonics and pathway targets.

I come to another document in the Cabinet bundle that highlights the way in which the targets, when they finally come into place in 2023, are being abandoned in some cases. For instance, the first one on the document is headed, "Proposed adjustments to option 2 priorities and targets"—and this was adopted. It says, "Increased proportion of students in the top two bands of reading by 2022." There is no change, but the target expires in 2022. It is gone. It was a Premier's Priority, but it is gone. The second one says, "Increased proportion of students in the top two bands for numeracy in 2022." Again, the target expires in 2022. The first two targets that were originally announced by the Minister 18 months ago are now completely abandoned and expire this year, not to be introduced in 2023.

Far from extending the number of targets, they are being shortened. They are being abandoned. I come to the next one, where there is manipulation of the way in which these targets will be belatedly introduced next year. It says, "Increased percentage of students achieving expected growth in reading by 2023." A rigorous approach would be to say, "We are looking at actual growth in reading—the value added and how much the students improved in a calendar year." The Minister is moving the goalposts for literacy and numeracy to "expected" growth in literacy and numeracy. This is a familiar trick. The department will say, "They are low socio-economic areas, so we can't expect much growth."

It is the tyranny of low expectations. They will set the bar low on the basis of socio-economic status and take the soft option of expected growth, when a hard, rigorous set of targets would be actual growth. Whether someone lives in a public housing estate or in Vacluse, if they attend a government school they have the right to expect strong growth in early literacy skills and numeracy at that school. We come to another manipulation—*[Time expired.]*

EATING DISORDERS

The Hon. LOU AMATO (13:09): It was fantastic to hear today from the Minister for Women, Minister for Regional Health, and Minister for Mental Health, who updated us on the New South Wales Government's \$13 million statewide residential eating disorders treatment centre. Eating disorders affect people of all ages, genders and backgrounds and have the highest mortality rate of any mental illness. This initiative will fill a critical gap in care between day programs and hospitalisation by adding the option of treatment through a residential program.

I commend the Government's recent funding to sponsor New South Wales residents' admission into the Wandri Nerida unit in Queensland, which will ensure that residential eating disorder services are available to those most in need while we complete the New South Wales centre. It is also one way that we can make this service accessible for those who cannot afford it. I congratulate our Government on this fantastic achievement, which is just one of the many great initiatives supporting mental health in New South Wales. It was great to hear about the New South Wales Government's ongoing commitment to supporting the mental health of the people of this State, which helps create a brighter future for everyone.

PUBLIC HOUSING TENANTS WITH DISABILITY

The Hon. ROSE JACKSON (13:11): I take note of the answer given by the Minister for Families and Communities, and Minister for Disability Services to the question I asked about the recently released NSW Ombudsman report. It turns out that it is yet another report by the NSW Ombudsman—the independent Ombudsman in our State—that absolutely shreds the Minister and her department's treatment of some of our most vulnerable people. My colleague the Hon. Tara Moriarty will speak about some of the issues in her shadow portfolio that the Ombudsman has brought repeatedly to the Minister's attention but on which no action has been taken.

I will speak about the treatment of our tenants in public housing—already some of the most disadvantaged members of our community—who have a disability. They are people like Anne Bailey, who could not shower for an extended period because of the absolute failure of the department to make appropriate modifications to her property. She was enduring serious wound reinfections because she could not get rails installed in her shower.

They are people like Mary Cole, who repeatedly raised with the department her mobility issue and the unstable flooring in her public housing property. Nothing was done. She then slipped on the unstable flooring and broke her knee. They are people like William Kelly, who was injured in a traffic accident and confined to a wheelchair. He made repeated requests for his public housing property to be modified by installation of a ramp but was ignored. He received no response. Because of the delay, he has installed his own makeshift ramp, which is unsafe and slippery when wet.

Those are real people. The NSW Ombudsman told their stories in his report, which made 27 recommendations, including offering direct apologies to those individuals for their experiences. The New South Wales Government is the landlord of those who live in public housing. We are the landlord of those people with a disability. The department was so slow and unresponsive, and its communication so poor, that the Ombudsman felt compelled to request public apologies to those people. In response to my question, the Minister read a cursory one-minute note that had been handed to her, which expressed no empathy or direct sympathy. She took a swipe at me. She should forget the politics, offer those people an apology and get on with the job of responding to the Ombudsman's recommendations. Let this not be another example of her failing to do her job.

EDUCATION FACILITIES MILTON-ULLADULLA REGION

Mr JUSTIN FIELD (13:14): I take note of the education Minister's answer to my question on notice No. 9208 relating to education facilities in the Milton-Ulladulla area. My question was: Has the Government made any decision about what it is going to do with the former Shoalhaven Anglican School at Milton, other than the new Budawang special school, which is now being constructed on the site? There is still substantial room on that site for additional education facilities. When the Government bought the site in 2018, the community expected it to be used for additional education facilities in the area. I asked the Minister: What happened to the community consultation? Is there a plan, and if there is, what is it? The answer I received included a preamble about the fact that the department bought the school and there is a project to relocate. We know all of that. That is exactly why I asked about the rest of the facility. The answer states:

Masterplanning of the site was undertaken as part of the Budawang School project with consideration of the future educational use of other parts of the Milton site.

That is the point and the reason for asking the question. What has the Minister decided? Has no decision been made? I have been asking questions repeatedly about that site and the Garside Road site at Mollymook. Those two sites were put aside for educational facilities in our local community where they are desperately needed, but for a couple of years now we have had only silence. When I asked the Minister mid last year about plans, the answer was:

The department has assessed the needs for the Milton-Ulladulla area and has determined that, based on current housing plans, population projections and existing schools available in the area, potential growth can be serviced with existing assets.

That is demonstrably not true. Overall, across our three public schools—Milton public, Ulladulla public and Ulladulla high—we are more than 400 students over the cap.

In recent years we have had substantial increases in population, driven in part by COVID. This Government seems to assume that our area will not experience growth. A person only has to spend a little bit of time there—let alone live there—to realise we are experiencing huge growth. Our schools are bursting at the seams. The Government seems to think existing facilities are fit for purpose. They are not. It has two education facility spaces there. Let us do something with them. Our community wants a conversation about how those sites are going to be used in the interests of our kids and our school communities that are struggling due to the lack of facilities across the Milton-Ulladulla area. The Government is stonewalling. In 2018 it committed to a process of consultation to decide how those sites should be used. Let us start that conversation now.

COUNTRY RAIL INFRASTRUCTURE

The Hon. SCOTT BARRETT (13:17): It was fantastic to hear from the Minister for Regional Transport and Roads about the additional investment going into our rail network. I have always been a fan but have become a bigger fan of late, particularly last week when I was lucky enough to catch the train to Broken Hill. I touched on that last night. It was a wonderful trip. I grabbed a couple of scones and sat down and watched the spectacular view roll past the windows: the flat cropping country, the rolling hills and of course the spectacular colours further out west. To top it all off, the colours of the sunset as we rolled into Menindee were worth the trip itself.

I headed out there for a couple of reasons. One of them was to visit the Palace Hotel, an iconic and spectacular building with a spectacular history. The murals that surround it are worth going out there to see. I went there to announce extra support for the Broken Heel Festival. The Palace Hotel was made more famous by *The Adventures of Priscilla, Queen of the Desert*, which will be celebrated next month with the Broken Heel

Festival. The Government kicked in \$110,000 to the Broken Heel Festival. Accommodation in Broken Hill is booked out six months in advance; so to support the festival, we have kicked in \$110,000 towards setting up glamping tents at Jubilee Oval, which is a fantastic facility itself. A lot of money has been tipped in through the Stronger Country Communities Fund, which is now open to applications as well. Again, it is a wonderful facility. I encourage members to get more people out to the Broken Heel Festival. It is well worth going out there.

Also starting today is the Mundi Mundi Bash, which is an absolutely unforgettable event. It held a delayed event earlier this year, its first event, and now it is on again. The 2022 event starts today. Again, the New South Wales Government kicked in \$250,000 to help with a number of things, including supporting the headline act, who this year is Midnight Oil. This is their only outback performance on their final tour. Midnight Oil will be performing at Mundi Mundi this weekend. Also out there will be Missy Higgins, Kasey Chambers and, of course, Jimmy Barnes.

I have a quote here from Jimmy Barnes—and I won't do his accent—"The band and I are really looking forward to getting up and kicking some red dirt with everyone. It's a long way to drive but it's going to be worth a trek." It certainly is worth a trek. I have been out there and seen the set-up, with 9,000 or 10,000 people in caravans spread out in the middle of the red dirt. Other highlights include the Mundi Undi Run to raise funds for the Royal Flying Doctor Service. These wonderful events in regional New South Wales are proudly supported by the New South Wales Nationals in government.

PUBLIC HOUSING TENANTS WITH DISABILITY

BOURKE INDIGENOUS CHILDREN

The Hon. TARA MORIARTY (13:20): I take note of answers given today by the Minister for Families and Communities, and Minister for Disability Services. Firstly, I support my colleague the Hon. Rose Jackson in relation to her question regarding the Ombudsman's report into the department's treatment of people with disabilities living in government housing and not getting appropriate support from this Government. These are some of the most vulnerable people in our community, and it is our responsibility to make sure that they are totally supported. We did not hear any kind of sufficient answer from the Minister. In fact, there was just a flippant, political response to my colleague the Hon. Rose Jackson for even raising the issue, despite the fact that the Ombudsman has tabled a damning report into the failures of the Minister to deal with these issues and the failures of the department to look after these people. It is not acceptable. This is one of the most important portfolios in this Government, and it needs to be given more care and concern by the person responsible for it.

I spoke earlier today about another Ombudsman's report, about which the Ombudsman has been so frustrated it has, in fact, tabled further reports and used its powers to compel the Minister this morning to provide an explanation to this House about the Minister's and the Government's failure to have proper safeguards around strip searches of young people in juvenile detention. For 2½ years the Government has been pursued by the Ombudsman about recommendations that were made. The Government has not dealt with the recommendations, and the Ombudsman took the extraordinary and very rare step to use its powers to compel the Minister to respond today. Again, youth justice is one of the most important portfolios and is responsible for some of the most vulnerable people in our community.

It is essential that this Minister and this Government get their act together and focus on the needs of these people. It should not take an Ombudsman's report, it should not take question time today and it should not take ministerial responses this morning to understand the seriousness of the needs of these people for proper support from this Government. I would urge the Minister to take her portfolio responsibility much more seriously than she appears to have done since being appointed to this job. Based on some of the responses today, we are going to be paying much closer attention to the lack of care that has been taken in dealing with her responsibilities. It is not good enough. Today we heard about failing education standards. We had a lack of response, in fact, from the same Minister about Aboriginal kids in western New South Wales—appalling. It is not good enough. The Government is distracted, self-indulgent, focused on itself, tired and nearly 12 years old. It needs to get out and let someone else have a go. [*Time expired.*]

CHIEF COMMISSIONER OF ICAC JOHN HATZISTERGOS APPOINTMENT

The Hon. ADAM SEARLE (13:24): I make a brief contribution about the question that was asked by the Hon. Mark Latham about the appointment of Judge John Hatzistergos as the Chief Commissioner of the ICAC and the answer given by the Leader of the Government. I have known Mr Hatzistergos, as he now is, for 37 years. He was a barrister, obviously a member of this Chamber, a very competent Minister for Health and an Attorney General for four years under three different Premiers in very different circumstances during the time of the last Labor Government. In all of his fields of endeavour, there has been no doubt about his competence, his diligence or his integrity. He is a person of very high calibre, capability and reputation.

To take the point raised by the Leader of the Government about the appointment process, there are two points that members should reflect on. One is, yes, there was an invitation for people to express interest or to apply. There was a selection panel, a really serious one, led by the former Chief Justice of the Supreme Court the Hon. Tom Bathurst, QC. It is my understanding that that selection panel, full of public service heads and other eminent people, made a unanimous recommendation that Judge John Hatzistergos should be preferred for that appointment.

The second point raised by the Leader of the Government was that there had to be concurrence by the parliamentary oversight committee, a committee of this House and the other House jointly. It is broadly based, with Liberal members, Labor members, National Party members, a member of The Greens and a member of One Nation, the Hon. Rod Roberts. I am assuming that I am not in breach of any legislative requirement now; it is now a matter of public record: It was unanimous by that committee that there was no question about Mr Hatzistergos' suitability for appointment. There was no doubt in anyone's mind on that committee, so members of this House should be very comfortable about that matter.

The next thing—and I will end on this point—is that the implication of the question was that during the time of the last Labor Government there are things that happened that should have been dealt with and, in particular, should have been addressed by Mr Hatzistergos. A lot of ink has been spilled about the doings of the last Labor Government and the ins and outs of various things. A lot of those matters have been matters of inquiry and public record and proceedings in the ICAC and the Supreme Court. There has never been any suggestion that Mr Hatzistergos knew of something and did not act.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (13:27): I speak briefly on the question that was asked by the Hon. Rose Jackson about the Ombudsman's report. I would like to advise the House that the Minister for Planning and I wrote to the Ombudsman earlier this year in response to the report that he had provided. We advised him that a task force had been set up to examine areas of improvement and how the agency can work better. The task force will focus particularly on improving communication, information exchange between agencies and a review of current policies and procedures to determine their adequacy and to identify and address areas of potential improvement. It will also suggest further steps and actions that can be taken to manage and improve disability modification processes. I will further update the House in due course.

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

Motion agreed to.

Documents

NSW BUILDING COMMISSIONER AND PROPERTY SERVICES COMMISSIONER

Return to Order

The CLERK: According to the resolution of the House on Wednesday 10 August 2022, I table documents relating to paragraph (a) of an order for papers regarding the NSW Building Commissioner resignation and Property Services Commissioner termination, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will now leave the chair. The House will resume at 3.00 p.m.

Bills

ELECTORAL LEGISLATION AMENDMENT BILL 2022

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Sam Faraway, on behalf of the Hon. Damien Tudehope.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (15:01): On behalf of the Hon. Damien Tudehope: I advise that a statement of public interest accompanying the bill has been prepared. According to standing order, I table a statement of public interest.

Statement of public interest tabled.

The Hon. SAM FARRAWAY: I move:

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

Motion agreed to.

The Hon. SAM FARRAWAY: I move:

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

Motion agreed to.

Committees

SELECT COMMITTEE ON PUPPY FARMING IN NEW SOUTH WALES

Membership

The DEPUTY PRESIDENT (The Hon. Wes Fang): I inform the House that the Clerk has received advice from the Leader of the Government that the Hon. Shayne Mallard has been nominated as a member of the Select Committee on Puppy Farming in New South Wales.

Business of the House

NOTICES OF MOTIONS

The Hon. COURTNEY HOUSSOS: By leave: Pursuant to Standing Order 71, I give notice that on the next sitting day I will move a motion for a call for papers relating to the NSW Building Commissioner.

Bills

NATIONAL PARKS AND WILDLIFE AMENDMENT (RESERVATIONS) BILL 2022

Second Reading Debate

Debate resumed from an earlier hour.

Ms CATE FAEHRMANN (15:05): On behalf of The Greens I speak in debate on the National Parks and Wildlife Amendment (Reservations) Bill 2022 and echo the fine words of my colleague Ms Sue Higgins. It is a worry that there are so many requests in this place to revoke little bits here and there of national parks for infrastructure and road upgrades. I signal that I will be moving an amendment in the Committee of the Whole to at least try to compensate for one of the revocations. We are actually losing quality habitat in parts of the State that have already suffered significant habitat loss as a result of the bushfires. It is important that a lot of effort goes into compensating for that loss of habitat with land that is at least of the same environmental value and ideally of a larger size. I will speak to the amendment in Committee and look forward to the debate.

Mr JUSTIN FIELD (15:06): I speak in debate on the National Parks and Wildlife Amendment (Reservations) Bill 2022. I want to put some quite specific context around my views about this revocation. I am coming at it from the perspective of being a little frustrated, and I appreciate my engagement with the Minister's office in trying to get an understanding of what the plan is, particularly for two sites on the South Coast and Shoalhaven not too far from where I live around Conjola National Park and Parma Creek Nature Reserve. What is the plan for compensating for those losses? It is a quite specific context. The regional roads Minister is in the Chamber and I appreciate the engagement that he has facilitated with his department. We have had chats about it as well.

In the South Coast and Shoalhaven, the Princes Highway upgrades that are planned will see a decade-long if not a 20-year-long process of road construction and expansion. There will be massive dislocation in the community, but there will also be a huge impact on vegetation as a result of road widenings and bypasses all the way between Nowra and Batemans Bay—and I know the long-term plan goes even further than that. I have been trying to engage with the Government. I have asked, "What is the plan? What is the strategy for managing the consequences to vegetation, habitat and the environment and the impact on communities from these multiple little projects?" Because it looks to me as if the Government is just dealing with them in a piecemeal way. We see that in the Conjola National Park element of this bill, which covers around 24 hectares.

It is frustrating for the community to see the Government organised in such a way that it seems as though a revocation of that section of the national parks is coming to Parliament in due time. It seems like National Parks is getting its ducks in a row ahead of time. Consultation is still occurring around the corridor for the bypass of Wandandian and the upgrade between Jervis Bay Road and Sussex Inlet Road. Whilst that consultation is still going on and there is frustration in the community about the lack of information about how the corridors are chosen, about wildlife crossings and the like, here we are in Parliament debating the revocation of a big chunk of it, which is going to impact on the national park.

I understand there are plans already in place to compensate for that loss of Conjola National Park, but the details were not available when I asked for them. The Government is saying, "We're in negotiations," so we do not know what the compensation is. That is fine; there are protocols or a set of guidelines for ensuring that there is a better outcome at the end for the national park. I recognise that. But the points raised about a lack of transparency are good ones, because it is frustrating to the community. I am going to use this bill as an opportunity to restate my call for the Government to think in a strategic way. It has a number of projects with huge biodiversity and habitat impacts, and there is going to be a lot of offset money available as a result of those projects. Very few people would stand in the way of improving the quality of the roads on the South Coast. They are dangerous. They are not fit for purpose given the volumes of traffic down there.

We want to see the impact on vegetation minimised. But where it is unavoidable, I would like to see a strategic approach to offsets, to making purchases of important habitat to expand the existing national park estate, to building connectivity back in where we are seeing fragmentation occurring from urban development and other government infrastructure. But when it is being dealt with by putting a national park bit here and there, carving a bit off a nature reserve there, or there is other habitat that is lost because of the ban offset—dealing with it bit by bit—we are missing the opportunity to have a good strategic look at the whole South Coast. It is not just places at Manyana. There is vegetation at risk of urban development at Callala, at Culburra and around Lake Wollumboola.

We are seeing it in nearly all of the coastal villages where developers land-banked cheap forested land years ago and are now turning up with their rezoning proposals thinking they have a favourable look-in with the current planning Minister, who is no friend of the environment. Let us stop and have a look at that. We cannot afford to lose any mature vegetation on the South Coast, due in large part to the impact of the fires in that region. It really hurts the community to see more vegetation lost for infrastructure, especially when they are not part of the discussion about how that is being offset.

These things happen; I understand that at times these sorts of bills have to come to the House. I am concerned about the "death by a thousand cuts" argument that has been made here. The circumstances with that section at Conjola—if members do not know it, and I think it is important to know the land that we are talking about, it is a sliver of vegetation in between a 60-metre-wide powerline easement and the existing road. If that bit of vegetation is lost, there will be a 200-odd metre clearance and there is no capacity for almost any species to cross that sort of infrastructure gap. What is the plan here? It seems a case of putting the cart before the horse. I would like the Government to take on board from this discussion today, and the debate more broadly, the need for a strategic plan around biodiversity conservation on the South Coast as it relates to these major upgrades of the Princes Highway. I will have more to say on some of the amendments to the bill that are proposed by other parties.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (15:13): In reply: I am delighted to speak in reply on the National Parks and Wildlife Amendment (Reservations) Bill 2022. I thank members for their contributions to the debate. The National Parks and Wildlife Legislation Amendment (Reservations) Bill amends the National Parks and Wildlife Act 1974 to remove a small area of land from the reserve system—only 54 hectares from six parks and reserves—to facilitate essential road upgrades. These upgrades will reduce the risk of accidents, save lives and improve economic productivity.

The Greens have raised the issue of appropriate compensation. I am delighted to advise them that the loss of land will be offset by adding new land to the reserve system, including a safety net to ensure that appropriate compensation must be approved by the Minister for Environment and Heritage before any of the revoked lands are transferred to the relevant road authority. Importantly, the compensation currently being considered and negotiated with Transport for NSW is expected to more than double the land being revoked, resulting in a net gain to the national parks estate. So it is simply not accurate to describe this revocation process as a "death by a thousand cuts". I can also confirm that the revocations in the Blue Mountains National Park will not impact on the World Heritage Area.

The Hon. Mark Latham made comments that no-one actually visits national parks. I am delighted to advise him that there is really good news on that front: Annual visitation has gone from 33.8 million visits in 2010 to 60.2 million visits in 2018. Visitation has almost doubled, which is wonderful news that I am sure the member will be celebrating in his office. Visitation has increased even more since the outbreak of the COVID-19 pandemic. I am further advised that more than 67 per cent of visits are to parks outside of Greater Sydney—something obviously close to my heart. Thirteen of the top 20 most visited parks are outside of Greater Sydney, and the growth in visitation is occurring everywhere, not just in urban areas.

National park management and visitation generates \$18 billion in economic activity annually and supports over 74,000 jobs. Approximately 75 per cent of the economic benefits of national park management and visitation are delivered in rural and regional New South Wales. The New South Wales Government is also undertaking the

largest investment in national park visitor infrastructure, with more than \$450 million to be invested in improving visitor access, including 11 multiday or "Great" walks. For example, in the recent budget, the Government has committed \$56.4 million to a four-day walking track in Dorrig National Park, which has been described by the Mayor of Bellingen Shire Council, Steve Allen—an excellent fellow—as:

... a huge opportunity for Dorrig and Bellingen Shire ... it will not just create over 250 jobs, but will bring people from all over the world to visit our world class site.

In summary, it is clear that national parks make a significant contribution to the economy of New South Wales through jobs, tourism and investment, while also being havens for conservation—over 85 per cent of all threatened species are represented in national parks—and providing opportunities to engage Aboriginal communities on Country. This brings me to my next point, engagement with Aboriginal people, which was also referred to by the Leader of the Opposition. The bill responds to feedback from local Aboriginal representatives, who the Minister personally met with, who have indicated a clear preference for the Maiyngu Marragu Aboriginal Place not to be included in the Gardens of Stone State Conservation Area.

The bill will make a minor adjustment to the National Parks and Wildlife Amendment Act 2021 to deliver this outcome. We have listened carefully to the concerns of the Aboriginal community regarding the reservation of this site and moved swiftly to act on that request. We will continue to strengthen and deepen our partnership with Aboriginal communities across New South Wales through the Government's recently announced consultation on joint management reforms. I commend the bill to the House.

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

Motion agreed to.

Instruction to Committee of the Whole

Ms SUE HIGGINSON: According to sessional order, I move:

That it be an instruction to the Committee of the Whole that it has power to consider:

- (a) an amendment to provide for the reservation of part of Conjola National Park; and
- (b) an amendment to require the Minister to prepare a reservation plan.

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 three sets of amendments from The Greens on sheets c2022-137A, c2022-138A and c2022-144A.

Ms SUE HIGGINSON (15:20): By leave: I move The Greens amendments Nos 1 to 5 on sheet c2022-137A in globo:

No. 1 Preserving reservations

Page 3, Schedule 1, line 5. Omit "Revocations". Insert instead "Revocation".

No. 2 Preserving reservations

Page 3, Schedule 1, lines 7–24. Omit all words on those lines.

No. 3 Revocation of part of Hartley Historic Site

Page 3, Schedule 1. Insert after line 30—

- (3) The land is vested in the Minister on behalf of the Crown for the purposes of this Act, Part 11 for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements.
- (4) The Minister must not transfer the land under the Act, Part 11 unless the Minister is satisfied appropriate compensation for the land has been provided.

No. 4 Preserving reservations

Page 3, Schedule 1, lines 31–41. Omit all words on those lines.

No. 5 Preserving reservations

Page 4, Schedule 1, lines 1–8. Omit all words on those lines.

The amendments are straightforward and seek to remove the revocations of land from the national parks and nature reserves that are in the bill. As I said in my second reading debate contribution, The Greens understand the need for road upgrades, especially for the purposes of improving safety—although we are not always advocates

for all roads. If there is an in-use road that needs to be upgraded to keep people safe then we will support it, but these particular road upgrades will cause significant diminishment of the protected area network. The seriousness of that should be recognised by this Parliament before we pass revocations without first identifying suitable land of equivalent value as compensation.

I acknowledge the contribution of the member of the Government who tried to assure the House that the land will be identified and compensation made. That is precisely not the point. We need to see the land and have that compensation confirmed before the revocation. It is the job of this Parliament to ensure that processes are undertaken properly. In this case, part of the process is to identify the compensation. The suggestion that it will be okay simply because we are told that more land will be included and that there will not be a net loss is not satisfactory. Until we actually know what the compensation and contribution is, no-one can suggest that there will not be a net loss. Even if the area is 90 times the size of what is being lost but the quality and the ecological significance is not equivalent, plus more, then it is a net loss. That is how ecology works.

I make particular note of two of the proposed revocations. New clauses 49 and 50 to be inserted in schedule 2 to the Act relate to the Blue Mountains National Park and the Conjola National Park. These areas have suffered terribly since the 2019-20 bushfires, and we should be especially careful about degrading them any further without thorough due diligence. Two and a half years ago, 80 per cent of the Blue Mountains World Heritage Area was severely burned. That was just six years after the devastating 2013 fires. This internationally recognised area is highly constrained by surrounding roads and development. It is a mistake to revoke part of it now for a highway upgrade before it is proved that there is suitable compensation available and that no net loss will, in fact, occur.

When revocation occurs, it should be confirmed that equivalent land for compensation is available and is already acquired. The landscape is already at risk from the ever-increasing threat of bushfire. Like the Blue Mountains, Conjola National Park experienced catastrophic effects from the 2019-20 fires. That is also a landscape that is highly constrained by development, agricultural land and roadways. If it is absolutely necessary to improve roads that impinge on that area, then the Government should do the work required to identify compensation areas before it brings the revocation bill. The community around Conjola have serious and legitimate concerns about the integrity of the protected area, and the promise of compensation land does very little to satisfy their worries.

Our opposition to these revocations is grounded in the process behind them. We want to know that there is, in fact, land of equivalent value that can be added to the national park in question before we are asked to consider revoking even small sections of these very precious places. I urge members to consider the risks of the continual degrading of protected areas without the surety of knowing that we can adequately offset the loss of the administrative revocations.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (15:25): The Government does not support The Greens amendments Nos 1 to 5. The bill is focused on the necessary revocation of a relatively small area of land—some 54 hectares in total—from over seven million hectares of national park estate. These are sensible revocations to support essential public road upgrades to improve community safety, ease congestion and reduce travel times. Safety is a central consideration. For example, the upgrades to the Princes Highway address an undivided road with one lane of traffic in each direction. That section of the highway has had a history of serious crashes in recent years, including serious injuries and fatalities.

The revocations proposed are only those areas of the national park estate that cannot be avoided after all steps have been taken to minimise the impacts of the road projects to national parks and reserves. Most significantly, the revocations require compensation from Transport for NSW in the form of additional high-value land. This compensation is in the process of negotiation and acquisition, as well as additional funding from Transport for NSW to manage the land. Importantly, the revoked land will not be transferred unless and until the Minister for Environment and Heritage is satisfied with the proposed compensation.

In some instances, the compensation currently subject to negotiation with Transport for NSW is expected to more than double the land being revoked, resulting in a net gain to the national park estate. Due to ongoing negotiations, including with third parties, it is not appropriate or possible to provide further detail at this time. But I make this commitment to all honourable members: All compensation will be consistent with national parks revocation policy. Accordingly, the amendments are not supported.

The Hon. PENNY SHARPE (15:27): Labor does not support The Greens amendments that would remove all of the revocations in the bill other than the revocation at the Hartley Historic Site. I understand why The Greens are keen to move this. I share some of their concerns about how long it takes to identify compensation land and how we should be dealing with it in an up-front manner. But this process has been in place for a long

time. It is sometimes necessary to revoke some national parks land. I am aware that some very good compensation packages in the past got much more high-quality land that was not just at the edge of the road and was much larger than the revocation in the first place. It is not always a bad outcome; I would not want anyone to believe that the Opposition believes that to be the case. We believe this to be a fairly standard process, which we support.

There is a particular opportunity for some compensatory land that the Government should be considering: the wildlife corridor at Woronora Heights. WaterNSW is currently looking to develop that land and then sell it off. There are koalas walking through there every single day and there is currently nothing built on it. Here is an opportunity to acquire that land and put it into Heathcote National Park. I notice that the chief of staff of the Minister is here. I highly recommend that process. I would take the opportunity to do that. Having said that, I understand what The Greens are trying to do. But this is actually quite a standard process, and we need to keep watch. I again make the commitment that if I am ever lucky enough to be the environment Minister, I will be running the ruler over all of those revocations and not a blade of grass will be going unless absolutely necessary.

The CHAIR (The Hon. Wes Fang): Ms Sue Higginson has moved The Greens amendments Nos 1 to 5 on sheet c2022-137A. The question is that the amendments be agreed to.

Amendments negatived.

Ms CATE FAEHRMANN (15:30): I move The Greens amendment No. 1 on sheet c2022-144A:

No. 1 Reservation of land

Page 3, Schedule 1. Insert after line 2—

[1] Schedule 1A Reservation of land

Insert after clause 8—

Part 4 Reservation of part of Conjola National Park

9 Reservation of land as part of Conjola National Park

- (1) This clause applies to Lot 172, DP 755923 and Lot 823, DP 247285, being land in Manyana with an area of about 20.4 hectares.
- (2) The Minister must acquire the land under section 145.
- (3) On the Minister's acquisition of the land, the land is reserved as part of Conjola National Park.

The amendment is about what we have talked about throughout the debate on the bill, which is ensuring that at least one part of the national park that is revoked is compensated for adequately, with a piece of land that is at risk of being bulldozed any day or month now. The amendment deals specifically with the revocation at Conjola National Park on the South Coast. The bill proposes to clear around 21 hectares of Conjola National Park for an upgrade to the Princes Highway.

There has been a campaign by the community at Manyana over the past couple of years, which has gone statewide, to protect a block of bushland that also happens to be 21 hectares and is at risk. It is critically endangered and adjoins Conjola National Park. The bushland block has been the subject of a zombie development approval back in 2008, and the entire block is currently at risk of being cleared for a 180-lot development. Just after the Black Summer fires, which burnt 95 per cent of habitat in that region, the block was one of the few pockets of bushland that was unburnt at the time.

In June 2020 Professor David Lindenmayer, who is a forest ecologist and an incredible academic from the Australian National University, visited the block and did an ecological survey and report about its ecological significance, particularly for some of the threatened species that suffered so badly during the Black Summer fires. One of the species of particular concern to Professor David Lindenmayer is the greater glider, which in the past couple of weeks has been up-listed to endangered at the Federal level because of the impact of those fires on the population. Professor David Lindenmayer's assessment of the block found:

The key issue is that all patches of relatively intact forest in the broader landscape including the area that encompasses the Manyana development site will likely be needed to remain intact for persistence of the Greater Glider.

I have put to the environment Minister in recent days that we have an opportunity before us that is quite unique. The bill revokes 21 hectares of Conjola National Park, some of which, one would have to think, is threatened species habitat and is being used by the glossy black cockatoo and the greater glider.

Because of where the bill is going today—it will be passed—The Greens cannot stop that clearing or the Princes Highway upgrade, which is probably necessary. But a 21-hectare block adjoining Conjola National Park could be purchased by the Government and added to the national park estate. In fact, the Government has already made inquiries. A couple of years ago, when Matt Kean was the environment Minister, the community outrage

over the potential clearing of the block for development was so intense that the environment Minister liaised with the community, met with Shoalhaven City Council and had discussions with them about potentially purchasing the block to add it to the national park estate.

I am not presenting a random block somewhere near a national park to the Chamber and saying, "Here, save this block." This block has been actively considered in the past. As I understand it, the reason that it was not purchased and added to the national park estate at the time was that Shoalhaven City Council did not quite come to the table in terms of making a contribution. That could change over the next week, when Shoalhaven City Council might hopefully be considering the issue. But what has not changed is the fact that that bushland block is still one of the last remaining patches of habitat and pockets of forest in the area that has not been absolutely decimated by those fires. Some of the threatened species that just recently, in the past few weeks, have been up-listed as endangered—the glossy black cockatoo plus the greater glider—are visiting that part of the forest as habitat.

As I said, I have had conversations with the Minister and discussions in this place about the amendment, and I am aware that the amendment will not get through today. That is a real shame, because this is an opportunity for Government members to put their money where their mouth is when they say that they are in discussions about compensating for the clearing of Conjola National Park. I cannot think of a better area, but maybe there is 100 hectares, 200 hectares or 300 hectares of unburnt habitat—very close to Conjola National Park, one would hope, given how much has been burnt.

There is not that much unburnt habitat, and this is not the only patch of bushland along the South Coast that is at risk from development over the next month, the next six months and the next year. There is 20 hectares in the little town of Manyana. There are Dalmeny, Tura Beach, Callala Bay and Culburra Beach—20 hectares, 40 hectares, 100 hectares, 20 hectares, 40 hectares. On the mid North Coast and on the North Coast, it is the same thing. Right up and down our coast, after the bushfires, which burnt more than five million hectares of national park—that is a lot of threatened species habitat—all of those patches are being lost as well.

The amendment is an opportunity in this place to make sure that one of them is protected. At 20 hectares, it is actually a big block. I have walked through and had a look at it myself—beautiful big trees, absolutely gorgeous. To think that it will be clear-felled in this day and age in 2022 and after those fires, with no ecological assessment because it was approved in 2008 and did not have to have one, is absolutely outrageous, disgraceful, criminal—find a stronger adjective, because it certainly needs a stronger one.

I will leave it there, but it is a shame that the amendment cannot be supported, because it is a solution that the community has been crying out for. They have held a fundraiser and raised \$60,000. All of these people have put in money; they are so desperate to save this beautiful block. They have even called it the Manyana special conservation reserve, because they think that is what it should be. Here is a solution. People always say The Greens do not have solutions, and I have a solution for this terrible situation of 21 hectares of Conjola National Park being cleared for the upgrade. I commend the amendment to the Committee.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (15:39): The Government does not support the amendment. While I understand and sympathise with the views expressed by Ms Cate Faehrmann, the Government cannot support the arbitrary reservation of private land that is zoned for residential purposes by an Act of Parliament without notice or consultation with the owner and without fair and just compensation. The resolution of planning disputes should not be resolved by the Parliament compulsorily transferring land to the national park estate. Any land that transfers to the national park estate needs to be assessed for suitability, consistent with the national parks acquisition policy. This amendment would establish a precedent that cannot be supported. I say to Ms Cate Faehrmann that the NSW National Parks and Wildlife Service is open to considering the reservation of land at Manyana; however, this needs to be considered under the national parks acquisition policy and does not require legislation. Accordingly, the Government does not support the amendment.

