



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 12 October 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 12 October 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

CHILDCARE AND ECONOMIC OPPORTUNITY FUND 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. Damien Tudehope.

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

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

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

Motion agreed to.

Documents

SENIOR TRADE AND INVESTMENT COMMISSIONERS

Tabling of Documents Reported to be Not Privileged

The Hon. PENNY SHARPE: I move:

- (1) That, in view of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, KC, dated 21 September 2022, on the further disputed claim of privilege regarding the appointment of Senior Trade and Investment Commissioner, this House orders that the Department of Enterprise, Investment and Trade documents in the return to order received by the Clerk on 11 August 2022, considered by the Independent Legal Arbitrator not to be privileged be laid upon the table by the Clerk.
- (2) That this House orders the Department of Premier and Cabinet to produce, within seven days of the passing of this resolution, the Department of Enterprise, Investment and Trade document 621 (INSW.003.007.7647), originally returned on 11 August 2022, subject to redactions of the sensitive private information as recommended by the Independent Legal Arbitrator on page 3 of his report.
- (3) That, on tabling, the documents are authorised to be published.

Motion agreed to.

Motions

VICTORY IN THE PACIFIC ANNIVERSARY

The Hon. LOU AMATO (10:04): I move:

- (1) That this House notes that:
 - (a) the seventy-seventh anniversary of Victory in the Pacific was commemorated at Cabra-Vale Memorial Park, Cabramatta, on Sunday 14 August 2022;
 - (b) the event commemorated Japan's acceptance of the Allies' demand for unconditional surrender and the end of World War II on 14 August 1945;
 - (c) distinguished guests and event participants included:
 - (i) parade leader, Colonel Blaydon Morris, CSC, Australian Army;
 - (ii) parade marshals, Son Brown and John Carter;

- (iii) Royal Australian Navy Band led by Lieutenant David Coit and Drum Major, CPO Lucas Kennedy;
 - (iv) vocals accompanying the band, LS Kirsten Robinson;
 - (v) band bugler, AB Isabelle Harvey;
 - (vi) catafalque guard, Australian Army, 142 Signal Squadron;
 - (vii) master of ceremonies, Major Simon Statton, Australian Army;
 - (viii) keynote speaker, Colonel Blaydon Morris, CSC, Australian Army;
 - (ix) flag bearers: Smithfield RSL Sub-Branch, Stan Allen; Liverpool RSL Sub-Branch, Owen Perkins; Fairfield RSL Sub-Branch, Ken Young, OAM; Ingleburn RSL Sub-Branch, John Lees; Mounties Group, Rev. Brian Bailey; Campbelltown RSL Sub-Branch, Mark Rose; Canley Heights RSL Sub-Branch, Richard Pritchard, OAM;
 - (x) introduction and wreath-laying ceremonies, Walter Robinson, OAM;
 - (xi) Lieutenant Colonel Jason Lageman, United States Army;
 - (xii) United States Air Force poem *One More Roll*, delivered by Lieutenant Colonel Daniel Quinlan, United States Air Force;
 - (xiii) representing Consul General of the United States, Christine Elder, and Resident Agent in Charge, Trevor Moss;
 - (xiv) Consul-General of New Zealand, Bill Dobbie;
 - (xv) the Hon. Mark Coure, Minister for Seniors and Minister for Multiculturalism;
 - (xvi) the Hon. Lou Amato, MLC, representing the Premier, the Hon. Dominic Perrottet, and the Hon. David Elliott, Minister for Transport, Minister for Veterans, and Minister for Western Sydney;
 - (xvii) Mayor, City of Fairfield, Frank Carbone;
 - (xviii) State member for Fairfield, Guy Zangari;
 - (xix) Federal member for Fowler, Dai Le;
 - (xx) Acknowledgement of Country, AB Lynton Robbins, Royal Australian Navy;
 - (xxi) chaplain address and the Lord's Prayer, Mau Mau Monu, Australian Army; and
 - (xxii) *Ode of Remembrance*, recited by William Cruwys, OAM.
- (d) the commemoration service was made possible by the following organisations:
- (i) Royal Australian Navy Band singer and bugler;
 - (ii) 142 Signal Squadron, Australian Army;
 - (iii) United States Army;
 - (iv) United States Air Force;
 - (v) NSW Police Fairfield Local Area Command;
 - (vi) Fairfield City Council;
 - (vii) public and secondary schools;
 - (viii) Miller Technology High School;
 - (ix) Patrician Bros High School Fairfield;
 - (x) Ingleburn High School;
 - (xi) St Patrick's College Campbelltown; and
 - (xii) Fairvale High School.
- (e) the organising committee included the following:
- (i) chairperson Walter Robinson, OAM;
 - (ii) Cabra-Vale Ex-Active Servicemen's Club Group – secretary Michael Foulkes;
 - (iii) Smithfield RSL Sub-Branch – Bill Cruwys, OAM, Stan Allen and Barry Brooks;
 - (iv) St Johns Park Bowling Club – Geoff Lewsam and Bill Lottey;
 - (v) City of Campbelltown RSL Sub-Branch – Warren Browning;
 - (vi) City of Fairfield RSL Sub-Branch – Michael Alexander;
 - (vii) Mounties group and Mounties group of clubs – Paul Whitfield;
 - (viii) Ingleburn RSL Sub-Branch – Patrick O'Grady and John Lees;

- (ix) City of Liverpool RSL Sub-Branch – Geoff Tate and Graham Burns; and
 - (x) Bankstown RSL Sub-Branch – Terry Corcoran and Jim Wrigley.
- (2) That this House acknowledges the great sacrifice of many who lost their lives to end the tragedy of World War II.

Motion agreed to.

Business of the House

VALEDICTORY SPEECHES

The Hon. DAMIEN TUDEHOPE: I move:

- (1) That on Wednesday 19 October 2022, proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Shaoquett Moselmane to give his valedictory speech without any question before the Chair.
- (2) That on Wednesday 9 November 2022, proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Mark Pearson to give his valedictory speech without any question before the Chair.
- (3) That on Tuesday 15 November 2022, proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable Mr Justin Field to give his valedictory speech without any question before the Chair.
- (4) That on Wednesday 16 November 2022, proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Adam Searle to give his valedictory speech without any question before the Chair.
- (5) That on Wednesday 16 November 2022, proceedings be interrupted at approximately 8.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Walt Secord to give his valedictory speech without any question before the Chair.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 11 October 2022.

SENIOR TRADE AND INVESTMENT COMMISSIONERS

Tabling of Documents Reported to be Not Privileged

The CLERK: According to paragraph (1) of the resolution of the House this day, I table the documents considered not to be privileged by the Independent Legal Arbitrator, the Hon. Keith Mason, AC, KC, dated Wednesday 21 September 2022, on the disputed claim of privilege on papers relating to the appointment of the Senior Trade and Investment Commissioner.

MOBILE PHONES AND SCHOOLS

Production of Documents: Order

The Hon. COURTNEY HOUSSOS (10:11): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, in the possession, custody or control of the Minister for Education and Early Learning, the Department of Education, the Premier, the office of the Premier or the Department of Premier and Cabinet relating to the banning of mobile phones in New South Wales Schools:

- (a) all documents, including:
 - (i) all reports, briefings, memoranda, emails, email attachments and draft answers to Legislative Council *Questions on Notice* created since 1 January 2022, relating to the banning of mobile phones in New South Wales schools;
 - (ii) all correspondence, including emails and text messages, between the Minister for Education and Early Learning, the office of the Minister for Education and Early Learning, the Department of Education, the Premier, the office of the Premier or the Department of Premier and Cabinet created since 4 September 2022 relating to the banning of mobile phones in New South Wales schools;
 - (iii) all correspondence between the Department of Education and schools created since 1 January 2022 relating to the banning of mobile phones in New South Wales schools;
 - (iv) all documents, including internal reports, briefings, memoranda, emails, email attachments, correspondence and reports or briefings produced by consultants created since 1 January 2022 relating to the banning of mobile phones in New South Wales schools;
 - (v) all reports, presentations and correspondence, including the records of any and all attachments to any emails, sent to, from and/or between the Department of Education's senior executive staff created since 1 January 2022 involving any plans, proposals, policies and/or draft policies relating to the banning of mobile phones in New South Wales schools; and

- (vi) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Restricting mobile phones in schools is an important way to improve students' learning and social development. But, so far, the Liberal-Nationals Perrottet Government has ruled out a commonsense policy to restrict mobile phone use across New South Wales high schools. This order for papers is about ensuring that our children are free of distraction, that they are focused on their learning when they are in the classroom and then focused on their important face-to-face social development when they are not in the classroom and are on the playground.

Similar initiatives are already in place in South Australia, Victoria and Western Australia, which restrict the use of mobile phones, smart watches, tablets and headphones, unless students are under the instruction of a staff member. In response to this, the Government has said that approximately 70 per cent of public high schools in New South Wales have mobile phone bans in place. But when asked to provide a list of those schools, the Government claimed not to know, stating in response to my question on notice No. 9517:

The Department does not hold a breakdown of this data.

The Government is claiming that 70 per cent of schools have phone bans in place and that nothing more needs to be done. But when asked to back up this claim, it says that it has no data. Either it does not know whether its claim of 70 per cent is actually true or it is deliberately hiding the data. That is why we are seeking this information through a call for papers under Standing Order 52 today. Education outcomes in New South Wales have been declining over the past decade. Evidence from schools such as Davidson High School shows that restricting mobile phone use in schools can have a strong positive impact on students and their school.

Today's students are the first generation to be fully immersed in this technology, so we do not know what the impacts on the developing minds of our young people are. The Government says that nothing more needs to be done. We are seeking this information in order to find out what is actually going on in New South Wales schools. We want the Government to be up-front about how mobile phones are managed in public schools. If the Government has nothing to hide, then it should not oppose this call for papers today. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (10:14): I say at the outset that the Government will oppose this motion for an order under Standing Order 52. I will move three minor amendments to this private member's motion. I move:

That the question be amended as follows:

- (1) Omitting "14 days" and inserting instead "21 days".
- (2) In paragraph (a) (i) inserting "centrally held" before "reports, briefings, memorandum".
- (3) In paragraph (a) (iii) inserting "secretary or deputy secretaries of the" before "Department of Education".

I will speak to the amendments first because it is important to put on record that if the motion as it is currently drafted is agreed to, it would require every person who works for the Department of Education to check their records and emails to see whether they have had any correspondence related to banning mobile phones. The member in her speech said that we do not have a policy; we actually do. Our policy in primary schools, which has been in place for a couple of years, is that mobile phones are banned. Our policy for our secondary schools is that they can make local decisions about how they put restrictions in place and what that looks like. Saying to everybody—our hardworking teachers and administrators—that they need to check their emails because the Labor Party wants to have this call for papers passed would add to their work burden, which I do not want to do. Those opposite often talk about teachers' and administrators' workloads. The role of this House is not to ask the hardworking education staff to do Labor's homework.

I come to the substance of the call for papers. The member has spoken about the Labor Party's policy for mobile phones. That is fine and her right. But this is the wrong way to do it. This is not just a normal private member's motion; it is a call for papers. The part that I find particularly staggering is subparagraph (v), which calls for all of the Department of Education's work involving any plans, any proposals, any policies or draft policies relating to the banning of mobile phones. What does that tell you? That tells you that the Leader of the Opposition, Chris Minns, had a bit of a thought bubble and thought, "That will go down well if I say I'm going to ban mobile phones in high schools." Clearly, the Labor Party has done no work on what the policy would look like and had no consultation with school communities about how they are already managing this. So the Opposition is using the powers of this House to do its homework to get a policy that it has, obviously, not thought through.

At the start of the day the policy was the Leader of the Opposition saying, "We're banning phones everywhere." By the end of the day it was, "Obviously, there will be exceptions if you need them for educational purposes." Opposition members do not know what they are committing to but are trying to use Standing Order 52

to get our hardworking schools to do Opposition research, which is entirely inappropriate. We on the government side of the House are pretty good at transparency and at working through orders for papers, but we must draw the line. It is not up to the Department of Education to do Labor's homework when it comes to its policy thought bubbles. That is why we will oppose the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:17): I back in a lot of the things the Minister for Education has said about this motion. The HSC started today, as those who have children in that cohort know. Perhaps there are not many in this place. One of the things we condemn among students is plagiarism. This order for papers is for Opposition members to garner what they can from government documents so that they can plagiarise a policy. They have had 600 weeks in opposition and have no policy. They are scrambling to cobble together a policy that they have never thought through and want to plagiarise from the teachers and staff of the education department. The response to a very sensitive and difficult issue at Knox Grammar School, all of which should have been condemned outright, is, "We'll issue a thought bubble policy. We will go for a headline-grabbing event. We will get out there and tell the people of New South Wales what we're going to do: ban phones. And now we're going to cobble together the policy."

This request for papers would involve canvassing 2,200 staff members for the purposes of getting all the correspondence they have on mobile phone use in schools. Quite frankly, it shows the lack of thought that has gone into policymaking by those opposite in relation to educational issues. During the debate on a matter of public importance yesterday, the contribution of the Opposition showed the laziness that has enveloped them during their whole period in opposition in developing a policy, from the leader down to those who sit in this place. They have had 600 weeks to develop a policy, and they are now scrambling to get documents from the Department of Education to cobble together a policy. It does no credit to any of them to bring a motion like this. Everyone in this Chamber ought to oppose asking the teachers of this State, the staff of our education departments and the administrative personnel in our schools to produce the level of documentation that is being sought by this motion. The motion was scrambled together and it should be rejected.

The Hon. WALT SECORD (10:20): I was not going to make a contribution until I heard the contributions of the Minister and the senior Minister. I am very reluctant to do so, but I want to make this point. They talk about this production of documents being a major task. We are talking about six keystrokes. Type the word "s-e-a-r-c-h" and press "enter" and you will have the material. It is very simple. It would take 10 seconds to get that information. I urge the Government to comply.

The Hon. COURTNEY HOUSSOS (10:21): In reply: I thank my colleague the Hon. Walt Secord for his contribution, which outlined clearly that the information we are seeking involves a very simple task. We are asking the Government to back up its claims that more than 70 per cent of schools are currently operating with a mobile phone ban policy. The claims by this increasingly desperate Government that this is not a well-thought-through policy show how few people they are speaking to. This is a very well-thought-through policy. In fact, I have been stopped consistently at school gates and at children's parties on the weekend—

The Hon. Sarah Mitchell: How does it work? Tell us. It is a plan, so tell us. How does it work?

The Hon. COURTNEY HOUSSOS: The Minister has asked me to outline how this plan will work. It is very simple. It is already in practice and the Minister should know that. It is already in practice at Davidson High School, and, apparently, at 70 per cent of schools. If schools are already doing this in practice, then the Minister should be the one who knows about it. The Minister should be able to back up her claims, which are that this is already in practice. We have said clearly that there are exceptions that are required. So if there is an educational outcome that is required—

The Hon. Daniel Mookhey: Point of order: I feel that the interjections should cease, in accordance with the standing orders, so we can hear the speaker in reply. I listened carefully to the Minister's substantial contribution. It is important to uphold decorum and to show the courtesy that we always extend to each other. The four of us are very good at showing courtesy. I feel that we should all uphold our standards.

The DEPUTY PRESIDENT (The Hon. Chris Rath): I uphold the point of order. Interjections are disorderly, and I remind all members that the member should be heard in silence.

The Hon. COURTNEY HOUSSOS: The claims from those opposite that this is not well thought through are completely false. The Government should not have anything to hide. We will support the amendments because they are a reasonable clarification. But the idea that this Government, which announced another policy review after a series of media releases, thinks that this is not a policy supported by parents across the board shows just how out of touch they are after 12 years in government. [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Chris Rath): The Hon. Courtney Houssos has moved a motion, to which the Hon. Sarah Mitchell has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

The House divided.

Ayes23
 Noes15
 Majority.....8

AYES

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

NOES

Amato	MacDonald	Poulos
Barrett (teller)	Maclaren-Jones	Rath
Farlow (teller)	Mallard	Taylor
Farraway	Martin	Tudehope
Franklin	Mitchell	Ward

PAIRS

Moselmane

Fang

Motion as amended agreed to.**GOVERNMENT ASSET SALES****Production of Documents: Order**

The Hon. DANIEL MOOKHEY (10:35): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in the possession, custody or control of the Office of the Premier, Office of the Treasurer, Office of the Minister for Energy, Office of the Minister for Transport, Office of the Minister for Regional Transport and Roads, Office of the Minister for Lands and Water, the Department of Premier and Cabinet, Treasury, Transport for NSW, Sydney Trains, NSW TrainLink, Sydney Metro, the Transport Asset Holding Entity of NSW or the Greater Cities Commission, Sydney Water, WaterNSW relating to the sale of government assets:

- (a) all documents relating to the potential sale or franchising of rail services in existence from 1 January 2021;
- (b) all documents relating to the potential sale of Sydney Water;
- (c) all documents relating to the potential sale or lease of Essential Energy;
- (d) all documents relating to the potential sale or lease of the State's remaining interests in the assets operated by Ausgrid, Transgrid or Endeavour; Energy Alpha Distribution Ministerial Holding Corporation; Electricity Assets Ministerial Holding Corporation; Electricity Retained Interest Corporation – Ausgrid; Electricity Retained Interest Corporation – Endeavour Energy; Electricity Transmission Ministerial Holding Corporation; Epsilon Distribution Ministerial Holding Corporation;
- (e) all documents relating to the potential sale, lease or grant of concession for the Sydney Harbour Tunnel, Sydney Harbour Bridge, or Western Harbour Tunnel;
- (f) all documents relating to Project Phoenix;
- (g) all documents relating to Project Cooper; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers relates to the Government's nefarious and secret plans for further privatisation in New South Wales should it find itself re-elected. I am looking forward to my weekly debate with the Leader of the Government on the merits of privatisation and why his party is so committed to it. To be clear, there is an important

context: The Government has sold \$93.5 billion worth of assets since it came into power in 2011. It promised that the sale of assets like our electricity network would not increase power prices, yet seven years later prices are rising. They will rise by 35 per cent next year, according to the CEO of Alinta Energy. Independent economists' reports say the profit gouging that has set in amongst our now privatised utilities is far above that which takes place in the one distributor that remains in public ownership, Essential Energy. That is one of the reasons Labor is pursuing this.

The second reason is the Government has all but trailed its coat on its intentions for further privatisation. There have been multiple and repeated media reports around the potential use of franchising or the sale of rail services as another tactic to resolve an industrial dispute—a radical option flagged by Minister Tudehope's best friend, the Minister for Transport. Mr Elliott came before us in budget estimates and said that he had a far more radical option than any of us has ever thought about. I know that he has been cheered on by the Leader of the Government towards privatising and franchising as the two of them conspire closely.

The Hon. Damien Tudehope: What are you suggesting?

The Hon. DANIEL MOOKHEY: The two of them, the best buddies that they are, are conspiring together to franchise our rail network as another escalation tactic. They are committed to escalating that particular dispute. Equally, the Premier himself came before budget estimates and said that privatisation remains on the agenda. Because, as he has previously told us, he thinks it is the golden key to unlocking prosperity in New South Wales. Fundamentally the Government cannot be trusted. Prior to the last election, it said that there would be no further privatisation. As soon as it was re-elected, WestConnex was on the chopping block. The rest of our ownership of Sydney's major motorways was sold off.

The Hon. Damien Tudehope: What are you going to privatise?

The Hon. DANIEL MOOKHEY: The Minister asks us what our intentions are. I will be clear: We are not privatising any of the assets that are mentioned in the call for papers. The third reason we are making this request is that, as we get closer to March, there is a joining of two issues coming our way: whether or not the Government intends to toll and then sell the Western Harbour Tunnel—just like it did with all the other major motorways—in the context of a budget under challenge. Under the watch of the Minister of Finance, our debt levels have hit \$182 billion, the highest on record. Our interest payments are climbing. Yet the Government is saying to the people of New South Wales that it is not breaking any of its promises when it comes to infrastructure, which raises the question: How does the Minister for Finance and his Government intend to pay for all those projects in an escalating construction market?

Government members say that they will build metro lines and tunnels, when the construction markets are at their tightest in decades. At the same time that the cost of our debt is skyrocketing, they will try to latch that golden key once more and sell, sell, sell. Under Keane, Perrottet and Tudehope, they will sell and the people of New South Wales will pay. I am proud to once more engage the House's powers to get to the bottom of this Government's nefarious agenda when it comes to privatisation. I look forward to having this debate each and every day between now and March, as we pit the Government's 12-year record of sales against our conditions. If the Leader of the Government has nothing to hide here, I know he will give us his voice as he votes for this order for papers under Standing Order 52. If the Leader of the Government votes down this order for papers, he is making it clear that he has every intention of going ahead with his secret plan to privatise.