The Hon. PENNY SHARPE (15:40): Labor does not support the amendment, which it only just saw today. I understand a lot about the block that Ms Cate Faehrmann is talking about. I have been supportive of the community trying to deal with it, but this is not the way that is achieved. You cannot bolt into a bill such as this, which is a revocation, and then identify where you are going to do the replacement. As I have said, I have some other areas that I could suggest. I could talk about the Woronora Heights koala corridor, as an example. You cannot just compulsorily acquire this. Doing so would cost the taxpayer more money as time goes on, as we signal the interest in this block. That is a serious matter. Labor wants to do acquisitions. As someone who seeks to be in government one day, I want to do that at the cheapest possible cost to the taxpayer. This is not helpful, and Labor does not support the amendment.

Mr JUSTIN FIELD (15:41): I am very familiar with the block at Manyana. I have a house about 400 metres down the road; it nearly burnt down in the fires. It is quite astonishing to drive into Manyana and Bendalong. If you have not done so, you do not understand the scale and intensity of the fires that burn around the area. The majority of the mature parts of Conjola National Park, which surrounds the roadway into that area, burns at such an intensity that the trees are just large white sticks. There is almost no growth in the canopy in and around that area. That forest is starting from scratch. When you get into Manyana, one side of the road is burnt, and then there is a patch of untouched, tall, beautiful mature forest. It is little wonder that the community acted in the way that it did. That block should be preserved, and it should never have been approved for development. The planning law is inadequate because it allows an approval from so long ago to proceed as if nothing has changed. That is how the Government has treated those fires across the board in all areas of policy, whether it is urban development or forestry rules. It is business as usual, as if the fires did not change anything.

Having said that, I agree with the position put forward by both the Government and the Opposition that this is not the way to resolve those kinds of planning failures. In saying, "We will take this in exchange for that," that should not be touched anyway. I am not prepared to give ground on the need for alternative compensation for the bit of land at Conjola National Park that is being revoked. I remind people that it is a sliver of land with a road easement on one side and a powerline easement on the other. It is not ideal for the national park network as it is. It provides limited ecological services.

I understand that negotiations are underway for a substantial addition that will have real ecological value for the local national parks, so let us do that. But the Government needs to resolve the issue at Manyana. That land should never be developed, and the community will not allow it to be developed. They will stand in the way of any future development. Let us resolve that issue and put the money on the table when it is needed. I am concerned that the continual elevation has given the developer the ability to demand a higher price. That has been one of the sticking points up until now. The planning law is there. The Minister has the power to step in and force the hand of the developer, and they should do that, but we should not use this legislation to try to get that outcome. It will not work, and it will undermine the ability to get better outcomes as a result of this revocation.

The CHAIR (The Hon. Wes Fang): Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2022-144A. The question is that the amendment be agreed to.

The Committee divided.

Ayes5
Noes29
Majority.....24

AYES

Boyd
Faehrmann (teller)

Higginson (teller)
Hurst

Pearson

NOES

Amato
Barrett (teller)
Borsak
D'Adam
Donnelly
Farlow (teller)
Farraway
Franklin
Graham
Houssos

Jackson
Latham
Maclaren-Jones
Mallard
Martin
Mookhey
Moriarty
Moselmane
Nile
Poulos

Primrose
Rath
Roberts
Secord
Sharpe
Taylor
Tudehope
Veitch
Ward

Amendment negatived.

Ms SUE HIGGINSON (15:54): I move The Greens amendment No. 1 on sheet c2022-138A:

No. 1 **Minister to nominate land for reservation**

Page 3, Schedule 1. Insert after line 2—

[1] **Section 30DA**

Insert after section 30D—

30DA Minister must prepare reservation plan

- (1) As soon as practicable after the commencement of this section, the Minister must—
 - (a) prepare a plan to ensure that, by 2030, at least 30% of land in the State is reserved under this Division, and
 - (b) publish the plan on the Department's website.
- (2) The plan must also identify land of ecological or biodiversity significance for reservation under this Division.
- (3) In determining whether land is of ecological or biodiversity significance, the Minister must have regard to reports, published by the Department, about the ecological or biodiversity significance of the land.

It seems clear that today this Chamber will be supporting the Government's plan to take areas out of our precious protected area network estate, so I ask members to please consider deeply this amendment. As we all well know, we are in the midst of a dire and escalating extinction crisis. Right now Australia is facing the permanent loss of hundreds of our unique, iconic and beautiful native species. As we saw in the recently released *Australia State of the Environment* report, Australia has lost native animals at a faster rate than any other country on earth. Our inland waterways have been decimated, and we now have a greater population of pests than precious native plants and animals.

Just this week the Federal Government moved the south-eastern glossy black cockatoo onto the vulnerable list and the mountain skink is now endangered. Both join the awful slippery slope on their descent to extinction. Who knows whether they will make their descent so fast that they will meet the koala or the greater glider, our two icons listed as endangered earlier this year. Whatever the rate, all are on the path to extinction. The fact is they will all meet at some point, and unless we sort this wicked problem out they will hit the bottom sooner than we all realise. Some of us may think we are heading down an orderly slope where some life—might I add beautiful, remarkable, wondrous, ancient clever life—will become extinct in the orderly fashion in which it is added to the list, announcement by announcement. But it will not be orderly at all. It is not orderly. There is nothing orderly about how things look down at the bottom of the slope.

This problem is not only about losing unique plants and animals one at a time. It is a symptom, albeit a massive, avoidable and catastrophic one. In fact, the extinction crisis heralds a much bigger crisis—the destruction of the very thing we are completely dependent upon. It is ultimately about our wellness and our grandchildren's survival. The Black Summer fires and the recent floods are but mere snapshots. It is noted by geologists, anthropologists and philosophers that we are living in the Anthropocene, the time of human influence and now increasing human dominance of climatic, biophysical, and evolutionary processes occurring at a planetary scale. One professor notes:

Gone are the relative stability and predictability of the past twelve thousand years, as the established patterns and regularity of Holocene phenology begin to fall into chaos. While some cosmic constants remain, such as the cycles of day and night, the moon's influence on the tides, the date of the solstices, and the length of time the Earth takes to go around the sun, many other patterns and rhythms of earth's phenology are undergoing major change. A rapidly heating climate puts things out of whack. Synchronicity and timing are all important; and when, for example, the instinctual migration of mammals and birds tied to "locked in" global rhythms and patterns fails to coincide (trophic mismatches) with the great warming-accelerated flourishing, flowering, and fruiting of once reliable food supplies, death and extinction follow.

Processes of evolution simply cannot keep up, and that is what we face. Strategists, thinkers, carers and imaginaries—which everyone in this place must think themselves to be, just a tad—it is time for us to open our eyes, get with it and show bold and brave leadership. Concepts like sustainability and resilience are not quite big enough anymore for us, our children and grandchildren. They are not strong enough to shake off the shackles that State capture now has over us and the management of our environment. We need to do much more. We need to commence the exit out of the Anthropocene with as much grace as we possibly can. It is going to be messy. It is already messy for so many across the world in the face of extreme weather events, disasters and the pandemic. But we can change this.

I believe in us. I refuse the doom. Like many in this place, I am here as part of the politics of hope, love, survival and strategy. So what is the next era in human history? Will it be, as Professor Glenn Albrecht dreams, one of symbiosis that at its core implies living together for mutual benefit? Symbiosis affirms the interconnectedness of life and all living things. We need to embrace the symbiocene. We need to understand our interconnectedness with all living things and the land upon which we live, love and work. It is time to transition from the era of wanton exploitation and to embrace a culture of regeneration—the regeneration of the land and our relationship with the land.

Many in this place may or may not be aware that we are now closer to understanding how ecosystem parameters can be guided by key ecological players in the system to maximize benefits for the life chances of

whole species, including ours. In essence, there is a form of natural justice that prevails. We now know that, for example, health in forest ecosystems is regulated by what are called mother trees that control fungal networks, which in turn interconnect trees of varying ages. The control system works to regulate nutrient flows to trees that need them the most, such as very young ones. It also works to transfer information and energy from dying species to those that might continue to thrive, therefore maintaining the forest as a much larger system. These crucially important insights have yet to be incorporated into ecological thinking applied to politics and human societies.

It is upon this thinking, science and evidence that I move this amendment. We have an opportunity right now, albeit a very small one, to do something tangible, measured, meaningful and, frankly, very conservative in the transition into our changing future. The Greens amendment today, in the face of the Government's action to carve off part of our protected area network, is about taking a big step forward to building our protected area network. A few years back comments were made in a wonderful article contemplating the very thing I propose today. It said:

As of today, the only place in the universe where we are certain life exists is here on our little home, the third planet from the sun. But also as of today, species on Earth are winking out at rates likely not seen since the demise of the dinosaurs. If we don't change our ways, we will witness a mass extinction event that will not only leave our world a far more boring and lonely place, but will undercut the very survival of our species. So what do we do?

The author turned to E. O. Wilson, who died only a few months ago, one of the world's most respected biologists. His proposal is a radical, wild and challenging idea to our species—to set aside half of the planet for nature. Wilson said ignorance is the biggest barrier to achieving the goal of protecting half of the earth for the survival of all of us. Here we are in New South Wales where only a tiny proportion of our State is protected in our protected area network. Yet a well-planned and well-managed protected area network is what safeguards freshwater and food supplies, reduces poverty and reduces the impacts of natural disasters. A comprehensive, representative and well-managed protected area network is one of the most effective tools for conserving living species, natural habitats and cultural knowledge. It also contributes to the livelihoods and wellbeing of local communities and society at large.

In New South Wales we are asleep at the wheel when it comes to our protected area network, perhaps even worse than that. We have allowed some to vilify our protected area network and the people who have dedicated their lives to managing it. Many people, including people in this place, as I heard earlier, do not understand the purpose and functions of a well-managed protected area network. Instead of building and managing our protected area network for its highest and best use, we have seen efforts to monetise and develop it. Most seriously, we are still allowing industrial-scale logging on part of our protected area network.

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

Ms SUE HIGGINSON: Absolutely. The point is that only 9.6 per cent of our State is currently in our protected area network. On the very day that this Government and this Chamber is going to take some of that 9.6 per cent, I am proposing on behalf of The Greens that we get on board with the High Ambition Coalition and require our environment Minister, here and now, to make plans to protect 30 per cent of our land and inland waterways by 2030. That is an entirely reasonable and sensible thing to do. In fact, the High Ambition Coalition is now made up of over 100 countries worldwide. That is the target—30 per cent by 2030. I urge members to support this small but ambitious amendment.

The Hon. PENNY SHARPE (16:05): I thank Ms Sue Higginson for a contribution people should read very closely in *Hansard* in relation to the case for more protected areas and the need to move that to 30 per cent of our State. But I make the following points. The first is that this is a bill about revocations to deal very specifically with the way in which we manage infrastructure projects in national parks. We were happy to allow this to be debated, but let us be clear: It is outside the leave of the bill. Labor was prepared to support the amendment being discussed, but Labor will not support the amendment. That is although, as I said, the member made a very good and impassioned plea for more protected areas, and that is something that Labor supports. The other point I make is that we have a lot of business to deal with today, and there is a disallowance motion that The Greens are keen to get to. If they continue to speak for so long, we are not going to get to that.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (16:06): Obviously, the Government does not support the amendment either. We acknowledge that the Australian Government has signed up to the important target of reserving 30 per cent of land by 2030 to improve conservation outcomes across the nation. However, this bill is not the appropriate mechanism to consider our State's contribution to that goal or the means by which we deliver improved conservation outcomes across New South Wales. The Government is committed to expanding the national park estate. More than 600,000 hectares have been secured since March 2019, representing an increase in the size of the estate of 8.4 per cent. Conservation efforts underway include the creation of a 65,000-hectare feral-predator-free area network into which 10 locally extinct mammals have already been introduced. This

important issue needs to be dealt with by way of a considered process and discussion, not by way of an amendment to this bill, which deals with routine revocations.

The CHAIR (The Hon. Wes Fang): Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2022-138A. The question is that the amendment be agreed to.

Amendment negated.

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

Motion agreed to.

The Hon. BEN FRANKLIN: 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. BEN FRANKLIN: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: I move:

That this bill be now read a third time.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. TAYLOR MARTIN: I move:

That Government business orders of the day Nos 6 and 7 be postponed until a later hour.

Motion agreed to.

Bills

CASINO LEGISLATION AMENDMENT BILL 2022

Second Reading Speech

The Hon. TAYLOR MARTIN (16:11): On behalf of the Hon. Ben Franklin: I move:

That this bill be now read a second time.

I acknowledge the presence of the Minister for Hospitality and Racing in the President's gallery this afternoon. The Casino Legislation Amendment Bill 2022 represents the most significant package of reforms to regulate casinos in New South Wales since the creation of the Casino Control Act.

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

Leave granted.

The Casino Legislation Amendment Bill 2022 represents the most significant package of reforms to regulate casinos in New South Wales since the creation of the Casino Control Act and the issuing of the first casino licence in 1992. The reforms represent an essential reset for how casinos will operate in this State into the future. The reforms contained in the bill are incredibly wideranging due to the sheer breadth of failures within the casino sector that has been uncovered by the various inquiries into Australian casinos over the past few years. They include failures of prevention of financial crime, including allowing money laundering to run rampant in casinos; preventing casino patrons from experiencing gambling harm; and corporate governance and culture, including the relationship between casinos and their regulators.

While the public has been rightly outraged by those failures, the inquiries that have completed so far have indicated their belief that the casino operators in question can reform themselves. The Government supports that position and seeks to reset the industry, ensuring that casinos in New South Wales are vibrant, safe, and responsible places to visit. However, with this bill the Government also recognises that the inquiries have found that the casino sector needs a complete overhaul in order to succeed. It is not acceptable for casinos to engage in consistent patterns of non-cooperation and dishonesty with regulators. It is not acceptable for casinos to allow financial crime to run rampant because it is more profitable to do so and risk a fine, and it is certainly not acceptable for casinos to foster a culture where compliance with laws is considered optional and the sole focus is on technical compliance rather than compliance with the intent and spirit of the laws. To help fix that culture, the bill contains an array of reforms, which I will now address in turn.

The core of the bill is the creation of the new NSW Independent Casino Commission, the NICC. It is important to acknowledge at the outset that the Bergin report made very clear that the recommendation to create a new standalone casino regulator was not a criticism of the current regulator, the Independent Liquor and Gaming Authority [ILGA]. Instead, the creation of an independent casino commission will act to ensure that the people responsible for casino regulation have enough time to focus on those issues exclusively. This is particularly important given the increasing complexity of the casino industry and the increasing workload of ILGA's liquor and gaming responsibilities.

The bill inserts new part 9A and new schedule 1 to establish the NICC and its procedures. This includes the creation of the NICC, with one full-time legally qualified Chief Commissioner; at least two but no more than four full- or part-time commissioners, including commissioners with expertise in financial crime regulation or law enforcement, accounting or corporate governance; and any full- or part-time assistant commissioners to assist the NICC in exercising its functions that can assist with surge capacity, including large-scale inquiries or compliance activities.

The Chief Commissioner and commissioners are to be appointed by the Governor on the Minister's recommendation for a period of no more than four years and may only be reappointed once. The Minister's recommendation will be based on a list of persons nominated by a selection panel following a formal selection process. Assistant commissioners are to be appointed by the Minister for a period of no more than two years. Persons who have worked in any other capacity for a casino operator in the last seven years must not be appointed. The remuneration of all commissioners is to be set by the Statutory and Other Offices Remuneration Tribunal [SOORT]. The commission will be able to employ its own staff.

All other administrative and governance procedures are kept the same as ILGA. It is notable that New South Wales used to have a Casino Control Authority which was abolished in 2006 following an Independent Pricing and Regulatory Tribunal inquiry which recommended that liquor and gaming regulation be combined to ensure consistency of regulatory effort. This Government has therefore been careful to ensure that the design of the new NICC balances the opportunities offered by a standalone casino commission, as advocated in the Bergin report, but also ensures the continuation of a coordination regulatory effort. This is achieved in the following manner.

First, the Chief Commissioner will also sit on ILGA as an ordinary member. Secondly, the bill establishes a coordination committee which will include representatives from the New South Wales police and the NSW Crime Commission. This committee will ensure coordination of regulatory effort across the liquor and gaming industry. Thirdly, while the NICC has its own administration, policy and secretariat staff, the majority of the operational staff will remain in the department as part of Liquor & Gaming NSW working on a variety of liquor and gaming matters. This model will ensure that the regulator can adequately and quickly meet any peaks in demand, conduct surge activities and have significant contingency to ensure that there is a sustained and diverse high level of monitoring at the casinos.

Importantly, the model will also ensure that Liquor & Gaming NSW is able to take a consistent approach with other significant liquor and gaming venues and can adequately respond to any potential displacement issues. As anyone who has read the Bergin report will know, guaranteeing the independence of the recommended new casino commission was of crucial importance to help ensure that it is successful. Therefore, multiple provisions have been inserted to ensure the NICC's independence, including inserting a new section 135, which states that the NICC is subject to ministerial direction and control except for its advice, report or recommendation to the Minister and its decisions relating to casino licences, disciplinary action or liquor or gaming approval; amending section 142 so that the terms of any commercial agreement with a casino operator are invalid to the extent they prevent the NICC from, or otherwise imposes additional onus on the NICC in, making decisions or taking disciplinary action; and requiring the NICC to table its annual report in Parliament.

To balance the increased powers of the NICC and its enhanced independence, amendments have been made to the Ombudsman Act 1974 to bring the NICC within the Ombudsman's oversight powers. The NICC and the increased resources will be paid for by an increase in the casino supervisory levy. In line with Bergin's recommendation, section 115A and new 115B state that the levy will be paid directly to the NICC instead of being paid to the consolidated fund. Clause 51 of the regulation is also amended to impose a levy of \$19 million apportioned evenly between the two casino operators. These funds will help support a significant uplift in operational capacity and the creation of the NICC. I also note that by passing the bill during this sitting week and commencing the legislation on 5 September 2022, the NICC will be established in time to consider the outcomes of the Bell review, which is due to deliver its findings to ILGA at the end of August. This means that the NICC can hit the ground running in relation to considering and implementing any findings and will avoid a situation where a transfer of powers needs to occur to the new commission in the middle of any potential disciplinary proceedings.

Finally, to ensure parity between the NICC and ILGA, consequential amendments have been made to the Gaming and Liquor Administration Act 2007 [GALAA], including preventing ministerial control and direction over ILGA's liquor and gaming related decisions and disciplinary action; allowing for the appointment of assistant ILGA members; imposing a transparent selection panel process for the appointment of ILGA members; allowing ILGA to employ its own staff; changing the term of office to four years and limiting members to one consecutive reappointment; and having ILGA remunerated by SOORT.

One of the most concerning aspects that has arisen in the various casino inquiries is the culture of noncompliance by the casino operators. The bill contains a number of reforms that aim to help improve this culture but also foster a relationship of trust and cooperation with the NICC. First, the bill will insert a new section 220 into the Act to require casino operators to cooperate with NICC in respect of its functions. This will include making full and frank disclosure of all information requested by the NICC and notifying the NICC of any breach or likely breach of any legislation that regulates casino operations, licence conditions or regulatory agreement as soon as practicable but not later than five days after becoming aware of the breach.

Secondly, new provisions are inserted into sections 36 and 131A to require a casino operator to engage an independent and appropriately qualified compliance auditor under a controlled contract on terms approved by the NICC. The compliance auditor is to report annually to the NICC on the casino operator's compliance with its regulatory obligations and notify the casino operator and the NICC of any activity in the casino that may jeopardise the achievement of the objects of the Act and of any breach or likely breach of the casino legislation or the casino operator's other obligations. These amendments implement Bergin recommendations 6 and 7. The Bergin report noted that this auditing requirement is an important measure to change Crown's mindset in respect of compliance and provides a proportionate response to the existing and emerging risks identified in the casino operating environment in New South Wales.

The bill will provide greater flexibility to the NICC to enforce remediation efforts by casino operators. Currently the Act allows the regulator to issue a rectification order to a casino. However, this order can only be made in lieu of any other disciplinary action, including fines. A new enforceable undertaking regime will be inserted in section 23 and a new section 26A to enable NICC to impose enforceable undertakings as a form of disciplinary action. A new section 125 will be inserted to require a casino operator to give the NICC full, real time and independent access to their systems that monitor the conduct of gaming. This gaming data is a crucial tool that will be utilised to monitor a casino operator's compliance with the legislation. Currently the regulator has full access to gaming data for all gaming machines in hotels and clubs through a centralised monitoring system licensed by the Government. No similar arrangements exist for gaming systems at casinos. The regulator has to access data through requests to a casino operator and cannot access the data independently. Therefore, the amendment addresses this issue by requiring casinos to provide the NICC independent access to their systems.

Finally, it is important to ensure that penalties in the legislation continue to rise so they actually penalise operators and close associates for noncompliance and to ensure that they remain a significant deterrent to noncompliance with the Act. Therefore, the bill amends section 23 to increase the maximum penalty for disciplinary action against casino operators to \$100 million. Disciplinary action is generally only taken against casino operators in the most serious of cases. It is important that the potential penalty reflects the seriousness of such matters. Importantly, this penalty will also be retrospective so the NICC will have the penalty available to it for any disciplinary actions it may wish to take arising from either the Bergin report or the Bell review.

The bill also amends section 167 and creates a new section 167A to allow the NICC to prosecute individual executives of the casino operator for offences by the casino operator if the individual knew or ought reasonably to know the offence would be or is being committed and failed to take steps to prevent the offence, or aids, abets, induces, conspires or is involved in the offence. These are important provisions which will ensure that executives who fail to discharge their obligations, including where they did not know but should reasonably have known that an offence was going to be committed, can be prosecuted for their failures. We expect corporate officers to take their duties seriously and ensure their company complies with the law.

This provision will help ensure that is the case for casinos. The bill also increases all penalties throughout both the Act and the regulation by a minimum of 10 times to ensure that they remain a significant deterrent to noncompliance with the Act. One of the best ways of ensuring casinos remain suitable is by ensuring that their close associates—those who have control and influence over the casino's operations—are also suitable. As such, the bill strengthens the close associate provisions in a number of ways. The Bergin report found that the tests of relevant interest and relevant power in the current definition of "close associate" in the Gaming and Liquor Administration Act can be overly technical and complex.

Therefore, in line with Bergin recommendation 13, a new section 3A is inserted to define "close associate" more rigorously to include related bodies corporate, people holding 10 per cent or more of the shares in a casino operator or a related body corporate of the casino operator and directors and officers of those entities. The proposed new definition provides greater clarity and facilitates more efficient assessment of whether a person is a close associate.

The existing close associate provisions do not provide the regulator with flexibility regarding approvals. The current close associate approval provisions are targeted at the casino operator and ensuring that they comply with the relevant provisions. The Bergin report demonstrated the limits of existing powers. It found Crown did not breach the Act when an agreement was reached for Consolidated Press Holdings [CPH] to sell its shares to Melco without prior approval because the share sale was not within the casino operator's power to prevent prior to approval.

Therefore, the bill completely reforms the close associate regime. A new part 3, division 3 will be inserted into the Act, among other administrative provisions, to (1) require all close associates to obtain the NICC's prior approval, subject to any exemption granted by the NICC; (2) provide the NICC with cost-recovery powers in assessing the suitability of a casino operator or their close associate; (3) allow interim approval to be issued to close associate applicants; (4) require close associates to maintain ongoing suitability and notify the NICC of any substantial change that could affect their suitability; (5) allow disciplinary action to be taken against a close associate for breaches of the Act or adverse suitability findings; (6) require all close associates who are involved in the management of casino operations to complete training and obtain a certificate of competency under section 64; and (7) exempt close associates from any requirement to obtain a special employee licence now that a full regime for close associate approvals and training is being imposed.

These reforms implement Bergin recommendations to prevent persons from holding or transferring 10 per cent interest or more in the casino operator without the NICC's prior approval and to allow NICC to recover the cost of suitability assessments from the casino operator or their close associate. To complement these requirements, a new section 4B will be inserted into the Act to require all persons seeking approval of their suitability by NICC to provide clear and convincing evidence of their suitability and make a full and frank disclosure. This will shift the statutory onus from the regulator disproving suitability to requiring applicants to positively satisfy the regulator of their suitability. Section 34 will also be expanded in line with Bergin recommendation 17 so that the NICC can apply for an injunction against close associates or other people required to comply with the Act, as the current injunction powers only apply to casino operators in particular. This will allow NICC to apply for an injunction to prevent close associates from breaching the Act by becoming a close associate before they are approved.

The bill amends section 35 to extend the requirement for the casino to notify NICC of any major changes in its state of affairs from those that are within the casino's control to include those that are within the power of the casino's holding company to control. Often key decisions, including hiring of close associates or share transactions, are conducted in holding companies that sit above the casino licensee. The amendments will help to ensure casinos do not escape these notification provisions because of their company structure. Cost recovery provisions are also amended in section 35A so that the regulator's costs of investigating all major changes can be recovered and the costs of external legal, financial or other expert assistance are included. Given the complexity of modern corporate structures, the regulator often has to rely on such advisers to help it complete such probity investigations.

Provisions relating to special employees in section 59 will also be reformed to close a loophole that allowed special employees to relinquish a licence and avoid disciplinary action. Special employees will also be required to undertake anti-money laundering [AML] training approved by the regulator under section 64. The controlled contract provisions are also overhauled through amendments to section 37 and the insertion of new sections 37A and 37B to shift the focus of the controlled contract regime from a contract review to a probity review; extend the assessment period from 28 days—which can be extended to up to six months—to 12 weeks; allow interim approval to be issued for controlled contracts; and require parties to a controlled contract to notify the NICC of any change

that could affect their probity. These amendments will ensure that NICC has a focus on investigating the probity of those contracting with casinos.

I now turn to anti-money-laundering reforms. One of the most concerning aspects of the various failures of casinos has been their failure to actively combat money laundering. Videos of individuals bringing bags full of cash into casinos on numerous occasions with no questions asked have been a common sight throughout the various casino inquiries. As the Bergin report noted, while AUSTRAC regulates Australia's money-laundering laws, it does not have the boots on the ground that are needed to regularly monitor and detect casino compliance with their AML and counterterrorism financing [CTF] obligations. Therefore, it is appropriate that our new independent casino regulator take on more of a role in regulating AML and CTF requirements and monitoring casinos' compliance with those requirements.

The bill implements the Bergin AML-related recommendations in a number of ways. First, sections 4A and 140 will be amended to add an objective of ensuring that each casino operator prevents money laundering and terrorism-financing activities within the operations of the casino. Second, the bill inserts a new section 76B to ban junkets. This includes a ban on the payment of a commission or provisions of another form of benefit to a person by reference to another person's gambling turnover or other gambling metrics. This provision is aimed at prohibiting any junket-like behaviour from emerging. As the various casino inquiries have determined, junkets are an unacceptable risk of money laundering that cannot be mitigated. Therefore, the ban on junkets is an incredibly important provision to ensure that casinos remain free of criminal influence.

Through the various inquiries, it was also found that casinos posed a much higher risk for money laundering than other venues where gambling occurs. This is because, unlike other licensed venues, there are no limits in casinos on the amount of cash that can be wagered. This situation led to various recommendations to limit cash transactions, to better identify players and to monitor player activity within casinos. As such, new section 71A will introduce a new requirement that all gaming at the casino must be by use of a player card. This card will require individuals to have their identity linked with the card and for the card to track certain gambling metrics outlined in the regulations. This will allow for greater monitoring of potential money laundering and gambling harm, especially when combined with cashless gaming reforms in the bill. It is important to note that these measures are there. In this regard, the bill also inserts new section 73A to prohibit the use of cash over \$1,000 per customer per day for gambling. This will limit the amount of cash being used in the casino. As we know, cash is a significant risk in relation to money laundering, and this provision will help hasten the move to cashless gaming.

Section 74 is also being amended to help facilitate the introduction of cashless gaming in the future and new section 76A is being inserted to ban cash prizes. Taken together, these provisions represent a significant shift in the ability of criminals to use casinos to launder money by all but eliminating cash from casino properties and ensuring anonymous play for criminals is removed. However, the technology is not developed enough to allow for mandatory carded play or cashless gaming to be immediately rolled out. Therefore, these provisions will commence either on proclamation or three years from commencement, whichever is sooner.

The Bergin report made several important recommendations regarding requirements to implement patron account monitoring, patron due diligence and source of funds declarations. While the Bergin report recommended prescribing the requirements through legislation and licence conditions, the bill instead amends section 124 to require these details to be set out in a casino's internal controls. Implementing the recommendations in this way will protect the confidentiality of specific AML related operational measures. It will also allow the NICC sufficient flexibility to amend the requirements in response to the complex and fast changing regulatory environment. Consequential amendments have been made to the Government Information (Public Access) Act 2009 and the Privacy and Personal Information Protection Act 1998 to ensure that the NICC has the benefit of exemptions other law enforcement agencies also have. This ensures that information such as suspicious matter transaction reports and similarly sensitive information can remain confidential.

Other important amendments include section 65 being amended to require casino operators to keep CCTV footage for a minimum of three months or any longer period specified by the NICC. This will allow greater time to obtain CCTV in complex investigations such as those relating to money laundering. Section 70 will be amended to more strictly regulate how casino operators can issue chips to patrons, mandating that it must be by a casino employee at a casino cage or table. This will ensure the issuing of chips is strictly controlled by the casino operator and will not allow it to be undertaken by any other entity. Section 126 will be amended to require a casino operator to maintain a single bank account for patron transactions rather than allowing multiple different bank accounts. This makes detecting money laundering easier because there is only one account to monitor for suspicious activity.

I will now turn to responsible gambling reforms. Aside from the introduction of mandatory player cards, which will greatly enhance the ability of casinos to monitor and detect casino patrons experiencing gambling harm, the bill contains a number of other important responsible gambling measures. A new section 71 will be inserted to prohibit the visibility of gaming machines and gambling related signs from outside the casino boundary. As casinos become integrated resorts with multiple tourism and hospitality offerings, many people visit casino premises without wanting to visit the casino itself. This provision will ensure that people who are visiting the casino for purposes other than gambling are not subjected to unwanted gambling signage designed to encourage them to gamble.

Section 76A prohibits indecent or offensive promotional prizes and also requires casino operators to inform the participants in their reward schemes of the availability of gambling counselling services. A specific requirement will be imposed in section 84A to require a casino operator to take reasonable steps to prevent an excluded person from entering the casino. The amendment imposes increased accountability on casino operators to take steps to prevent excluded patrons from entering the property. The NICC will provide operators with guidance regarding the types of reasonable steps they can take to satisfy this requirement. Some examples of such steps include ID verification, facial recognition, crosschecking against the casino's patron system, and staff training on the management of excluded persons.

Finally, I will now turn to the compensation issue. It is important to address the amended section 156 contained in the bill. It is common within the regulatory framework for casinos in New South Wales for casino operators and the Government to enter into commercial agreements. However, the result of some of these agreements is that the Government cannot regulate casinos without the possibility that it may have to pay casinos compensation for doing so. Further, the provisions in the agreements mean that the NICC may not be able to use its powers in the future without the possibility that doing so may mean that the casinos are entitled to compensation. This is obviously an untenable position. It does not meet public expectations that the Government should have to pay compensation to casino operators for regulating them due to their own misconduct.

Therefore, the new section 156 extinguishes compensation for specific regulatory actions taken by the Crown, including this bill and any future legislation to amend the Casino Control Act, GALAA or any other Act that regulates casinos; the making of regulations

under the Casino Control Act, GALAA or any other Act that regulates casinos; and the exercise of statutory functions under the Casino Control Act, GALAA or any other Act that regulates casinos. To be clear, the intent of this provision is to ensure that the Parliament and the NICC can continue to regulate casinos and that the NICC can exercise its statutory functions to license and discipline casinos without fear that doing so will result in casinos being entitled to compensation. The Government recognises that there are various commercial arrangements, including restrictions or exclusivities applying to each of the licences. Those should be honoured. If the Government wanted to legislate out all agreements with casino operators, it could have done so. However, this targeted provision is designed to ensure that the Parliament and the NICC can continue to regulate casinos without the need to pay them compensation for doing so, as the public rightly expects.

I said at the outset that this bill is about resetting how casinos operate into the future. What the various inquiries have demonstrated is that the culture of casinos is broken. We cannot have a casino industry with a culture of profit over people, a culture of illegal and unethical behaviour, and a culture of noncooperation and dishonesty. We want a vibrant, successful and, most importantly, safe casino industry, so the bill is about moving casinos to a better culture: a culture of honesty, integrity, and compliance, and a culture that will guarantee their success into the future. The public is tired of scandals from casinos. They are tired of casinos failing to achieve the bare minimum required of them under the law. They are tired of promises from casinos to do better. We need to see casinos actually do better.

The bill gives our new independent regulator the powers to ensure compliance with the law, but it is also designed to give casinos every chance to succeed in the future and to regain the social licence they have lost. Whether they can do so is up to them. I said that we want casinos to succeed, and we do. But we do not want them to succeed at the cost of the community. The bill represents a second chance for casino operators. If they do not reform themselves to meet the public's expectations, I doubt the community will give them a third chance.

I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (16:11): Congratulations, Mr Deputy President Rath, on sitting in the chair. Good luck is all I can say. I lead for the Opposition in debate on the Casino Legislation Amendment Bill 2022. I also acknowledge that the Minister for Hospitality and Racing and his staff are in the gallery. The shadow Minister and member for Swansea, Yasmin Catley, would like me to put on public record her appreciation for the way his staff have assisted us with this bill.

The Casino Legislation Amendment Bill seeks to amend the Casino Control Act 1992 No. 15 and the Casino Control Regulation 2019, along with the Gaming and Liquor Administration Act 2007 No. 91. The bill is in response to the recommendations of the Bergin report. From the outset I make it clear that the Labor Opposition believes that we must have the necessary regulatory framework in place to handle the complexities of this industry. It is critical that the public has confidence in the integrity of the casino and gaming industry. For that reason, Labor will not oppose the bill.

The Bergin inquiry, set up by the Independent Liquor and Gaming Authority [ILGA], was established to investigate misconduct at Crown Casino. Beyond just examining misconduct at Crown, the inquiry was tasked with making recommendations on how to enhance the casino regulatory framework along with the regulator's capability to respond in a complex environment and tackle emerging risks in the gaming and casino sector. The final Bergin report, handed down on 1 February 2021, made 19 recommendations for regulatory reform. The primary objective of those recommendations was to deal with the risks of money laundering in casinos and improve casino operators' compliance with regulatory requirements, along with seeking to improve probity processes for individuals and companies associated with casinos. The bill will implement the final tranche of recommendations from the Bergin report. The first tranche was implemented in the Casino Control Amendment (Inquiries) Bill 2020.