The Hon. MARK LATHAM (10:40): One Nation members support the order for papers under Standing Order 52, and we are heartened to see that Labor members are keen to do more research on energy policy. It is somewhat two years too late, because they swallowed the bait from Matt Kean two years ago, around this time in the parliamentary cycle, to go 100 per cent renewable. Remember the promise that Labor endorsed—albeit under a different shadow Minister, who is now departing the Parliament—that we would get a \$115 price reduction for household electricity and \$315 for the business sector. That was the Kean-Searle-Shoebridge commitment to the people of New South Wales, and how is that going? Hopefully this order for papers will educate the Australian Labor Party on one of the golden rules of public policy in New South Wales: If Matt Kean endorses it, make sure you oppose it. If members need to sit up all night and call multiple divisions to make their point, they should do that as well.

The reality of this renewable energy market failure is hurting people. It has pensioners in New South Wales worried they cannot run the heating or the air conditioning in the future. It has households looking at their budgets and saying, "How can I pay the electricity bill?" The report yesterday from the head of Alinta Energy predicted that prices will go up 35 per cent next year, on top of record price increases this year. I recommend every single member here, particularly those foolish enough to have supported the Kean road map, read what he said about the cost of capacity replacement. He said that replacing 1,000 megawatts of electricity in closing down coal-fired power is costing Alinta \$8 billion in renewables and firming capacity. He said that it is costing \$8 billion to replace

what is being lost in coal-fired capacity, which had cost \$1 billion. That is an extraordinary mark-up. Of course, Matt Kean, the Government and the energy companies are not paying that; it is all passed on to consumers. Alinta is losing electricity-generating capacity that had cost \$1 billion and has to pay \$8 billion to replace it. It was always lunacy for Labor, The Greens and the Liberal-Nationals Coalition to go down that path. The mathematics of it never stacked up, and now consumers are paying those record prices.

I support the shadow Treasurer in saying that the Baird privatisation induced market failure. The Baird privatisation was faulty because it did not maintain a publicly owned generating capacity, which would now logically be moving into small modular nuclear reactors and generation. We should have kept a publicly owned generator. That has led to a market failure where cherrypicking, price gouging and supply restrictions are driving up prices, particularly by AGL. Hopefully the order for papers will shed some light on this dreadful era for public policy in New South Wales.

The Hon. TAYLOR MARTIN (10:44): The Government does not support this order for papers under Standing Order 52 [SO52]. Once again Mr Mookhey has come back to the old fishing hole. After a considerable absence of wideranging requests under SO52, maybe there is a shortage of reading material up in the Mookhey wing. This order is nothing more than another fishing expedition, capturing a wide range of documents from a whole range of State-owned corporations. Mr Mookhey has come back for papers and documents that he knows are Cabinet-in-confidence. In fact, paragraphs (f) and (g) are just a simple copy-paste from a previous wideranging request under SO52. The Government already provided extensive returns on Project Phoenix to the House earlier this year, following calls for papers from the Hon. Mark Latham.

Further, the sheer breadth of documents to be considered in this order within 21 days is nothing short of a strategic and tactical delay for our hardworking public servants so the Opposition can buy more time to come up with more fizzer ideas. The order is part and parcel of Opposition members' long-running scare campaign on privatisation, where they are trying to distort the truth and lie to the voters of New South Wales. They have lied to the voters about the impact of the sale of poles and wires by claiming it has led to higher power prices, when in fact network charges—the charges linked to the State's recycling of poles and wires—are down.

They claim to be such champions against privatisation, yet there are many skeletons in Labor's closet. The Leader of the Opposition was the architect behind the overturning of the Labor Party's previous ban on privatisation. The Leader of the Opposition formulates his economic policy in 140 characters or less, tweeting that privatisation does not work, yet he really means to say, "I don't know how privatisation works." As a chief of staff, the Leader of the Opposition signed off on the disastrous Parklea prison privatisation. Let me remind those opposite that the former Labor Government also botched the Gentrader privatisation. Asset recycling in New South Wales has delivered roads, rail, schools and hospitals years ahead of time thanks to the economic management of the Coalition Government. Mr Mookhey continues to perpetuate a scare campaign while offering nothing but spin to the people of New South Wales. The Government, of course, opposes this motion.

The Hon. MARK BUTTIGIEG (10:46): I move:

That the question be amended by inserting "in existence since 1 January 2015" at the end of paragraphs (b), (c) and (e).

The Hon. SCOTT FARLOW (10:47): I thank the Opposition for coming back to the table and amending the motion, because we would not want to go back through the pitfalls of the 12 years of Labor—sorry, the 16 years of Labor. I wish it was only 12 years. The Hon. Daniel Mookhey wants to get some policy ideas from the Government. He wants to have a look at what is on the table and what the Government has been working through, because we have seen nothing from those opposite when it comes to policies except for a sign when entering freeways. The Hon. Daniel Mookhey had the opportunity to bring his policies forward and support the parliamentary budget officer bill, which came to this Chamber in the last session, but he turned away from that. Labor members did not want to get their policies on the table. They did not want to get the parliamentary budget office up and running. They did not want to show what was under the hood of their operation, because they are already running out of steam. There is nothing under the hood from the Opposition; there are no positive plans for the people of New South Wales.

Today we see another trawling expedition from the Hon. Daniel Mookhey. It is like he has run out of material up there in the Mookhey wing. Over the next couple of weeks, he wants to tell more and more bedtime stories to his children and get more and more Government documents to trawl through. As the Hon. Taylor Martin has already reminded us, hardworking public servants across the State of New South Wales live in fear of another "Daniel Mookhey Standing Order 52". I have spoken to many of them and provided counselling sessions as they have come to me and said, "Is there anything you can do to stop the Hon. Daniel Mookhey from bringing in another Standing Order 52?" Those hardworking public servants have given up their weekends to press control-F on their computers to find every document that the Hon. Daniel Mookhey wants to bring before this Chamber—

documents that often accumulate cobwebs up there in the Mookhey wing because they are not read or looked at. It is another trawling expedition today, but Opposition members are just trying to find policies for themselves.

I would invite the Hon. Daniel Mookhey to put on the table that the Opposition will not privatise Government House. Members have seen the list of things that the Opposition will not privatise. Government House was not on that list. We are very concerned about what Opposition members are looking at. They have been to Government House. I have seen the Hon. Daniel Mookhey down there. He has been there with all of us. He had the measuring tape out, trying to work out the square metre price. We know his love of the Valuer General. He wants to work out a good price for Government House. I invite the Hon. Daniel Mookhey to rule out Labor privatising Government House. He could put it to the Chamber today. Of course, the Government opposes the order for papers.

The Hon. MARK BUTTIGIEG (10:50): By leave: I am disappointed by the jovial nature of the debate. This is a very serious matter. It is a point of difference between the Government and the Opposition on a key policy platform. Government members have just said that Labor is trying to steal their policies to work out its own policies. The Labor policies are on record. They have been articulated on several occasions by both our leader, Chris Minns, and the shadow Treasurer, the Hon. Daniel Mookhey. Labor will not be privatising any more assets. It will not do that because we have had a litany of historical failures of privatisation—exhibits A, B, C, D of this Government—for 12 years.

It might be understandable if the Government was privatising things that were subject to its own obsession with the private market when it is genuinely competitive. But, seriously, electricity assets? Monopoly assets? Toll roads? It has been an abject failure. Not only has it not resulted in benefits to the public but prices have gone up, the public has lost an asset, the State has lost income from that asset, and the Government has lost control. It has lost control. Instead of winding it back and saying, "We won't do any more," the Government is actually leaving it on the table. That is what this order for papers is about. It is about finding out what the Government's true intentions are so that we can go out during the election campaign and say to the public, "This is where the Labor Party stands and this is where the Liberal-Nationals Coalition stands."

If the Government has got nothing to hide, if its agenda is to make good on its failures and not privatise anything anymore, then it should tell us and show us. It is unbelievable that the Government has not ruled out any further privatisation. The Standing Order 52 request for papers goes to those discussions that may have been held in the background, because the Opposition thinks that the New South Wales public deserves a real choice. The public has seen the privatisation. On top of the failures of monopoly pricing, lack of competition, loss of assets and loss of income, as my colleague the Hon. Mark Latham pointed to, the market failure in electricity generation has been conducive to oligopoly price gouging on the retail and generation side.

When the Government sold the assets, what did it do? It invested in shonky infrastructure made overseas for a cheap sticker price, which has then come back. There have been cracked trams, rail that did not fit tunnels or was too long for tracks—billions and billions of dollars in over cost and overruns. This is an indictment of the Government's philosophy of privatisation and also its mismanagement of so-called asset recycling and putting that money back into dodgy infrastructure, which could have been made here locally with local manufacturing. If the Government wants to fight the election based on its philosophy of privatisation, then it should tell us what it is going to do and respond to the Standing Order 52 call for papers.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:54): Whenever the Hon. Mark Buttigieg gets to his feet and talks on an issue like this, we have to say that someone has written a script for him or it has come straight out of—

The Hon. Daniel Mookhey: Careful. You're the guys who keep hitting the talking points. Sam writes all your speeches; we all know that.

The Hon. DAMIEN TUDEHOPE: Point of order: There is continual interruption from the Hon. Daniel Mookhey.

The DEPUTY PRESIDENT (The Hon. Chris Rath): I uphold the point of order. I remind all members to listen to the debate in silence. The Leader of the Government has the call.

The Hon. DAMIEN TUDEHOPE: The Hon. Daniel Mookhey is a serial offender. The Hon. Mark Buttigieg has no credit in this place at all, ever, on any subject.

The Hon. Daniel Mookhey: Point of order: If the Leader of the Government wishes to reflect on members, he should do so via substantive motion. He should not simply give free character analyses to people in the first 40 seconds of his speech. I ask him to move anything that he wishes to say against the Hon. Mark Buttigieg as a

substantive motion. A second point of order goes to relevance. The member should be relevant to the terms of this particular Standing Order 52 request for papers.

The Hon. DAMIEN TUDEHOPE: The member wants to take up my time because he knows that this is an issue—

The DEPUTY PRESIDENT (The Hon. Chris Rath): Is this to the point of order?

The Hon. DAMIEN TUDEHOPE: No. That is, I want to keep going because it is taking up my time.

The DEPUTY PRESIDENT (The Hon. Chris Rath): The Minister will be relevant to the call for papers. He may proceed.

The Hon. DAMIEN TUDEHOPE: If the Opposition wanted to make a point about track records, transparency and making sure that the people understand, it would have backed a transparent process with respect to the Parliamentary Budget Office revealing and making transparent applications for costings of policies that it is asked to assess. Did the Opposition back that policy? The fact of the matter is this: Members opposite can never come to this place and say that the Government lacks transparency in what it will put to the people of New South Wales, because they will never tell us what policies they have in store for the people, what they will cost and how they are proposing to fund them. That is the key point of this call for papers. It is directed at electioneering. It is not directed at proper governance, and it shows the great travesty which has been foisted on the House by the member's misuse of orders for papers time and time again that are not for any proper purpose.

The Hon. Mark Buttigieg: Icare.

The Hon. Daniel Mookhey: TAHE, Barilaro, Camellia.

The Hon. DAMIEN TUDEHOPE: Ask me some questions.

The Hon. Daniel Mookhey: Do you want an extension?

The Hon. DAMIEN TUDEHOPE: I seek an extension of time, because I lost a minute because the Hon. Daniel Mookhey was talking too much.

Leave granted.

The Hon. Daniel Mookhey: I am being nice to you, Damien. Hurry up.

The Hon. DAMIEN TUDEHOPE: I am talking about Nigel Farage in a minute, don't worry about that. The extent of this Standing Order 52 request for papers is so wide, so vast and so incomprehensible in many respects that it should be rejected on the basis that it does not serve the House well. It does not serve the House to consider calls for papers of this width and for the purpose of straight-out electioneering when those opposite will not disclose any of the costings of any of their policies or how they propose to pay for them. That is what the Parliamentary Budget Office will tell us. Members opposite do not want the transparency attached to that. We would like to know what their policies are and how they propose to pay for them when that arises. They want to do exactly the same thing through this process. It does not do the House any favours at all to be used in this manner.

The Hon. DANIEL MOOKHEY (10:58): In reply: I thank all members who contributed to the debate. I thank the Hon. Mark Buttigieg for both of his contributions and I look forward to supporting his amendment. It is a sound amendment. The Hon. Taylor Martin was insightful, as always. I also thank the Hon. Mark Latham, the Hon. Scott Farlow, and the Minister for Finance and Leader of the Government. I quickly address his concerns about the lack of utility of Standing Order 52 orders for papers. The House has used Standing Order 52 powers appropriately when it comes to issues like icare, the Transport Asset Holding Entity, John Barilaro, the Camellia land deal, as well as the grants that affected Hornsby Shire Council. That was another highlight. Standing Order 52 powers have been successful in dealing with what has gone wrong with our health system and what is going on in our corrections system. The sale of government assets is a fine use of Standing Order 52 powers as well. As for the claims that Labor is planning to sell Government House, the King can rest easy. Government House will stay in public ownership under a Labor government.

Equally, in respect to other issues that have been raised in this debate, I remind the House that this government has a record \$93.5 billion worth of asset sales. People are paying more in electricity prices; tolls are going up by 4 per cent each year, every year, with the profits being attributed to a private operator and not coming back into the consolidated fund to help fund schools and hospitals. That is a consequence of 12 years of privatisation by the Liberal Party and there is no sense that it is going to change. It may well continue for another four years with assets like Sydney Water, Essential Energy and the radical options that Minister Tudehope's best friend, David Elliott, is contemplating with our railways—that is franchising them. We should get engaged and

get to the bottom of that. I recommend that the House supports this motion. I look forward to the Government, having heard my reply, recanting its position and supporting it.

The PRESIDENT: The Hon. Daniel Mookhey has moved a motion, to which the Hon. Mark Buttigieg has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

The House divided.

Ayes24
Noes 16
Majority.....8

AYES

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

NOES

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

Motion as amended agreed to.

NIGEL FARAGE SPEAKING EVENT

Production of Documents: Order

The Hon. MARK LATHAM (11:11): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created since Monday 1 August 2022, in the possession, custody or control of the NSW Police Force and Office of the Minister for Police relating to the Nigel Farage speaking event in Sydney on Tuesday 27 September 2022:

- all documents relating to the security advice and decision-making leading up to the event;
- all documents relating to the deployment of police officers at the event; and
- any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is an attempt to find out why there was over-policing of the Nigel Farage speaking event held at Doltone House at Pyrmont on Tuesday 27 September. It was a gross overreaction by the NSW Police Force. It is a truism these days that if you want to find out who is protesting about what, it will be writ large over social media. There will be plenty of pointers to what is going on, as protesters organise themselves on the various social media forums. For this event, there was not a murmur.

The Farage team assures me that they looked through all the social media. They are very experienced in organising speaking events around the world, where protesters might turn up. There was not a single word on Sydney or Australian social media about any sort of protest being organised against the distinguished former member of the European Parliament and hero of Brexit, Nigel Farage. He is a moderate, sensible, mainstream speaker on a range of issues. He has a lot of support in his country and in Australia. So why did the NSW Police Force totally overreact by deploying dozens of officers to surround Doltone House? Why have no less than the riot squad parked in a side street in case there was some action? Why was there a need to charge the organisers \$3,000 for police protection against an invisible protest?

It was a bizarre use of policing resources. Whether or not you are a fan or an opponent of Nigel Farage, we should all be concerned about the waste of police resources in this instance. If there was no sign of any protest and no word on social media about a planned protest, would it not be better for the scores of police officers to be mobilised for real policing out in the suburbs? Policing drive-by shootings and the drug trade, protecting neighbourhoods and households—that is what they should have been doing that evening, instead of over-policing a non-existent protest. Questions need to be asked: Why were the Farage organisers charged \$3,000? Why were the taxpayers of New South Wales made to fork out far greater amounts of money for the extra police, particularly the riot police who were mobilised on stand-by that evening? What was the security advice that caused this overreaction?

The Standing Order 52 motion seeks to elicit answers to these questions, to find out what security advice and decision-making there was in the lead-up to the event. It seeks the production of all documents relating to the deployment of the various police officers at the event. The officers themselves were doing what they were told, but somewhere in the police hierarchy there are questions that need to be answered. What was the security advice? What was it based on? If there was no protest organised and none foreshadowed on social media, what shadows were the police hierarchy jumping at in deploying extraordinary and completely unnecessary police protection, squandering scarce NSW Police Force resources at the expense of the taxpayer? The request for papers under Standing Order 52 is straightforward. It will be fascinating to see what is unearthed. The Government, again, needs to be made accountable.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (11:14): The Government does not oppose this motion. The Hon. Mark Latham will get the relevant documents. But we are very happy to provide him with a sneak peek today, because there is nothing to see. It is well established that there are times when police are required to provide public policing services that go beyond their general responsibilities to the community. These include but are not limited to vehicle and pedestrian traffic management services for special events, including film shoots, wide load and other vehicle escorts, crane operations, traffic signal maintenance, road closures and building sites. They also include crowd and traffic control and public order for sporting and entertainment events—including fairs, film and stage premieres, exhibitions, music festivals and agricultural shows—whether at closed venues or stadiums or open events such as on-road cycling events and fun runs, or outdoor concerts. There are also supplementary policing services, where a client requests additional policing services in a designated location, like markets or commercial shopping centres.

The service is provided by police officers who would not otherwise be rostered on for duty, as was the case here. In these circumstances, the NSW Police Force applies a user charge arrangement, which is a statutory scheme, to recover the cost of providing the policing services. On 7 September, police from Sydney City Police Area Command engaged initially with the International Convention Centre Sydney in relation to Mr Farage's event and a number of other events scheduled at the ICC as part of its ongoing business. The event involving Mr Farage attracted some concern about the prospects of potential protests. The discussions with the venue included the provision of user charges policing.

Due to low ticket sales for the Nigel Farage event, organisers moved it to Doltone House. Ultimately, NSW Police Force and the promoter agreed to the provision of four user charges police. In addition, a further 25 rostered officers were tasked to the event. In terms of up-front payment, I am advised that the promoter is a first-time client. In such cases, as is customary, payment is sought prior to the conduct of the event. This agreement was in accordance with policy and the legislative framework under which NSW Police Force can request payment for user charges services. That having been said, the Government will not be opposing the motion.

The Hon. TARA MORIARTY (11:17): The Opposition does not oppose the motion.

The Hon. MARK LATHAM (11:17): In reply: Thank goodness we had our own Inspector Gadget on the job to explain what happened that night. He is diligent, finely cut and trimmed, and up to the task. As always, the Hon. Ben Franklin was reading from notes written for him. I must correct him on a couple of fronts. This was not a question of traffic management. That proposition is absurd. There was no cycling. This was a speaking event, where the organisers were coerced into paying \$3,000 because they were told that if they did not then the NSW Police Force would call off the event.

The Hon. Walt Secord: Mark, was Amanda Goff there?

The Hon. MARK LATHAM: I acknowledge the interjection. I assure the Hon. Walt Secord that One Nation is a very broad church. One Nation is often fitted up by the left of politics as being terrible misogynists and women-haters, but we love all women. I can assure the honourable member that, at that event and elsewhere, we love all women—and we love all men. We are a party of love and devotion to every citizen in New South Wales. In this particular case, One Nation is devoted to saving the taxpayers' money. No-one should be coerced

into paying \$3,000 when there are no protesters. The Government's best line is that somehow it was a cycling event, or some traffic management was needed at Pymont. The whole proposition is absurd. There was a waste of policing resources. We need to see the documents. As much as we love and respect our own little Inspector Gadget here, the report he has given the House is insufficient. We will need to persevere with the request under Standing Order 52 to get the full documentation. We will see what we have to say about it subsequently.

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

Motion agreed to.