I will now outline the contents of the bill as I understand them. I am certain that if I get this wrong, the Parliamentary Secretary at the table will correct me in his reply speech. The Casino Legislation Amendment Bill 2022 will amend the Casino Control Act 1992, the Casino Control Regulation 2019, along with the Gaming and Liquor Administration Act 2007. It will make several significant reforms. I will outline some of these. It will insert new part 9A into the Casino Control Act to establish a new casino regulator, the NSW Independent Casino Commission [NICC].

The NICC will be able to work with ILGA to conduct joint inquiries and employ staff to assist in the exercise of its functions. Part 9A and schedule 1 will be inserted to establish that the NICC will be headed up by one full-time, legally qualified chief commissioner along with a minimum of two commissioners, and establishes the process for their appointments. Amendments to clause 51 of the Casino Control Regulation 2019 will increase the Casino Supervisory Levy to cover the costs of the creation and operation of the NICC. The bill will also insert new part 4A into the Gaming and Liquor Administration Act 2007 to establish the Casino, Liquor and Gaming Coordination Committee. This committee will be chaired by the CEO of Hospitality and Racing and include leaders from the NICC, ILGA, the NSW Police Force and the NSW Crime Commission.

The bill will amend section 156 of the Casino Control Act 1992 so that no compensation is payable by the State for regulatory action that affects a casino licence or licensee. This will be retrospective, which is important.

The bill will also insert anti-money laundering [AML] as a primary object of the Casino Control Act 1992 by amending sections 4A and 140. It will insert new section 76B into the Casino Control Act 1992 to ban junkets, along with any payment or commission to a person in reference to another person's gambling turnover or any other gambling metrics. The bill will amend section 36 of the Casino Control Act and insert new section 131A to require a casino operator to engage an independent and appropriately qualified compliance auditor. The auditor will report annually to the NICC on the operator's compliance with regulatory obligations. The bill will also insert new section 130A into the Casino Control Act 1992 to require a casino operator to provide the NICC with a copy of every suspicious matter report it submits to the Australian Transaction Reports and Analysis Centre.

The bill will amend section 126 of the Casino Control Act 1992 to require a casino operator to maintain a single account for every banking transaction by its patrons, and will insert new section 71A, which will mandate the use of player cards for all gambling activities in a casino. This card will collect data that relates to player buy-in and buy-out time and amount, play periods, player turnover, and losses and wins. The bill will insert new section 73A into the Act to ban the use of cash of over \$1,000 per customer per day for gambling and amend section 65 to require that casino operators retain CCTV footage for at least three months. The bill will also amend section 124 of the Casino Control Act to require that a casino's internal controls address money laundering risks by including patron account monitoring, patron due diligence, and source of funds declaration for amounts over a specified amount. Internal controls must also include matters relating to responsible gambling.

Division 3 of the Casino Control Act 1992 will now require casino management to complete training and obtain a certificate of competency. This training will cover AML and responsible conduct of gambling. Division 3 will also require close associates to maintain ongoing suitability and allow the NICC to take disciplinary action against them. The division will also provide the NICC with cost recovery powers. Section 84A of the Casino Control Act 1992 will now require casino operators to take reasonable steps to prevent an excluded person from entering a casino. The bill will insert new section 71 into the Act, which will prohibit gaming machines or gambling-related signs to be visible from outside of a gaming area. The bill will amend section 37 to insert new section 37A, which will empower the NICC to oversee the probity of a casino operator and entities it has entered into a contract with. It will amend section 167 of the Act to empower the NICC to take disciplinary action against an executive of a casino operator for offences by that casino operator.

The bill will amend section 143 of the Casino Control Act 1992 so that public inquiries with full royal commission powers and cost recovery provisions can be conducted into casino licences. Section 64 of the Act will be amended to require that all employees, including close associates, complete AML training. New section 125 will be inserted into the Casino Control Act to require a casino operator to provide the NICC full, real-time access to gaming data and systems. The bill will increase financial penalties across the board for misconduct in the sector, including increasing the fine for disciplinary action regarding a casino licence from \$1 million to \$100 million. There are several other minor and technical amendments in the bill. As I said, the shadow Minister and member for Swansea, Yasmin Catley, made a very illuminating contribution in the other House and I would draw honourable members to that contribution. Labor will not oppose the bill.

Mr JUSTIN FIELD (16:19): I speak in support of the Casino Legislation Amendment Bill 2022. I put on record my objection to the bill coming on without the normal period of consideration. To have a bill of this substance land in the House on Tuesday and go through both Houses in two days—after having had a year and a half to consider the issues that arose out of the Crown inquiry, and whilst there are outstanding inquiries that will almost certainly require legislative action in terms of the Bell inquiry and also the NSW Crime Commission's inquiry into money laundering in clubs and pubs—I think, is the wrong approach. I think we should have waited. I think we should have considered this legislation in the context of the findings of the Bell and the Crime Commission inquiries. However, I made that case in the earlier debate. I will move on to this legislation.

This legislation is a massive step forward. I acknowledge that the Government has taken the findings of the Bergin inquiry seriously and that they are being implemented largely in full. I think, to be honest, it was impossible to not take it seriously because of the extent of the problems, the criminality, the abuse of power and the disregard for regulations that has been demonstrated by Crown in its operations in other jurisdictions, but also now, we see, by The Star. There is a problem with the casino industry and the gambling industry generally in New South Wales. I think it is worth asking the question: Is it worth the trouble? The massive and expensive public inquiries, the detailed regulatory regimes that are going to require hundreds of staff, and the Crime Commission now with multijurisdictional data and surveillance programs trying to ascertain the extent of money laundering going on in pubs and clubs—I wonder if it is worth the effort of this massive regulatory regime to maintain the integrity of an industry that lacks integrity at its core.

I think there is a good argument for us to abandon both of the casinos, tear up their licences and get rid of poker machines in pubs and clubs. We would probably all be better off and that would be a better approach. That is not where we are. But I recognise that this legislation is going to improve the outcome and make it much more

difficult for these entities to engage in criminal conduct. It is also worth putting on record that it is now absolutely clear that the Government is knowingly a recipient of the proceeds of crime through the revenue that it collects as gaming machine tax and from poker machines generally in clubs and pubs, and also the casino tax. There is now no shortage of evidence that a massive amount of the profits that go through the gaming rooms at The Star and through poker machines in New South Wales pubs and clubs is money that is being laundered.

It is money that has come into the hands of criminals as a result of, mostly, drug crime. The Government is a recipient of the proceeds of crime and is knowingly continuing to be. The bill does not change that. However, what it does do is establish New South Wales Independent Casino Commission [NICC]. It dramatically increases the power of that commission to watch what is going on in both of the casinos that operate in New South Wales—The Star and now Crown Sydney at Barangaroo, which started operating just this week. I recognise what I think is quite a strong action to tear up any compensation arrangements that exist with the casinos with regards to any regulatory changes. It is extraordinary to me that Crown was able to get such favourable compensation provisions in its licence. That always made it impossible for the Government to take appropriate regulation in the public interest when there was such a financial disincentive to do that. So if this inquiry has done anything, it has enabled the Government to tear up that ridiculous agreement and ensure that it is able to regulate in the public interest in the future. I think that is one of the strongest elements of the bill.

I also think it is clear that a \$100 million potential penalty for a licence holder as a result of breaching their licence conditions is a considerable disincentive for the sorts of behaviours we have seen in casinos. I do not want to go through every aspect of the bill. I recognise that it is a giant step forward from where we are. I question, generally, whether this is an industry we want to continue to support. It is absolutely clear that both Crown and The Star have engaged in conduct that has enabled and facilitated money laundering. That is an outrageous situation. In the case of The Star—and we will see that inquiry report handed down—they have done it under the nose of government for a very long time. Members will recall the story reported in Nine's newspapers of one individual laundering \$175 million through poker machines at The Star.

How that was able to happen without a regulatory response before now is just extraordinary. I hope that cannot happen again under these arrangements, and that is why I support the bill. But I flag that there are some amendments I will be moving. I acknowledge that the Government, the Minister and the Minister's office have been incredibly open in talking to me about these issues, keeping me informed about where the bill was up to and facilitating access to Philip Crawford as well, to better understand the motivations behind the bill, how it is going to operate and the intentions for future gambling reform—I hope—after The Star inquiry report is handed down and once we see the outcome of the NSW Crime Commission's report. I commend the bill to the House.

The Hon. ROD ROBERTS (16:26): I speak on behalf of One Nation to indicate that we too will be supporting the Casino Legislation Amendment Bill 2022. I acknowledge the presence of the Minister in the Chamber this afternoon. I will come to him shortly in my speech.

The Hon. Bronnie Taylor: Don't you be mean to Kevvy.

The Hon. ROD ROBERTS: I intend not to be, at all. In fact, I will be quite complimentary of the Minister. I have another Minister in my targets, who I will mention. The amendments the bill proposes are desperately and urgently needed. I, like many others, was disturbed by the revelations uncovered in the Bergin report, which have been repeated in the ongoing Bell inquiry. I was disturbed, but I cannot say I was surprised. Anybody with any street sense knows that if you put money and a casino together without a robust regulatory framework in place it is going to be a high-risk environment. Everybody knows that—well, anybody who has any common sense will know that. Why was I not surprised? It was also because of who the Minister with carriage of this particular area at that point in time was: Minister Dominello, who would be content sitting in his office and playing with his apps and whatever else he plays with in his office. But I am heartened and satisfied that there is a new Minister in charge, and it is reflected in the bill before the House today.

It is quite clear from the evidence we have heard and the reports that I have read that there were holes big enough to drive a proverbial semitrailer through in the regulatory framework controlling the casinos. We have heard remarkable allegations surrounding The Star casino of alleged money laundering, criminal infiltration and fraud. There have been claims of sham documentation and the notorious junket operations. Junket operators partner with casinos to bring in wealthy Chinese high rollers, many with clear links to organised crime. What concerns me most is the evidence that the executive team in place at The Star, for example, had a culture of profit over probity and compliance. I will repeat that: over probity and compliance. To me, it sounded like the findings of the Hayne royal commission into banking all over again.

We have heard that management either chose to ignore or did not grasp the extent of unsuitable associations and uncontrolled money laundering risk. The culture that existed under the then senior management fell well short of community expectations. There has been both systemic and significant failings and misconduct by both Crown

and The Star. Connections have been proven to junket operators involved with organised crime, such as the operator of Suncity, Mr Alvin Chau, who has links to criminal triad networks. Further, there have been allegations that The Star Entertainment Group may not have paid the appropriate taxes to the New South Wales Government. The bill will tighten the holes that I mentioned before. To my understanding, the bill proposes to address and implement all 19 recommendations of the Bergin report. The Bergin recommendations seek regulatory reform aimed at addressing money laundering risks, casino operators' compliance with regulatory requirements, and improving the probity of individuals and corporations associated with casinos.

I am not going to speak to each of the clauses of the bill because I do not believe it is necessary. Suffice to say, the major changes we support are the creation of a standalone Independent Casino Commission. This new body will be independent and dedicated only to specialist casino regulatory framework implementation and enforcement. I am pleased to see that this commission will be funded by an increase to the casino supervisory levy paid by each casino operator, so as to not place any new burden on the long-suffering taxpayers of New South Wales. Amendments to introduce reform to anti-money-laundering and anti-terrorism finance are welcome but long overdue. These include patron account monitoring, source of funds declarations and obligations to report suspicious transactions. The requirement to engage an independent compliance auditor to ensure ongoing internal compliance is also well received. We further support the enhancement of the probity assessments of individuals and corporations involved in or related to the operators of a casino.

As I said previously, I am encouraged that the Minister who now has carriage of this matter is the Hon. Kevin Anderson. I am also encouraged to see that the Minister has engaged with and consulted with, amongst others, the NSW Police Force, the NSW Crime Commission and AUSTRAC—just to name a few. It is critical that the operation and management of New South Wales casinos is free from any criminal influence and exploitation. This bill goes a long way to reforming the casino sector, which was previously operating like it belonged in the Wild West. In the past, we have seen casinos operating as laundries for washing the dirty money of criminal organisations. This robust regulatory framework will put that to an end. For those reasons, One Nation supports the bill.

Ms CATE FAEHRMANN (16:31): On behalf of The Greens, I contribute to debate on the Casino Legislation Amendment Bill 2022. For years this Government has bent over backwards for James Packer and Crown Resorts. In 2013 the Government and the Labor Opposition rushed through legislation to allow Crown to establish a second casino in Sydney, and since 2014 Crown Sydney Gaming has held a licence to operate a casino at Barangaroo on Sydney Harbour. The Greens member for Balmain, Jamie Parker, was one of only three MPs to vote against the legislation at the time, making the blindingly obvious prediction that a second casino would lead to even more corruption and money laundering.

In 2019 a series of investigations by *The Sydney Morning Herald*, *The Age* and *60 Minutes* uncovered shocking criminal behaviour at Crown's Melbourne casino. This included the now infamous footage of the blue cooler bag full of bundles of \$50 notes being exchanged for poker chips in one of Crown's VIP gaming rooms. These investigations, along with James Packer's controversial sale of almost half his stake in Crown to Melco, triggered the launch of the Bergin inquiry. The inquiry examined Crown's horrendous practices, and former Supreme Court Justice Patricia Bergin ultimately found Crown unfit to hold a licence to operate its Barangaroo casino. In February 2021 the inquiry handed down a report that made 19 recommendations for the regulation of casinos in New South Wales to prevent money laundering and other illegal activity. A whopping 18 months later, the New South Wales Government has finally brought legislation before the House to implement those recommendations.

The bill will create a new casino regulator, the NSW Independent Casino Commission, and will require casino operators to cooperate with and provide full gaming data access to the commission. Before the Government pats itself on the back for all its hard work, I point out that New South Wales should have taken action to curb the same illegal activities we now know have been occurring in Sydney at The Star casino for years. Revelations that Star Entertainment Group has been enabling money laundering, organised crime, fraud and foreign interference at its casino triggered the independent review of The Star by Adam Bell, SC, under the Casino Control Act 1992 in October last year.

It is absolutely shocking that the State's Liquor & Gaming Authority failed to detect sophisticated organised crime occurring right under its nose for such a long time. It is made all the more devastating by the fact that New South Wales has had an independent casino regulator before. The Casino Control Authority was abolished by the Labor Government under Premier Morris Iemma on 1 July 2008, and its responsibilities were merged with what is now the Independent Liquor & Gaming Authority. Both of the national Labor and Liberal parties have long rolled out the red carpet for Star Entertainment Group, and later Crown, and donation records uncovered by The Greens show that Crown has donated over \$80,000 each year to the Liberal-Nationals and the Labor Party for the past two decades.

The Government is rushing this legislation, with the help of the Labor Party, so the bill can pass before the Bell review hands down its recommendations on 31 August, which is less than three weeks away. The Government claims this is so that the regulator can be in place before those recommendations have been handed down, but this same Government has refused to commit to implementing all the recommendations of that review. Unlike the Bergin inquiry, the Bell review terms of reference includes references to the harms caused by gambling and the implementation and administration of gambling harm minimisation programs. It is likely the review will produce some strong recommendations that address gambling harm.

I foreshadow that I will move an amendment in relation to the Bell review. I thank the Government and the Minister, who was in the Chamber, for talking to me about that amendment and signalling the Government's support for it. While we can agree that the bill will do an excellent job of addressing money laundering and other illegal activities, it does relatively little to address the harms caused by gambling, which occur all too frequently inside casinos in Australia. The bill adopts a number of recommendations made by the Victorian royal commission but has failed to adopt the royal commission's strong recommendations relating to gambling harm reduction. I will introduce amendments to the bill that will incorporate Victorian royal commission recommendations 10, 11 and 12.

The bill introduces requirements for certain persons who work at a casino to undertake responsible conduct of gambling training. The Greens have long called for the implementation of such training. However, the bill falters by placing the responsibility for the development and delivery of this training into the hands of the casino operators. We do not let alcohol licensees develop and deliver responsible service of alcohol training, and we do not let pubs and clubs deliver responsible conduct of gambling training. It is unthinkable that casinos, which have a clear profit motive to not have their patrons conduct gambling in a responsible manner, should be responsible for delivering this training. I will also introduce amendments that address this issue and other gaps in gambling harm minimisation that exist in the bill.

The Greens have consulted at great length with Wesley Mission, which believes this legislation is an opportunity to implement much stronger gambling harm reduction measures. It would be our preference that the Government took seriously the Bergin inquiry's finding that Crown is not fit to hold the casino licence and made sure that it did not. Let's face it—the last thing Sydney really needs is a second casino. Casinos are sad places. They are a site of untold tragedies, and their mega profits come primarily from two sources: the countless lives that are destroyed by their predatory gambling practices and the corruption and money laundering that we now know, beyond a doubt, form part of their core business.

Sadly, both the Liberal-Nationals and the Labor Party lack the courage to truly stand up to the casino industry. Ultimately, The Greens support the bill because it does implement the recommendations of the Bergin inquiry. However, it is disappointing that the Government did not use this opportunity to pass laws to ensure casinos in New South Wales had effective measures in place to reduce the harm from gambling. It is really disappointing that this bill is clearly being rushed to get it in place before the Bell review hands down its findings in three weeks' time.

The Hon. PETER POULOS (16:38): I support the Casino Legislation Amendment Bill 2022, and I acknowledge the presence of the Minister in the Chamber. I will identify a suite of measures in the reform initiatives, including the creation of the NSW Independent Casino Commission and aspects of the Bergin recommendations. I will touch on anti-money laundering and cashless gaming. In addition to that, I will discuss aspects that deal with close associates and improvements towards the culture of compliance.

One of the main recommendations of the Bergin inquiry report is to establish an independent, standalone casino regulator with suitably qualified members and adequate powers, and the right framework to meet the complexities and risks of the casino regulatory environment. Consistent with Bergin's recommendation, the bill creates an independent, standalone casino regulator to be called the NSW Independent Casino Commission, or the NICC. It will have a full-time, legally qualified chief commissioner and up to four commissioners with anti-money laundering, accounting and corporate governance experience. Those commissioners will be appointed by the Governor on the Minister's recommendation following a selection process by a panel, and all members and commissioners will be subject to limits of two terms of four years.

The NICC will take on all casino regulatory functions from the Independent Liquor & Gaming Authority [ILGA], which will continue to operate as the statutory decision-maker responsible for other liquor and gaming regulatory functions. To ensure a smooth transition and regulatory continuity, the existing members of Independent Liquor & Gaming Authority's casino commission will be appointed to the NICC under a transitional provision in the bill. The NICC's Chief Commissioner will also sit on the ILGA board as an ordinary member to assist with coordinating the regulatory efforts of the NICC and the Independent Liquor & Gaming Authority.

The Bergin report recommended the standalone casino regulator have the powers of a standing royal commission. However, research and consultation have found conferring that power on the NICC would be cost prohibitive and require the creation of extensive oversight mechanisms. Instead, the NICC can continue to rely on the existing powers under the casino legislation to hold inquiries with royal-commission-like powers. The NICC will be able to conduct inquiries of that kind at a smaller scale and on a more regular basis compared with similar inquiries conducted in recent times such as the Bergin inquiry. The NICC will be given increased resources and independence. For example, it will employ its own secretariat staff through a separate staff agency, will be exempt from privacy Act requirements and will not be subject to certain ministerial direction powers. To ensure consistency and regulatory parity, the ILGA will also be allowed to employ its own secretariat staff, be exempt from the privacy Act and to not have its licensing and disciplinary decisions subject to ministerial directions.

Liquor & Gaming NSW will remain within the Department of Enterprise, Investment and Trade and will continue to provide operational support to both the NICC and the ILGA. That shared operational resource will enable Liquor & Gaming NSW staff to undertake casino compliance activities, ensuring that it can adequately and quickly meet any peaks in demand, conduct surge activities and have significant contingency to ensure a sustained and diverse high level of monitoring at the casinos. Importantly, the model also ensures that Liquor & Gaming NSW can take a consistent approach with other significant liquor and gaming venues and can adequately respond to any potential displacement issues. While that will not give the NICC the full independence recommended by Bergin, the Government believes that pragmatic regulatory response allows for continued coordination between the regulators as well as ongoing regulatory efficiency.

The NICC will also be equipped with enhanced regulatory powers under the reforms. Those include the ability to, for example, exercise its core regulatory functions, such as determining licensing applications or taking disciplinary action, without being fettered; investigate the probity of a casino licensee's related corporate entities within the same corporate culture; seek injunctive relief or take disciplinary action against close associates and individual executives of a casino licensee; and impose monetary penalties against a casino licensee at amounts at least 10 times higher than is currently the case, up to \$100 million.

The NICC will be directly funded by the casino supervisory levy, payable by both casino operators. The levy is set at \$19 million for the 2022-23 financial year and will be apportioned equally between the two casino operators. The levy is currently paid into the Consolidated Fund but will be paid directly to the NICC under the reforms, consistent with the Bergin recommendations. To oversee and guide the regulatory efforts of the NICC and the ILGA, the bill establishes a multi-agency coordination committee involving the Commissioner of Police and the Crime Commissioner. That will improve information sharing, enhance consistency of the agencies' policy and regulatory action, minimise duplication and facilitate inter-agency cooperation. Importantly, the NICC will continue to be subject to the oversight of the Ombudsman and the ICAC. It will also be required to table its annual report in Parliament every year.

The Bergin report, which was released in February 2021, made adverse findings about Crown's conduct and provided 19 recommendations for casino regulatory reform. I will expand on some of the recommendations identified as a result of the Bergin inquiry. They include a recommendation that the NICC be given increased resources and independence, which I have outlined, to be funded by the levy after the 2022-23 financial year. The reforms ensure that the NICC's ability to exercise its functions in relation to casino regulation will not be fettered by any commercial agreements with casino operators.

For example, the regulator will not require a casino operator's consent before amending a licence condition, nor would an operator be able to make a compensation claim against the State for such action by the regulator. As a result of the bill, no compensation claims can be made against the State for a broad range of regulatory actions, including the introduction and operation of casino legislation and the exercise of regulatory functions under those Acts. Those provisions will apply retrospectively to fully immunise the State from claims for regulatory actions taken since the Bergin report was released.

As recommended by the Bergin inquiry report, casino operators in New South Wales will be banned from dealing with junket operators. The ban is supported by extinguishing casino operator compensation rights under agreements with the Government. That measure is consistent with the position of both The Star and Crown, which have undertaken agreements to cease dealings with junket operators. The Bergin report recommended amending legislation and casino licences to impose obligations relating to patron account monitoring, customer due diligence and source of funds declaration. However, the Government has been informed that doing so would not allow the regulator sufficient flexibility in responding to the complex and changing risks of organised crime and gambling harm associated with casino activities. The bill will instead mean that those requirements must be prescribed in the internal control documents for casino operators. That approach enables the NICC to amend the requirements reasonably easily as required while maintaining the desired level of effectiveness and enforceability.

The Bergin inquiry report also recommended a requirement that any shareholding transaction resulting in a person holding at least a 10 per cent interest in a licensee or its related body corporate be treated as a major change. The revised definition of "close associate" now captures persons holding that level of interest with the relevant bodies, which constitutes a major change. Finally, casino operators are now required to engage an independent and appropriately qualified compliance auditor approved by the NICC, as recommended by Bergin. The compliance auditor is to report annually to the NICC on the casino operator's compliance with its obligations under all regulatory statutes, both Commonwealth and State, in particular the Casino Control Act 1992, the Casino Control Regulation 2019 and the terms of its licence.

I make some brief comments and observations about the Casino Legislation Amendment Bill 2022 as it relates to anti-money laundering and cashless gaming. Firstly, the bill will impose a blanket ban on junkets and any form of commission to a third party for a casino patron's gambling activity. Third-party commission arrangements such as junkets have been identified by all casino inquiries as being highly susceptible to infiltration by criminal activities, including money laundering. Both Crown and The Star have already committed to ceasing dealings with junkets, and the bill will make these commitments enforceable.

Second, the bill mandates the use of player cards and the phasing out of cash for transactions over \$1,000, subject to a transition period of up to three years, to allow the requisite cashless gaming technology to be fully implemented. Player cards are an important tool for the monitoring of casino player activities, helping operators and the regulator to identify any suspicious transactions that could be associated with money laundering or other financial crimes that have been uncovered in these reports. They are already in use in casinos but not mandated. The bill will mandate the use of these cards, prescribe specific data that must be recorded by the cards and require casino operators to report any suspicious transactions to both AUSTRAC and the casino regulator. Once fully implemented, the combination of mandatory carded play and cash ceiling will complement the transition to cashless gaming. It will significantly enhance the ability of regulators and law enforcement agencies to track and act on suspicious transactions associated with criminal activities.

Mandating carded play will also facilitate the responsible conduct of gambling at casinos, as casino operators will be required to monitor player activities and take action on any signs of problem-gambling behaviour. A third significant component of the money laundering-related reforms is the imposition of additional obligations on casino operators to scrutinise their patrons and player activities. These include requiring casino operators to maintain one single bank account for all patron transactions, monitor the patron account for criminal activity, perform heightened due diligence on patrons and obtain source-of-funds declarations from patrons for amounts over a specified threshold. It is important to recognise that many more detailed measures beyond what I have outlined will be imposed through the casinos' internal controls rather than through the legislation itself. This will ensure an adequate level of confidentiality in relation to specific operational mechanisms. It will also allow the regulator sufficient flexibility to make future amendments in the face of this complex regulatory environment and constantly evolving criminal behaviour.

I address some issues relating to close associates. The Bergin report found existing legislative provisions about a casino licensee's close associates within the Casino Control Act 1992 to be overly complex, often ambiguous and, in many circumstances, inefficient. Further, while the Bergin report made serious adverse findings against certain senior executives of Crown, the Act does not currently permit disciplinary action to be taken against a close associate. Instead, the regulator can only rely on a casino licensee to take action against those executives, and then take action against the casino licensee for any corporate failures. As a result, the legislative amendments introduced by the bill address these issues in four respects. First, the amendments clarify the definition of a close associate to clearly capture entities in a casino licensee's corporate group and any person or corporate that has or proposes to hold more than 10 per cent of shares in a casino licensee.

Second, all close associates are required to obtain the regulator's prior approval in order to become or remain a close associate. The bill explicitly places an onus on the close associates to provide clear and convincing evidence of their suitability. In addition, the bill imposes an obligation on all close associates to maintain ongoing suitability and to notify the regulator of any change in their circumstances that could affect their suitability. Finally, the bill gives the regulator a range of new powers to take direct disciplinary action against a close associate. For example, if a foreign company seeks to buy shares in a Sydney casino and fails to satisfy the regulator of its probity, the regulator will have the option of seeking a court injunction order to prevent the share acquisition. Further, the bill introduces executive liability provisions that allow the regulator to hold a casino's directors and senior executives accountable for corporate wrongdoings they either participated in or knew about but failed to stop.

I now speak about addressing a culture of compliance. In addition to enhancing the regulator's powers and capabilities, the bill introduces a range of reforms to deal with the deficient corporate governance and culture identified within casino operators. First, the bill imposes a positive obligation on casino operators to cooperate

with the regulator in its exercise of casino regulatory functions. Specifically, a casino operator must give full and frank disclosure of any information requested by the regulator and proactively notify the regulator of any breach or likely breach by the operator or a relevant close associate. Second, the bill requires each operator to engage an independent compliance auditor who will review and report to the regulator the casino operator's compliance and any breach of the casino operator's regulatory obligations. This is consistent with Bergin's recommendations. These measures will facilitate regular, proactive internal reviews of a casino operator's general compliance with its obligations.

The bill also imposes a positive obligation on each close associate of a casino operator to maintain ongoing suitability and to notify the regulator of any change in their circumstances that could affect their suitability. This requirement aims to shift the onus of the ongoing review of one's suitability from the regulator to the close associate, with a view to promoting self-responsibility and awareness of the suitability requirements. Third, the bill increases the monetary penalty against a casino operator by 10 times or more for all offences under the casino legislation. In particular, the maximum penalty for disciplinary action has been increased from \$1 million to \$100 million, and the penalty for offences relating to minors has been increased by 20 times. Increased penalties will serve as a deterrent to noncompliance and incentivise proactive measures by casino operators to reduce the risks of noncompliance.

Further, the bill provides that all future regular reviews of casino licences are to be conducted as public inquiries with royal commission-like powers, and the costs of the reviews are to be apportioned between the two casino licensees, depending on the investigative efforts required and the findings of the review. Finally, the bill requires directors and executives who are involved in casino operations to undertake training courses that all casino employees are required to take, including training on the prevention of money laundering and terrorism financing. This requirement will improve the operational knowledge of relevant executives and create an awareness of the importance of and mechanisms for the prevention of criminal activities at casinos. I am confident that this suite of reforms will help to foster within casino operators a culture of acting lawfully, ethically and responsibly; a culture where staff and executives have adequate knowledge, awareness and corporate support to take proactive steps to ensure compliance. These are comprehensive reforms, and they are consistent with the recommendations of the Bergin report. I commend the bill to the House.

Reverend the Hon. FRED NILE (16:58): I congratulate the Hon. Peter Poulos on his thorough outlining of the details of the Casino Legislation Amendment Bill 2022. He has given excellent coverage of the bill, and I am pleased to support the bill in its present state. The Hon. Peter Poulos clearly indicated that the Government has taken all the precautions that can be taken to prevent organised crime from running The Star or Crown casinos in Sydney. We can only hope and pray that the bill will be successful when it is enforced. Obviously, perpetrators of organised crime are very clever and always work out ways to get around the law. So the Government will need to be vigilant to ensure that no loopholes exist that could be exploited by either The Star or Crown casinos in the future.

I am pleased to support the bill. I am also pleased that the Minister for Hospitality and Racing, Mr Kevin Anderson, has been present today to observe the process. He is very vigilant and will ensure no loopholes exist in the future regarding casinos in Australia. Since my election to Parliament, I have been campaigning against illegal activity and extensive gambling. At last, in 2022, I am pleased to see the fruit of that in the Casino Legislation Amendment Bill. I pray that God will bless it to be successful in carrying out its objectives.

The Hon. TAYLOR MARTIN (17:01): On behalf of the Hon. Ben Franklin: In reply: The Casino Legislation Amendment Bill 2022 represents a watershed moment for casino regulation in New South Wales. It is important to note that the Government has taken very seriously its response to the various casino inquiries. The Independent Liquor & Gaming Authority [ILGA] was the first casino regulator in the country to begin investigating misconduct in the casino sector, starting with the Bergin inquiry, which looked at misconduct that occurred in Victoria and Western Australia. Since then, ILGA and the Government have worked together to lead the country on the regulation of the casino sector and to stamp out misconduct by casino operators.

I thank members for their contributions to the second reading debate: the Hon. Mick Veitch, who led for Labor; Mr Justin Field; the Hon. Rod Roberts; Ms Cate Faehrmann; Parliamentary Secretary the Hon. Peter Poulos; and Reverend the Hon. Fred Nile. I respond to a few of the issues that were raised in the debate. From some members, we heard that the bill should wait for the outcomes of the Bell review. However, the Government is of the firm belief that the evidence uncovered by the Bell review has given this bill urgency. It needs to be passed prior to the report being handed down so that the NSW Independent Casino Commission [NICC] can be established and equipped with the necessary powers to deal with any findings and recommendations that come out of the Bell review.

Implementation of the bill will ensure that the proposed increased penalty of \$100 million in disciplinary actions can be used by the NICC to take timely disciplinary action against The Star in response to any adverse

findings by the Bell review. Otherwise the NICC may be forced to delay commencing its disciplinary process under the Casino Control Act 1992 pending passage of the bill. Further, it is anticipated that any remediation required of The Star will take at least two to three years to be fully implemented, noting that Crown's remediation process has taken 18 months to date and is expected to be finally completed at the end of 2023, close to three years after the Bergin report was issued.

It is desirable for the transition of casino regulatory functions from ILGA to the NICC to occur before The Star's remediation program is developed and implemented to avoid any delay, duplication or loss of knowledge if the transition happens during that remediation process. It is anticipated that any reforms to be required of The Star will involve significant changes to its close associates, including senior executives and board members. Passing the bill before the changes occur will ensure that the enhanced close associate provisions will apply, including provisions placing the onus on applicants to provide clear and convincing evidence of suitability.

It should also be noted that, firstly, no specific item in the Bell review's terms of reference asks for recommendations for policy and regulatory reform. The terms of reference are limited to a review of The Star's operations, so there is no guarantee that further reforms will be recommended. Second, there is nothing preventing the Government from bringing further amendments to Parliament if Mr Bell does make recommendations for reform. Some members raised concerns that the Bergin report did not consider gambling harm minimisation and therefore the bill does not adequately address that issue. However, that ignores the fact that the bill contains a number of harm minimisation measures, including several recommended by the Victorian royal commission into Crown.

Those recommendations include mandating the use of player cards with gambling activity, which greatly enhances the ability of casinos to monitor and detect patrons experiencing gambling harm; prohibiting the visibility of gaming machines and gambling-related signage from outside the casino boundary; prohibiting indecent or offensive promotional prizes and requiring casino operators to inform participants in their reward schemes of the availability of gambling counselling services; requiring casino operators to share information with each other on persons subject to casino-issued exclusion orders to overcome potential barriers to common exclusions; imposing a requirement that casino operators take all reasonable steps to prevent an excluded person from entering the casino; and instituting an advisory committee to advise the NICC on gambling harm minimisation measures. The Act will also be amended to give the NICC explicit power to regulate responsible gambling measures through casinos' internal controls.

The bill presents the most significant package of reforms to the casino industry this State has seen in over 30 years. Those reforms are necessary to restore public confidence in New South Wales casinos. The evidence of wrongdoing in the casino sector that has been uncovered by the Bergin report, the Bell review and various other casino inquiries has been nothing short of shocking. This bill will go a long way to addressing some of those issues. The establishment of an independent, standalone casino commission will be the first important step in building a strong, robust regulatory framework.

The commission will be supported by capable commissioners and an expanded support structure. It will exercise core functions free from ministerial interference or contractual restrictions. It will also be empowered to take strong actions to minimise the risk of financial crimes and gambling harm at casinos, and to address noncompliance by casino operators or related individuals. The bill imposes significant additional requirements and obligations on casino operators in three main areas: anti-money laundering, corporate and individual suitability and noncompliance, and gambling harm minimisation. Those reforms range from mandating full cooperation and proactive disclosure of breaches to enhancing customer due diligence—

The Hon. Mick Veitch: Point of order: I have allowed the Parliamentary Secretary a fair amount of time. The purpose of the speech in reply is to wrap up matters raised in debate, not to undertake what could be considered a further second reading contribution. The Parliamentary Secretary did respond to some matters that were raised in debate. He has now moved on to what is clearly a further second reading contribution. Former President Ajaka and former Deputy President Khan made rulings on the matter. I ask that the Parliamentary Secretary be drawn back to what should be a speech in reply.