WARRAGAMBA DAM WALL

Production of Documents: Order

Mr JUSTIN FIELD (11:19): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier; the Minister for Lands and Water; the Minister for Planning; the Minister for Infrastructure, Minister for Cities and Minister for Active Transport, as the former planning Minister; the former Minister for Western Sydney; the former Minister for Water; Property and Housing; the Department of Premier and Cabinet; the Department of Planning and Environment; Infrastructure NSW and/or WaterNSW relating to the declaration, or any proposed declaration, of the proposal to raise Warragamba Dam wall as critical State significant infrastructure:

- (a) all documents created since 1 September 2021 regarding the declaration or any proposed declaration;
- (b) all text messages sent or received by the former or current Ministers listed above regarding the declaration, or any proposed declaration, during the period 1 August 2021 to 1 October 2021;
- (c) all text messages sent or received by the former or current Ministers listed above regarding the declaration, or any proposed declaration, from 1 August 2022 to date; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers under Standing Order 52 looks into the very recent decision by the New South Wales planning Minister, Anthony Roberts, to declare the Warragamba Dam wall-raising project critical State-significant infrastructure. That decision was announced last week. The announcement preceded what were expected to be substantial rain events over the past week and in the coming weeks. It elevated the discussion around flood mitigation for the Hawkesbury, which has been the subject of debate and discussion in this House and in the ongoing parliamentary inquiry.

The declaration has significant impacts. It is worth us interrogating the way the Government has arrived at its decision. The declaration does a couple of critical things. It removes the right of third parties to appeal certain decisions relating to the planning assessment process. In the event of approval, it would remove the powers of certain agencies, including the NSW Environment Protection Authority, to regulate in the public interest. The decision was made by the planning Minister.

The argument was made that it is now super critical that the Government get on with the project and that the decision to make it critical State-significant infrastructure somehow speeds up the process. Of course, that is not true. It does not actually change the assessment process; it just limits the legal rights of third parties and agencies. A very different decision was made just 12 months ago by the former planning Minister, Rob Stokes. When it came out publicly that he had refused such a designation, a spokesman made comments on his behalf to the media. He said:

This project is unique in that it impacts a World Heritage area and it's important we meet our UNESCO obligations ...

The spokesman continued to say that Minister Stokes would make a judgment on the merits of the proposal "based on a rigorous assessment, expert technical advice and community feedback." The Minister made the decision not to declare it because he was aware that the environmental impact statement [EIS] that had been prepared by WaterNSW had been substantially criticised by not only members of the public, environmentalists, UNESCO and other world heritage-related bodies in New South Wales but also the Gundungurra, regarding the cultural heritage impacts; the New South Wales and Commonwealth environment departments; and Heritage NSW.

A laundry list of State and Commonwealth agencies and stakeholders have said that this EIS is not fit for purpose and that the former planning Minister made a correct decision at that time. Now that is being changed, the public should go and see the correspondence, analysis and advice regarding both those decisions: Minister Stokes' decision last year and the decision by Minister Roberts this year. Why is that important? It is important because the EIS has a heap of holes. It is incredibly concerning. Just in the past week, media reporting referred to a previously secret investigation conducted by the Government and to allegations made by the accredited assessor developing the environmental assessment for this EIS.

She made allegations to the parliamentary inquiry that her work was changed. An independent analysis and investigation of WaterNSW's processes, undertaken by a legal firm, found that the EIS may have been compromised because the agency charged with getting approval for the dam raising—WaterNSW—did not act in accordance with best practice. *The Guardian* revealed that the independent investigation found the EIS was changed to make the project's impacts appear less definite.

If the Government thinks it needs to change the designation for this project to avoid third parties being able to challenge aspects of this assessment in the courts and if an independent investigation in the hands of WaterNSW, the proponent, identifies questions about the integrity of the EIS, that smacks of the Government trying to avoid scrutiny and assessment of the legality of this major project, should it be approved. This goes to the integrity of the entire planning system in New South Wales. The project is important. Analysis of flood management in the Hawkesbury and Nepean is important for the people of New South Wales and Sydney. It should be a fair and robust process. Let us have a look at the documentation around it.

The Hon. SHAYNE MALLARD (11:25): The Government has nothing to hide regarding the Warragamba Dam process. The New South Wales Government is committed to raising the dam wall by 14 metres as part of a range of strategies to save lives and properties during floods. Everyone knows that Sydney has recorded its wettest year on record since 1858 and there is significantly more rain to come. I live in the Blue Mountains, and I am in Penrith a lot. The flooding is severe right through the Hawkesbury region at the moment. The Government takes this matter very seriously, hence the declaration of State-significant development.

The raising of the dam wall will reduce the number of homes impacted by extreme floods from 15,500 to just 5,000, which is still too many. It will reduce the number of people who need to be evacuated from 90,000 to 14,000 and reduce the cost of damage to property—that is, homes and businesses—by \$8 billion. If one-third fewer homes will be affected, 76,000 fewer people evacuated and \$8 billion in damage avoided, it seems to the Government a straightforward decision to increase the height of the dam. No doubt this motion calling for papers under Standing Order 52 will succeed; the Government will not oppose it. Mr Justin Field will then have the information that the committee of inquiry has already had.

The fact is that the Greater Blue Mountains covers over a million hectares—1,032,000 hectares. I live there. I love the national park and I bushwalk all the time. The defined upstream impact of raising the wall in the event of floods is 1,400 hectares. That is 1,400 hectares compared with over a million hectares—0.14 per cent of the national park. Since coming to government, we have added 31,500 hectares to the Greater Blue Mountains national parks: the Gardens of Stone, which most members of this House appreciate, Radiata Plateau and the Wollemi National Park. It is not like we are being irresponsible regarding the Blue Mountains environment. That is an incredible increase. Mr Justin Field will find that information when his call for papers goes through.

Mr Justin Field mentioned the WaterNSW report. I remind him that the committee had a response from WaterNSW, which I moved be made public, regarding the investigation of those serious allegations. Basically, from memory, there was a difference of opinion between different professional consultants, and they had to work through a process. That is on the record in our committee report. So there is no conspiracy there, and the member will not find anything new in the documents that will be produced. Whilst I appreciate *The Guardian*, it always has an agenda when it runs its stories. Clearly that is what it was running on this occasion. The member will also find interesting information about Labor's policy and its impact on the environment. I do not have enough time now to talk about Labor's policy. I will be able to talk about that if my motion comes before the House today. The proposal to lower the water levels and operate one or two additional water desalination plants has serious flaws. They should be discussed later. With those few words, the Government will not oppose the motion, but we do not think it is necessary.

The Hon. ROSE JACKSON (11:28): Labor also supports the motion moved by Mr Justin Field. Pleasingly, the Government is not opposing it. We look forward to seeing the documents. The scope of this call for papers under Standing Order 52 is quite narrow. It goes to the question of what happened between Minister Stokes' decision last year and the announcement that was made last week. That is the critical question at this point. The Hon. Shayne Mallard is right: There have been quite a lot of public discussion, parliamentary discussion and inquiries in relation to this issue. But something has happened. It cannot simply be that it has rained. Last year Minister Stokes refused to designate the wall raising as critical State-significant infrastructure. A year later the Government has done a total 180 without any explanation as to why the designation was refused last year but approved last week.

It is critically important to know who recommended that change, where it came from and why it has happened. It is particularly significant because, in a budget estimates hearing recently, we could not get a straight answer as to which Minister was responsible for this change. It used to be Stuart Ayres, randomly, as Minister for Western Sydney. That made no sense to anyone, but he was in charge of it. Then he was punted. In the most recent round of estimates hearings, we asked Minister Elliott, who is now the Minister for Western Sydney. We asked

Minister Anderson. We asked Minister Roberts. Minister Roberts had no idea. He is now the one making this decision. He mumbled a bit, said "Elliott", then changed his mind and said "Anderson". I think the answer, after everyone pointing at each other, is that Minister Stokes is actually responsible for this now, which is particularly interesting because he was the one who refused the designation of "Minister for Planning". He is now the Minister for Infrastructure. He now has carriage of the entire project, and yet his decision has been overturned.

We need to get a clear explanation. Was Minister Stokes consulted? What did he say about it? What did the department say about it? These are really important questions because, as Mr Justin Field said, a critical State-significant infrastructure designation is an important thing. Making that designation is a powerful thing the Government has done in relation to this project. We must have clear answers on why the decision last year was overturned. This project has been put in this significant category, and consultation has been removed. It is important that we understand who recommended this, what advice was sought and what opinions were given so that we can understand whether this is fair game or not, because there are serious questions about it.

The Hon. SCOTT FARLOW (11:31): The clear explanation required is whether those members opposite will support the people of western Sydney by raising the Warragamba Dam wall. An investigation by the Hawkesbury-Nepean Valley Flood Management Taskforce found that raising the dam wall was the best flood mitigation option. As the Hon. Shayne Mallard outlined to this Chamber, there is a clear distinction in terms of what this will do. The number of homes impacted by floodwaters would reduce from around 90,000 to around 14,000, and the cost of damages would lessen from \$8 billion to \$2 billion. As Mr Mallard said, that is still a hugely significant impact. But that is the best mitigation strategy available.

If we look at what has been proposed by members opposite, we see that the Opposition is pushing for Warragamba Dam to be turned into a flood mitigation dam without offsetting any of its impacts. This would put Sydney's water supply at risk and would take around nine months to create 12 metres of airspace if there is no more rain. Only a few short years ago, we were worried about the storage capacities in Warragamba Dam and looking at building additional desalination plants because we were worried about the water security of Sydney. Labor's policy is a thought bubble. Those opposite have not thought through Sydney's water supply needs. To turn the dam into a flood mitigation dam would cost around \$1 billion for modifications and require a new desalination plant to be built, costing from \$3.5 billion to \$4 billion. That will add an extra \$130 to water bills each year. Quite frankly, nobody needs that at the moment, given cost-of-living pressures.

What the Opposition is ignoring when it comes to Warragamba is that we can delay when 54 per cent of the water comes in. This gives up to an extra eight hours for people who have to evacuate. The Opposition should know that Warragamba Dam gives the most evacuation time for people in flood-impacted areas. That is explained in the environmental impact statement. Instead of wheeling out quick and dirty headlines to pretend to have a plan, members opposite should get on board with the plan the Government is providing when it comes to raising the Warragamba Dam wall. Buying extra airspace will not change the outcome or help the people of western Sydney. The task force's report has shown that raising the dam wall is the best option for western Sydney, which is why the New South Wales Liberal-Nationals Government is pursuing it, why it has been declared critical State infrastructure and why we need to get on with the job now.

The Hon. PENNY SHARPE (11:34): I will make a short contribution about this motion for an order for papers under Standing Order 52. It is an important motion because it is about a change of direction from the Government, which has happened because the people in western Sydney have dealt with four floods in the past four years and this Government has done nothing. All the Government is putting forward is an unfunded project. There is not one dollar allocated to it in the budget. After 12 years, the Government has not fixed one evacuation route, built one levee or done anything possible around other emergency issues. It absolutely refused to even look at any innovative approach around managing the dam as it is.