The DEPUTY PRESIDENT (The Hon. Chris Rath): I draw the Parliamentary Secretary back to a speech in reply.

The Hon. TAYLOR MARTIN: I thank the Hon. Mick Veitch. I am on the last of several pages that have covered many of the issues raised by various members. Nonetheless, the Government will closely monitor the implementation of the bill's reforms, as mentioned by other members during the debate, and is prepared to introduce any further necessary reforms to ensure the casino industry in New South Wales is vibrant, safe and responsibly run, as the community expects it to be. I commend the bill to the House.

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

Motion agreed to.

Instruction to Committee of the Whole

Mr JUSTIN FIELD: According to sessional order, I move:

That it be an instruction to the Committee of the Whole that it has the power to consider an amendment to the Gaming Machines Act 2001 to limit the amount a customer can gamble in cash on a gaming machine in a hotel or club in a day to \$1,000.

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

[Members interjected.]

Apologies for the confusion. I will put the question again.

The Hon. Mark Latham: Point of order: Didn't we just approve the second reading of the bill? I do not understand where this amendment has come from.

Mr Justin Field: It is an instruction to the Committee of the Whole.

The Hon. Mark Latham: It is nice to have that clarified for the information of the Chamber.

Ms Cate Faehrmann: That is what he said.

The DEPUTY PRESIDENT (The Hon. Chris Rath): I will now put the instruction as moved by Mr Justin Field. The question is that the motion be agreed to. I think the ayes have it.

The Hon. Mark Latham: The noes have it.

The DEPUTY PRESIDENT (The Hon. Chris Rath): I only heard one voice. I will put the motion again. The question is that the motion be agreed to.

The House divided.

Ayes30
Noes3
Majority.....27

AYES

Amato	Higginson	Nile
Barrett (teller)	Houssos	Pearson
Boyd	Hurst	Poulos
D'Adam	Jackson	Primrose
Faehrmann	Maclaren-Jones	Searle
Fang	Mallard	Secord
Farlow (teller)	Martin	Sharpe
Field	Mookhey	Taylor
Franklin	Moriarty	Veitch
Graham	Moselmane	Ward

NOES

Borsak	Latham (teller)	Roberts (teller)
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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.

Mr JUSTIN FIELD (17:22): By leave: I move my amendments Nos 2, 4 and 6 on sheet c2022-143F in globo:

No. 2 **Primary objects of Act**

Page 4. Insert after line 37—

[4A] **Section 4A(1)**

Insert after section 4(1)(b)—

- (b1) minimising harm to individuals and families from activities associated with gambling in casinos, and

No. 4 NICC's annual report

Page 28, Schedule 1[92], proposed section 139E. Insert after line 28—

- (k1) a summary of measures taken by the NICC and casino operators to prevent or reduce harm from gambling in casinos,

No. 6 Membership of Casino, Liquor and Gaming Coordination Committee

Page 49, Schedule 3[25], proposed section 35B(1). Insert after line 21—

- (e1) the Director of the Office of Responsible Gambling or a person nominated by the Director,

There is a very clear focus in the bill on the money laundering components of the reform. That is certainly an area that has exercised the public's mind due to testimonies heard through the Bergin inquiry and now the Star inquiry. The media coverage of organised crime has been substantial, but there is an ongoing issue around the question of harm caused by gambling in New South Wales, not just through clubs and pubs, where we quite often talk about it in the context of poker machines, but also through casinos. We also know that the issue of harm in the casino environment has a much greater focus in the Bell inquiry that is still underway. We have not seen a report from it yet.

Whilst elements of the objects of the current Casino Control Act deal with the question of minimising harm and the impact on families and communities from casinos' operations, they are not very direct. I do not think it provides much guidance to the regulator and—now that we are amending the Act to create it—the NSW Independent Casino Commission [NICC] about the responsibilities to minimise harm caused by gambling inside casinos. These amendments seek to address that. They seek to add a new objective into the Act to minimise harm to individuals and families from activities associated with gambling in casinos. If you are going to have an objective to an Act, you should have a way to deliver that objective as well. So amendment No. 4 makes clear that the NICC's annual report should provide a summary of measures it and casino operators have taken to prevent and reduce harm from gambling in casinos.

As the bill establishes membership for the new Casino, Liquor and Gaming Coordination Committee, amendment No. 6 provides for the Director of the Office of Responsible Gambling, or a person nominated by the director, to hold a place on that committee. These amendments seek to enshrine in the Act an objective to reduce harm from gambling in casinos and they provide some small way to deliver on that objective. Ideally, with the broad powers given to the NICC, it will take seriously that objective of the Act and consider how best it can in its operations deliver on that objective as well. I appreciate the engagement by the Minister and the Minister's office on this question. I think there has been recognition on the part of the Government, and I think there will be recognition on the part of the NICC, that this issue will likely be strengthened when the Star inquiry hands down its report as well. I commend the amendments to the House.

The Hon. TAYLOR MARTIN (17:26): The Government supports Mr Justin Field's amendments Nos 2, 4 and 6. Amendment No. 2 relates to section 140 (c) in the Act, which currently covers the potential of a casino to cause harm to the public interest as to well as to individuals and families. That is obviously a very broad object. Therefore, the Government supports an amendment to include an additional, narrower object to minimise harms associated with gambling, which is an important aspect of the regulatory regime in the Act. This new object will also complement the new narrow anti-money-laundering-related object, which the bill inserts into the Act as recommended by the Bergin report. The Government also supports amendments Nos 4 and 6, which will enhance the regulatory focus on gambling harm minimisation and ensure that the Government and the public are clearly informed of the measures taken by the regulator and the casino industry every year to minimise gambling harm. These measures will complement the various other responsible gambling measures in the Act that emphasise the importance of minimising and reducing gambling harm.

The Hon. MARK LATHAM (17:27): I request a point of clarification for the benefit of the House. Are amendments Nos 7 and 8 under consideration? Or are we just looking at amendments Nos 1 to 6?

The DEPUTY PRESIDENT (The Hon. Wes Fang): No. It is amendments Nos 2, 4 and 6.

The Hon. MICK VEITCH (17:27): We will be supporting amendments Nos 2, 4 and 6 from Mr Justin Field on sheet c2022-143F. Amending the primary objects of the Act is quite substantial and significant. Those actually drive the whole body of legislation. So it is important that consideration is applied to them. In our discussions with Mr Justin Field, it was quite evident that the amendments fit, as per his contribution, with what the Government is trying to achieve with this legislation. We are comfortable accepting them. Amendments

Nos 4 and 6 clearly enhance the process around the NSW Independent Casino Commission and the membership of the Casino, Liquor and Gaming Coordination Committee. We see no reason to oppose the amendments presented by Mr Justin Field.

Ms CATE FAEHRMANN (17:28): The Greens support these amendments. They go some small way to correct the imbalance in the bill in its failure to adequately address the harms caused by gambling in casinos. They will introduce an object into the Act and the authority to minimise harm to individuals and families from activities associated with gambling in casinos. It will also require the NICC's annual report to contain a summary of measures taken by the NICC and casino operators to prevent or reduce harm from gambling in casinos, plus other measures. It is incredibly important that we address money laundering in casinos, but we must also be clear that gambling harms are equally damaging to our society and equally deserving of an appropriate response to try to reduce those harms. The Greens support the amendments.

Reverend the Hon. FRED NILE (17:29): I support the amendments proposed by Mr Justin Field. I believe they fill a gap in the legislation.

The CHAIR (The Hon. Wes Fang): Mr Justin Field has moved his amendments Nos 2, 4 and 6 on sheet c2022-143F. The question is that the amendments be agreed to.

Amendments agreed to.

Ms CATE FAEHRMANN (17:30): By leave: I move The Greens amendments Nos 1 to 16 on sheet c2022-129D in globo:

No. 1 Commencement

Page 2, clause 2(a), line 6. Omit "section 71A". Insert instead "sections 71A and 71B".

No. 2 Casino operators' duty of care

Page 5. Insert after line 34—

[15A] Section 22AA

Insert after section 22—

22AA Duty of care owed by casino operators

It is a condition of a casino licence that the casino operator has a duty to—

- (a) take all reasonable steps to prevent and minimise harm from gambling, including by—
 - (i) monitoring the welfare of players, and
 - (ii) discouraging intensive and prolonged play, and
 - (iii) intervening when a person is displaying behaviour consistent with gambling harm, and
- (b) take all reasonable steps to ensure players in a gaming area in the casino are regularly observed to monitor behaviour consistent with gambling harm, and
- (c) employ or otherwise engage persons to perform the role of responsible gambling officers (however named) and to ensure there are sufficient responsible gambling officers at the casino at any time to perform the functions mentioned in paragraphs (a) and (b).

No. 3 Responsible conduct of gambling training

Page 17. Insert after line 18—

[53A] Section 64AA

Insert after section 64—

64AA Requirement to ensure responsible conduct of gambling training completed

- (1) It is a condition of a casino licence that the casino operator must ensure persons who are employed or work in the casino have completed responsible-conduct-of-gambling training.
- (2) In this section—

responsible-conduct-of-gambling training means training developed and delivered—

 - (a) by the NICC, or
 - (b) on behalf of the NICC by an independent third party that is not a casino operator or a close associate of a casino operator.

No. 4 Responsible conduct of gambling training—consequential amendment

Page 17, Schedule 1[51], line 1. Omit "provided by the casino operator".

No. 5 Responsible conduct of gambling training—consequential amendment

Page 17, Schedule 1[51], line 2. Insert "training under section 64AA" after "gambling".

No. 6 Responsible conduct of gambling training—consequential amendment

Page 17, Schedule 1[51], line 4. Insert "training provided by the casino operator" after "casino".

No. 7 Responsible conduct of gambling training—consequential amendment

Page 17, Schedule 1[52], line 9. Insert "under section 64AA" after "gambling".

No. 8 Responsible conduct of gambling training—consequential amendment

Page 17, Schedule 1[53], lines 12–18. Omit all words on those lines.

No. 9 Pre-commitment and time limits—consequential amendment

Page 18, Schedule 1[59], line 15. Omit "and 71A". Insert instead "–71B"

No. 10 Pre-commitment and time limits

Page 18, Schedule 1[59]. Insert after line 32—

71B Pre-commitment systems and time limits

- (1) It is a condition of a casino licence that a casino operator must implement a pre-commitment system that complies with the following requirements—
 - (a) a requirement each player set a daily, weekly or monthly time limit for gambling at the casino,
 - (b) a requirement that—
 - (i) each player at the casino comply with the default pre-set daily, weekly and monthly loss limit for players at the casino, or
 - (ii) if a player decides the default loss limits under subparagraph (i) are not to apply to the player, a requirement that the player set a daily, weekly or monthly loss limit for gambling at the casino,
 - (c) a requirement that if the pre-set time limit or pre-set loss limit is reached—
 - (i) the player cannot continue to gamble, and
 - (ii) the pre-set time limit and pre-set loss limit cannot be altered for 36 hours after the limit is reached,
 - (d) a requirement that a player cannot gamble for more than 12 hours in a 24-hour period,
 - (e) a requirement that a player cannot gamble for 24 hours after the player gambles for 12 hours in a 24-hour period,
 - (f) a requirement that a player cannot gamble continuously for more than 3 hours and the player must take a break of at least 15 minutes after 3 hours of continuous gambling,
 - (g) a requirement that a player cannot gamble for more than 36 hours in a week.
- (2) For subsection (1)(b)(i), the default pre-set daily, weekly and monthly loss limits are to be prescribed by the regulations having regard to—
 - (a) the median income of a wage earner less the standard cost of living, or
 - (b) the median losses of a recreational gambler.
- (3) The default pre-set daily, weekly and monthly loss limits prescribed by the regulation are to be reviewed by the Secretary at least once in each year.

No. 11 State-wide self-exclusion register

Page 21. Insert after line 6—

[72A] Section 79 Exclusion of persons from casino

Omit section 79(3)(b). Insert instead—

- (b) a voluntary application can relate to—
 - (i) either or both casinos, or
 - (ii) if there is a State-wide exclusion register—both casinos and all other gambling venues,

No. 12 State-wide self-exclusion register—consequential amendment

Page 21. Insert before line 7—

[72B] Section 79(3)(c) and (d)

Insert ", or both casinos and any other gambling venue," after "both casinos" wherever occurring.

No. 13 State-wide self-exclusion register—consequential amendment

Page 21, line 7. Omit "Exclusion of persons from casino".

No. 14 State-wide self-exclusion register—consequential amendment

Page 21. Insert after line 21—

[73A] Section 79

Insert at the end of section 79—

(6) In this section—

gambling venue means premises at which gaming is conducted under gaming and liquor legislation.

No. 15 Systems of internal control

Page 23. Insert after line 17—

[87A] Section 124

Insert after section 124(5)—

(6) The NICC must publish, on the NICC's website, the part of the system of internal controls for each casino that addresses matters relating to responsible gambling.

(7) The requirement under subsection (6) does not include a requirement to publish any part of the system of internal controls that addresses risks associated with money laundering and terrorism financing.

No. 16 Gambling data committee

Page 26. Insert after line 15—

137B Gambling data committee

(1) The NICC must establish a gambling data committee.

(2) The committee is to have—

(a) one member appointed by the NICC, and

(b) one member appointed jointly by the casino operators, and

(c) one member appointed by the trustees of the Responsible Gambling Fund under section 115.

(3) The functions of the committee are to—

(a) identify the data to be included in a database, and

(b) ensure the data is up to date and comprehensive.

(4) For the purposes of subsection (3), the committee must—

(a) oversee the design and structure of the database and its user interface, and

(b) identify the data in the database that is to be publicly available and the data that will have restricted access, and

(c) ensure processes and procedures are put in place for the efficient maintenance and updating of the database, and

(d) establish protocols to de-identify data in the database to ensure the privacy of gamblers, and

(e) establish a register of persons who are recognised by the committee to conduct research involving data on the database, and

(f) establish a process by which requests for access to data on the database are to be made.

(5) The NICC must, as soon as practicable after the end of each quarter, publish on the NICC's website the data about gambling at the casinos decided by the committee.

(6) In this section—

quarter means the following periods—

(a) 1 January to 31 March,

(b) 1 April to 30 June,

- (c) 1 July to 30 September,
- (d) 1 October to 31 December.

Amendment No. 2 introduces a duty of care for casino operators to take all reasonable steps to prevent and minimise harm from gambling. This is based on recommendation 11 of the Victorian royal commission inquiry into the Crown Melbourne casino, which recommended that a ministerial direction be made under the Victorian Gambling Regulation Act to create a code of conduct. The recommendation has been altered slightly to fit into New South Wales legislation, but the contents remain the same. Casinos make enormous profits from gambling. Much of those profits, if not the vast majority, come from patrons who are experiencing gambling harm.

Amendments Nos 3 to 8 introduce requirements for all casino staff to complete responsible conduct of gambling [RCG] training developed and delivered by the NSW Independent Casino Commission [NICC] or on behalf of the NICC by an independent third party that is not a casino operator or a close associate of a casino operator. Under the proposed legislation, casino operators would be required to develop and deliver responsible conduct of gambling training, based on standards set by the casino regulator, to all staff working in the casino. It is completely inappropriate for casino operators to be responsible for the development and training of RCG, as they have a direct profit incentive that is contrary to RCG principles. The past few years have demonstrated that casinos lack the capacity to self-regulate.

Amendments Nos 11 to 14 anticipate the creation of a statewide self-exclusion register for pubs and clubs. They ensure that if a statewide self-exclusion register was to be created, patrons have the option to exclude from all casinos, pubs and clubs across New South Wales at the same time. Amendments Nos 1, 9 and 10 introduce harm reduction measures, including a mandatory requirement for a patron to set a daily, weekly or monthly time limit and a daily, weekly or monthly loss limit. There will also be a default preset loss limit which the patron can modify. These measures would come into effect at the same time as the player card, to allow them to be technically implemented as easily as possible. This amendment is based on recommendation 10 of the Victorian royal commission into Crown Melbourne casino.

Amendment No. 16 implements the Victorian royal commission recommendation 12, which establishes a gambling data committee to help facilitate data collection for research purposes. Data is incredibly useful for gambling reform researchers and advocates to understand the harms caused by various forms of gambling and to develop gambling harm reduction measures. This amendment establishes a gambling data committee. Amendment No. 15 introduces a requirement for the regulator to publish gambling reduction measures implemented through internal control measures. The bill allows the casino regulator to implement internal control measures to apply to casinos to implement anti-money laundering and gambling harm reduction measures. This amendment is all about ensuring that only the harm reduction components of the data is publicly released. I commend the amendments to the Committee.

The Hon. TAYLOR MARTIN (17:34): The Government does not support amendments Nos 1, 9 and 10, which together propose to impose a requirement on casino operators to implement a pre-commitment system for gaming machines. That system was recommended by the Victorian royal commission to address issues, including operational deficiencies, specifically identified in relation to the operation of gaming machines at Crown Melbourne. The Crown casino in Sydney does not have the same issues, as it is not permitted to operate any gaming machines. Therefore, the operational deficiencies of Crown Melbourne identified by the Victorian royal commission cannot arise at Crown Sydney. In those circumstances, these three amendments are unnecessary.

The Government does not support amendment No. 2, which proposes to impose a duty of care on casino operators to minimise gambling harm. The bill already imposes a significant suite of obligations on casino operators to prevent and minimise gambling harm, and the NSW Independent Casino Commission [NICC] as the regulator is going to be empowered to impose any further specific requirements as it considers appropriate, including when and how intervention must occur to minimise gambling harm. The proposed duty of care requirement creates an unnecessary overlap with the existing provisions and powers. It is not supported, in the interest of regulatory efficiency.

The Government does not support amendments Nos 3 to 8, which together propose to require all staff to complete responsible conduct of gambling training and that such training be delivered by or on behalf of the NICC. The current training requirements already cover the responsible conduct of gambling and the bill requires the training to be approved by the NICC or comply with any standards set by the NICC. In practice, the casinos adapt training courses that have been developed by the Office of Responsible Gambling and the University of Sydney for hotels and clubs so that they are suitable for the casino sector. The Independent Liquor & Gaming Authority then approves these training materials.

Accordingly, there are already sufficient mechanisms to ensure the training on responsible gambling is developed independently, with adequate expert input, and is delivered in a manner that meets the regulator's

standards. Requiring the training to be delivered by the NICC or a third party does not improve the quality or adequacy of the training in any meaningful way. It is also important to note that the NICC is not equipped to deliver the training itself and, given there are only two casino businesses requiring such training, the market is small and the availability of qualified third-party trainers is likely very low. The amendment would, therefore, be cost-prohibitive and inefficient for the new NICC.

The Government does not support amendments Nos 11 to 14, which refer to a statewide exclusion register. The Government notes that work is still underway to consider and develop a statewide exclusion register for exclusion orders. It is not appropriate for the legislation to pre-empt the creation of such a register and prescribe requirements around it, especially in circumstances where legislative amendments may not be necessary to establish such a register. In any event, if a register needs to be legislated, it needs to be legislated in relation to all industries at the same time to ensure it works in the same manner. Therefore, the amendment is presumptive and unnecessary.

The Government does not support amendment No. 15, which proposes to require the NICC to publish casinos' internal controls on responsible gambling. Internal controls that relate to responsible gambling often overlap with those that address anti-money laundering or other matters relating to sensitive operational information of casinos. It is generally necessary to maintain an adequate level of confidentiality of the specific operational requirements of casino operators. The confidentiality will prevent any unintended consequences of public disclosure that could compromise the ongoing effectiveness of the measures, particularly in relation to anti-money laundering controls. In the interest of open and transparent regulation, of course, it will be open to the NICC to voluntarily publish its policy position on key regulatory issues, including gambling harm minimisation.

The Government does not support amendment No. 16, which proposes to require the establishment of a gambling data committee. The proposed data collection and research functions of a gambling data committee, which are taken from the Victorian royal commission's recommendations, are already being carried out by the research team within Liquor & Gaming NSW. It is reasonable and appropriate for such arrangement to continue. There is no provision in the Act preventing the NICC from choosing to publish such data in the future, and legislated provisions may act to restrict the NICC in its functions. Notably, this could be an issue which the proposed advisory committee can consider and suggest to the NICC. Therefore, there is no reason for the amendments to be inserted into the Act.

The Hon. MARK LATHAM (17:39): One Nation opposes the amendments, mainly because of its opposition to amendment No. 10, which has been lumped into the in globo grouping. As the Parliamentary Secretary pointed out, these time limits and other provisions have come out of the Victorian royal commission recommendations about gaming machines, but that is very different indeed from a casino. With respect for the mover of these amendments from The Greens, it is like an instance of those who have never been to a racetrack coming here to say that they know everything about racing. Those who have never spent a night in a casino are ill-equipped, I am afraid, to understand how it works and to move appropriate amendments.

To say that a billionaire high roller coming from Asia—at a casino, which is a very different environment to a suburban pub or club—has to set a daily, weekly and monthly time limit is obviously absurd. It is ridiculous to say that they cannot gamble for more than 12 hours in a 24-hour period. To say that the individual coming here to gamble big—and they can afford it because of their financial situation—has to take a 15-minute break after three hours is most ridiculous of all. If they are on a winning streak, there would be a riot. Imaging saying to that high roller from overseas, "Hang on, pal. You've been gambling and winning here for three hours. You've got to go have a 15-minute toilet break." I mean, that is not how those high roller casino rooms operate. So it is a very crude amendment that shows a stunning lack of understanding of these particular facilities. This stuff may have some application to a suburban pub or club, but it is not appropriate for a casino environment.

Amendment No. 10 would require that the player cannot gamble for more than 36 hours in a week. Forget the overseas high rollers—what would they have said to Kerry Packer, back in the day? That they have got a gambling limit based on the median income of a wage earner, subtracting the standard cost of living? I mean, the guy would have gone berserk about that. That would not have got off first base, I am afraid. The amendment would also require the taking into account of the median losses of a recreational gambler. Some of these characters are professional gamblers who happen to win and win. I know it might seem strange, but whether you are at the racetrack or a casino, you do get some smarties—and they are real smart—who consistently, or consistently enough, win and keep on winning. To talk about the median losses of a recreational gambler just does not square with these circumstances.

It is impossible to support something so crude, that lacks nuance and that obviously lacks any personal experience with the facilities we are talking about. I am on the public record as a supporter of gambling harm minimisation. We must minimise harm for those who cannot afford it—for those who consistently lose and for whom it wrecks their limited family income. That is a legitimate goal. But the amendments to do that have to be

appropriate. They have to be nuanced, targeted and make use of some of the new technologies available, such as smart card technology and the like. So it is possible. But I think it does a disservice to that cause to toss in an amendment like No. 10, which is obviously inappropriate for the facilities that we are talking about.

The Hon. MICK VEITCH (17:42): After the contribution from the Parliamentary Secretary, which highlighted why the Minister has such cracking staff—they made him look very good—I will not be going over that territory. Suffice it to say, the Opposition opposes the amendments as moved in globo by Ms Cate Faehrmann.

The CHAIR (The Hon. Wes Fang): Ms Cate Faehrmann has moved The Greens amendments Nos 1 to 16 on sheet c2022-129D. The question is that the amendments be agreed to.

Amendments negatived.

Ms CATE FAEHRMANN (17:43): I move The Greens amendment No. 17 on sheet c2022-129D:

No. 17 **Implementation of Bell review of The Star Pty Ltd**

Page 35. Insert after line 24—

[104A] **Section 170A**

Insert after section 170—

170A Implementation of Independent Review of The Star Pty Ltd by Adam Bell SC

- (1) The Minister must, within 9 months after the independent review report is delivered, prepare a report about—
 - (a) what has been done to implement the recommendations of the report, and
 - (b) what steps the Minister and the NICC will take to implement any outstanding recommendations.
- (2) A report under subsection (1) must be tabled in each House of Parliament within 12 months after independent review report is delivered.
- (3) In this section—

independent review report means the final report of the Independent Review of The Star Pty Ltd by Adam Bell SC under this Act.

It is unfortunate that Labor and the Government have united to push this legislation through with such urgency. In my contribution to the second reading debate, I spoke about the importance of the Bell review of Star Entertainment Group. This amendment requires the Minister to table a report in both Houses, nine months after the Bell review hands down its recommendations, on what has been done to implement the recommendations and what steps the Minister and regulator will take to implement any outstanding recommendations.

As I have already flagged, the decision to make the control measures confidential will severely limit our oversight of what measures the casino regulator has actually implemented. I have had conversations with the Minister and his office, and I understand that the Government will support this amendment. I thank members for the constructive engagement around this. I commend the amendment to the Committee.

The Hon. TAYLOR MARTIN (17:44): The Government supports The Greens amendment No. 17, moved by Ms Cate Faehrmann. The Government's clear position has always been to seriously consider any recommendations for reform that enhance the casino regulatory framework and protect the community from criminal influences and gambling-related harm associated with casino activities. The Government is demonstrating this approach through the introduction of this bill, which implements the Bergin report recommendations in full and also implements various other reforms, including relevant recommendations from the Victorian royal commission into Crown.

The Government approaches the Bell review of Star Entertainment Group in the same manner. By endorsing this amendment, the Government reiterates its commitment to carefully considering the findings and recommendations of the Bell review and to take steps to ensure that any relevant recommendations are seriously considered and, where appropriate, adopted and implemented.

The Hon. MICK VEITCH (17:45): The Opposition will support the amendment as moved by The Greens.

The CHAIR (The Hon. Wes Fang): Ms Cate Faehrmann has moved The Greens amendment No. 17 on sheet c2022-129D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. MICK VEITCH (17:45): I move Opposition amendment No. 1 on sheet c2022-150B:

No. 1 Review of Act

Page 35, Schedule 1[103], proposed section 169B(1)(b), lines 5 and 6. Omit all words on those lines. Insert instead—

- (b) the terms of the Act remain appropriate for achieving the objectives, including whether the amount of the responsible gambling levy is sufficient to ensure the requirements of the Responsible Gambling Fund trust deed can be carried out.

The Opposition's amendment ensures that all future revenues of the Casino Control Act must consider whether the responsible gambling levy paid by the casino operators is sufficient to ensure that the requirements of the trustee for the Responsible Gambling Fund [RGF] can be carried out. The responsible gambling levy, paid by the casinos into the fund, is dedicated to funding responsible gambling and gambling harm minimisation measures. Currently, the casinos pay 2 per cent of their non-rebate revenue into the RGF.

The RGF has a broad remit to provide expert advice and funding recommendations to the Government to support responsible gambling and address gambling harm in the community. This remit includes the important goal of working towards zero gambling harm in the community. It is essential that the RGF continues to be appropriately funded to deliver within its remit to support research, community education, support services and regulatory oversight of responsible gambling obligations and practices. Funding a comprehensive research agenda to inform the development of evidence-based and innovative responsible gambling policy, initiatives and regulatory approaches ensures appropriate safeguards continue to be in place to prevent and minimise gambling harm.

Educating the community to support safe gambling practices, to raise awareness of the risks of gambling harm and to destigmatise and promote treatment services is also critical to the work of the RGF. Supporting those most vulnerable in our community through the funding of GambleAware services in New South Wales to provide a broad range of support and counselling services, including encouraging early access through increased online and self-help tools, will also ensure it can continue to provide advice and support policy investigation and regulatory oversight and the enforcement of responsible gambling obligations and practices. This amendment therefore ensures that there is a review of the adequacy of the RGF revenue to ensure it can continue this incredibly important work into the future. I commend the amendment to the Committee.

The Hon. TAYLOR MARTIN (17:47): The Government supports Opposition amendment No. 1, which will ensure that the scope of the statutory review includes an analysis of the responsible gambling levy. The responsible gambling levy is a separate levy payable by casino operators in addition to the casino supervisory levy. The responsible gambling levy is paid into the Responsible Gambling Fund and dedicated to funding responsible gambling and gambling harm minimisation measures. The amount of the responsible gambling levy is agreed between casino operators and the Treasury under a duty and levy deed.

The amount of levy received before COVID was approximately \$18 million. It is estimated to be increased to around \$23 million per year due to the opening of Crown. This amendment will ensure that the Government can assess whether the RGF, including the program and services it runs and funds to help to address gambling harm, is being adequately funded. The Government thanks the Opposition for the collaborative approach taken to ensure the bill comprehensively covers all key regulatory areas of public interest. The Government acknowledges that the Opposition—in particular the shadow Minister and her staff, who are in the gallery tonight—have worked hard to consider this bill in its entirety and engage with the Government constructively on the various measures it contains in an effort to make sure it is as effective as possible. By supporting this amendment, the Government reiterates its strong commitment to ensuring the responsible conduct of gambling and the minimisation of gambling related harm in casinos.

The CHAIR (The Hon. Wes Fang): The Hon. Mick Veitch has moved Opposition amendment No. 1 on sheet c2022-150B. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): I note that there are some further amendments before the Chair.

Mr JUSTIN FIELD (17:50): I do not intend to move my amendments. I withdraw them.

The Hon. Mark Latham: Point of order: What happened to the instruction to the Committee of the Whole about amendments Nos 7 and 8?

Mr Justin Field: To the point of order: They are my amendments, and I withdraw them.

The CHAIR (The Hon. Wes Fang): The question is that the bill as amended 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 with amendments.

Motion agreed to.

Adoption of Report

The Hon. TAYLOR MARTIN: On behalf of the Hon. Ben Franklin: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. TAYLOR MARTIN: On behalf of the Hon. Ben Franklin: I move:

That this bill be now read a third time.

Motion agreed to.

Documents

SENIOR TRADE AND INVESTMENT COMMISSIONERS

Dispute of Claim of Privilege

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I inform the House that on 10 and 11 August 2022 the Clerk received written correspondence from the Hon. Daniel Mookhey disputing the validity of a claim of privilege on certain documents lodged with the Clerk during July and August 2022 relating to the appointment of senior trade and investment commissioners. Pursuant to standing orders, the Hon. Alan Robertson, SC, was appointed as an Independent Legal Arbitrator to evaluate and report as to the validity of the claim of privilege. The Clerk has released the disputed documents to Mr Robertson for evaluation and report.

CASTLE HILL HIGH SCHOOL

Return to Order

The CLERK: According to the resolution of the House of 22 June 2022, I table additional documents relating to an order for papers regarding Castle Hill High School, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: According to the resolution of the House of 22 June 2022, I table a return identifying those of the additional 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.

Bills

CRIMES AMENDMENT (PROHIBITION ON DISPLAY OF NAZI SYMBOLS) BILL 2022

Second Reading Speech

The Hon. PETER POULOS (17:54): 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 Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. The events that occurred under the Nazi regime represent one of the darkest periods of recorded human history. The atrocities committed during that period are almost unimaginable, and the intergenerational trauma they have caused continues to be felt by many people today—in particular, by the Jewish community in New South Wales. New South Wales enjoys a vibrant and inclusive multicultural community. It is based on values of acceptance and tolerance, social cohesion and a common humanity between all of the many people who call this State home. The hateful ideology that is represented by Nazi symbols has no place in our community. The display of those symbols causes harm, especially to our Jewish community, who are frequently targeted by these acts, but also to other groups who were persecuted under the Nazi regime, including other diverse cultural groups, the LGBTIQ community and people with disabilities. As an attack on our fundamental social values, these actions harm our community as a whole.

The display of the Nazi Hakenkreuz also has a particular impact on members of the Hindu, Buddhist and Jain communities. For those groups, the swastika has been a symbol of peace, prosperity and auspiciousness for centuries. However, the Nazi Party appropriated the swastika and corrupted its form to become a symbol of its

evil regime. As a result, the corrupted form of the swastika—properly known by its German name, the Hakenkreuz or "hooked cross"—became one of the world's most prominent and potent symbols of hatred and genocide. These actions have caused harm beyond the Jewish community to the Hindu, Buddhist and Jain communities. Members of those communities report feeling unable to display the symbol for fear that people will mistake it for the Nazi Hakenkreuz. The continued display of this symbol in connection with Nazi ideologies perpetuates this hate and harm.

In March 2022 the New South Wales Government committed to introduce a bill to criminalise the public display of Nazi symbols without a reasonable excuse. The bill gives effect to the commitment the Government has given to the New South Wales community. The bill will insert new division 9 into part 3A of the Crimes Act 1900.

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

Leave granted.

Part 3A will contain one provision, section 93ZA, titled "Offence of displaying Nazi symbols". Under that section, a person who knowingly displays, by public act and without a reasonable excuse, a Nazi symbol commits an offence. The offence is punishable by 12 months imprisonment or a fine of 100 penalty units, or both, for an individual, or a fine of 500 penalty units for a corporation.

Interestingly, the bill does not define the term "Nazi symbol". The words are to be given their ordinary, well-understood meaning. The term "Nazi" encompasses the membership of the National Socialist German Workers' Party, which held government in Germany under Adolf Hitler between 1933 and 1945; and the ideologies of fascism, racism and antisemitism, and the belief in the supremacy of Hitler as Führer, which characterised that regime; as well as those individuals who support or sympathise with the ideology of that regime, including modern neo-Nazis, who shamefully embrace those ideologies. Similarly, the word "symbol" takes its ordinary meaning, which includes anything used or regarded as standing for or representing something else, or an emblem, token or sign. It is a broad definition that would capture not only the more well-known symbols such as the Hakenkreuz or the Nazi flag but also a range of other, lesser-known Nazi symbols.

A person will be guilty of an offence only where they knowingly display a Nazi symbol. While any display of a Nazi symbol has the potential to cause harm and distress to others, it is not the intention of the bill to punish people who are unaware of their actions. Whilst knowledge may be difficult to prove in those cases, this is a necessary consequence of ensuring that the bill is appropriately balanced in its objectives of targeting harmful and culpable conduct while not punishing unintentional conduct. Section 93ZA (3) provides a non-exhaustive list of what may constitute a reasonable excuse for the display of a Nazi symbol. There are exceptions for academic, artistic or educational purposes, which would also encompass any material intended to promote those purposes, such as a poster for a film or a flyer for an art gallery that falls within the exception, providing the display of that material is done reasonably and in good faith.

There may be occasions where promotional material would not be covered; for example, where material promoting a legitimate artwork is appropriated by a neo-Nazi group in order to display the symbol in an attempt to circumvent the legislation. In that case, the act would not be reasonable and in good faith, or in the public interest, and would rightly not be protected by this exception. Finally, section 93ZA (4) provides that "public act" has the same meaning as provided in the Crimes Act under section 93Z. In conclusion, the bill is a clear, intentional statement from the Government on behalf of the community that the display of Nazi symbols, and the hatred and bigotry they invoke and inspire, has absolutely no place in our society in New South Wales. Their display will simply not be tolerated. I commend the bill to the House.

Second Reading Debate

The Hon. WALT SECORD (17:58): As the shadow Minister for Police, the shadow Minister for Counter Terrorism, the deputy chair of the NSW Parliamentary Friends of Israel and the New South Wales patron of the New South Wales Labor Israel Action Committee, I lead for the Opposition in the debate on the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. It is an honour and a privilege to take part in the debate. This is landmark legislation. The bill creates an offence of knowingly displaying Nazi symbols by public act and without reasonable excuse. I will not speak long on the bill, as I have canvassed this area of public policy on many occasions and I want to see this bill passed as quickly as possible. In fact, I have been advocating for this change in the law since April 2020.

Members would be aware that, on 13 October 2021, I gave the second reading speech of the Crimes Amendment (Display of Nazi Symbols) Bill 2021. I will always remember the evidence given to the Parliament's Standing Committee on Social Issues in February 2022 by 97-year-old Shoah survivor Joseph Symon, when he explained in harrowing detail how it felt when he saw Nazi symbols in New South Wales and Australia. Those who know me know that I have deep and long connections with the Jewish community in both Australia and Canada. My childhood mentor, Mr Godel Silber, was a Holocaust survivor who was in Auschwitz-Birkenau. He was my inspiration growing up in rural Canada on an Indian reserve in southern Ontario.

Members would also be aware that I worked at *The Australian Jewish News* from 1988 to 1991 and, furthermore, that my wife, Julia, and I are members of the Emanuel Synagogue. A lot has happened since I introduced the Crimes Amendment (Display of Nazi Symbols) Bill in October 2021. The Government has now introduced its own version of the bill, which has been endorsed by Labor's shadow Cabinet and the full Labor caucus as per my recommendation. Furthermore, I told *The Australian Jewish News* and its national editor, Gareth

Narunsky, yesterday that I was "delighted" that New South Wales was on the cusp of banning the public display of Nazi symbols in the State.

As I said earlier, there is strong support for this bill within NSW Labor. I acknowledge my colleagues, particularly the member for Coogee, Dr Marjorie O'Neill; the member for Maroubra and shadow Attorney General, Michael Daley; the member for Wollongong and shadow Minister for Planning and Public Spaces, Paul Scully, who in his contribution to the second reading debate spoke about Neo-Nazi activity in the Illawarra; the member for Rockdale and Labor's spokesman on multiculturalism, Steve Kamper, who shared with us that his father passed away in Jerusalem on a Christian pilgrimage to Israel; the member for Prospect, Dr Hugh McDermott; and the member for Heffron, Ron Hoenig. They have all spoken in support of the bill. I also acknowledge Liberal MLC the Hon. Scott Farlow, who is chair of the NSW Parliamentary Friends of Israel. He had a strong role in getting the State Government to legislate in this area. He worked quietly and diligently behind the scenes to bring this to fruition. In the spirit of bipartisanship, I acknowledge that.

As chair of the NSW Parliamentary Friends of Israel, the Hon. Scott Farlow has always acted in the spirit of bipartisanship. In fact, that bipartisanship was on display on Tuesday this week when we had the honour of welcoming Danny Ayalon, the former Israeli Ambassador to the United States and former deputy foreign Minister, who was in Australia with Magen David Adom's New South Wales president, Mr Tony Ziegler. For those who do not know, Magen David Adom is the Israeli equivalent of the Red Cross and Red Crescent Society. Also in attendance was the Liberal member for Vacluse, Gabrielle Upton, and Labor's member for Coogee, Dr Marjorie O'Neill.

I will not go into extensive detail on the bill. I acknowledge that we would not be debating this bill if not for the work of the NSW Jewish Board of Deputies and the Hindu Council of Australia. I particularly single out the NSW Jewish Board of Deputies chief executive officer, Darren Bark, and the NSW Jewish Board of Deputies president, Lesli Berger, for their tireless efforts and support of this campaign to ban the public display of Nazi symbols. They forged an historic agreement with the Hindu, Jain and Buddhist communities. In fact, they prepared a joint submission spelling out their views and a path forward to addressing their mutual concerns, to protect the sacred symbol of the Hindu, Jain and Buddhist faiths which was appropriated by the Nazis. The joint submission was inspired and breathtaking; it was a bold exercise in public policy on how to convince and persuade legislators. People will rush to take credit for this bill, but Mr Bark and Mr Berger must be recognised.

As a brief aside, I take this opportunity to recognise that Mr Berger's presidency will end on 16 August at the NSW Jewish Board of Deputies' annual meeting. He has served the Jewish community well and provided strong and inclusive leadership. I wish him well. I note that Mr Bark is in the gallery with Mr Evan Zlatkis, who undertakes media and digital activity for the NSW Jewish Board of Deputies. Evan, on a personal note, my wife, who was born in Moscow, sends her regards. She said, "He's that nice Jewish boy."

As background, the bill will amend the Crimes Act 1900 to create an offence for knowingly displaying Nazi symbols by public act and without reasonable excuse. The bill makes it an offence to knowingly display a Nazi symbol publicly; makes clear that an offence is only committed where there is no reasonable excuse, which include displays of Nazi symbols done reasonably and in good faith for academic, artistic, educational or other public interest purposes; and exempts entirely swastikas displayed for genuine Buddhist, Jain or Hindu purposes. The penalties would be in line with the current anti-race hate and racial vilification laws in New South Wales. The present bill includes a maximum penalty of 100 penalty units or 12 months' imprisonment for an individual. This legislation substantially replaces the Labor bill that I introduced in October 2021, which was the subject of two years of consultation and a parliamentary inquiry, which I referred to earlier and which involved the evidence of Mr Symon.

I began advocating for the bill in April 2020 after a surge in racist activity in Victoria and New South Wales. I want to see this Parliament pass legislation to ban the display of Nazi symbols. I recently told Courage to Care, which is a Jewish community group committed to Holocaust education and fighting prejudice, that I would like to see a bill on the books, no matter who brought the bill to this Parliament, so I will be throwing my support behind the bill. If it needs to be amended or improved in the future, so be it, but is important to have it pass and on the books.

The NSW Labor Opposition was the first party in Australia to introduce legislation banning the public display of Nazi symbols. In the time since I introduced our legislation, Victoria passed the first law in Australia. Since that legislation has been passed, at least four other jurisdictions have passed or indicated they will consider passing similar legislation. On 26 May Queensland's Premier, Annastacia Palaszczuk, announced that Queensland would introduce similar legislation. On 5 June, Tasmania's new Premier, Jeremy Rockliff, said Tasmania would legislate. Western Australian and South Australian State Labor MPs are also examining the possibility of a similar bill.

The legislation before the House today would ban the public display of Nazi symbols without "reasonable excuse". A "reasonable excuse" means for academic, artistic, educational or other public interest purposes. For example, it would include expressions of the Hindu, Jain and Buddhist faith; a performance of *The Diary of Anne Frank*; a Holocaust display or lecture; or a film production. I originally moved my bill after a surge in far-right activity. In the past three years, there have been a number of high-profile incidents, including someone attaching a Nazi flag to a water tower at Wagga Wagga and a person hanging a flag in their backyard in Newtown, just 350 metres from the local synagogue.

In 2020 I obtained documents under freedom of information laws, the Government Information (Public Access) Act, which showed that, in a two-year period, the NSW Police Force had reported 112 incidents of antisemitism, including 31 instances where the Nazi flag was flown. The Executive Council of Australian Jewry also reported in its 2021 annual report a 35 per cent increase in antisemitic activity in Australia, with Jewish groups recording 447 antisemitic incidents across Australia between 2020 and 2021. These figures include 272 attacks, including physical attacks, verbal abuse and harassment, vandalism and graffiti, as well as 175 threats via email, phone, post, posters and stickers.

Yesterday I sought advice from the Attorney General's office, and I thank the staff for their prompt response. They confirmed that the bill captures material displayed online and through social media, which I welcome. Sadly, right-wing extremism is on the rise in Australia, as it is around the world. New South Wales authorities report that right-wing extremists now occupy about 20 per cent of the counterterrorism activity in New South Wales, adding to operations targeting that. Unfortunately, 20 per cent of the counterterrorism activities involve far-right activity and the remaining 80 per cent involve religious extremism.

Of the 1,000 extremists across the four tiers of threat attracting some level of police monitoring, about 80 individuals—those on the two highest levels of threat—are being closely tracked as posing a violent threat to people in New South Wales. On 1 October 2021, in response to a formal question on notice from my office, the NSW Police Force confirmed that it estimates there are 15 members of the National Socialist Network—Neo-Nazis—operating and active in New South Wales. It also added that one person had been arrested and charged with the offence of possession of digital blueprints for the manufacture of firearms under the Firearms Act. As part of that operation, a second person in Orange was arrested on a firearms prohibition order. What was interesting was that officers found a Nazi flag hanging on the wall of in his bedroom.

In conclusion, the Nazi flag is deeply offensive to all Australian and allied veterans who fought and sacrificed to defeat fascism. Displaying the symbols of an enemy that Australians died to defeat is an affront to them, to survivors of the Shoah and to their descendants. The Nazi flag is an emblem of genocide and racism. The decision to fly a Nazi flag is a simple expression of hatred. The Nazi swastika represents a regime that murdered six million Jews, including more than a million children. It represents a regime that sought nothing less than total fascist domination of Europe. Accordingly, it is unlawful in many European countries, including Germany, Austria and France, to publicly fly the Nazi flag.

I recognise that these laws have also been supported by the NSW Association of Jewish Service and Ex-Service Men and Women; the NSW Jewish Board of Deputies and Hindu Council of Australia; the B'nai B'rith Anti-Defamation Commission; the Australian Association of Jewish Holocaust Survivors and Descendants; and the Executive Council of Australian Jewry, amongst others. Banning Nazi symbols is not a marginal issue. A May 2021 survey by Monash University on Australian attitudes to Jewish people and antisemitism found that only 12 per cent of Australians were against banning Nazi symbols. Finally, I am pleased that the Attorney General has incorporated an amendment that I proposed several days ago. The Attorney General, in the other place, said:

This amendment would have the effect of requiring a review to be undertaken within three years and six months after the commencement of the Act and subsequent reviews of not more than five years. An outcome of each review is to be tabled in each house of Parliament within 12 months after the last day by which the review must be commenced. These time frames will seek to ensure that in undertaking the review there is sufficient case law and court matters to have regard to.

Finally, I believe that there is no room in our society for what Nazi symbols represent—hatred, abject racism and genocide. Labor's support for the bill reaffirms our abhorrence of Neo-Nazism and Labor's deep commitment to ending serious vilification and hate crimes. I wholeheartedly commend the bill to the House. I thank the House for its consideration.

Ms ABIGAIL BOYD (18:13): On behalf of The Greens, I support the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I thank the Hon. Walt Secord for working with the Jewish committee to progress this legal reform. I acknowledge the bill that he brought earlier in the year prior to this one, which was brought with the same intention. I am grateful to have been a member of the committee inquiring into it, particularly the work we did around the specific terms of a bill of this kind. The Greens wholeheartedly support the prohibition on the display of Nazi symbols.

The ongoing damage of Nazism cannot be understated. The Holocaust resulted in the genocide of six million Jewish people and 11 million members of other minority groups, including people with disabilities, gay men, Slavic people, Romani people, political dissidents and other religious minorities. The genocide, dispossession and displacement of millions of Jewish people in particular, as well as the influence of Nazism in stoking antisemitism across the world, continues to be felt as profound collective and intergenerational trauma. I have read widely about the Holocaust and encouraged many others, including my eldest daughter, who I feel is now old enough, to do the same. Because we cannot and must not forget the Holocaust. It represents the very, very worst of humanity. We cannot be complacent about ensuring that nothing like that happens again. It did not happen out of the blue. Jewish people have been persecuted for thousands of years.

The symbols of the Nazi regime that carried out these atrocities continue to represent the ideology of racial supremacy that fuelled the Holocaust and continue to cause harm, especially to the Jewish community. Nazi symbolism and indeed Nazism did not exist only in the past, however. We know that the extreme far right is actively organising in Australia and internationally. Over the past few years we have seen an increase in hate crimes by self-identified Neo-Nazis perpetrated against Jewish people, First Nations people and people of colour, while mainstream politicians and media outlets have embraced their harmful fringe ideology for votes and clicks, without a care for the fact that, in flirting with the far right, they stoke the flames of hate, normalising and even encouraging the growth of these ideologies that continue to inflict harm on vulnerable minorities.

These far-right groups are often organising under banners that utilise long-standing symbols of hate and, in some cases, literally using them as a recruiting tool. *The Sydney Morning Herald* released an investigation only last week into the methods Neo-Nazis are using to organise, recruit and radicalise, documenting one particular incident in which stickers, posters and graffiti featuring far-right slogans and symbols were plastered across Wollongong in what appears to have been a recruitment drive. Nazism in all its forms must be actively opposed. Antisemitism, Neo-Nazism, white supremacy and far-right extremism are a scourge. We cannot allow them to gain any further of a foothold in our society, and we must actively fight fascism on all fronts and in all circumstances. Banning the public display of Nazi symbols is a small but important step in this fight. Images and words mean things. Whether a dog whistle or an outright shout, the weaponisation of these symbols can harm people.

The bill will ban the knowing display of a Nazi symbol to the public. I have asked the Attorney General to confirm, and I understand that the intention is, that you must knowingly display as well as it being knowingly a public act in order to be caught by this offence. We raised the question to the Attorney General of, for example, a person who had some sort of Nazi paraphernalia in their bedroom, with a window or a curtain open, that somebody walking past could see. If the person was knowingly allowing people to see that and had knowingly left the curtain open, they would be caught by this. But if they had done it inadvertently or did not know, then the mere act of holding that sort of imagery would not be caught by this. We think it is important that both elements are caught by the qualifier of "knowingly". That was one of the main things coming out of the inquiry into the Hon. Walt Secord's version of this legal reform, and I think it is an important one that we have captured and tightened.

The other aspect we considered during the inquiry was what happens in the case of social media. For instance, if somebody posted on their web page some sort of Nazi symbol five years ago, then this legislation comes in. I think the question is still whether continuing to have that on your Facebook page is a public display. I think that this is when things perhaps get a little bit tricky. At the end of this new provision is a "reasonable excuse" defence. I am hoping that that acts in some way to catch, for instance, the person that just was not aware it was on there as opposed to the person who has deliberately left it up. But I ask the Government to look into that aspect of the application of these laws.

I understand that the review that has been suggested by the Opposition will help to ensure that that does not have unintended consequences. On that basis we are comfortable that people who do not intend to publicly display are not caught. We have to acknowledge, of course, that this bill alone will not tackle antisemitism or dismantle racism. The Greens welcome further tangible work by the Government towards a genuinely anti-racist society. But we are grateful to see reforms of this kind pass with the support of both the Government and the Opposition. The Greens wholeheartedly welcome it.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (18:19): I support the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I am proud to speak in debate on this important legislation on what is a historic day. I note the time, and for that reason I have substantially reduced my speech. But my views are well known in this place and I stand by my record. I had the privilege of being the former chair of the NSW Parliamentary Friends of Israel and of being taken to Israel with my parliamentary colleagues to experience

the incredible country that it is and learn much more about it. My speech will be brief and I ask forgiveness for that.

No words can adequately convey the horrors and atrocities perpetrated by the Nazi regime during one of the darkest periods in human history or the intergenerational trauma that symbols of that regime continue to convey today. Nazi symbols represent an anathema to the values of freedom, tolerance, acceptance, liberty and equality that we hold dear in this State and this country. The bill will give effect to policy that has been the product of careful consultation over several phases with key stakeholders and members of our community. Earlier this year, the Standing Committee on Social Issues concluded an inquiry into a private member's bill introduced in this place. I recognise the contributions made by the parliamentary members of that committee to this important body of work.

In its report tabled in February this year, the committee identified three important reasons for criminalising the display of Nazi symbols. Those reasons are well known to all members, but I will place them on record to thank the committee. The first reason is to protect individuals and communities from hateful conduct. The committee received submissions and evidence about the profound offence and distress caused by viewing Nazi symbols, felt not only by members of the Jewish community but also by other groups targeted by the Nazis, including but not limited to people with disabilities, the LGBTQIA community, ex-service personnel, and members of the Hindu, Buddhist and Jain religions, who revere the swastika as a sacred symbol.

The second reason is to send a message of denunciation to those who would support this hateful conduct. The third is to foster the strengthening of multiculturalism and respect for diversity. Participants gave evidence to the committee about the incompatibility of the display of Nazi symbols with modern Australian community values and social cohesion, including multiculturalism and communal harmony. It was submitted that the normalisation of symbols of hate and genocide may be precursors to the breakdown of social cohesion and democratic institutions. This is an anathema to the harmonious multicultural community that Australia leads the world in. As the former multiculturalism Minister, I support those reasons very much.

In response to the committee's report, the New South Wales Government committed to introduce a bill to criminalise the public display of Nazi symbols without a reasonable excuse through a legislative vehicle that would overcome the risks and shortcomings of the private member's bill. I do not mean that in any disparaging way, but some were identified by the committee and stakeholders. I thank the Attorney General and members of the Government who have worked on the bill so diligently across both Houses. The introduction of the bill gives effect to the Government's commitment. The bill differs in its construction and drafting in several key respects from the private member's bill, but we welcome the unanimous and bipartisan support from the Opposition and across the Parliament for this important reform and the spirit in which the bill has been debated.

The key difference is that this bill will double the maximum penalties for individuals. It will deliberately take the approach of not defining the term "Nazi symbol" to ensure that the offence is broad enough to capture all relevant traditional, well-known symbols associated with the Nazi regime, such as those that have been mentioned by the Parliamentary Secretary. Importantly, the New South Wales Government's bill provides in new section 93ZA (2) that the display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute the display of a Nazi symbol. New section 93ZA (3) provides a non-exhaustive list of what may constitute a reasonable excuse for the display of a Nazi symbol. This subsection provides that:

... a reasonable excuse includes the display of a Nazi symbol done reasonably and in good faith—

- (a) for an academic, artistic or educational purpose, or
- (b) for another purpose in the public interest

It is intentionally broad. I thank the stakeholders that made submissions to and corresponded with the parliamentary inquiry into the bill, in particular the Australian Association of Jewish Holocaust Survivors and Descendants Inc, the Australian Jewish Association, the Australia Israel & Jewish Affairs Council, Anti-Discrimination NSW, the NSW Jewish Board of Deputies and the Hindu Council of Australia jointly, and the NSW Association of Jewish Service & Ex-Service Men & Women. I thank the stakeholders for contributing to this important work. I acknowledge the consistent advocacy of so many but in particular the NSW Jewish Board of Deputies. In June 2022, when the bill was introduced in the other place, NSW Jewish Board of Deputies Chief Executive Officer Darren Bark said that Nazi symbols "are a threat to the entire New South Wales community" and represent a "sinister underbelly" in our State. Mr Bark said:

In recent years we have seen a surge in the use of these symbols by right-wing extremists and for other faith-based attacks, both in-person and online ... Hate has no place in our tolerant multicultural society.

Nazi symbols are a gateway to violence and vilification, and this historic legislation will ensure those who are here to cause harm in our community are dealt with under the law.

The Jewish Board of Deputies was incredibly proud to stand shoulder-to-shoulder with the Hindu community to ensure this important legislation is passed.

I acknowledge that Mr Bark is in the Chamber today, together with Holocaust survivor Eddy Boas; Jewish Board of Deputies President Lesli Berger, Vice President David Ossip and Vice President Nathalie Samia; and the Hindu Council of Australia Vice President Surinder Jain. They spoke with the Attorney General, the Hon. Mark Speakman, SC, MP, who has been a diligent and thorough flag-bearer for this legislation, and, of course, the member for Vacluse, Ms Gabrielle Upton, MP, who has been a staunch advocate for this reform and for key stakeholders for some time, including members of the Jewish community in her electorate.

Mr Boas shared the impact of this bill on those who survived the horrors of the Shoah, or the Holocaust, and lost loved ones. The Government is proud to advance this reform, consistent with our commitment to combating vilifying conduct in New South Wales. It is already an offence under section 93Z of the Crimes Act 1900, which the New South Wales Government introduced, to intentionally or recklessly threaten or incite violence on grounds of race, religion, sexual orientation, gender identity, or intersex or HIV/AIDS status. However, under the current law, it is presently not an offence to publicly display a Nazi symbol. This bill will fill those gaps and, importantly and historically, ensure further, complementary protection to anti-vilification laws in New South Wales.

By taking this action today, New South Wales will join a number of jurisdictions that have long criminalised the public display of Nazi symbols. These include—to name but a few—Germany, Austria and France. I could say so much in this place, and I have. But, standing in support of passing the bill, I am proud to be a member of the Government and to be working collaboratively across the Parliament. We must never forget that terrible period in our history or ever allow ourselves to become complacent. We must continue to be ever vigilant and actively guard against the seeds of hate and intolerance. This bill is an integral part of that process. I commend it to the House.

Reverend the Hon. FRED NILE (18:28): I will speak briefly on the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I could give a very long speech but I do not wish to take up the time of the House tonight. My main concern is to prohibit the display of the swastika that Adolf Hitler used to mobilise the German people to support him in his crusade against democracy and against the Jewish people in Germany. I am pleased that the bill now has wide support. I introduced my own bill, and I am pleased that the whole issue is getting such support in the House. I thank all of those who have indicated their support for the objects of the bill. I also give it all my support.

The Hon. SCOTT FARLOW (18:30): I thank the Hon. Peter Poulos, as the Parliamentary Secretary responsible, for bringing to this House the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I particularly thank Attorney General Mark Speakman for bringing the legislation before the Parliament and for making it happen. As I think we all know, this legislation is the result of the agitation of many. Darren Bark, the CEO of the NSW Jewish Board of Deputies, is in the gallery today. I note the representation he makes on behalf of the Jewish Board of Deputies and its vigilance in making sure that this legislation came before the House.

I also recognise the Hon. Walt Secord for his work. The Standing Committee on Social Issues inquired into his bill on the prohibition of display of Nazi symbols. His advocacy on behalf of Holocaust survivors started this legislation, and that snowballed to its fruition. I note the work of the Hon. Fred Nile and the Hon. Shayne Mallard on that committee, and former Minister and former Leader of the Government in this Chamber the Hon. Don Harwin, who chaired the committee. All of those members were very fierce advocates of the legislation and the need for it, as was the member for Vacluse, the Hon. Gabrielle Upton; and the former Minister for Multicultural Affairs and member for Castle Hill, the Hon. Ray Williams. They all played their part in advocating for this legislation and the need for it. I commend all of them.

I am sure the Hon. Walt Secord will not mind me relaying discussions I had with him to the House. When the Standing Committee on Social Issues resolved that the Government present its own bill, the Hon. Walt Secord said to me, "Scott, this is all well and good. If you guys are going to come in here and create your own legislation, that's fine. I'm just happy for there to be a win. But if this is just a stalling tactic, I'm going to come in and I'm going to smash you up." As we know, the Hon. Walt Secord would indeed do that. I commend the Attorney General, the Hon. Mark Speakman, for coming forward with this legislation. I think it is good legislation and it addresses many of the issues that Government members, even people who are supportive of the legislation like me, had with the Hon. Walt Secord's bill. I think the Hon. Walt Secord recognises that there were challenges with that bill. The legislation is very simple but it will make a significant difference.

In that respect—and I think it has been discussed in terms of the nature of that legislation—there is a review after three years. The legislation is relatively broad because we do not want to create issues, as Ms Abigail Boyd outlined. We do not want to create issues for those who display it for artistic or educational purposes, as was often

said in the inquiry, or for something like *The Sound of Music* or the like. We cannot capture every single possible excuse or explanation, and so the term "Nazi symbol" was not defined. I raised that question with the Attorney General. He does not want it to be defined because there are some innovative ways to display Nazi symbols. It is not just the swastika.

The Hon. Shayne Mallard: It keeps evolving.

The Hon. SCOTT FARLOW: As the Hon. Shayne Mallard say, there are evolving ways, particularly online, in which the Nazi symbol can be identified, that we need to stamp out. There are also the reasonable excuse provisions, which are fairly broad in the legislation. They are needed for a whole range of areas where a Nazi symbol could be displayed and for a potentially very innocent reason, and we need to make sure that that is covered under the legislation. I am very privileged to have been somewhat part of making sure that the bill happened.

New South Wales has one of the largest groups of Holocaust survivors in the world, and the Jewish community has been desperate to see this legislation. During the inquiry, the evidence of the Association of Holocaust Survivors stayed with me. As I have previously noted in the House, some members of the Jewish community took the view that it was better to tolerate this sort of behaviour, and even some within policing had expressed that it was better to be able to see it so they know where it is and how to deal with it. I think they are very genuine views. Assistant Commissioner David Hudson effectively shot them down in his evidence to the inquiry. The testimony of Mr Symon from the Australian Association of Jewish Holocaust Survivors and Descendants left a mark on me about how powerful even seeing the symbol and its depiction is for Holocaust survivors.

The Hon. Natalie Ward remarked on Mr Eddy Boas' perspective on the importance of this legislation. The Hon. Walt Secord and I were privileged to host him in the President's dining room to talk about the Holocaust to a few of us. That was significant for our understanding of the Holocaust and being able to tell that story in the House. I had the great opportunity to host Mr Boas again yesterday in the Parliament for a meeting with the Hon. Sarah Mitchell as Minister for Education and Early Learning to discuss how we can do more for Holocaust education in New South Wales. As has been reflected, unfortunately, while the Holocaust is many years behind us, the impact of the Holocaust still lives with Holocaust survivors each and every day.

Unfortunately, we have seen a rise in antisemitic incidents. The Executive Council of Australian Jewry's 2021 antisemitism report showed that there was an increase of 35 per cent in the prevalence of antisemitic attacks in Australia during the 2020-21 period compared to the previous year. Research conducted by the Jewish Board of Deputies indicated that there were 477 incidents of antisemitic attacks reported to Jewish organisations during that same period. There have been rising reports of people flying Nazi flags in public and using Nazi symbols in graffiti in public places, an increase in displays and sales of Nazi memorabilia and reports of individuals wearing Nazi uniforms and Nazi symbols in public, which is why this legislation is needed. It has been modelled on similar legislation worldwide, which has been introduced to very little negative impact.

I commend the Hon. Walt Secord for his work on community consultation. The legislation was drafted in consultation with the Hindu Council of Australia, particularly Surinder Jain and his great work, working through some of the issues of the display of a symbol which is a cherished symbol for his religion and which unfortunately has been misused and abused as a symbol of hate and the absolute worst in the world, and being able to make sure that there is education about that as well when it comes to the Hindu community in New South Wales. The swastika for Hindus is an ancient symbol of peace, prosperity and auspiciousness, and it was sadly misappropriated by the Nazis. Importantly for all Australians, people fought and died against fascism and Nazism on two fronts in World War II, and the idea that Neo-Nazism groups are, unfortunately, emerging in this country is an insult to every right-minded Australian.

There is no room in our society for what Nazi symbols represent—hatred, abject racism and genocide. The bill before us indicates the New South Wales Government's powerful opposition to extremism and Neo-Nazism. It sends a message that the display of Nazi symbols and the hatred and bigotry that they represent will not be tolerated in New South Wales. From my wide consultation with the Jewish community, this is reform that will serve an important role in protecting our community from the rise of hatred and bigotry and preventing the harm suffered by individuals who are directly affected by the display of Nazi symbols. The legislation is long overdue and is long desired in our Jewish community. I plead with the House to support the bill.

The Hon. LOU AMATO (18:39): I support the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I start by acknowledging the passion and advocacy of the Hon. Walt Secord for this important bill. As it is for many here, this matter is close to my heart. Many people do not know this, but I have Jewish cousins in Israel. I am very pleased to support this important bill, together with all my fellow honourable members. I find the dark and terrible tragedy of the Nazi movement difficult to understand. The entire movement was one

of evil hatred. In this wonderful country of ours, where we champion peace and tolerance above all things, we have no room for evil ideologies that advocate hatred in all its twisted forms and subtleties.

I state for the record that I am a stalwart defender of free speech. I do not support any restrictions upon the right of any person to free speech. However, when I use the term "free speech", I refer to speech that furthers the freedom not only of the individual but of all people. Free speech must contain freedom embodied in its message. Freedom does not include hatred, oppression, violence, racism, genocide or any other act that diminishes the right of all people to live in peace and dignity. I consider any speech contrary to furthering the equality and dignity of all people not to be free speech but enslavement from the malevolent. Therefore, I wholeheartedly support this bill.

The Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022 strikes a blow against hate speech and vilification in New South Wales. It is also important that the bill strikes an appropriate balance between outlawing the display of hateful symbols and protecting our constitutionally entrenched freedom of speech. Freedom of speech is a cornerstone of our democratic society. The ability of our citizens and our free and independent media to discuss and engage in debate concerning issues of public and political interest is an important mechanism to hold our Government and public officials to account and to allow our citizens to engage in the democratic process. We understand that not all ideas and concepts are good or indeed bad. However, it is important that all ideas may be subject to critical debate and examination in the public arena. Public scrutiny is one of the greatest assets in tackling fascism and maintaining our democratic values.

Free speech is also an important way for every person in our society to express individual autonomy and voice to further the betterment of our society for all people. In Australia the right to free speech has been recognised by the High Court through the implied freedom of political communication. This constitutionally protected freedom is the consequence of the system of representative and responsible government that is enshrined in the Australian Constitution. However, free speech cannot be an absolute freedom, unless it serves the purpose to seek remedy of injustice and further the dignity and personal freedoms of all people. Like all civil liberties, it must be balanced against other freedoms, including the right enjoyed by each and every member of the community to live their lives free from hateful vilification based on their ethnicity, religion, language, cultural identity, or any cultural traditions they wish to profess or practise. Tolerance is an important principle underpinning societal values.

The High Court has recognised that there are appropriate limitations on the implied freedom of political communications. Laws that are consistent with or supportive of our system of representative and responsible government and that are reasonably appropriate and proportionate to the social harm they seek to address will still be valid, even when they impose a restriction on free speech. The bill represents a reasonable restriction on the constitutionally protected freedom of political communication. It directly targets symbols of Nazi ideology, inherently abhorrent symbols that are inconsistent with our democratic system of government. Prohibiting the use of those symbols to harm and vilify members of our community or as a rallying cry from Neo-Nazis or other violent extremists is a legitimate curtailment of hate speech masquerading as free speech.

To ensure that curtailment is appropriate and proportionate, the bill contains broad exceptions to allow Nazi symbols to be displayed where it is in the public interest. For example, the bill will not capture a high school teacher giving a presentation to their students on World War II and the Holocaust, a journalist presenting a media report on current events of legitimate public interest, or an artist or gallery presenting an artwork that stands in opposition to Neo-Nazism and fascism. These reforms have been carefully balanced to ensure that they serve the important purpose of protecting the community from hateful conduct. As I stated earlier, they do not restrict the right to free speech but further our commitment to the freedom and dignity of the human person. I commend the bill to the House.

The Hon. ANTHONY D'ADAM (18:45): I wholeheartedly support the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I was raised an anti-fascist. My family often recalled events in Italy in the time of my father's youth. A particular event that was engrained in me as I was growing up took place in a little village in the valley of the Astico River called Pedescala, which was the next village along from the village where my grandmother grew up. I was told the story of what happened in Pedescala. The retreating Nazi army went into the village after a partisan attack on some Nazi soldiers. In the middle of the night they got all the villagers out onto the street. They separated the men from the women, children through to the very old, and they were all shot and killed. If you visit Pedescala, you can drive down an avenue where they have planted a tree for everyone who was murdered in that event. That story was told over and over as I grew up, so I understand the horrors of fascism. I am absolutely committed to the complete rejection of fascism and fascist ideas. I am very pleased that across this Chamber we are united in our rejection of fascism and fascist ideas. The bill symbolises the consensus that exists in this Parliament, and that is a very good thing.

We must be vigilant against the spread of fascist ideas in our community. In very recent times we have seen in Christchurch the very real consequences of the flourishing of fascist ideas in our community. We must always be vigilant to prevent those ideas from gaining currency and traction in our community. When we make legislation like this and take a firm stand against those who display Nazi symbols and fascist images, we send a message that we, as a community, will not tolerate those ideas. What is someone who displays the swastika in that way actually saying? They are communicating that they endorse and support the horrors that have been wrought on the world by those horrific and intolerant ideas. I commend the NSW Jewish Board of Deputies for its advocacy on these measures. When I was elected I sat down with a representative from the board and I said, "I'm not going to agree with you guys on Israel, but on questions of anti-fascism I think we can find common ground." I am very pleased to say that we share common ground on this issue. I commend the bill to the House.

The Hon. ROBERT BORSACK (18:49): On behalf of the Shooters, Fishers and Farmers Party, I add our voice in support of the excellent Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. Firstly, I thank the Hon. Walt Secord for his ideas in coming up with and producing a draft bill. It has probably been improved on by the Government's draft. I commend the Government for doing what it is doing. My personal experience has been one of a lifetime living with a father who was a victim of the Holocaust. Although not a Jewish victim of the Holocaust, he was a Slavic victim, being a Pole who, in 1942, at the age of 23, I think, was picked up by the Nazis in Warsaw for his activities in the Home Army. He was engaged in activities in and around the Warsaw Ghetto at that time. They were involved in smuggling food, firearms, ammunition and other things in and out of the ghetto. They tried to do what they could to hide people from the Nazis.

My father did not talk very much about all of this in his life. I did not find out most of it until later in his life and mine. He wrote a book about his experiences, primarily his experiences in the camps. When he was first arrested, he was put into Pawiak Prison. I cannot remember the exact dates, but I think he was there for the best part of a month or two, while they literally tortured him to reveal everything. Unfortunately, he was given in by a different faction of the Polish underground that he did not agree with. He would not do what they were telling him to do. He was a man of very strong conviction, and he would rather go against them than not. He was not a person who took bullying too well. So what he did got him arrested, based on his convictions. Funnily enough, many times in his life he was asked whether he was Jewish and, of course, he was not. But he was always very proud. He did his apprenticeship as a tailor under a Jewish tailor in Warsaw, starting at the age of 14, and went through the whole process. Really, it was his trade that got him through in the end.

From Pawiak Prison, he went to an extermination camp just outside of Lublin. He was there for a number of months, and from there he saw what was going on at Majdanek. It was a small camp but it was an extermination camp. It was just as bad in every possible way as Oswiecim. It was horrible. I do not know how but, probably because of his trade, he was selected to move to Buchenwald concentration camp, where he spent the balance of his imprisonment, primarily making clothes, outfits and things like that. Also, towards the end of the war, he was involved in one of the groups that fixed war damage in the towns in and around Nuremberg and places like that.

They then had two death marches. He was on one of those death marches. He was lucky not to be in the one where they all got murdered. He escaped into the Weimar forest one night at about 3.00 a.m. Because he was not stupid, he could see what was coming up. He was found in the forest by the First Army—the Big Red One—three or four days later. He spent what was left of the war—it was almost over in 1945—working with the American army. He spent the next two years in a Polish platoon as a platoon leader. Then he ended up doing a bit of translation work in Nuremberg because he was quite adept at Russian, German and English, not just Polish, of course.