Members need not ask me about this; they can go and talk to the member for Hawkesbury or the member for Riverstone, both of whom have been begging the Government for the past 12 months to look at flood mitigation operations of the dam as it is. The Government completely refuses to do so. It is carrying on about a project that is unfunded and four years away and, when 45 per cent of the flooding comes from elsewhere, will not fix the problem it is trying to solve. The idea that this is the silver bullet after 12 years of inaction is pretty shameless, even by this Government's standards.

Let us talk also about the importance of building on the flood plain. The Government has pointed to the Hawkesbury report, which is fine. The Government is entitled to do that. We have just had a large flood inquiry. Professor Mary O'Kane and former commissioner Mick Fuller went all over the issue. They are eminent, thoughtful people. Did they recommend this project in their report? No, they did not. After 12 years of nothing, it is shameless even for the Government. Professor O'Kane and former commissioner Mick Fuller said that the best thing we can do is keep people out of harm's way.

There are plenty of developments to come and decisions to be made. This Government is absolutely silent on what it will do about them. Instead, it is trying to justify this project at this late date on the basis that it will save people who are not even living on the flood plain yet. It makes absolutely no sense. The Treasurer and former environment Minister had very strong views. He said that it did not stack up economically or environmentally. But, as usual, he will say whatever he wants to, to whatever audience he thinks he will get the most applause from. What he and this Government have done so far in relation to this has shredded any environmental credentials they ever had.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I call the Deputy President.

The Hon. Shayne Mallard: And member of the inquiry.

The Hon. WES FANG (11:37): Before I start, I acknowledge the interjection of the Hon. Shayne Mallard, acknowledging me as a member of the committee that undertook the inquiry. It might be a bit late, but it is good that he has done so and that I am not chopped liver. I appreciate that interjection. But I digress.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): It might be best for us all if you return to the subject matter.

The Hon. WES FANG: Mr Assistant President, your guidance is always well received. I will move on. I acknowledge that you are a member of the same committee, along with Mr Mallard and the Hon. Taylor Martin and a number of members opposite, who are well aware that the Warragamba dam wall is a piece of critical infrastructure. I note that some of the contributions have perhaps strayed into realms that are not quite relevant to this motion for an order under Standing Order 52, but I will keep my contribution, perhaps disregarding the first part, to the motion itself. If it is successful, which is a big assumption, those opposite are likely to find some analysis of what Labor has said about what we should be doing in this space. We know from the Opposition leader's social media that his view is that we should just reduce the water level in Warragamba Dam.

As we know, 80 per cent of water for the Sydney area is stored in Warragamba Dam. If the dam level is reduced by 33 per cent to achieve a similar water surge position to that achieved by raising the wall, we will be in permanent level two water restrictions under that regime. Sydney is a world-class city and we need to ensure that we have world-class infrastructure, and that includes support for the provision of basic services like water. It is an absolutely reckless position to reduce water storage in a country like ours that is so prone to drought. We need to ensure that those downstream can reach safety and that we protect lives, not trees.

Mr JUSTIN FIELD (11:40): In reply: I thank the House for support for the motion, which is a call for papers under Standing Order 52 on the decision-making process, communications and advice around the critical designation of this project. Of course, the inquiry established by this House in 2019 was primarily established to interrogate the environmental impact statement [EIS], which was at that stage anticipated from mid to the end of 2019. It is now towards the end of 2022 and the Government's EIS has been sent back twice.

We are still waiting on a preferred infrastructure report, which is basically a resubmit exercise for WaterNSW. Any claim by the Government that this designation is about fast-tracking the project or that it takes this project seriously and there has been too much delay—it has been the Government that has slowed the process—is primarily because it is hard and complex. The EIS has not been adequate. There has clearly been division within the Government about whether or not to support this project. The inquiry is still ongoing because we are waiting to see the preferred infrastructure report. If the Government does not come forward with it, it is difficult for us to do our final analysis and provide a final report. The interim report was very critical of the EIS process up to that stage and highlighted all the concerns raised about it by various agencies and stakeholders.

This debate has been used to canvass broader issues around the project. I hope to have that debate later in the day. On that point, even if this project is approved, it will take years to build. We are in a very water-heavy cycle at the moment. It would make sense to consider flood mitigation with the current dam, at least in the period between now and the potential construction, if indeed the project is approved. Would it not be worthwhile to work out how to mitigate flood with the existing infrastructure? The fact that the Government is not prepared to look at that raises serious questions about how much it is addressing the broader flood management challenges for the Hawkesbury and Nepean, irrespective of this project. That is important.

This project cannot stop major and catastrophic flooding in the Hawkesbury and Nepean. That is the Government's own analysis. The Government always talks about it on the averages. How many homes on average will be protected from flooding? How much damage on average will be protected from flood impacts? But that is not how flooding works. It is not on the averages. There are at least 20 per cent of the scenarios in the Government's own analysis that show that one-in-100-year flood levels will reach a similar peak. Delays will be far less than the eight hours put forward and we need to do the other stuff anyway—the evacuation routes and getting people off

the flood plain. This project does not fix that. Pretending it does provides a false sense of security to people in western Sydney and does a disservice to everyone.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the motion be agreed to.

Motion agreed to.

MINISTERIAL CODE OF CONDUCT

Production of Documents: Order

The Hon. JOHN GRAHAM (11:44): I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created since 1 July 2019, in the possession, custody or control of the Premier, Office of the Premier and the Department of Premier and Cabinet relating to disclosure obligations under the Ministerial Code of Conduct:
 - (a) all documents relating to any submission or application made by a Minister or Parliamentary Secretary in respect of satisfying their disclosure obligations under the Ministerial Code of Conduct;
 - (b) all documents relating to rulings made by the Premier of the day in relation to any disclosures made by a Minister or Parliamentary Secretary in respect of satisfying their obligations under the Ministerial Code of Conduct; and
 - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers relates to disclosures under the Ministerial Code of Conduct. It is similar to a resolution that has been passed by this House previously. We know that there have been issues with disclosures under this Government. There are two sources of interest here. One is what the disclosures are. What have the Ministers declared? Secondly, what is the role of the Premier and the Premier's office in enforcing the code that applies to Ministers? Both of those matters have been called into question by events under this Government. I will not trawl over those events. Many of them are on the public record. They have related to disclosures by John Sidoti, MP, and matters relating to the member for Wagga Wagga, which have been well canvassed in this place and publicly. These matters have been the subject of discussion in the House as well as consideration in detail by the arbiter.

The arbiter has been very clear about a number of things. Firstly, the arbiter rejected the view that has been put by the Government and the Department of Premier and Cabinet [DPC] that the sole purpose of the register is to enable DPC to avoid potential conflicts of interest. The arbiter said that was not the only purpose of the register. In fact, it might be relevant to the House. How does the House fit into this? The arbiter was clear that the House has obligations and responsibilities, stating, "The House also has a constitutional interest in overseeing the manner in which Ministers generally and the Premier in particular exercise the statutory obligations conferred upon them under the code, both as an aspect of Executive accountability and in the context of the continuing suitability of the legislative framework." In the end, the arbiter put the view that it is a matter for the House to decide.

That is what we are seeking here—a decision of the House in the same way that the House has decided on previous occasions to examine this matter. In dealing with these issues, the arbiter observed that DPC, in mounting its case against the view that the House took previously, put forward no particular instance of privacy or confidentiality that would counterbalance the public interest in unfettered debate in Parliament. I welcome the general argument of the Government. I would invite any specific issues it might raise and indicate that we are open to taking them into account.

Finally, expectations around integrity in this Parliament and in parliaments around the country are rising. This Premier and this Government like to say they have passed more integrity measures than any government. I do not agree with that claim. But this is an opportunity for it to be tested. Rather than the flurry of new measures that this Government is promoting publicly at the end of 12 years, this is an opportunity for the House to examine one of the most important measures in this place—matters that Ministers declare to the Premier about conflicts of interest, how it is being complied with and how it is being policed.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:47): The Government will not be opposing the motion. However, I will be seeking to amend it by inserting a second paragraph. I move:

That the question be amended by inserting at the end:

- (2) That this House calls on the NSW Labor Opposition to disclose the diaries of their shadow Ministers.

The mover of this motion has made great moment of the fact that integrity in government is an important component of people having confidence in their elected representatives. I agree with him. I am a staunch believer in an integrity process. Regarding the integrity positions that this Government has taken and the manner in which we have dealt with issues, I happen to think that this Premier has done more in relation to integrity—not that that

concession was made by my friend. I happen to think that he is absolutely committed. He and I are on a unity ticket in making sure that the integrity of the Parliament is acknowledged by those we represent.

If this is about giving confidence to those whom we represent, then it is a two-way street. It goes both ways. The commuters of this State have had their train journeys seriously disrupted on a regular basis by all sorts of strike action. It is potentially open to suggestion that there have been meetings between union officials and those who would seek to be in government. It is important that transparency extends to those opposite. They should disclose their involvement and potential meetings with those officials and any knowledge they may have had about the disruption to services. It extends across the board—for example, teachers' and nurses' strikes. If, in fact, those opposite are meeting with union officials who have input into the Labor Party's alternative government strategy, then integrity works both ways. They ought to be transparent. We all ought to know about it. I commend the amendment to those opposite.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (11:50): I support the amendment moved by the Leader of the Government. He has hit the nail on the head. When we come into this place every week, particularly on Wednesdays when it is private members' day, there are a lot of Standing Order 52 motions on the agenda. We hear about transparency from those opposite. We hear about their wanting to know what is going on and wanting access to papers for the good of the people of New South Wales. I cannot for the life of me think why members in this Chamber would not support the amendment moved by the Leader of the Government, because it is about transparency. We are now less than six months out from the election, when the people of New South Wales will vote and make their decision about who they would like to be in government.

I do not think it is a big ask of the shadow Cabinet to tell the people of New South Wales who they are meeting with, what stakeholders they are speaking to and who is helping them shape their policies. That is important in terms of integrity and transparency. The Leader of the Government has spoken about meetings with unions. Of course, that should be disclosed. But also general stakeholder meetings, who they are meeting with, why and what they are talking about should be disclosed. If it is good enough for the Government, it is good enough for those opposite who are putting themselves forward as the alternative government to the people of New South Wales. This is a very simple amendment. Every member in this House should accept it. Otherwise, they make a mockery of coming into this place, particularly those opposite, who on private members' days insist on transparency but do not have the guts to back it up by having their own colleagues say who they are meeting with and why.