He came to Australia. He told us about what was going on and what had happened to him, which piqued my interest and my heart, I suppose. There were a lot of Polish citizens. Six million Jewish people died during the Holocaust. By far and above the majority of them were Polish Jewish people. The Jews were lined up first to be exterminated by the Nazis, and the Slavs, especially the Poles, were the second. And, of course, we know what happened to the gypsies, the homosexuals, the Mormons and all the rest of those people. They were lined up in exactly the same fashion. It is hard to go through this stuff. It is hard to understand it.

There are times when you think that in the last 70 years or so since the end of World War II no-one really takes much notice of these symbols, in and of themselves. But we are in a different time now. We are in a different place when it comes to communication. We have seen what can be done by hate. We can see what organisations and structures of hate can be whipped up, simply by looking at the terrorism we have seen in the Middle East, Israel et cetera. These things have to be fought. If we can have a reasonable protection law in New South Wales that will stop people from being able to use these symbols of hate to create division, promote racism and promote what really are absolutely the most terrible, I do not know what you—I am lost for words. It is just so abominable it cannot be discussed. It needs to be put down. It needs to be got rid of.

I think that this legislation needs a review. If in three years it needs to be tightened up, then it should be. The reality is that the Jewish community should not be vilified in this way, but neither should the Poles, the Lithuanians or the Czechs. All of us need to think about this because this cannot be allowed to continue. Anyone—I do not care what race they are—who wants to promote hatred and division and play those games needs to be dealt with as well. But in this particular case, the Nazi symbols need to be banned. You should not be promoting Nazi politics.

But also, of course, we should not stop people from understanding, studying and working very closely to educate the young on what this is all about. The same could even be said about communism. Young people these days did not live through the Cold War. I did. Not many people in this place, especially the young ones, really understand how bad all that is. Those things need to be put in front of the young. They need to study. The Nazi regime is one in particular that needs to be worked on. So the Shooters, Fishers and Farmers Party supports the bill and the State of Israel, and always will. We are there to help them when they need us. I am sure they will be there to help us if we need them. I commend the bill to the House.

The Hon. SHAYNE MALLARD (18:57): I speak in support of the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I acknowledge the previous speakers, particularly the last two in sharing the lived experiences of their families with us tonight. That is very moving. My starting point, like all others in this place, is to place on the public record my deep abhorrence of all things that Nazism and fascism have represented in our society and the tragedy of the twentieth century, with the evil of the Holocaust and the destruction of Europe, through to the contemporary re-emergence of the scourge of Nazism and fascism that the bill is designed to address.

When discussion amongst community members, including the Jewish community, started advocacy for legislation to ban the use of Nazi symbols, I posed a simple question. It is 2022, nearly 80 years since the end of the Second World War and the total defeat and collapse of Nazism. My grandfather fought in the war, though he fought the Japanese. I wondered why, in the intervening 78 years, his generation, or indeed my parents' generation of baby boomers, had not moved to ban Nazi symbols in Australia as they had done in other countries. I wanted to investigate that question. Why the urgent need to do it now, three generations after it was wiped from the global political landscape? I found the answer to that question as I sat as a member of the Standing Committee on Social Issues, which was tasked by this House to inquire into the initial private member's bill presented by the Hon. Walt Secord.

That inquiry heard evidence from the Australian Association of Jewish Holocaust Survivors and Descendants, the Australian Jewish Association, the Australia/Israel & Jewish Affairs Council, Anti-Discrimination NSW, the NSW Jewish Board of Deputies, the Hindu Council of Australia and the NSW Association of Jewish Service & Ex-Service Men & Women, amongst others. Those organisations have a proud history of standing up to antisemitism and discrimination in our State. I commend them for their evidence to the inquiry and their essential work and vigilance in this space to make New South Wales a more tolerant and safe State for our citizens, regardless of faith or background.

To better inform my contribution to the inquiry discussions, my quite robust party room discussions and this debate, last year I requested that the Parliamentary Library prepare a paper on the banning of Nazi symbols in jurisdictions worldwide. I commend the Parliamentary Library for the research paper it produced; it was excellent. The paper made clear that, in taking action, New South Wales is joining with countries that were torn apart by the scourge of antisemitic Nazi doctrine. Germany, Austria, France, Poland, Hungary, Romania, Serbia, Russia, Belarus, Ukraine, Lithuania and Latvia have all adopted legislation prohibiting the display of Nazi symbols. In most cases, this happened decades ago. The paper also examined contemporary jurisdictions, including those in Australia that were mentioned earlier. I was especially interested in the various States of the United States trying to tackle this within the context of their bill of rights.

Perhaps these countries moved earlier because the dark period of history associated with Nazism was more immediate and affected their collective consciousness. As a nation, Australia was fortunate to avoid the direct horrors of occupation by the Nazi regime. This is not to diminish in any way the experience of so many Australians during the war and the many immigrants who made Australia their safe home over the decades following it. Eighty years ago, there were comparatively fewer Australians directly scarred by the atrocities committed by the Nazi regime. Over the intervening years, many people and their ancestors emigrated to Australia specifically to escape the horrors of the war—and they have enriched our country. For those New South Wales residents, these symbols continue to evoke traumatic experiences of collective memories. We have heard that from other speakers tonight.

Australia has a necessary implied right to freedom of political communication in its Constitution. This is a fundamental part of our democracy, which the Hon. Lou Amato referred to in his contribution, and ensures that we can have informed and respectful debates around issues of importance. But this freedom ceases when it crosses the line into advocating hate and violence in our community, and these symbols that we are banning tonight fall

into that dark category. At its core, the ideology that these symbols represent says to a person that you are a lesser human because of your faith, your ethnicity, your cultural background, your disability or your sexuality. That is a thoroughly repugnant idea, rejected by us all. The endorsement of this ideology through the active display of these evil symbols is an endorsement of the horrific crimes committed in its name. It is saying to those people and their descendants who suffered that their suffering is validated.

All members of the inquiry into the Crimes Amendment (Display of Nazi Symbols) Bill 2021 were supportive of legislation to prohibit the display of Nazi symbols in New South Wales. As was mentioned earlier, the Hon. Don Harwin chaired the inquiry and did a good job in producing a report that we all supported. It is important that the legislation applies to everyone in New South Wales. No-one has an exemption to promote hateful ideas. But it is also important that those who are reasonably and in good faith displaying these symbols for legitimate public interest purposes be allowed to do so and be allowed to do so without being required to jump through impractical hoops. I return to the question that I posed earlier in my contribution. In the social issues inquiry, we took evidence from many experts, but some of the most informative and compelling evidence was from NSW Police Force Deputy Commissioner of Investigations and Counterterrorism David Hudson. When asked about the need for this legislation, he said:

At the moment it is not an offence to possess those materials so we put a suggestion through that that be considered on a very broad range, and any material that we did seize or detect through our investigations has some nexus to some violence offence.

He continued:

I think the intent for us is to try to restrict its use. Our responsibility would be to create the nexus between the symbol itself and the intended behaviour. That would be our responsibility to do that. If that behaviour and nexus could be proven, then in our view an offence would be justified.

Deputy Commissioner Hudson, in effect, was saying that this legislation would provide a tool for the prosecution of those spreading hate. He confirmed to the inquiry that right-wing extremism was alarmingly on the rise in our society. Evidence of this was the many attacks on vulnerable communities, especially the Jewish community. These acts were nearly always associated with displays of Nazi or Nazi-derived symbols. The nexus of this display, and the intention to persecute or be violent, needs to be understood and recognised by legislation to assist in the prosecution and repression of this terrorism in our society. This legislation provides an important resource for the police to identify and prosecute the dangerous Neo-Nazi right-wing terrorist criminal culture that is emerging across the western world and our State, especially online.

The evidence given in the inquiry answered the question I posed at the beginning of this contribution: If not in the past 80 years, why do we need to do it now? As the lived experience of the evil of Nazism fades into history, the real danger is the attraction of this evil ideology rising again from the embers of the Second World War. Its appeal again to the weak, disaffected, vulnerable and simply evil is a serious threat to our society and vulnerable communities. We need this important legislation to reinforce the now distant memories of the great evils of the past, and to make clear that the re-emergence of Nazism and associated ideologies will be resisted by our liberal democracies as vigorously today as it was three generations ago on the battlefields of Europe. I commend the bill to the House.

The Hon. PENNY SHARPE (19:06): I make a short contribution to the debate on the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. I thank those who have campaigned for this important change in New South Wales for a long time. I acknowledge the work of the NSW Jewish Board of Deputies for its unrelenting campaign against antisemitism and for leading the way on this bill. I thank my colleague the Hon. Walt Secord for his dogged pursuit of this issue for a long time. It is important that we have done that. I also thank the members of the inquiry and the Government for getting the bill to this place. We have a better bill before us than what we started with and have built more consensus across the Parliament than when we started, which is the entire point of these types of bills.

Others in this debate have detailed their families' lived experience and, in an eloquent and historically accurate way, the horror of the Holocaust, the meaning of antisemitism and the challenges that we face today as we see a rise in antisemitism. I am not seeking to detail any of those things again. I simply want to make some comments from my own point of view. I grew up in a time where I learnt nothing about antisemitism or the Holocaust. I grew up in Canberra, and I did not know a lot of Jewish people. Canberra at that time was a monocultural place. It is much more multicultural and multi-faith now, but 40 years ago it was a very different place. That is important when you think about how potent these symbols can be for people who do not have a background in, understanding of or education about this. I learnt about the Holocaust when I moved to Sydney as a young woman and started making friends who were Jewish, who invited me into their homes and explained to me a lot of these issues.

My grandfather was in World War II, and he touched on it a little bit. But as we know, many of our grandparents never spoke about what happened during the war and were not keen to talk about it. I grew up in a house that was very anti-racist, open to other faiths and against antisemitism. These things come to you, but you do not learn very much. The reason I tell this story is that the ongoing need to never forget and for young people today to understand the horror is extremely important. Young people are looking at the internet these days and seeing the kinds of debates being had about right-wing fascism rising again, but they actually do not know. They are hearing about denialism and a new kind of fascism but, if it is not rooted in the understanding of what we have been through before and what the world committed to never doing again, we are in a lot of trouble.

It brings me back to why this bill is so important. Symbols matter. They are used to convey beliefs and ideas, and we know what Nazi symbols seek to convey. None of it is good. It is a world of exclusion, violence and hate. If we do not keep an eye on it, we will see it sprouting like a weed across the world, as we are seeing now at home. There are people who want to create fear by displaying Nazi symbols in our hometown of Sydney. People have hung Swastika flags out the front of synagogues. People who have attended marches where they have displayed these types of symbols have quite a lot of fun with anyone they identify as gay on the train on the way home. We know that these people seek to incite terror. I am pleased that we are passing this bill tonight. It sends a strong message. It has taken us too long to get here, but I am very pleased that we have the bill before us now. Symbols matter. Tonight we push back, take a stand and say, "These symbols do not stand for anything that is right in our community and we will not allow them to be displayed."

The Hon. CHRIS RATH (19:10): I am very pleased to support this important bill, the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022. When I heard the Hon. Anthony D'Adam speak in debate, I realised that whilst we have almost nothing in common in terms of our political views, we do have one very important and powerful connection, that is, our families come from a similar part of Italy. You could basically say that my mum's family and his family were neighbours growing up in the 1930s and 1940s. Similar to the Hon. Anthony D'Adam's story is that of my own.

My nonna, before she came to Australia in the early 1950s, came from a family of partisans who were fighting against the fascists and the Nazis in the Dolomites of Italy around the time of World War II. She shared a story with me of how, as a young girl, she was pushed against a wall and interrogated by Nazi soldiers who wanted information about the whereabouts of her brothers and her cousins, who were of particular interest to them. When she sees the swastika today, she finds it incredibly offensive. This bill resonates with me not just from the research and evidence that I have seen but from a personal perspective as well. I thank the Hon. Walt Secord for his passion on this issue and for all of his work, as well as the Attorney General Mark Speakman for getting the bill to this point. I also thank Darren Bark, CEO of the NSW Jewish Board of Deputies, who is in the gallery tonight.

I am very pleased to support this important bill. I speak in the Chamber tonight not just to outline the Government's position with a carefully choreographed speech. I have given a lot of thought to how the bill sits with my values. I am a fundamental proponent of free speech. Banning any form of speech, thought, worship, press, expression or assembly does not sit comfortably with me. As most people know, I am a classical liberal and I believe that nobody, not even government, has the right to harm the life, liberty or property of someone else. However, I also ask myself about the liberty of the Jewish community to live in a peaceful society, free from hatred and vilification.

I have been a strong advocate for the State of Israel and the Jewish community for many years. I visited Israel in 2014, including Yad Vashem, Israel's official memorial to victims of the Holocaust. I have also visited the Sydney Jewish Museum on three occasions and spoken to Holocaust survivors. I cannot imagine the feeling that Holocaust survivors would face if Nazi symbols were weaponised against them by hateful people intent on vilification. Just two years ago a couple decided to publicly fly the Nazi flag from their home in Australia. What possible reason could they have had except peddling hate and vilification? It was not part of a documentary or some sort of historical collection. It was a deliberate, public and highly offensive act. I believe that the bill gets the balance right between freedom of speech and freedom from vilification. I agree with Anthony Levin, immediate past vice-president of the Australian Association of Jewish Holocaust Survivors and Descendants, when he said:

In human rights, there is almost always a competition between certain kinds of rights ... The limits on our freedoms are actually one of the hallmarks of a mature liberal democracy.

The display of Nazi symbols undermines our shared values and causes harm and distress to others in the community, including those from the Jewish faith. This distress is also felt keenly by groups targeted by the Nazis, including people with disabilities and members of the LGBTQIA+ community, as well as by veterans who risked their lives in the service of our country. As an aside, over the winter recess I attended a friend's wedding in the United States and one of the many places I visited in San Francisco was the Pink Triangle Park, a memorial to

homosexuals persecuted during the Holocaust. For me, it was a timely reminder, together with this bill, that the swastika is a symbol of hate for so many, including our LGBTQIA+ community.

However, it is also important that the law is able to effectively punish and deter criminal conduct without inadvertently also capturing conduct that should not be criminalised. That is why it is important for criminal laws, where necessary and appropriate, to contain suitable exceptions or defences in the interests of fairness and justice. This bill has been carefully drafted and consulted on to make sure that it strikes the right balance between criminalising abhorrent vilification and protecting free speech. As such, I am pleased to commend the bill to the House.

The Hon. PETER POULOS (19:17): On behalf of the Hon. Natalie Ward: In reply: I thank honourable members for their thoughtful and deeply personal contributions to debate on this very significant and important bill. In particular, I recognise the contributions and advocacy of the Hon. Walt Secord, Ms Abigail Boyd, Minister Natalie Ward, Reverend the Hon. Fred Nile, the Hon. Scott Farlow, the Hon. Lou Amato, the Hon. Anthony D'Adam, the Hon. Robert Borsak, the Hon. Shayne Mallard, the Leader of the Opposition the Hon. Penny Sharpe, and the Hon. Chris Rath, who made the final contribution. I note the collective cross-party support on display this evening for the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022.

With the indulgence of the House, whilst I did not make a personal reflection on circumstances that directly impacted my family, I will take this opportunity to highlight a revelation from my dad, who had never shared this experience with me until very recently. Whilst I was familiar with the experiences of my grandparents in occupied Europe, I was not aware that my dad as a little boy had experienced some of the most reprehensible acts on display by the Nazi regime, following the significant and near extermination of the entire male population in the town of Kalavryta in Greece in 1943. There were a number of villages in close proximity to that town. My dad as a little boy witnessed Nazi soldiers entering the village looking for males to round up. In his set of circumstances, they were unsuccessful. To be able to reflect on the meaning of the symbol, to know someone so close to me personally who recognised what it signified and to identify that in a town nearby occurred one of the worst episodes within occupied Greece of the extermination of practically an entire male population is noted but not forgotten.

On a separate note, I recognise that at one point there were very strong historic links in Greece with the Jewish community. That community has basically been eradicated from Greece as a result of the most reprehensible course in human history. I pass on my strong sympathies to the Jewish community, who experienced that firsthand or through the relayed experiences of those who are no longer with us. The Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill showcases the best aspects of this Chamber and the committee system as a whole. I was a member of the Standing Committee on Social Issues. The committee system attached to this Chamber plays a pivotal role in robustly evaluating bills and digesting opportunities towards improvements. Governments do not always like what comes before committees, but my personal experience is a reminder that transparency, accountability and a strong focus on governance are very much a hallmark of those committees.

I take this opportunity to recognise the contributions of the members of the Standing Committee on Social Issues, including previous Chair the Hon. Don Harwin, Deputy Chair the Hon. Mark Buttigieg, Ms Abigail Boyd and the Hon. Scott Farlow. They are strong advocates for the bill. I recognise the Hon. Shayne Mallard, who similarly spearheaded much debate within the Government for the need for the bill, and, as always, the strong and passionate advocacy from Reverend the Hon. Fred Nile. We thank him for his stewardship. It is fitting to reserve my last observations for the Hon. Walt Secord, who is also a member of the Standing Committee on Social Issues. I place on record my acknowledgement of his important work in introducing the bill. I thank him for his contribution. I also recognise the efforts of the Attorney General and the member for Vaucluse, Gabrielle Upton, for their work in advocating for this reform.

The bill will assist in promoting social cohesion and upholding the democratic values of our community and our State. I acknowledge the contributions of the many stakeholders, particularly the NSW Jewish Board of Deputies, the Hindu, Jain and Buddhist faith communities, and other stakeholders who have provided input into the development of this policy. There is no room in our society for what Nazi symbols represent. The bill reaffirms the New South Wales Government's opposition to extremism and neo-Nazism and its commitment to abolishing serious vilification and hate crimes. This House repudiates neo-Nazism, hatred and bigotry. We repudiate all elements who seek to once again activate those hurtful and despicable symbols. 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. PETER POULOS: On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a third time.

Motion agreed to.

CASINO LEGISLATION AMENDMENT BILL 2022

Messages

The DEPUTY PRESIDENT (The Hon. Wes Fang): I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

Documents

SENIOR TRADE AND INVESTMENT COMMISSIONERS

Return to Order

The CLERK: According to the resolution of the House of 22 June 2022, I table additional documents relating to an order for papers regarding the appointment of Senior Trade and Investment Commissioner, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional 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.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I shall now leave the chair. The House will resume at 8.30 p.m.

Bills

MUSEUMS OF HISTORY NSW BILL 2022

Second Reading Speech

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (20:33): I move:

That this bill be now read a second time.

It is easy to think that the past has passed; a collection of events that already happened; things we cannot change; interesting stories, perhaps, but static and immovable; a portrait of a world that time cannot touch. But that is just one perspective. Every day history is made in the decisions we make. It is rewritten when those ignored are given a voice and, if we are not careful, it is lost when records are damaged or destroyed, mishandled or misplaced. The truth is that our history and our future are interwoven. We cannot change what happened, but we can change how we see it and what we do next. New South Wales needs an institution that will work to shift people's perspectives on history because that is how we build a more inclusive future for our State. I want more people to experience history: see, hear, feel and hold history. That is why this bill is before the House: to create Museums of History NSW, or MHNSW.

MHNSW will become a home for history for all who call this State home, whether for 60,000 years or just a few days, from First Nations to future generations. Talking about some parts of our history will not be easy, but we need to confront some hard truths about our past. MHNSW will actively include the stories of people and events who were not and are not represented and given a voice or a place, but it is through these moments of restoration, recognition, reflection and rediscovery that we can step forward into history as an organisation, a society, a State and a nation. This does not mean ignoring or ceasing to celebrate the better known parts of our colonial history; rather, it is about inviting new perspectives on old stories and challenging the historical canon to keep the history of New South Wales new.

Think of what the Art Gallery of New South Wales has done with visual art. They do not ignore Margaret Olley or John Olsen, but they widen our understanding and appreciation of newer artists like Tony Albert or Hoda Afshar. It is in expanding our experience that a more comprehensive sharing of the stories of our State through visual arts and experiences emerges. This is the ambition for Museums of History NSW. The New South Wales Government is committed to a future where history is alive and the telling of history—whether cheerful or confronting—is at the forefront in our culture. New South Wales has a number of prominent, vital and prestigious cultural institutions with specific mandates and purposes. However, there are none with history as their core objective. As the first State, we have an obligation and an opportunity to bring our history to life and captivate

generations to come in the archives, places and stories that have shaped, and continue to shape, the social, historical, political and cultural identity of New South Wales.

The bill before the House also acknowledges that New South Wales' framework for ensuring good record keeping by its public offices is strong. That robust practice has built the State Archives collection over the past 235 years. Record keeping underpins government accountability. Further, public access to the State's collection of archives and the continued creation of that primary source material helps us to understand and reconcile our history, now and in the future. Just as we have an opportunity to create a new cultural institution dedicated to our history, the legislative review processes undertaken and subsequent stakeholder engagement have identified improvements to strengthen record keeping in New South Wales as well as enhance access to the State Archives Collection. The State Archives Collection is built on the foundations of good record keeping practices. As a result, New South Wales is the custodian and beneficiary of perhaps the world's leading collection that chronicles colonialism and Western nation-building. The New South Wales State Archives Collection is valued in excess of \$1 billion and has a cultural worth that is incalculable.

The bill provides for improvements in record keeping so that this significant collection continues to grow and capture our history, and it increases access so that present and future generations can learn about our past in order to improve our future. The State Records Act 1998 was reviewed in 2019 following the twentieth anniversary of its commencement. As a result of that review, several changes were identified to improve and modernise the legislation. Also in 2019 the NSW State Archives and Records Authority, or SARA, and the Historic Houses Trust, trading as Sydney Living Museums [SLM], were partnered to improve policy outcomes for both institutions. The review of the State Records Act and the potential that was demonstrated by that partnership were referred to the parliamentary Standing Committee on Social Issues in 2020. I was a member of that committee and I remember seeing the potential of this concept. I am so proud to be standing in this Chamber and introducing this bill to the House today.

Following the committee's inquiry and the publication of its recommendations, a detailed policy paper was produced outlining the need for, and the benefits of, the changes proposed. The development process has been undertaken over three years and the bill before the House today has been informed by, and benefits from, the feedback provided by each stakeholder who has been consulted. I concede that, as the first State in the colony, New South Wales has a contested history but it is a wildly significant one. Contestability and significance are a solid bedrock for debate, discovery, inquiry, healing, social cohesion, research and creativity.

Much greater access to and understanding of the past, the rich and varied histories, stories and cultures of our State, are paramount in a mature society. Next year the colony of New South Wales turns the ripe, old age of 235. I think we are mature enough to start having more serious and considered connections with our past to promote a stronger, more cohesive society, one that knows where it has come from, understands how we arrived at the present, and can exert greater agency over a more positive, shared future. This is also an outlook for a future where history features more prominently in the cultural landscape of this State. It is an ideal that is founded on the belief that history belongs to everyone. In a society of increasing multiculturalism, with a colonial present and pre-colonial First Nations past, a range of voices and perspectives on our history is essential.

To bring this vision to life and extend the magnificent work they already do, the bill asks Parliament to join Sydney Living Museums and the State Archives and Records Authority of New South Wales to form Museums of History NSW. Museums of History NSW will hold the museums currently under the care of Sydney Living Museums and the State Archives Collection. This formidable portfolio of assets, ranging from the spectacular to the vernacular, combined with the experience of the team of dedicated professionals, will allow Museums of History NSW to continue to collect, manage, preserve and increase public enjoyment of the collection under its care and to promote knowledge and appreciation of history throughout the State.

This move will also see New South Wales join every other State in the country in having a cultural institution with history as a core objective. In New South Wales, being the State of first contact, this rectification is important and it imbues the stories that Museums of History NSW will tell with national and regional significance. The bill also seeks to develop the record keeping regulatory function that is currently undertaken by SARA into a focused, standalone public office. The more singular focus provides for more expert guidance and support for public offices to meet their record keeping obligations.

I turn now to the key provisions of the bill, starting with the creation of Museums of History NSW and the State Records Authority of New South Wales. The partnership of Sydney Living Museums and SARA has produced significant benefits to each organisation, with their complementary strengths and collections. However, there are no further efficiencies or benefits to be realised until the two institutions become one. Every ounce of effort saved will be reinvested in better outcomes for the people of New South Wales, the many visitors to their museums and the users of the State Archives Collection from across the world. The key outcome of the Museums of History NSW Bill 2022 is the creation of a new cultural institution to novate the functions, powers and assets

of the current Sydney Living Museums and combine those with the commercial and custodial functions and assets of the current SARA into a new history-focused cultural institution called Museums of History NSW. Once created, the bill provides for the repeal of the Historic Houses Act 1980 and transfers the functions in parts 4, 5 and 6 of the State Records Act to Museums of History NSW.

Museums of History NSW will have objects in its legislation to ensure it is established to fill the gap of a cultural institution tasked with not only the objects of the current State Records Act and Historic Houses Act, but also a broader history mandate that has a whole of New South Wales focus and is sufficiently empowered to continue to maintain and grow the commerciality of the current entities. The objects will require Museums of History NSW to continue to manage, preserve and increase public enjoyment of and access to the more than \$1.4 billion collection. In addition, the objects require Museums of History NSW to promote knowledge and appreciation of history, the collection and the stories that shape the social, historical, political and cultural identity of New South Wales including, importantly, in regional and rural areas. These grand and important objects will ensure the expansion of the great work and contribution to the cultural life of New South Wales made by the current institutions.

Museums of History NSW will be led by a CEO appointed by the Minister to manage the day-to-day affairs and administer the Act. It will be guided by a board of 11 members who will determine its strategic direction. The members of the board will be appointed by the Governor on the recommendation of the Minister administering the Act and at least one person will have knowledge of or experience in history, one in heritage and one in First Nations cultures. In addition, the bill provides that the current SARA will be renamed the State Records Authority NSW, which will have responsibility to administer parts 2 and 3 of the State Records Act. The relevant staff and budget currently assigned to manage and discharge these functions will also be transferred to this new entity. Museums of History NSW will take on the functions and responsibilities of the current Historic Houses Act with minor amendments. The bill also provides for the current references to "historic buildings" in the Historic Houses Act, as replicated in the bill, to be amended to refer to properties according to their significance, rather than their historicity, to enable the property-related functions of Museums of History NSW to be exercised without the preconception that it only relates to colonial era places and stories.

A key recommendation from the initial statutory review of the State Records Act was to bring access provisions into line with other commensurate jurisdictions, both in Australia and internationally. These recommendations were overwhelmingly supported by stakeholders, as they will provide the citizens of New South Wales with timely public access to records documenting the activities and decisions that shaped New South Wales, while still protecting sensitive and confidential information for an appropriate period. To do this, the bill provides for a reduction to the open access period—which is currently 30 years—to 20 years. The reform to reduce the open access period not only provides a more contemporary approach to information access but also promotes the principle of open government. Generally, most records that are more than 20 years old no longer affect significant interests and are no longer considered sensitive. Of course, in a number of situations, such as health records, 20 years is not long enough and a "closed to public access" direction is able to be implemented and enforced, as it is today.

There are no changes in the bill to the capacity for a public office to determine and apply a direction that records are closed to public access. This change to a default "open to public access" status will significantly reduce the current impost on public offices whereby the need to provide an access direction to every record is replaced by a need to provide only a "closed to public access" direction should they determine that the records should be closed. The other key improvement to access to the State Archives Collection is the introduction of a requirement that public offices make and implement transfer plans with Museums of History NSW. This requirement, to be detailed in regulation, will require public offices in New South Wales to identify the records of enduring value that will become State archives and are no longer in active business use and make plans for their transfer to Museums of History NSW. Transfer of these records to the custody of Museums of History NSW will ensure that they are preserved and accessible. In turn, this will help public offices to manage their obligations under the State Records Act and reduce the costs related to their storage and conservation requirements. These transfer plans also apply to born-digital records, where the burden to maintain accessibility to formats is a challenge for each public office.

Finally, I turn to the amendments to the State Records Act, which will improve record keeping across public offices in New South Wales. These improvements can be categorised into three significant changes: the creation of a dedicated public office for record keeping policy and regulation; the creation of a monitoring power for that public office; and amendments to the penalty provisions for offences under the Act. The bill provides that the current State Archives and Records Authority of New South Wales will be changed to the State Records Authority NSW to reflect the changes to its functions after Museums of History NSW is created. The composition of the current board will be amended for the State Records Authority NSW to ensure the CEO of Museums of History NSW is a permanent and full member of the board. The Governor will then appoint, on the

recommendation of the Minister administering the Act, the remaining eight members, ensuring that there is at least one person who has knowledge or experience in the use of New South Wales Government archives, a person with knowledge or experience with First Nations cultures, and a person who has experience in history.

The State Records Authority NSW will be provided with a new monitoring power that will allow it to issue a notice to require a public office to assess its record keeping practices, whether generally or specifically, and report back on its findings to enable it to support better compliance across public offices. The bill also clarifies two definitions in the current Act. Firstly, it makes clear that the definition of "public office" does not include private individuals or organisations. This intention was outlined in the second reading speech in the Legislative Council for the creation of the State Records Act in 1998; however, the drafting in the current Act does not make this plain. Secondly, the bill clarifies the definition of "State record" by removing "and kept" from the definition to make clear that any record made or received for use by public office is a State record for the purposes of the Act, whether it was kept or not.

The final improvement proposed by the bill to improve record keeping in New South Wales is an increase to the penalty units from 50 to 75 and the period in which proceedings for an offence under section 21 of the State Records Act can be commenced from "within two years" to "within three years". The amendments respond to the recommendations made by the Independent Commission Against Corruption in its Operation Dasha report. The bill creates a new cultural institution for the people of New South Wales that focuses on our history and provides important improvements to record keeping in this State. We have an opportunity to create an institution that puts our history before us, not behind us. The people of this State will be richer for it. I commend the bill to the House.

I seek leave to have the remainder of the second reading speech, as delivered by Minister Griffin in the other place, incorporated in *Hansard*.

Leave granted.

The New South Wales Government is committed to a future where history is alive and the telling of history, whether cheerful or confronting, is forefront in our culture. New South Wales has a number of prominent, vital and prestigious cultural institutions with specific mandates and purposes. However, there are none with history as their core objective. As the first State, we have an obligation and an opportunity to bring our history to life and captivate generations to come in the archives, places and stories that have shaped and continue to shape the social, historical, political and cultural identity of New South Wales. New South Wales' framework for ensuring good record keeping by its public offices is strong. That robust practice has built the State archives collection over the past 235 years. Record keeping underpins government accountability. Further, public access to the State's collection of archives and the continued creation of that primary source material helps us to understand and reconcile our history, now and in the future.

Just as we have an opportunity to create a new cultural institution dedicated to our history, the normal legislative review processes and subsequent stakeholder engagement have identified improvements to strengthen record keeping in New South Wales and access to the State archives collection. The State archives collection is built on good record-keeping practices, and we are the custodians and beneficiaries of perhaps the world's leading collection that documents the wielding of colonial power as a result. The New South Wales State archives collection is valued at in excess of \$1 billion and has a cultural worth beyond measure. The bill provides for improvements in record keeping so that that significant collection continues to grow and capture our history, and increases access so that present and future generations learn about our past in order to improve our future.

The State Records Act 1998 was reviewed in 2019 following the twentieth anniversary of its commencement. As a result of that review, several changes were identified to improve and modernise the legislation. Also in 2019, the New South Wales State Archives and Records Authority [SARA] and the Historic Houses Trust, trading as Sydney Living Museums [SLM], were partnered to improve policy outcomes for both institutions. The review of the State Records Act and the potential that was demonstrated by the partnership were referred to the parliamentary Standing Committee on Social Issues in 2020. Following a committee inquiry and the publication of its recommendations, a detailed policy paper was produced outlining the need for and benefits of the changes proposed. The development process has been undertaken over three years, and the bill before the House today has been informed by and benefits from the feedback provided by all stakeholders consulted.

I concede that, as the first State in the colony, New South Wales has a contested history, but it is a wildly significant one. Contestability and significance are a solid bedrock for debate, discovery, inquiry, healing, social cohesion, research and creativity. Much greater access to and understanding of the past—the rich and varied histories, stories and cultures of our State—is paramount. Access and understanding make way for increased connection with our past to promote a stronger, more cohesive society, one that knows where it has come from, understands how we arrived at this present and one that can exert greater agency over a more positive shared future. This is also an outlook for a future where history features more prominently in the cultural landscape of the State. It is an ideal that is founded on the belief that history belongs to everyone. In a society of increasing multiculturalism, with a colonial present and pre-colonial First Nations past, a range of voices and perspectives on our history is essential.

To bring this vision to life, and extend the magnificent work they already do, the bill asks Parliament to join Sydney Living Museums and the State Archives and Records Authority of New South Wales to form Museums of History NSW. Museums of History NSW will hold the museums currently under the care of the current Sydney Living Museums, and the State archives collection, with the record keeping regulatory function undertaken by the current SARA developed into a focused, standalone public office. This formidable portfolio of assets, ranging from the spectacular to the vernacular, combined with the expertise of their team of dedicated professionals, will allow Museums of History NSW to continue to collect, manage, preserve and increase public enjoyment of the collection under their care and to promote knowledge and appreciation of history throughout the State.

This move will also see New South Wales join every other State in the country in having a cultural institution with its history as a core objective. In New South Wales, being the State of first contact, this rectification is important and it imbues the stories that Museums of History NSW will tell with national and regional significance. I turn now to the key provisions of the bill, starting with

the creation of Museums of History NSW and the State Records Authority NSW. The partnership of Sydney Living Museums and SARA has produced significant benefits to each organisation with their complementary strengths and collections; however, there are no further efficiencies or benefits to be realised until the two institutions become one. Every ounce of effort saved will be reinvested in better outcomes for the people of New South Wales, the many visitors to their museums and the users of the State archives collection from across the world.

The key outcome of the Museums of History NSW Bill is the creation of a new cultural institution to novate the functions, powers and assets of the current Sydney Living Museums and combine those with the commercial and custodial functions and assets of the current SARA into a new history-focused cultural institution called Museums of History NSW. Once created, the bill provides for the repeal of the Historic Houses Act 1980 and transfers the functions in parts 4, 5 and 6 of the State Records Act to Museums of History NSW. Museums of History NSW will have objects in its legislation to ensure it is established to fill the gap of a cultural institution tasked with not only the objects of the current State Records Act and Historic Houses Act but a broader history mandate that has a whole of New South Wales focus and is sufficiently empowered to continue to maintain and grow the commerciality of the current SARA and Sydney Living Museums.

The objects will require Museums of History NSW to continue to manage, preserve and increase public enjoyment of and access to the more than \$1.4 billion collection. In addition, the objects require Museums of History NSW to promote knowledge and appreciation of history, the collection and the stories that shape the social, historical, political and cultural identity of New South Wales, including in regional and rural areas. These grand and important objects will ensure the expansion of the great work and contribution to the cultural life of New South Wales made by the current SARA and Sydney Living Museums. Museums of History NSW will be led by a CEO, appointed by the Minister, to manage its day-to-day affairs and administer the Act, and will be guided by a board of 11 members who will determine its strategic direction. The members of the board will be appointed by the Governor on the recommendation of the Minister administering the Act and at least one person will have knowledge of or experience in history, one in heritage and one in First Nations cultures.