The Hon. CHRIS RATH (11:52): I speak in favour of the amendment. It was probably with great trepidation that members of the Opposition read the ICAC recommendation that all members of this place should disclose their diaries. It was probably with even further trepidation that they listened to the Premier's press conference where he agreed in principle to all of the recommendations by ICAC. I think that we will have to disclose our diaries very soon, but in particular we want to know who the shadow Ministers are meeting with. Ministers on this side of the Chamber have to disclose their diaries, but at the moment shadow Ministers do not. What are they hiding? Are they hiding when they last met with Alex Claassens, Mark Morey or Bob Nanva? Because those types of meetings are currently not being disclosed.

We on this side of the Chamber think that those meetings should be disclosed and that the public has the right to know who senior shadow Ministers are meeting with. Week after week members of the Opposition in this place demand transparency from this Government. They can give it but they cannot take it when it comes to transparency. They do not want to open up their diaries. We have been doing it for years. They do not want the accountability that comes with opening up their diaries. The public has the right to know how often Chris Minns and New South Wales shadow Ministers meet with union bosses, especially when those bosses hold the power to disrupt transport and education across the State for months on end.

To his credit, Chris Minns provides general meeting disclosures through the NSW Labor website. However, those documents contain a footnote stating that they do not include strictly political meetings. Chris Minns and his shadow Ministers do not declare private meetings with union bosses such as Alex Claassens, the man causing chaos on Sydney's trains. Government Ministers must declare their diaries and appointments, while shadow Ministers do not. For Sydney commuters, this does not pass the pub test. I wonder if it is weakness, a lack of integrity or both. Is it weakness for Chris Minns and the shadow Ministers to fail to stand up to the trade union bosses? Is it weakness or is it a lack of integrity? Maybe it is a bit of both. Those on this side of the Chamber disclose our diary appointments. Those opposite will soon have to when these recommendations are implemented.

The Hon. JOHN GRAHAM (11:56): Firstly, I welcome the comments by the Leader of the Government. In particular, I place on record my position about the Premier's role. I welcome the steps the Premier has taken on integrity measures. I do not accept the claim that it is the most any government has done ever, but any step forward at any time is welcome. The fact that the Premier has recognised the need is welcome. I should have put that on record earlier. I also recognise the Leader of the Government's entertaining diversion on this matter—the smearing

of the distinction between Executive power and the parliamentary role that all members play in this Chamber—and the suggestion from various Government members that all members of Parliament might have to disclose their diaries. It is not off the table, from the point of view of the Opposition. This issue is now on the public record. We have said that we are open to discussion on it, but it creates issues for all members of the House relating to privilege and the fact that we each have one staffer. The staffing was cut by the Government.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! The Hon. Rose Jackson had the opportunity to contribute to debate earlier but she did not take it. She will remain silent. The Hon. John Graham will continue.

The Hon. JOHN GRAHAM: We should not get obligations to the Parliament and to the public wrong. The Government cut staff, which has had implications for all members of this place, crossbench and Opposition, to meet those obligations. It is not off the table, but that would have to be part of the discussion. I would take the claim more seriously if Ministers of the Government disclosed some of the off-diary meetings they have with lobbyists at social functions—one of the ways that diary disclosures have been dodged. If the Government is open to that discussion, we would take the Minister's amendment more seriously. I thank the Hon. Chris Rath for his acknowledgement that the Leader of the Opposition is making those general meeting disclosures. Having said that, we will oppose the amendment. We will support the motion, but we are open to a discussion with the Leader of the Government should he put this claim seriously.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. John Graham has moved a motion, to which the Hon. Damien Tudehope has moved an amendment.

The Hon. Damien Tudehope: Point of order: The Hon. Rose Jackson's earlier interjections across the Chamber were out of line.

The Hon. Rose Jackson: To the point of order: No, they were not, and that is an outrageous slur. I am the model of decorum at all times.

The Hon. Damien Tudehope: Further to the point of order: She continues to engage in exactly the sort of behaviour that I was referring to.

The Hon. Tara Moriarty: To the point of order: She has a legitimate point.

The Hon. Rose Jackson: Further to the point of order: I have a very legitimate point, which I chose not to make in the debate.

The Hon. Damien Tudehope: Further to the point of order: I invite the Hon. Rose Jackson to speak in her own defence.

The Hon. Rose Jackson: Further to the point of order: Whatever I said is true.

The Hon. Damien Tudehope: I withdraw the point of order.

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

Questions Without Notice

PUBLIC ASSETS PRIVATISATION

The Hon. PENNY SHARPE (12:00): My question without notice is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. Given that the Government has privatised more than \$93.5 billion in public assets since 2011, will it match Labor's policy of ending all further privatisation before there is nothing left to sell?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:00): I thank the Leader of the Opposition for her question. Before I give a significant answer to that question, I announce that preselection for the seat of Epping and the seat of Castle Hill opened today. I have offered to give the Premier a reference in Castle Hill. I put that on record, and I am considering all opportunities that may exist. It is an important consideration I have to make.

The PRESIDENT: The Minister will return to the question.

The Hon. John Graham: You are anticipating my question.

The Hon. DAMIEN TUDEHOPE: Good. No asset recycling proposals are on the table or currently being considered by this Government, but a responsible government gets itself involved in assessing all sorts of demands on government and how they will be paid for. There is no doubt that the success of the delivery of infrastructure

to this State, which those opposite were never able to deliver, has been predicated on asset recycling in circumstances—

The Hon. John Graham: What about the debt—\$183 billion?

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: Thank you, Mr President, I welcome your call to order. We now have a North West Rail Link. We have freeways and roads—the NorthConnex and the WestConnex. We have more schools and hospitals in this State than we have ever had, and the rebuilding program for this State has absolutely been on the basis of an asset recycling program. If I go back and look at people like Carl Scully, who wrote a very informative—

The Hon. Penny Sharpe: Point of order: I am a very big fan of Carl Scully. But I take the point of order on direct relevance to the question, which the Minister is required to answer. The question is: Will the Government match Labor's policy in relation to privatisations? It is a yes or no answer, and I invite the Minister to answer it.

The Hon. DAMIEN TUDEHOPE: To the point of order: I have, in fact, answered the question. There are no current proposals in relation to asset recycling.

The PRESIDENT: I will rule on the point of order. The Minister was giving a fairly wide-ranging answer, but I will not cut across the discussions and debate in this Chamber unless there is good reason. In the case of answers where Ministers are giving introductory context and comments, I will wait for them to bring that to a close because there is often useful material in that discussion. I now ask the Minister to come back directly to the question if there is anything further to add.

The Hon. DAMIEN TUDEHOPE: We have a triple-A credit rating in this State because of our asset recycling program. [*Time expired.*]

FIRST HOME BUYER CHOICE PROGRAM

The Hon. SHAYNE MALLARD (12:04): My question is addressed to the Minister for Finance, and Minister for Employee Relations, and Leader of the Government, who we hope will stay in this House. How is the New South Wales Government supporting home ownership for aspirational singles and families throughout New South Wales, including in western Sydney?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:05): I am pleased the Hon. John Graham is still in the Chamber, because I reiterate the point that I started to make yesterday regarding the new property stamp duty choice legislation that is being introduced in the other place. Aspirational as he was in wanting to address inequality at the time, this is the policy articulated by the Hon. John Graham. He did not see it as a tax reform measure; he saw it as a revenue raising measure. He had a much broader and grander plan, because he wanted more money to address inequality. This is the way that he handles tax, and we have to worry.

The Hon. Penny Sharpe: Have you met him? Inequality is kind of a thing, and he thinks it is important.

The Hon. DAMIEN TUDEHOPE: He makes you worry, but this was his policy: Add to Labor's platform, "NSW Labor will review taxation measures in NSW, including consideration of a shift from stamp duty to a broad-based land tax." There it is; that says it all. But unlike the shadow Treasurer, I do not hold the elitist view that one needs a PhD to make a choice whether to pay stamp duty or—

The Hon. Penny Sharpe: So you do not care if people pay more forever. It is okay for every house to pay more forever.

The Hon. DAMIEN TUDEHOPE: The fact of the matter is there is a simple calculator on the site, and even people like me can use it. I gave the House an address yesterday. I typed in the address of a property I was looking at in Austral, and I was able to look at the outcome to help me make a choice. Members opposite do not get that the legislation has within its very name the word that spells out what the policy is about—it is about choice.

The Hon. John Graham: Is it a choice between Epping and Castle Hill? Was that the choice?

The Hon. DAMIEN TUDEHOPE: There you go; that is the choice I have. We are saying to the first home buyers of this State that there is a simple way to obtain financial advice: Put the address in the calculator, and then make a choice. That is what it is about, and that choice is a benefit to those new first home buyers. [*Time expired.*]

ENERGY PRICES

The Hon. JOHN GRAHAM (12:08): I am happy to interrupt the Leader of the Government giving financial advice, as he was on very shaky regulatory ground. My question without notice is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. Given that the Minister for Energy and now Treasurer, Matt Kean, promised to lower energy bills by \$130 a year, and prices are now predicted to increase by 35 per cent next year, does the Government stand by its promise to families and businesses?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:09): This is an interesting question, because I wonder whether the current Prime Minister is answering the same question in exactly the same way. As I am absolutely aware, and as the member probably accepts, current international circumstances in relation to gas production allow the Prime Minister and the Treasurer of Australia to say that they are not committing to the \$325 reduction in electricity prices as a cost-of-living reduction. That is all very well, and maybe the member will accept that as the answer. Maybe the answer is that whatever the pressures on government at the moment—

The Hon. Penny Sharpe: A 35 per cent increase.

The Hon. John Graham: Just another Matt Kean promise.

The Hon. DAMIEN TUDEHOPE: But every government is facing exactly the same problems and exactly the same international pressures. Exactly the same commitments are being made across the world and in Australia. For example, the breach in the gas pipeline in Europe has had an enormous impact on energy delivery globally. I am sure that the Hon. Mark Latham is going to ask a supplementary question on this, because I can hear him revving up in the background. That is okay. I am ready for the supplementary question. What we would like to know is this: Is Labor going to rule out a tax on water? We are hearing that they have got a brand new water tax.

The Hon. John Graham: Point of order—

The Hon. DAMIEN TUDEHOPE: He doesn't like that. Rule it out!