In addition, the bill provides that the current SARA will be renamed the State Records Authority of NSW, which will have responsibility to administer parts 2 and 3 of the State Records Act. The relevant staff and budget currently assigned to manage and discharge these functions will also be transferred to this new entity. Museums of History NSW will take on the functions and responsibilities of the current Historic Houses Act, with minor amendments. The bill also provides for the current references to "historic buildings" in the Historic Houses Act, as replicated in the bill, to be amended to refer to properties according to their significance rather than their historicity, to enable the property-related functions of Museums of History NSW to be exercised without the preconception that it only relates to colonial era places and stories.

A key recommendation from the initial statutory review of the State Records Act was to bring access provisions into line with other commensurate jurisdictions both in Australia and internationally. These recommendations were overwhelmingly supported by stakeholders, as they will provide the citizens of New South Wales with timely public access to records documenting the activities and decisions that shape New South Wales while still protecting sensitive and confidential information for an appropriate period. To do this, the bill provides for a reduction to the open access period, which is currently 30 years, to 20 years.

The reform to reduce the open access period not only provides a more contemporary approach to information access but it also promotes the principle of open government. Generally, most records that are more than 20 years old no longer affect significant interests and are no longer considered sensitive. Of course, in a number of situations, such as health records, 20 years is not long enough and a "closed to public access" direction is able to be implemented and enforced, as it is today. There are no changes in the bill to the capacity for a public office to determine and apply a direction that records are closed to public access. This change to a default open to public access status will significantly reduce this impost on public offices, which will only need to provide a closed to public access direction should they determine that the records should be closed.

The other key improvement to access to the State archives collection is the introduction of a requirement that public offices make and implement transfer plans with Museums of History NSW. This requirement, to be detailed in regulation, will require public offices in New South Wales to identify the records of enduring value that will become State archives and are no longer in active business use, and make plans for their transfer to Museums of History NSW. Transfer of these records to the custody of Museums of History NSW will ensure that they are preserved and accessible. In turn, this will help public offices to manage their obligations under the State Records Act and reduce the costs related to their storage and conservation requirements. These transfer plans also apply to born-digital records where the burden to maintain accessibility to formats is a challenge for each public office.

Finally, I turn to the amendments to the State Records Act, which will improve record keeping across public offices in New South Wales. These improvements can be categorised into three significant changes: the creation of a dedicated public office for record keeping policy and regulation; the creation of a monitoring power for that public office and clarification of definitions or obligations in the current Act; and amendments to the penalty provisions for offences under the Act. The bill provides that the current State Archives and Records Authority of NSW will be changed to the State Records Authority NSW to reflect the changes to its functions after Museums of History NSW is created. The composition of the current SARA board will be amended for State Records Authority NSW to ensure that the CEO of Museums of History NSW is a permanent and full member of the board. The Governor will then appoint, on the recommendation of the Minister administering the Act, the remaining eight members, ensuring that there is at least one person who has knowledge or experience in the use of New South Wales Government archives, a person with knowledge or experience with First Nations cultures and a person who has experience in history.

State Records Authority NSW will be provided with a new monitoring power that will allow it to issue a notice to require a public office to assess its recordkeeping practices, whether generally or specifically, and report back on its findings to enable it to support better compliance across public offices. The bill also clarifies two definitions in the current Act. First, it makes clear that the definition of "public office" does not include private individuals or organisations. This intention was outlined in the second reading speech in the Legislative Council for the creation of the State Records Act back in 1998; however, the drafting in the current Act does not make this plain. Second, the bill clarifies the definition of "State record" by removing "and kept" from the definition to make clear that any record made or received for use by a public office is a State record for the purposes of the Act whether it was kept or not.

The final improvement proposed by this bill to improve record keeping in New South Wales is an increase to the penalty units from 50 to 75 and the period in which proceedings for an offence under section 21 of the State Records Act can be commenced from within two years to within three years to respond to the recommendations made by the Independent Commission Against Corruption in its Operation Dasha report. This bill creates a new cultural institution for the people of New South Wales that focuses on our history and

provides important improvements to record keeping in New South Wales. We have an opportunity to create an institution that makes our history accessible, captivating and engaging. The people of this State will be richer for it. I commend the bill to the House.

Second Reading Debate

The Hon. WALT SECORD (20:50): I speak for the Opposition in debate on the Museums of History NSW Bill 2022. This is a bill to establish and confer functions on Museums of History NSW and repeal the Historic Houses Act 1980, amend the State Records Act 1998 to transfer certain functions of the State Archives and Records Authority of New South Wales to Museums of History NSW and consequently rename the authority, and for other purposes. The trust was launched as Sydney Living Museums in 2013 and currently cares for 12 of the most important historic properties, gardens, houses and museums in the State, including Elizabeth Bay House, Elizabeth Farm, Hyde Park Barracks, the Justice and Police Museum, the Museum of Sydney, the extraordinary Rose Seidler House in Wahroonga, Rouse Hill Estate, Susannah Place in The Rocks, The Mint and Vaucluse House. Each of those unique properties and institutions tells our story as a State. Indeed, we are debating this legislation in a historic building, the oldest Parliament in Australia. But our history does not just rest in our historic and heritage buildings; we must make sure that the history of First Nations Australians also has pride of place in the history of Sydney.

The State Archives and Records Authority hosts a vast array of historical records and archives dating back to European arrival in 1788. The agency also manages and stores over 650 kilometres of semi-permanent government records for the New South Wales public sector offices. The agency already partners with the State Library of NSW and Sydney Living Museums. The bill merges Sydney Living Museums and the archive collection function of the State Archives and Records Authority into one entity called Museums of History NSW. Museums of History NSW would continue to manage, preserve and increase public access to the more than \$1.4 billion collection. The State Archives and Records Authority would continue performing its record keeping function and be renamed the State Records Authority. The bill also strengthens record keeping requirements and brings forward the open access period for State records from 30 to 20 years.

Former arts Minister Don Harwin initiated a 2020 upper House review of the State Records Act 1998 and associated legislation, having "identified a number of proposed reforms aimed at enhancing access to the stories of our State's history". The upper House committee endorsed those reforms and presented several recommendations. A Government white paper followed, and the bill implements those reforms. I mean no disrespect to the Hon. Ben Franklin, but the bill before the House represents the hard work and heavy lifting of the previous Minister.

The Hon. Shayne Mallard: Are you well?

The Hon. WALT SECORD: To be fair, Don Harwin was the architect of the bill. He arranged many briefings on the bill and kept us informed of his master plan. He spent much time and energy working on the project; it is his pride and joy. To summarise the main points from the bill, it creates Museums of History NSW and transfers functions to it that are currently exercised by the Historic Houses Trust and the records management services of the State Archives and Records Authority, it repeals the Historic Houses Act 1980 and dissolves the Historic Houses Trust and it renames the State Archives and Records Authority as the State Records Authority NSW.

The bill amends the State Records Act 1998 to provide that a record need only be made or received in certain circumstances, not kept as well, in order for it to be a State record, and to shorten the period of time that must elapse before a State record enters the open access period from 30 to 20 years. Historians watching this debate will be very excited by the removal of those 10 years. The bill also amends the Act to make State records open to public access by default when they enter the open access period, to enable the State Records Authority to issue notices requiring public offices to assess and provide a report on record keeping processes and the office's records management program, to increase the maximum penalty for an offence relating to protection measures and the period of time within which proceedings must be commenced, to provide that access arrangements may allow copies of State archives to be altered, and to alter the constitution of the board of the State Records Authority. Finally, the bill provides for the requisite transfer of assets, liabilities and rights that will flow from the creation of Museums of History NSW.

Labor will not oppose the legislation, but it will move an amendment to increase the maximum penalty for an offence under section 21 of the State Records Act relating to protection measures for State records from 75 penalty units, as proposed by the bill, to 100 penalty units. I turn to some of the criticisms levelled against the Government about the legislation but, to be fair, the bill is the handiwork of the former Minister. While I acknowledge that there are strong views from the curatorial sector, I accept the Government's view that the matter has been properly and extensively ventilated for a number of years and has been the subject of an extensive

parliamentary inquiry, which Labor participated in. Nevertheless, the criticisms should be mentioned for the record.

As Linda Morris reported on 28 July 2020 in *The Sydney Morning Herald*, Sydney's cultural custodians are divided over the legislation. Prominent museum and heritage expert Kylie Winkworth, who is known for her forensic work and her personal commitment to Powerhouse Ultimo and Powerhouse Parramatta, has described the legislation and handiwork of the former Minister as "a thought bubble". She went on to say that it is "based on policy confusion and incoherence". Furthermore, the former director of the Heritage Houses Trust said the merger is like "a marriage between an elephant and a giraffe". Those are strong words. On behalf of that sector, I convey the strong concerns about the legislation. Labor has looked at the legislation and realises that it has been through a parliamentary inquiry and has been ventilated for many years in the community. On balance, Labor supports the legislation.

Ms CATE FAEHRMANN (20:57): On behalf of the Greens, I oppose the Museums of History NSW Bill 2022. The legislation gives effect to many of the positions outlined in the white paper titled *The Future of History in NSW*. I will not outline what the bill does; other members have already done that. I sat on the inquiry into the State Records Act 1998. Throughout the inquiry and the policy paper on its review, the Government expressed its desire to create a single new cultural institution responsible for archiving, record keeping and the maintenance of the State's records, along with the preservation of significant buildings, sites and objects of historic importance for the education and enjoyment of the public. That position received harsh criticism from key stakeholders, who were concerned and confused by the intention. Dr Lisa Murray, then chair of the Professional Historians Association, told the committee:

We are perplexed by the absence of any detailed analysis of the current legislation and even the proposed changes, which are light on in detail. The public has been presented with a brief policy paper that shifts the focus away from record keeping and archival access—the whole purpose of the State Records Act—and instead proposes a merger of the archives with Sydney Living Museums to create an executive agency. We ask: Where is the business case or cost analysis for this?

Similarly, Julia Mant, president of the Australian Society of Archivists, said:

We want a strong, independent archives authority with a strong Act behind it, adequately resourced to meet its functions across the State ... We have not heard any convincing argument or been privy to any business case as to what would be gained by creating a new public entity with an amalgamated Act ... Our concern is what is lost in the process, not to protect our patch of professionalism but to support accountable government and the rights of New South Wales citizens to access records, whether under the GIPA, privacy or State Records Acts.

Stakeholders have brought to my attention their concerns about the legislation's amendment to the definition of "State record". The "made and kept" definition, which is also echoed in the ISO 15489 definition of records as "information created, received and maintained as evidence and as an asset", is intended to exclude transitory and ephemeral records from the definition of a State record and to focus on those records that were at a point in time kept as part of the official process. Removing the notion of "kept or maintained" significantly broadens the scope of official records and potentially significantly increases the cost burden and remit of public offices in their State Records Act compliance exercises.

The bill differs slightly from the Government's original intent in that it does not completely abolish the State Archives and Records Authority, but gives the vast majority of its responsibilities to the new Museums of History NSW. The parts of the State Records Act related to record keeping policy and regulation will be administered by the agency established under the State Records Act, and parts related to the custody, care and access of the State Archives Collection will be administered by Museums of History NSW. The Minister will claim that this minor amendment has addressed the concerns of stakeholders. In reality, though, historian and archivist stakeholders have told me it is a tokenistic and a cynical gesture that leaves record keeping and archiving in New South Wales at risk under the new regime.

The Future of History in NSW white paper stated that one of the prescribed positions of the board should be "at least one person who has knowledge of, or experience in, the use of NSW Government Archives". However, that is now conspicuously absent from the bill. My office has had discussions with the Minister's office on the prospect of amending the legislation to ensure that at least one person with experience in archiving or record keeping must be a member of the board—not optional, not "or" but must be a member of the board. I note that the amendment that the Government is looking to move today does not set out as mandatory for that person to have archival experience but as an "or" rather than "and"—and I will deal with that in the Committee stage. It rings alarm bells for me. We are merging the State Archives and Records Authority—the old organisation—into a wholly new organisation whose roots are in history and museum curation, yet the Minister does not see fit to require one just person on its board to advocate for its archival and record keeping responsibilities.

I am disappointed because it could have been an opportunity to strengthen the State Archives and Records Authority. Tonight, I am the voice of those archivist and historian stakeholders who contacted me with a lot of

concerns. I am very worried for them—and The Greens are behind them—that the Government will instead see that requirement gutted. While I acknowledge the Minister's vision for what Museums of History NSW can do for First Nations voices and stories, which are all absolutely wonderful, to do that on the back of gutting the State's responsibility to ensure that it has rigorous archiving processes and procedures in place, with the oversight of archiving and record keeping experts behind them, is a huge error. That is why, unfortunately, The Greens cannot support the bill.

The Hon. SHAYNE MALLARD (21:03): I speak in support of the Museums of History NSW Bill 2022. This exciting bill seeks to create the new Museums of History NSW. Before I commence my contribution, which will particularly focus on addressing some of the issues raised by Ms Cate Faehrmann, I acknowledge and put on record that I am a member of the board of SARA, the State Archives and Records Authority. I stepped down for the purposes of the parliamentary inquiry, as members would recall, and I subsequently chaired the inquiry of the Standing Committee on Social Issues. The Governor, in her good wisdom, decided to reappoint me to the board, so I am currently a member of the board. If the bill passes, I expect I will be voting myself out of a job, which is, of course, non-remunerated—I must make that clear. I represent the Parliament on the board, as there are members of the judiciary and police and so forth on the board as well.

As previously noted, in October 2020 the upper House Standing Committee on Social Issues published our report entitled *State Records Act 1998 and the Policy Paper on its review*. I will touch on the committee members to show how cross-party it was. I chaired the inquiry as the chair of the Standing Committee on Social Issues—and the committee hit above its weight again today. The Hon. Daniel Mookhey was the deputy chair. Other members of the committee include Ms Cate Faehrmann; the Hon. Ben Franklin, before he became a Minister; the Hon. Rose Jackson; the Hon. Taylor Martin; Reverend the Hon. Fred Nile; and the Hon. Natalie Ward, before she became a Minister. It was a very diverse committee, and we travelled far and wide, taking evidence in the inquiry. The committee had one declarative finding:

That the committee strongly supports the proposal to create a single new cultural institution with Executive Agency status—

which puts it up at the level of other museums and art galleries in the State—

in place of the existing State Archives and Records Authority of New South Wales and Sydney Living Museums, to collect, manage, preserve and provide access to government records, objects, buildings and places of interest to the people of New South Wales. Moreover, the committee believes this new cultural institution will strengthen and diversify access to and engagement with the history of New South Wales.

As someone with an Australian history degree from Macquarie University, nothing could make me more excited to have a museum of the history of New South Wales that is partnered with the archive requirements. I will address in some detail the concerns that Ms Cate Faehrmann raised in her dissenting statement in the inquiry's report and in her earlier contribution to the second reading debate.

As we have heard, Ms Cate Faehrmann made a dissenting statement in the inquiry's report. The proposal contained in the bill before the House tonight and the work done by the Government and the team at the State Archives and Sydney Living Museums earnestly—and I say that genuinely—responds to the concerns outlined in that dissenting statement. I must also point out that those policy positions were developed through wide consultation, attention to the evidence given at the inquiry, deep thinking and much hard work over the period of almost two years since that inquiry occurred. It was no tick-and-flick exercise, nor is it a cursory response from the Government. We are not dismissing the member's concerns. We all care about the State Archives. The Hague has declared the destruction of state archives as a war crime. It is an important and fundamental part of government. We acknowledge that.

Over the past 22 months major policy revisions have occurred in response to the concerns outlined in the dissenting statement from Ms Cate Faehrmann, the many submissions to the inquiry and the stakeholder engagement that was undertaken. Those considerations and amendments are outlined in the white paper entitled *Review of the State Records Act 1988: The Future of History in NSW*, which was referred back to the social issues committee for noting. I will outline and respond to the major concerns contained in the dissenting statement. Ms Faehrmann stated that the policy paper, as originally presented, appeared to be elevating the significance of storytelling over record keeping. That objection cited the use of archival material for maintaining accountability and transparency of government decisions—no-one can disagree with that statement—and called for the focus on that function to be maintained by an independent authority.

As a direct result the original proposal to bring together, in their entirety, all of NSW State Archives and Sydney Living Museums has been seriously and significantly revised. The record keeping functions that underpin—as Ms Faehrmann stated at the time—accountability and transparency of government decisions will be maintained and strengthened in a standalone, independent entity known as the State Records Authority. The considerable revision to the original proposal ensures that there will be a dedicated entity for record-keeping

standards, education—particularly for the bureaucracy—and regulation. The State Records Authority will have increased powers, as outlined in the bill, and be free of other demands on its time, energy and budget.

I also note that the policy revision was made despite a significant piece of empirical evidence contradicting the concerns of The Greens and other witnesses to the inquiry. The evidence I am referring to is the process that led to the former Premier—it is a very important point—being found in breach of the State Records Act by the NSW State Archives. That finding about a sitting Premier was unprecedented. It occurred at a time when the State Archives was partnering with Sydney Living Museums and focusing strongly on storytelling through the archives and places in their care. They were able to do that very important work at the same time. Those are not the actions of an organisation that was allowing anything to distract it from its role in record keeping compliance and government accountability.

Despite that the policy has been significantly and successfully revised to address those perceived concerns. The singular focus of the State Records Authority NSW will place New South Wales in a leading position to ensure that record keeping education, standards and compliance are supported across New South Wales public offices. We have certainly strengthened that since then. The dissenting statement also stated that no evidence of a successful merger could be put forward. There are a number of examples, the latest of which is the Tasmanian Archive and Heritage Office. Not only is that an example of a successful combination of archives and heritage, but also it is merged with Tasmania's State library. By all reports, this single entry to Tasmania's social history, government archives and cultural artefacts is of benefit operationally, for the collections' management and preservation, and for the people of the State.

Additionally, the former Director-General of the National Archives of Australia and current president of the International Council on Archives is highly supportive of the proposals in this bill. Not only was Mr Fricker supportive of the initial proposal; he is also now strongly supportive of the new structure that ensures the focus on record keeping can be maintained at the same time as interpretive uses of the archives, without one interfering with the other.

The Greens were also concerned about the potential for privatisation. This policy does nothing to change the potential for privatisation by any future government, whether that be to increase its possibility or decrease it. There are no plans to privatise these entities or any of their functions. More compelling still, over a period of the past five years, successive reviews were done into the feasibility of privatising for a variety of purposes that included benchmarking, options analysis and responses to unsolicited proposals of the archives. Each of those reviews concluded unequivocally that any type of privatisation was undesirable but also, due to the ownership of the facilities by the entity who owns the billion-dollar State Archives Collection, any type of privatisation was found to not be possible. I hope that provides The Greens with some assurance.

In her dissenting statement Ms Cate Faehrmann called for the inclusion of archives users on the board. That has been included in the new policy position, with a prescribed position for archives users. The bill before the House changes that, with flexible positions included in the board composition as well as the inclusion of the requested archives users as a mandatory position. Specific mention was made about access to and management of records relating to Aboriginal records, and that was in a recommendation from the inquiry. Most of the recommendations from the inquiry are included in this legislation. Much has been done in that regard. A four-year project with Aboriginal Affairs has been commenced to increase the use of the State Archives Collection for the purposes of reparations payments.

In addition a partnership with the Aboriginal Languages Trust will see a range of initiatives being undertaken, including a potential project to unearth and provide access to material within the State Archives Collection of significance to First Nations peoples. Some of that material will also feature in the newly announced exciting plans to transform the site of First Government House into a First Nations cultural space. That should really be applauded; it is an amazing opportunity. It is also worth noting that the number of Aboriginal and Torres Strait Islander people in the NSW State Archives workforce is, according to its latest annual report, at 3.9 per cent against a benchmark target of 3.3 per cent. That is up from 0.9 per cent in the annual report pertaining to the period the dissenting statement was published. The NSW State Archives has certainly lifted its game in that regard, and that was a recommendation of the inquiry too. This demonstrates a commitment that goes above and beyond addressing the issues raised and was inspired in part by The Greens' concerns and our inquiry. The final substantive issue raised in the dissenting statement was:

... SARA requires greater legislative authority to undertake active monitoring and enforcement of compliance, and to ensure agencies consider data integrity and transference as they design their operational archives ...

I think the report backed that up as well. The improvements in legislative authority in the bill before the House are substantial. They allow the State Archives and Records Authority to compel a public office to report on any or all aspects of their compliance with the State Records Act. They allow the authority access to any State record

they ask for in order to monitor compliance. They create a requirement for public offices to make transfer plans to transfer them to the archives. They also permit the authority to set standards for transfer and any other aspect within the Act that addresses items such as data integrity. Earnestly and comprehensively, we believe that the concerns of The Greens and Ms Cate Faehrmann have been addressed. That has been done with care and consultation and over a sufficiently long period to give the matters due consideration.

There is a lot to commend in the bill and I am very excited about it and the opportunities it presents. There are more opportunities than there are negative issues with regard to the future of our State and understanding the story of our State and protecting the archive role. I am on the board and I understand the finely detailed work we have to do to make sure that documents are being preserved and transferred in an appropriate time and picking up on audits and the stakes and so forth. It is a very important role, and I am glad that has been identified and strengthened. The overall opportunity to create a museum of New South Wales, as the Hon. Walt Secord said—and with apologies to the current arts Minister, who is doing an amazing job—was a strong vision of the Hon. Don Harwin to use those archives at Kingswood that are so amazing. Only archivists can see the material that is archived there if they want to; it is not very publicly accessible.

At the same time the Hon. Don Harwin's vision was to strengthen that record keeping, auditing and compliance. In an aside to the Minister a little while ago I said, "You know, they raided Donald Trump's residence under the national archives Act because of records." That is how important records are. I get that; we all get that. As an historian with a degree, I get that. The bill strengthens the Act and shares knowledge with the people of New South Wales in a really exciting way through some of the most amazing properties the State has. I would like to see those expanded too. With those few comments and genuinely addressing Ms Cate Faehrmann's issues with great concern because we want The Greens to be on board, I commend the bill to the House.

Reverend the Hon. FRED NILE (21:16): As someone who has been engaged in a lot of history projects and so on for many years, I am just wondering what has been put in place to produce an index of all the documents and other items in the Museums of History for students in our high schools, colleges and universities to select items they wish to study and produce their efforts, essays or whatever they produce based on those historical documents, so the records are not just gathering dust in some storage department. I would like to know what the Government's plan is, or the plan of the people in charge of the Museums of History, to make them accessible and usable to have a valuable impact on our society.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (21:17): In reply: I thank all members for their important contributions to this debate on what I think will be a profoundly important event this evening, creating a new cultural institution in this State. I acknowledge and thank my opposite number, the Hon. Walt Secord, for his dedication and commitment to achieving good outcomes for arts and culture in this State. I appreciate the way that we have been able to engage on the bill over months and years. That said, I also particularly reinforce the comments of both the Hon. Walt Secord and the Hon. Shayne Mallard noting the former Minister, my friend the Hon. Don Harwin. His leadership, passionate enthusiasm and ironclad advocacy for this reform was steadfast and noted and we would not have the bill if it was not for him. I acknowledge the support of the Labor Party and I am very grateful for that.

I thank Ms Cate Faehrmann for her thoughtful and considered concerns. We have engaged on this. I understand the concerns and will address a couple of them. The first was the concern about omitting the words "and kept" in the definition of the public office responsible for records. This was an important move forward because the policy position was suggested by the NSW State Archives record keeping standards and advice team. They are tasked with the professional management of the archives, so they are best placed to determine the way that we should proceed on this issue. I also note that during the extensive consultation on the bill that the Government undertook, which was referred to by the Hon. Walt Secord, we received no objections on this specific issue.

The greater issue that the member raised was a concern about not having an archivist or record keeper on the board of Museums of History NSW. Having to have such a person on the board is without utility or foundation. There is currently no archivist on either the board of NSW State Archives or Sydney Living Museums. Both organisations care for and undertake archival, library, built heritage, object collection, care, preservation and interpretation work without representation on the boards by the huge range of professionals required to successfully undertake those tasks. Such tasks are the business-as-usual operations of such an entity and fall under the purview of the chief executive officer and the team of archivists, curators, historians, researchers, conservators and logistics officers, as well as the policy, finance, governance and the many other professionals involved in those organisations.

The board of the Museums of History NSW is responsible for the general policies and strategic direction of the institution. The board may also establish advisory committees to assist it in the exercising of its functions.

As it does now, it is through those advisory committees that advice on specific items, such as curatorial, public engagement, historical interpretation, and priorities for the digitisation of the archival collection and of many other items is appropriately obtained wherever and whenever it is deemed necessary. However, I understand and respect the fact that clearly significant concerns have been raised with the member. That is why, as foreshadowed by the member, to acknowledge that genuine concern the Government will propose an amendment to part 2, clause 7 (4) (a) of the bill to insert "or the archival profession" after "at least one person who has knowledge of, or experience in, history".

I thank the Hon. Shayne Mallard for his important contribution. He put on the record a number of significant milestones and achievements of this process. I also thank him for his leadership and support in this process throughout the past number of years. He obviously has a personal interest and passion in this space, and that interest has turned to advocacy and leadership. I acknowledge that publicly tonight.

Reverend the Hon. Fred Nile: Hear, hear!

The Hon. BEN FRANKLIN: Finally, I acknowledge the contribution of Reverend the Hon. Fred Nile who, as always, has provided the Chamber with appropriate and sage advice that cuts through to what is important, which is that people must have access to what is in the Museums of History through its digital collection database. That is why the Government has had over one million items added to the Sydney Living Museums—hopefully shortly to become Museums of History NSW—online collection database over the past 12 months, and it will continue to add more. I give Reverend the Hon. Fred Nile the commitment that we understand the importance of digitisation and providing young and older people, not only in Australia but around the world, access to our history. That work is ongoing and will continue apace.

Reverend the Hon. Fred Nile: Hear, hear! Thank you.

The Hon. BEN FRANKLIN: You are welcome. I thank all members who have spoken. This is a really important reform. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Chris Rath): 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 before me two amendments: one Opposition amendment on sheet c2022-132A and one Government amendment on sheet c2022-151.

The Hon. WALT SECORD (21:25): I move Opposition amendment No. 1 on sheet c2022-132A:

No. 1 Protection of State records

Page 25, Schedule 4 [13], line 12. Omit "75". Insert instead "100".

I do not intend to take much time occupying the Committee. We know from experiences involving the destruction of records in the Premier's office that this is a very serious offence. The Opposition thinks that destroying records should carry a tougher penalty. It is quite straightforward: Rather than 75 penalty points, it should be 100. This amendment is straightforward and very simple. Before I conclude, it is breaking confidence but the Hon. Don Harwin has texted me to say that he is watching the proceedings very closely. He wrote, "This is very important to me." I am glad that we are completing his work from his time here.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (21:26): To continue the bipartisanship of the evening, the Hon. Don Harwin has also texted me. A big shout-out out to Don. I thank him very much for his work and leadership. The Hon. Walt Secord is quite right; this amendment is about something very serious. It is incredibly important that a strong message is sent to everyone in the community about the destruction of documents. That is why the Government has proposed in the bill to increase the penalty for such an offence from 50 penalty units to 75 penalty units. That said, the further increase is still in line with other jurisdictions in Australia. It is not inappropriate at all, and the Government is happy to support the amendment.

The CHAIR (The Hon. Wes Fang): The Hon. Walt Secord has moved Opposition amendment No. 1 on sheet c2022-132A. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (21:28): I move Government amendment No. 1 on sheet c2022-151:

No. 1 Board of Museums of History NSW

Page 4, clause 7(4)(a), line 18. Insert "or the archival profession" after "history".

I discussed this amendment in my speech in reply at the conclusion of the second reading debate. It will add the words "or the archival profession" after the word "history" when considering the constitution of the board of Museums of History NSW. The Government proposes this amendment in acknowledgement of the concerns raised by The Greens this evening. The amendment sends a clear message that the Government supports the archival profession, that these reforms are treated seriously and given the respect they deserve and—more than that—that the professionals of history are given the respect that they deserve. They are the ones who ensure that the generations of the future will be able to see what was done in the past.

The Hon. WALT SECORD (21:29): The Opposition supports the amendment.

Ms CATE FAEHRMANN (21:29): I say from the outset that I genuinely appreciate the efforts to which the Minister and his office have gone to accommodate our concerns. I put on record my appreciation for the contribution of the Hon. Shayne Mallard because he genuinely wants to allay our concerns and find solutions. However, this amendment does not really get to the core of the issue. If we look at the objects of the bill we find that one of them is to collect, manage and preserve State archives, significant buildings and sites, objects and materials. The second is to increase public knowledge and enjoyment of the collection and access to the collection. The third is to promote knowledge and appreciation of history, and stories that shape the social, historical, political and cultural identity of New South Wales.

Then it goes into the board and the make-up of the board: at least one person who has knowledge of or experience in history, at least one person who has knowledge of or experience in heritage, and at least one person who has knowledge of and experience in First Nations culture. It simply makes sense to have at least one person who has knowledge of or experience in the archival profession. That is needed to allay the concerns of archivists that the archival profession is somehow being diminished. The amendment inserts all the archival profession after history. All it would take is the person who is appointing those people to the board to prioritise the history aspect over the archival aspect. It is a pity we could not have had both.

I was going to move some amendments, but given the hour I am not going to do that. I could have moved an amendment to have included at least one person who has knowledge of or experience in the archival profession, but we would have lost that amendment. It is 9.30 p.m. on Thursday. We have half an hour left of the sitting, so I have decided not to move those amendments. I will not vote against this amendment. It is good, but it does not do what I think the intention is.

The CHAIR (The Hon. Wes Fang): The Hon. Ben Franklin has moved Government amendment No. 1 on sheet c2022-151. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. BEN FRANKLIN: I move:

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

Motion agreed to.

Adoption of Report

The Hon. BEN FRANKLIN: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: I move:

That this bill be now read a third time.

Motion agreed to.

TRANSPORT ADMINISTRATION AMENDMENT (RAIL TRAILS) BILL 2022**In Committee****Consideration of the Legislative Assembly amendments.***Schedule of amendments referred to in message of 10 August 2022***No. 1 OPP No. 1 [c202-131]**

Page 3, Schedule 1[3], proposed section 99E(5). Insert after line 35—

- (e) the councils and joint organisations of areas that are adjacent to the council area in which the subject land is located,
- (f) Local Land Services, in relation to the mitigation of biosecurity risks.

No. 2 GOV'T No. 1 [c2022-145]

Page 3, Schedule 1[3], proposed section 99E(8), line 41. Insert "or a rail infrastructure owner" after "the State".

No. 3 OPP 2 [c2022-131]

Page 4, Schedule 1[3], proposed section 99E. Insert after line 8—

- (9A) Subject land in relation to which regulations have been made under this section cannot be sold.

No. 4 OPP No. 3 [c2022-131]

Page 4 Schedule 1[3], proposed. section 99E. Insert after line 8—

- (9B) Within 5 years after the date of assent to the Transport Administration Amendment (Rail Trails) Act 2022, the Minister must—
 - (a) review the amendments made by that Act, and
 - (b) table a report of the review in each House of Parliament.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:35): I move:

That the House agree to the Legislative Assembly amendments.

It is good to see the Transport Administration Amendment (Rail Trails) Bill 2022 back here so soon. The bill is great for the people of regional New South Wales. It will give confidence to the community and reassure Parliament when it comes to the authorising and repurposing of disused rail corridors in regional New South Wales. It is important to recognise, and give a little more context to, the fact that our regions have endured challenging times over the past few years. Our farmers faced the worst drought on record; our communities battled the worst bushfires in our history; our communities came to a standstill as COVID-19 swept across the world; and our communities faced unprecedented flooding, especially in northern New South Wales. We know that the people in regional communities in this State are resilient. What keeps regional New South Wales resilient is the people, the community and how we keep them connected. That is why projects like rail trails can be beneficial to regional communities. As the Hon. John Graham said a few days ago, we have seen how the Tumbarumba to Rosewood Rail Trail has contributed positively to the social matrix by reducing social isolation and promoting much-needed spending by tourists in the region.

Once a viable rail trail proposal has been identified and there is local support, we should get on with trying to make it happen. Regional communities should not be denied the opportunity to reap the many social and economic benefits that can be realised with a rail trail. This is not to say that every disused rail corridor will be repurposed for a rail trail. That is not the case. Each community in regional New South Wales is different and each will have a different vision and different priorities. Some may be well and truly for it, while others not so much. However, it is important to note that the bill does not in any way make it easier for proponents to establish a rail trail.

The bill will cut red tape and streamline the process for authorising the rail trails, but this can only be done once the requirements of the NSW Rail Trails Framework have been satisfied. The framework provides clear guidance on the essential criteria required from proponents before a proposal can progress. I note that there must be demonstrated community support for the proposal; there must be evidence of a viable and sustainable business model; and issues relating to environmental impacts, including biosecurity, must be adequately addressed. It provides a sensible solution to what has been a major obstacle to viable rail trails being able to proceed without costly delays. I acknowledge the Opposition's amendments in the other place. They are sensible and strengthen the role of consultation with Local Land Services to mitigate biosecurity risks. The Government supports this, and it is important to the vast majority of landowners in regional New South Wales.

I thank every member of this place and the other place who has contributed to this important debate. I particularly thank Ms Jenny Aitchison, the shadow Minister for Regional Transport and Roads; Ms Jo Haylen,

the shadow Minister for Transport; and the Hon. Mick Veitch, whose passion no doubt had sway towards the rail trails bill amongst his colleagues. As other members have done in this debate, I acknowledge the hard work of the Minister for Infrastructure, Minister for Cities, and Minister for Active Transport, the Hon. Rob Stokes, and his staff, particularly Estelle, which has seen the bill supported by both Houses. I know that the Minister is passionate about ensuring that people across the State have access to public spaces. Appropriately turning disused rail corridors into productive community assets for active transport is no different.

There are many advocates who have supported the bill, including Francis O'Neill from Bicycle NSW, Tim Coen from Rail Trails for NSW and Damian McCrohan from Rail Trails Australia. They have prosecuted support for getting a better, streamlined process and framework for rail trails in this State. I also thank my own office. This is the first bill of which I have had carriage as a Minister in this place that I have seen through from start to finish. I particularly thank Simon Hanna and Nat Openshaw from my office. They have gone above and beyond to work with members on both sides of the Chamber, particularly the Opposition and crossbench members, to ensure that everyone was given the opportunity to participate. They have taken the politics out of it to achieve a good outcome for regional New South Wales.

The bill sets out a clear framework. It is not about fast-tracking rail trails or rushing decisions; it is about providing a clear expectation for the community around how to deliver a rail trail. This is not about closing every corridor or abandoning rail services. Our rail freight industry is a major part of our economy, and it is an industry that I am committed to representing as the Minister for Regional Transport and Roads. I make it clear that this bill is about striking the right balance between using our rail network and providing our communities with the opportunity to leverage rail corridors that are no longer used.

Through this legislation amendment, we are ensuring these rail trails are leased and not closed. Regional communities have been through a lot. It is more important than ever that we support them in creating new tourism and business opportunities as they recover from natural disasters and the impacts of COVID-19. It is great to see both Houses support regional New South Wales in this way and help communities reap the rewards of rail trails sooner, especially the economic and social benefits that will come if done properly with this framework. I commend the bill to the Committee.

The Hon. JOHN GRAHAM (21:43): I concur with many of the remarks that the Minister just made. I thanked a range of people in my second reading contribution, so I will not repeat all of those. But I do want to thank the Minister and the shadow Minister, who have worked productively together. The bill is greatly strengthened as a result of the work done by them and their teams. I place on record my thanks to the Hon. Mick Veitch, who is present in the Chamber. He has been a long-term champion and has guided some of the principles in the bill. I am not surprised to see him in the Chamber for this, because it is a significant bill.

I am also happy to see the Opposition amendments, which the Minister has referred to, included in the bill. I am happy for three reasons: Firstly, the amendments improve the bill; secondly, they have been embraced by the Minister and the Government; and, thirdly, they were dealt with in the other place, and it is good to see our Legislative Assembly colleagues doing some heavy lifting on this occasion. I welcome the amendments being returned to this place. We look forward to the bill now sailing out into the world and the actions and impacts it will have as it becomes a reality in many communities.

The CHAIR (The Hon. Wes Fang): The question is that the Committee agree to the Legislative Assembly's amendments.

Motion agreed to.

The Hon. SAM FARRAWAY: I move:

That the Chair do now leave the chair and report that the Committee has agreed to the Legislative Assembly's amendments.

Motion agreed to.

Adoption of Report

The Hon. SAM FARRAWAY: I move:

That the report be adopted.

Motion agreed to.

Messages

The Hon. SAM FARRAWAY: I move:

That a message be forwarded to the Legislative Assembly advising it that the Legislative Council agrees to the Assembly's amendments.

Motion agreed to.**OMBUDSMAN LEGISLATION AMENDMENT BILL 2022****Second Reading Speech**

The Hon. LOU AMATO (21:47): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Ombudsman Legislation Amendment Bill 2022. The NSW Ombudsman's office is an independent integrity agency that oversees the New South Wales public sector and investigates complaints regarding most New South Wales government agencies, local councils and community service providers. If passed, the bill will make amendments requested by the NSW Ombudsman, Mr Paul Miller, PSM, to two pieces of legislation governing the functions of the Ombudsman's office.

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

Leave granted.

The Ombudsman Act 1974, which I will refer to as the Ombudsman Act, and the Community Services (Complaints, Reviews and Monitoring) Act 1993, which I will refer to as the Community Services Act, have not been significantly reviewed or substantially amended for a number of years. The proposed amendments in the bill will clarify and enhance the Ombudsman's powers, resolve inconsistencies and update legislation. In the interests of time, I will not deal with every amendment.

Schedule 1 to the bill amends the Ombudsman Act. Item [2] will rename the Community and Disability Services Commissioner as the Community Services Commissioner. The functions of the Ombudsman under the Community Services Act in respect of disability services are limited as those services are now Commonwealth NDIS funded rather than commissioned and funded by the New South Wales Government. In addition, an Ageing and Disability Services Commissioner has been established in New South Wales under the Ageing and Disability Commission Act 2019. The title of "Community and Disability Services Commissioner" should be updated to reflect the current functions of the Ombudsman. Consequential amendments to the Community Services Act are proposed in schedule 2. Item [3] will make it clear that the Ombudsman's powers in relation to a public authority extend to a former public authority.

Although the Ombudsman has proceeded on the basis that "public authority" includes a person who was a public authority at the time at which the relevant conduct occurred, it is proposed to put the matter beyond doubt. Currently, section 12 (3) of the Ombudsman Act provides that complainants who are detained by or in the custody of a public authority are entitled to have their written complaints sent to the Ombudsman unopened. No similar protection is provided in the Ombudsman Act when those complainants contact the Ombudsman by telephone. Item [4] will ensure a detained person is able to make an oral complaint about the conduct of a public authority in a way that is not recorded or monitored. Item [5] will enable the Ombudsman to refer a complaint about the conduct of a public authority to the public authority for investigation. The proposed amendment will assist the Ombudsman to handle a large volume of complaints more efficiently, and also assist in educating public authorities about good administrative and complaint-handling practices.

The proposed new section 12A provides that the Ombudsman may monitor the progress of the public authority's investigation of the complaint, make recommendations to the public authority and continue to deal with the complaint. The proposed new power is based on a similar power of the Ombudsman in section 25 of the Community Services Act in respect of complaints about community service providers. I now deal with item [6]. Some Acts include a confidentiality or non-disclosure provision, providing words to the effect that a person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made in accordance with a requirement imposed under the Ombudsman Act.

Section 13AA of the Ombudsman Act provides that the Ombudsman may request, and a person may voluntarily provide, information to the Ombudsman for the purposes of the Ombudsman determining whether to conduct a formal investigation and compel the production of information. Voluntary disclosure under section 13AA is not a breach of sections 16, 17, 18 or 19 (1) of the Privacy and Personal Information Protection Act 1998 and is not prohibited by anything in the Health Records and Information Privacy Act 2002. The proposed amendment would insert a new subsection in section 13AA to ensure that confidentiality or non-disclosure provisions in other Acts do not prevent public authorities voluntarily providing information to the Ombudsman in response to a request by the Ombudsman under section 13AA.

Schedule 1 [11] will enable the Ombudsman to review the systems of public authorities for handling complaints. Currently, the Ombudsman has audit and monitoring powers over agencies performing functions under particular Acts—for example, a power to review the complaint-handling systems of service providers under section 14 of the Community Services (Complaints, Reviews and Monitoring) Act—and has broad powers to conduct investigations about the conduct of a public authority under part 3 of the Ombudsman Act but does not have a general power to review the complaint-handling systems of public authorities. The proposed oversight function was recommended by a 31 August 2018 special report to Parliament by the former Ombudsman, and the 2019 Annual Customer Satisfaction Measurement Survey by the Customer Service Commission.

The proposed power will enable the Ombudsman to assist agencies, in a collaborative manner, to improve their own complaint-handling systems. The function will add further value to public sector complaints handling and service delivery without the expense of the Ombudsman conducting formal investigations. Section 111C of the Independent Commission Against Corruption Act 1988, which I will refer to as the ICAC Act, prevents a complaint, investigation or other action under the Ombudsman Act being taken with respect to the conduct of a commissioner of the ICAC or an ICAC officer or former officer, with the exception of matters referred to the Ombudsman by the Inspector of the ICAC. Schedule 1 to the Ombudsman Act excludes the conduct of certain public authorities from a right of complaint to the Ombudsman and, consequently, the Ombudsman's jurisdiction to investigate that conduct. Schedule 1 [20] to the Ombudsman Act excludes the conduct of the ICAC and its officers where exercising functions under the ICAC Act.

Inconsistently with section 111C of the ICAC Act, no exception is made for circumstances where the conduct relates to matters referred to the Ombudsman by the Inspector of the ICAC. The proposed amendment at item [19] will resolve this inconsistency and enable the Ombudsman to investigate the conduct of an ICAC commissioner, officer or former officer referred to the Ombudsman by the Inspector of the ICAC, consistent with section 111C of the ICAC Act. I now move to schedule 2 of the bill, which amends the Community Services (Complaints, Reviews and Monitoring) Act, including by repealing redundant provisions. Schedule 2 [4] will enable the convenor of the Child Death Review Team to provide information to the Health Care Complaints Commission in connection with the commission's functions. Finally, schedule 3 to the bill makes consequential amendments. In conclusion, the Ombudsman and his office perform an immensely important role, overseeing the public sector and working to protect our community from abuses of power and unfair treatment. These amendments will assist the Ombudsman and his office to continue their important work. I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (21:48): I thank the Parliamentary Secretary for introducing the Ombudsman Legislation Amendment Bill 2022 in this place. I speak on behalf of the Opposition. We have seen in the Chamber today the good work of the Ombudsman bringing forward a report to Parliament on a key issue, drawing to the attention of this House, the Parliament and the public an issue relating to strip searches, and calling to account the Executive Government. That is an important role. I place on record the view put this morning that the Opposition was underwhelmed and disappointed with the response by the Minister on that issue after that important step was taken by the Ombudsman. The Opposition's view is that the Minister could have done better at that moment. Slightly later, we saw a foreshadowed report from the Ombudsman on a separate matter, again emphasising how important this role is to the Parliament and to the public.

The bill itself is relatively uncontroversial, as the Parliamentary Secretary has already indicated. It responds to requests from the Ombudsman for amendments to legislation governing the functions of the office. These laws have not been significantly reviewed or substantially amended for several years. The bill arrives in this place after extensive consultation. It makes amendments as requested by the Ombudsman to two pieces of legislation, the Ombudsman Act 1974 and the Community Services (Complaints, Reviews and Monitoring) Act 1993. The proposed amendments seek to clarify and enhance the Ombudsman's powers, resolve inconsistencies and update legislation. The Ombudsman's office is an independent integrity agency that oversees the public sector as a whole. It investigates complaints regarding most New South Wales government agencies, including local councils and community service providers.

The bill contains a range of measures. Firstly, it renames the Community and Disabilities Services Commissioner as the Community Services Commissioner to reflect the current functions of the Ombudsman. The bill makes clear, for the avoidance of doubt, that the Ombudsman's powers in relation to a public authority extend to a former public authority. It also makes important changes to ensure that a person detained by, or in the custody of, a public authority can make an oral complaint about the conduct of that public authority in a way that is not recorded or monitored. These are indeed important protections.

The bill provides that it is not a contravention of a direction of the Ombudsman relating to the publication of evidence to provide information or evidence to a legal practitioner, or to obtain legal advice or representation in relation to an investigation. The bill will also enable the Ombudsman to refer a complaint about the conduct of a public authority to the public authority for investigation and to review the systems of public authorities for handling complaints. Furthermore, the bill enables the Ombudsman to require a public authority to give an oral statement at a specified time and place. It clarifies the circumstances under which the Ombudsman can disclose information. It also makes other consequential amendments.

I reflected on two reports that were referred to earlier today in which the Ombudsman's office played a role. I note that in the past financial year alone the Ombudsman tabled six special reports to the Parliament and contributed to five parliamentary inquiries. To give the Chamber a sense of the wide range of this office, that work included an inquiry into the high level of First Nations people in custody and an oversight and review into deaths in custody; a follow-up review of the management of New South Wales public housing maintenance contracts; an inquiry into the Mandatory Disease Testing Bill 2020; an inquiry into the child protection and social services system; and an inquiry into a proposal for a compliance officer for the New South Wales Parliament.

All members who paid attention to those issues know how important those reports have been. All of them have been informed by the high-level work of this important office. I place on record the thanks of the Opposition, and I am sure of the Chamber, for the Ombudsman's work in the past year and I look ahead to it continuing its important work. The bill will strengthen its role in a relatively uncontroversial way. The bill is welcome, and I commend it to the House.

The Hon. PETER POULOS (21:53): It is no surprise that I support the Ombudsman Legislation Amendment Bill 2022. The NSW Ombudsman's office is an independent integrity office reporting directly to the New South Wales Parliament. It has been handling complaints and investigating maladministration by New South Wales government departments and agencies since 1975. Its core frontline statutory functions include complaint

handling, monitoring and assessment of certain government programs, overseeing the New South Wales whistleblowing regime, conducting inquiries and reviews of systemic issues affecting the public and community sectors, and reviewing the deaths of children in circumstances of abuse or neglect, or in care or detention, with a view to preventing similar deaths in the future.

People have a right to complain to the Ombudsman about the public and community sector agencies and officials the Ombudsman oversees. Protections apply for public officials whose complaints are public interest disclosures, that is, whistleblowing. Investigations are conducted in private, but the NSW Ombudsman can report to Parliament on investigations and other matters in the public interest. The Ombudsman's complaint-handling services are free of charge to any member of the public. Its functions have evolved over the years and it now undertakes a range of activities beyond the traditional ombudsman role of complaint handling and complaint investigations. In 2020-21 there were 24,733 contacts made to the Ombudsman's office. Few of the actionable complaints received result in a formal, full-scale investigation under the Act. The Ombudsman generally aims to resolve complaints at the earliest possible stage and if a satisfactory outcome can be achieved through inquiries and conciliatory engagement with the agency and the complainant it will aim to do that.

The independence of the Ombudsman's office from the Executive Government is critical to the performance of its functions. Following advocacy from the Ombudsman, the Government has introduced new funding arrangements for New South Wales integrity agencies, to safeguard their independence, to enhance transparency and to improve the recognition of the important role of integrity agencies. The New South Wales 2022-23 budget was the first to include those new arrangements. It included a significant uplift in funding for the Ombudsman's office, with \$12.4 million in recurrent expenses and \$1.3 million in capital expenditure over four years to support the office as it prepares and delivers new responsibilities, including implementing the new public interest disclosure reforms. This funding represents an investment to improve public administration and, ultimately, the lives of citizens.

I will now provide some examples of the Ombudsman's functions. People in custody have the right to complain about unfair treatment or the services they receive. The Ombudsman's office handles complaints about Corrective Services NSW, private correctional centres and Youth Justice NSW, to name a few. It also handles complaints about community services that are run or funded by the government. Those include the Department of Communities and Justice as well as a large number of non-government organisations that provide community services, including community support and development, child protection, short-term accommodation and homelessness support, out-of-home care and permanency support, and early intervention and family support services.

The Ombudsman also monitors the operation and administration of the Mandatory Disease Testing Act 2021. For example, agencies must notify the Ombudsman after determining a mandatory testing order application. The Ombudsman institutes a suite of measures. This bill will clarify, enhance and resolve inconsistencies in relation to the NSW Ombudsman's powers. It proposes 24 amendments to the Ombudsman Act and three amendments to the community services Act. 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. LOU AMATO: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): According to sessional order, it being 10.00 p.m. proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

According to standing order, members made the following statements.

WARREN INFRASTRUCTURE

The Hon. SCOTT BARRETT (22:00): Regional New South Wales truly is the greatest place to live, work and raise a family, and it is getting better every day because The Nationals continue to deliver for those areas. Warren is a lovely town on the banks of the Macquarie River between Dubbo and Nyngan with a population

of about 2,000 people. It is surrounded by grazing and cropping country, mainly sheep and cotton. It is an area essential to the prosperity of New South Wales and its facilities are up there to those around Sydney. One highlight is the Warren Showground and Racecourse. Locals like to call it the Randwick of the West. The showgrounds and pavilions are spread amongst grand shady gums and supported by upgraded toilet and shower facilities as well as a brand-new pavilion.

There is a new campdraft office, canteen and perimeter fence. The polocrosse fields have been upgraded as well as the racetrack and associated facilities such as the club, change rooms, bars and grandstands. It is all complete with new landscaping and signage. The nearly complete undercover equestrian arena covers an area not much shy of a football field that will be used for pony club, riding club and dressage events. The facility will be the envy of the State, but it was made possible because The Nationals kicked in nearly \$3 million in funding. The Nationals know that showgrounds and racecourses matter to regional New South Wales.

The sporting facilities in Warren are also exceptional. It is no wonder that it turns out such strong teams, like the Warren Pumas, the rugby team; the Bulldogs, the junior rugby league; and the Warren Wildflowers, the famed netball side, who I am told is doing a lot of damage in Dubbo. Carter Oval is much more than an oval. It is two ovals—a cricket ground with LED lights, which means teams can play cricket at night, as well as a soccer oval. The complex also includes a skate park and a splash park. The Victoria Park Oval includes new netball courts, again with lighting to accommodate night games. They are first-rate facilities that would not be possible without the support of The Nationals. That support is provided because we know how important sports and sporting teams are to regional communities. They create connectedness and a community spirit that is found only in regional towns.

I am excited about the Burrima Boardwalk in the Macquarie Marshes, which is opening in October. I have not been there, but I have promised to take my family there soon. The Government has invested \$1.8 million in the boardwalk because it knows that those attractions are important to the local community to make the towns more livable. They also attract visitors because of the wonderful things to see and do and they spend money in the shops, bars, cafes and motels. Warren is a lovely town and I love every opportunity to visit. It is a strong reminder that regional New South Wales is the best place to live, work and raise a family. If anyone is not lucky enough to live there, I encourage them to visit. Warren is a great place to start. It is great to see our regions getting better every day because The Nationals care and appreciate those communities. We live there, have kids in the schools, play in the sports teams, go to the shows and understand what it means to be a local. That is why I entered Parliament: to work hard as a member of The Nationals to deliver for communities like Warren so they can deliver for New South Wales.

I wish all the best to the Molong Magpies rugby union team, which beat Blayney in the major semifinal last Saturday with a score of 28 to 12. That puts the team into the grand final next Saturday. They will play against Blayney or Coonabarabran, depending on which team gets up on Saturday. I wish them all the best. I was a ball boy for Molong rugby many years ago. My dad was a coach and we even played in a team together for a year. I have a special connection to the club. I will be right behind the team and so will the entire town, as they are every year. Go Molong Magpies and all the best to everyone involved.

NEW SOUTH WALES FLOODS

The Hon. PETER PRIMROSE (22:05): While the New South Wales Liberal-Nationals continue to be distracted and obsessed with their own internal bickering, real people in flood-devastated communities continue to suffer. I have spoken many times in this place about the effects that repeated flooding has had on communities, such as the Hawkesbury. In Pitt Town, there is destruction, and the designated flood evacuation route is still a goat track that is simply not safe for residents to use once a flood evacuation warning has been sounded. In Windsor, so called flood-proof bridges are routinely inundated, homes are flooded, roads are potholed, the sewerage system stops working, and insurance is unavailable for many residents. In Richmond it is a similar story, with homes being washed away.

The Bureau of Meteorology has effectively issued the New South Wales Government with an early warning to prepare before another possible flood event occurs. According to the Bureau of Meteorology, "The flood risk is elevated in eastern Australia." The Bureau of Meteorology has issued its longer-term forecast for the next three to six months, which could not be any clearer: Over the next few months there is an elevated flood risk for the whole of eastern Australia, where the soil is already saturated and the dams are full.

What has this Liberal-Nationals Government been focused on in devastated areas, such as Windsor? The local Windsor Bowling and Sports Club is a not-for-profit club providing a service particularly to older residents. Its clubhouse and greens have been operating on the same Crown land site for over 90 years. Other than two casual bar staff and a contract greenkeeper, the club is totally maintained and run by volunteers. It has continued to

provide a service to the older community of Windsor during COVID and the many devastating floods. It has struggled to break even and keep the club's services going.

Instead of being thanked and supported, it has been kicked in the teeth. The club has paid rent to the Government for the use of the land for decades, with yearly CPI increases. Instead of a thankyou, the Government has hit it with a 75 per cent rent increase and is refusing to review the decision. Mr William Thorn, the Vice-Chairman of the Windsor Bowling and Sports Club, wrote a letter to the local member. It stated:

Surely you must know that small clubs are definitely struggling to stay afloat in these difficult times, but to have your Government's own department enforce this amount on us could be the last straw to break the camel's back.

Or is this just designed to send the clubs broke so that the powers that be can get rid of sporting clubs to take over the green space and turn it into ... housing?

I certainly hope this is not the case and while I'm on this side of the grass, then I shall fight to retain the status quo.

Of course the local Liberal MP did not help. So now I am calling on the Premier to intervene. The electorate of Hawkesbury is held by the State Liberals. He should go to the club and talk with them. The Premier used to be their local member. He should thank them for their service and stop the ridiculous rent increase. People in flood-affected communities need more than praise or photo opportunities. They need real support and they need it now. Please do not wait until after the next flood. Over to you, Mr Perrottet.

STATE ECONOMY AND COST OF LIVING

Ms ABIGAIL BOYD (22:09): I have been struck this week by the incredible disconnect between, on the one hand, the story of economic success being trumpeted by Government members, patting themselves on the back at having supposedly presided over 11 years of "delivering for the people of New South Wales" and, on the other hand, the story I see everywhere I look of the people of our State doing it tougher than ever before. Nurses, midwives and paramedics are exhausted by the past two years of the pandemic; teachers are struggling with huge class sizes; emergency services are simply incapable of responding to the many unfolding climate catastrophes battering our State; and everyday people are unable to pay for the rising price of goods and services, forced to pay ever more to banks in order to keep a roof over their heads, emptying their pockets out every time they take a toll road to get to work or pick kids up from school, or being plunged into energy poverty in the middle of one of the bleakest winters that we have ever experienced.

While the people across the State are suffering, the Coalition Government is consumed with covering up its own corruption, distracted by incredibly petty internal politics, and focused on self-promotion and on scapegoating the essential workers that are holding up the very functioning of our State and the unions that represent them. The only way to make our way out of this systemic crisis is to take big, enduring measures to rebalance the scales of power in our society. Right-wing hacks, the captured tabloid media and politicians bought and paid for by big business donors bleat incessantly about the perils of inflation if we were to improve the economic standing of our essential workers by paying them a fair wage. That narrative is a fantasy. People at the bottom end of the pay scale cannot be blamed for price rises.

The so-called inflation crisis we are facing is theft, plain and simple. The costs of everyday essentials are going up, while corporations are posting mega profits. We are seeing the transfer and consolidation of wealth on a breathtaking scale. Amidst electricity bill spikes of over 18 per cent, Origin Energy has posted a doubling in revenue and an over \$4 billion uplift in its assets. While households are straining to make mortgage repayments, the Commonwealth Bank has posted a nearly \$10 billion profit. The big businesses are driving up prices and skimming profits, leaving people struggling and going without essential goods and services. Would it have been at all acceptable for the Commonwealth Bank to be so clearly profiting from our misery if it were still in public hands and had not been sold off to private profiteers? Would we accept so many people in this State sliding into energy poverty, paying more than 10 per cent of their household income just to keep the lights on, if our energy network had not been sold off for a song?

Given the choice, there is no doubt we would not allow such blatant profiteering to occur, but we do not now have that choice. That choice has been taken away from us as a result of the ideology of privatisation. Quite simply, we have handed over far too much of our essential goods and services to capitalists. The inescapable fact of the matter is that capitalism is fundamentally anti-democratic. Our democracy is meant to be built on a principle of one person one vote but, when it comes to the political outcomes in our State, it is far more like one dollar, one vote. There is no shortage of dollars in this State; it is just that those in power choose to distribute it unfairly. We need to make a dramatic intervention into the power structures in our society to redistribute the wealth from the mega rich minority to the working-class majority, and the first step to that is an urgent and hefty pay rise for our workers.

We need a permanent increase in salaries and wages so that working-class people of this State can have some certainty in their lives, certainty that they will be able to pay their energy bills, cover the cost of housing, groceries, transport to and from work, and to know that they will be able to not just pay those bills today and next week but next year and the year after that. We need a massive and wideranging regime of renationalisation of our crucial public amenities like housing, roads, water, electricity, banking and telecommunications, and a commitment to public investment in public assets to remain in public hands moving forward. Yes, reversing the mistakes of this Coalition Government in its race to privatise every last asset in the interests of a short-term funding hit will cost us, but if we do not reverse those mistakes now and take back what is rightfully ours and should never have been sold, we will be paying a lot more in the long run. The best time to take the power back and renationalise our public amenities was 20 years ago. The second-best time is now.

LEADER OF THE OPPOSITION

The Hon. SHAYNE MALLARD (22:14): There are many rare and endangered species in the Blue Mountains. If a person is lucky, on rare occasions they might spot a quoll or even a powerful owl. But last week, one of the rarest species to be seen west of Macquarie Street was spotted in the Blue Mountains. I speak of the Opposition leader, Chris Minns, who made what has been described in the local newspaper the *Blue Mountains Gazette* as a "whirlwind tour" of the Blue Mountains in the company of the local member. He brought a photographer, did a press conference and met no community members other than union officials. Not one to waste time formulating a policy when there are cheap political points to be scored, the Opposition leader spent his time in the mountains lamenting the state of New South Wales without offering any substantive policies to voters.

Back again supporting Labor's union mates, the trade unions, instead of hardworking commuters, the Opposition Leader repeated the spin that we hear all the time that the Rail, Tram and Bus Union [RTBU] is continuing to strike and block the new trains over safety concerns. That regards the new \$2 billion intercity rail fleet, which is currently in mothballs at Mount Victoria like jumbo jets resting in the deserts of America. I remind members that these alleged safety concerns relate to an independently certified new intercity fleet, which was approved by the Office of the National Safety Regulator over a year ago.

I would welcome the Opposition leader back to the community of the Blue Mountains anytime to talk to commuters at the railway station on the condition that he is willing to finally tell the truth. The truth is we in the Blue Mountains are stuck on 40-year-old trains, which train officials say will go into a museum the day they finish operating, because the unions are hoping in vain that if they cause enough chaos and delays, voters will elect a union-led, union-controlled Labor government next year. The voters of New South Wales are smarter than that and they see through Labor and the unions' cheap stunts.

The new trains are ready to roll out on the Blue Mountains after our upgrade has been completed. If the unions stop holding commuters hostage, the trains can start tomorrow. The new trains come equipped with accessible toilets, tray tables, armrests and mobile device charging stations, which the Hon. John Graham announced would be put in train stations but which are already in the trains in mothballs at Mount Victoria. These features mean a more comfortable ride for commuters, not that Labor cares.

While to Sydneysiders in the Chamber these may sound like small changes that they take for granted, for those whose commute is around about two hours each way per day on 40-year-old trains, these creature comforts will make a lot of difference. It is time for Labor and the unions to stop the games and let the community access the new, independently approved trains. I was also pleased to see that while the Opposition leader was in the mountains for his blink-and-you-miss-it press conference, he appeared almost certainly to lend Labor's support for a new half-a-billion-dollar hospital for Katoomba and the Blue Mountains. As reported in the *Blue Mountains Gazette*, I said:

Every person and their dog would welcome a \$500 million commitment for a new Blue Mountains hospital by NSW Labor opposition. Whilst they are at it maybe ask the Federal Labor member to chip in as the Liberals did for Nepean Hospital.

The Government understands that infrastructure cannot be built or investments in health cannot be made at record levels without running a strong budget and managing the State's finances. If the Opposition leader and NSW Labor spent more time thinking about policy and delivery instead of stunts and press opportunities they would understand that. A new hospital in the Blue Mountains certainly would not come under a Labor government. Labor has a history of neglecting the Blue Mountains and western Sydney and taking the voters of the west for granted. Labor members know all about empty promises; we only need to look at the last time they were in government to see that nothing comes of their rhetoric.

Compare the Liberal-Nationals 11 years of government to Labor's 16 years and people will see which party is the party of infrastructure delivery, building our State's resources and record health investment, and the party that is delivering safer and more comfortable commutes for Blue Mountains residents. Only the Liberal-Nationals Government has the experience and proven record of delivering in New South Wales. Finally, I have a piece of

advice for the Opposition leader. I caution him against getting too close to the member for Blue Mountains. After all, she is closely implicated in the demise of the previous two Labor leaders.

MULTICULTURAL MEDIA AWARDS

CHINESE COMMUNITY COUNCIL OF AUSTRALIA AWARDS

The Hon. SHAOQUETT MOSELMANE (22:19): Australia's Bangladeshi press and media celebrated their inaugural media awards recognising excellence at the New South Wales Parliament House. The place was abuzz as Bangla winners of the Multicultural Media Awards were announced. History was made as professionalism and commitment to journalism was recognised in a ceremony jointly organised by Multicultural and Indigenous Media Awards [MIMA] and the Australia Bangladesh Press and Media Club. It was a wonderful evening, made even more special by a welcome to country delivered by Auntie Donna Ingram.

The awards presentation ceremony was attended by many dignitaries from the Australian Bangladeshi community, including newly posted Bangladeshi Consul General Shakhawat Hossain. Also in attendance were my good friend Councillor Robert Kok, representing the mayor of City of Sydney council; Councillor Emelda Davis; Chair of Southern Communities Council Ms Lisa Gobo; Ms Kat Henaway from Politics in Colour; Ms Jana Gibson from the Community Broadcasting Association of Australia; Bengali community elder Mr Gama Kadir; Mr Doug Cronin from Our Race; Mr Mas Banu from the Australian Electoral Commission; Mr John Reynolds and Ms Jill Hickson from Art Resistance; and many others. As host of the event and chair of MIMA, I was delighted by the success of the event, which showed great community interest in both multicultural and Bangladeshi media. I thank those who have assisted MIMA, which has led the way in promoting ethnic media in Australia.

Apart from initiating and hosting the event as a member of this House and chair of MIMA, the entire program was organised, run and delivered by the Australian Bangladeshi community, led by Rahmat Ullah, President of the Australia Bangladeshi Press and Media Club, together with Tito Scohel from Southern Communities Council. Without Tito's organisation and coordination skills, the event would not have been a success, let alone taken place. I give special thanks to the sponsors, nominators, nominees and Scyma Afriecq, our emcee for the night, as well as the judging panellists, namely, selection panel chair Professor Devleena Ghosh from the University of Technology Sydney, Professor Ahmed Jamal from the University of Dhaka, Dr Badrul Khan from Western Sydney University and Mr Zia Ahm from Bangladesh Betar.

The event was all about Bengali journalists in our communities, who are at the forefront of multiculturalism in Australia. It was just a small tribute to the tireless work that migrant journalists do. The idea of having such an award for multicultural media was simple but long overdue. I have said in the past, and I will say it again, that until recently multicultural media had never been celebrated in specific events that acknowledge their achievements, and the many talented migrant journalists who have served their communities through multicultural media for years, in some cases decades, had gone unrecognised. Today we celebrate all those journalists. I congratulate the award recipients, including Lead Community Columnist, Ajay Dasgupta; Lead Community Print Newspaper, Muktamancha; Lead Community Digital Newspaper, Proshantika; Mr Mohammad Quayum for best short film; and Lead Community Reporter, Abu Naiem Abdulla. I congratulate all the winners and extend gratitude to all the hard workers who made the awards a success.

On Friday 22 July 2022 I hosted the Multicultural Communities Council of NSW and the New South Wales branch of the Chinese Community Council of Australia awards event at Parliament House. I extend my gratitude to Dr Anthony Pun for his leadership in organising the event and to the keynote speaker and former Parliamentary Secretary to Australian Prime Minister Paul Keating, Dr Andrew Theophanous. I express my thanks to the emcee, Maria Chan, President of the New South Branch of the Chinese Community Council of Australia, and to the many members of the multicultural communities who were there to support and encourage the award recipients for the wonderful work they have done for multicultural Australia. I congratulate centenarian Qin Hui Huang on receiving a golden lifetime achievement award, as well as Ms Daphne Lowe-Kelley, Ms Maria Chan, Mr James Leung, Mr David Dawson, Mr Peter Ha, Mr Tode Kabrovski and many others. There are many to name, but they were all deserving for their many years of hard work and commitment to the Australian multicultural community. I congratulate them and wish them every success in the future.

COASTAL DEVELOPMENT

Ms CATE FAEHRMANN (22:24): In sleepy little towns up and down the New South Wales coast I have been meeting with communities who are crying out for help. Their villages, surrounded by ecologically sensitive bushland, are facing an onslaught of totally unsustainable developments that, if allowed to go ahead, risk changing everything we all love about coastal New South Wales. From Yamba to South West Rocks, Scotts Head to Bonny Hills, Culburra Beach to Callala Bay, and from Manyana to Dalmeny and Tura Beach, it is the same devastating

story. Potentially thousands of hectares of threatened species' habitats are at risk from new housing developments, many of which are planned to be built on flood- and fire-prone land and will clear-fell 10, 20, 40, 60 or 100 hectares of bushland each up and down the New South Wales coast, eating away at our beautiful coastal bushland environment like a cancer until there is nothing left. Many of those developments do not even comply with our current planning laws because they are off the back of so-called "zombie DAs" that were approved decades ago.

This sudden change has been prompted by the Government's target to build 400,000 new homes, 127,000 of which are to be in regional New South Wales. Along with incentives provided by the recently established Regional Housing Taskforce, those targets have encouraged some councils to approve housing developments that are completely unsustainable and place further pressure on communities already struggling with totally inadequate infrastructure and services. If the majority of those developments are approved, they could drive some of our most threatened wildlife to extinction, including greater gliders, koalas, swift parrots and glossy black cockatoos.

The *Federal State of the Environment Report*, released only last month, highlights Australia's shameful position as having lost more mammals than any other continent. It tells us loud and clear that we cannot lose any more habitat for species like the greater glider, koala and glossy black cockatoo. Two such developments are proposed for the Shoalhaven region, which only recently experienced the catastrophic Black Summer fires. In Manyana, local RFS volunteer Bill Eger and his crew saved hundreds of homes, while countless hectares of forest and national parks were obliterated. They also heroically saved one patch of forest that became a refuge for any wildlife that managed to escape and survive the flames. Now that entire block is at risk of being cleared for development.

Developers are frothing at the bit over the signal that our new developer-friendly planning Minister is sending, that land covered with threatened species habitat and teeming with wildlife is shovel ready. In many cases, approvals for those developments were granted two, three or sometimes even four decades ago. They are called "zombie DAs" because people thought they were long dead. But now, to the community's horror, they are resurfacing. Decades have lapsed since their consent, meaning they were granted development approval before environmental and cultural impact assessments were required. Certainly, catastrophic mega-fires like those experienced over nine months in 2019-20 were not factored in.

The Government tells us these inappropriate developments, both new and old, are going ahead because regional New South Wales is in dire need of more housing. But ask these communities what is happening and they will say that housing prices are skyrocketing because landlords and absentee owners can now make more money from short-term rentals and Airbnb than by renting homes to locals. The latest census figures back that up, showing that there are 300,000 vacant homes across New South Wales. Coastal communities that I have met have told me that their housing vacancy rates are anywhere between 50 per cent and 70 per cent.

Housing supply is not the problem. The State Government should introduce strategies that free up some of that empty housing stock for purchase and long-term renting, instead of looking for untouched bushland to bulldoze for houses that locals cannot afford to buy. For the sake of our wildlife and coastal communities, the State Government must do everything in its power to prevent developers from clearing ecologically sensitive land, especially in fire-affected areas, including assessing every one of the sensitive bushland blocks that provide such critical habitat for threatened species, with a view to adding them to the State's protected area network. Unless the State Government acts quickly to protect these precious coastal bushland pockets from this out-of-control developer onslaught along the New South Wales coast, many of our most precious wildlife will go extinct on its watch. [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Wes Fang): The House now stands adjourned.

The House adjourned at 22:30 until Tuesday 13 September 2022 at 14:30.