The PRESIDENT: Order! I remind the Minister that it is question time and the questions are for others to ask.

The Hon. John Graham: My point of order is direct relevance. Would you bring the Minister back to this Matt Kean special?

The PRESIDENT: The Minister has been wandering but will now come back to the leave of question.

The Hon. DAMIEN TUDEHOPE: There are lots of pressures on the energy market at the moment. The voters of New South Wales will know that in terms of delivering cost-of-living outcomes for the people of this State, the best people to rely on are the members of the Coalition. Because—

[Opposition members interjected.]

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: Ask a question about tolls. If ever we have given cost-of-living relief, the Minister for Metropolitan Roads has delivered toll relief. This is a cost-of-living issue and— *[Time expired.]*

POKER MACHINES AND PROBLEM GAMBLING

Ms CATE FAEHRMANN (12:12): My question is directed to the Minister for Finance. Last week the Premier described poker machine revenue as "taxing on the misery of others". In respect to current gambling harm reduction measures, he said, "Whatever is happening now is not working. It's got to change." This year's budget assumes that revenue from poker machines in pubs and clubs will increase by 30 per cent over five years, from \$1.8 billion to \$2.4 billion. Does the Minister for Finance support his Government's budget relying on, in the Premier's own words, taxing the misery of others?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:13): I thank the member for her question. Any issues related to gambling are something that the Government ought to be addressing. The extent to which we address that problem is an important component of being in government. To paint all revenue related to gambling as "taxing misery" is a mischaracterisation of the problem, but governments need to address the issue. Whether it is through the consideration of cashless gaming cards or the like as a component for addressing the behaviour, they should not throw out the opportunities that people have for responsibly going about their lives in favour of making sure that that source of revenue is eradicated.

When I was in practice, I had a client who, because of depression, developed an addiction to gambling and in fact took his own life. I was very committed to making sure that there was more responsibility attached to the club owners and to those people involved in the gambling industry to make sure that they looked after the welfare of the people who they relied upon for the continuation of their work. One has to admit that clubs and other bodies do a lot of good work in the community with the revenues gained through people who responsibly use their services, and that they do put back into the community. Let us not dry up that source of community support because of this problem. But we do need to address the problem.

The Premier is 100 per cent right. We absolutely need to have well-founded and well-researched solutions to gambling behaviour where it causes misery in households, where it breaks up families, where it causes people to lose their livelihoods—and in the case of this client of mine, where he took his own life. We need to have appropriate solutions to that. But I think, fundamentally, in government, that throwing out that source of revenue is not necessarily the way to solve the problem.

Ms CATE FAEHRMANN (12:16): I ask a supplementary question. I appreciate the Minister's response, but would he please elucidate part of his answer? He said that the gambling issue is something that we ought to be addressing. It is quite clear in his response that he believes this to be the case. However, the cashless gambling card that the Government has attempted to introduce has been delayed at least until after the election. As Minister for Finance, and clearly someone who is genuinely passionate about trying to reform this area, what is he doing to try to get the cashless gambling card up and running? Because it is quite clear that the industry does not want it.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:17): I thank the member for the supplementary question. Whether members are on that side of the House or this side of the House, we have to take the submissions into account and work with stakeholders. Working with our stakeholders is an important component of making sure we get the solution right. I have my own personal views on this issue. The Premier has his views on it. I say to the member that she is dealing with a government that has a commitment to do something in this area, but it will do so by working appropriately with its stakeholders to get the best outcome. The best outcome does not necessarily kill all the work that clubs do in the community and all the responsible things that they do to address the issue. It is an issue that needs to be addressed, and we need to work with the clubs not necessarily to try to destroy club activity but to come to an appropriate outcome.

Mr JUSTIN FIELD (12:18): I ask a second supplementary question regarding the Minister's comments about working with stakeholders. Given the Government's relationship with ClubsNSW, will it rule out a memorandum of understanding with ClubsNSW before the election that would prevent it from regulating in the public interest? Will the Government ask ClubsNSW to drop its horrendous proceedings against Troy Stolz, who is currently suffering from terminal cancer and is being pursued by the clubs for raising the very issues that have been talked about in question time today?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:19): I do not enter into memorandums of understanding. It is not a commitment that I can give in answer to a question in this place. There are a number of components to the question. The proceedings relating to Troy Stolz are an issue primarily for ClubsNSW. To the extent that ClubsNSW has proceedings on foot regarding the whistleblower who, in fact, was advocating for cashless gambling cards, I have a view that, in circumstances where someone is suffering the level of hardship that Mr Stolz is currently experiencing, continuing proceedings against them has certain optics around it, which I do not think does anyone in those proceedings a lot of good. Ruling in or out memorandums of understanding with stakeholders and their support or otherwise to commitments that we are yet to give around the election is not within my scope to give in answer to a question in this place.

FOSTER CARERS

The Hon. AILEEN MacDONALD (12:20): My question is addressed to the Minister for Families and Communities, and Minister for Disability Services. Will the Minister update the House on how foster carers are being celebrated in New South Wales?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:21): I thank the honourable member for her question and acknowledge that it is her inaugural question. The New South Wales Liberal-Nationals Government's ongoing support for foster carers helps secure a brighter future for all families, particularly those caring for the most vulnerable children in our community. I was pleased to attend the Foster and Kinship Care Week Picnic in Marrickville last month. The Government funds My Forever Family NSW to coordinate the picnic and a number of regional events across the State. During the COVID-19 period, it was unfortunate that they were not able to have the picnics, but they did a fantastic job in going out and acknowledging and thanking foster carers, providing them with vouchers, coffee and cake as a way of saying thank you.

The picnic's theme this year was "come as your favourite character". There were a lot of superheroes running around and celebrating the amazing work of the carers across New South Wales. After the past two years of COVID disruptions, it was a great opportunity for us to celebrate the amazing work of all of our carers, with over 600 people attending. It was a great opportunity for the children to go on rides and enjoy a sausage sizzle and a petting zoo. The event was entirely run by volunteers. I acknowledge the work of the Department of Communities and Justice and the non-government organisations that put the day together. The picnic was a key event to mark Foster and Kinship Care Week, which encompasses a range of activities aimed at recognising carers, showing appreciation and thanking them for their invaluable contribution. The week is also about highlighting the need for more carers just like them.

There are nearly 15,000 children placed in voluntary foster and kinship care across New South Wales. These are some of the most vulnerable children and young people in our State. They have experienced trauma and neglect or abuse, and they require a safe home. It takes a lot of passion and drive to do the work that foster carers do. It takes selfless compassion, which is a particular quality. I acknowledge the foster carers in this Chamber, particularly the Hon. Penny Sharpe and the Hon. Mick Veitch, for the work that they have done. In my family, I have an aunt and uncle on my husband's side who were foster carers for over 40 years. They focused on crisis care for a number of years during that time, particularly for newborns, which requires a particular skillset because you are looking after young people who you know will be leaving in a few months, and they quite often come from parents with complex needs as well.

I can see the Hon. Penny Sharpe nodding. It is a very difficult type of care. I particularly acknowledge their work. As I said, carers come from all walks of life and offer different types of care, from emergency and respite care through to long-term care. I acknowledge the initiatives that the New South Wales Government is delivering to support foster carers, particularly through coaching and the work that My Forever Family NSW does, as well as, more recently, extending parental paid leave to support public service employees who are looking after and supporting children in foster care.

GREATER GLIDER HABITAT PROTECTION

Mr JUSTIN FIELD (12:24): My question is directed to the Hon. Ben Franklin, representing the Minister for Environment and Heritage. In budget estimates on 5 September, Scott Hansen, the Director General of the Department of Primary Industries, said in relation to the Commonwealth listing that the greater glider is endangered:

... as their status changes, that also acts as a trigger that enables the EPA to consider whether the current provisions within the IFOA are in fact suitable and sufficient. If they find that they are not, they actually have the capacity to either change the protocols under which Forestry Corporation operates, which they can do in consultation with Forestry Corp; or to actually change the conditions of the IFOA, which obviously requires the support of both Ministers.

What steps has the Environment Protection Authority [EPA] taken since the endangered listing of the greater glider to consider whether the current provisions within the integrated forestry operations approval [IFOA] are suitable and sufficient to protect the hollow-bearing trees that are critical for this species?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:25): I thank the honourable member for his question and his longstanding interest in this matter. He and I are of the same view that native forests are one of New South Wales' most valuable assets. They benefit the community, wildlife and the economy. The Government remains steadfast in its commitment to a forestry estate managed for ecological sustainability. In November 2018 the Government remade the Coastal IFOA to ensure that the environmental rules for native forestry achieve ecologically sustainable forest management outcomes. The IFOA was designed to enable it to be adaptively managed by the New South Wales Government and, to a limited extent, the EPA. This includes providing protections for species and ecosystems newly listed as threatened.

New clauses were also included, enabling the EPA to trigger a review of the IFOA, or a specific setting, where it has evidence that a condition, objective or outcome of the IFOA is not being consistently achieved or where there is new information or approaches that will deliver improved environmental outcomes. In relation to the greater glider, the EPA ensured in 2018 that the Coastal IFOA already included specific provisions to protect its habitat. These rules require approximately 50 per cent of State forests to be protected for wildlife habitat, including the recruitment and protection of a large network of hollow-rich forests. These large-scale protections include flora reserves, old-growth forests, rainforests, threatened ecological communities, habitat corridors and stream reserves. The IFOA also requires the protection of important food, shelter, den trees and unique habitat for native wildlife at the site of every forestry operation. This includes specific requirements to protect trees with hollows and dens used by greater gliders.

Hollow-bearing trees are essential habitats and are critical to the survival and persistence of many of Australia's unique native species, particularly the greater glider. The IFOA requires the retention of hollows in permanently protected areas called clumps, which conserve pockets of undisturbed hollow-rich habitat across up to 13 per cent of the harvest area. It also requires individual trees with hollows to be retained where they occur across the harvest area. The Natural Resources Commission [NRC] is monitoring the generation and protection of hollow-bearing trees in State forests as part of the NSW Forest Monitoring and Improvement Program. This program will provide a robust evidence base for the EPA and the New South Wales Government to continually improve the IFOA and ensure that it continues to meet its environmental objectives.

Any future changes to the IFOA will also consider the NRC's advice on the IFOA after the 2019-20 bushfires and the recommendations of the Legislative Council's inquiry into the long term sustainability and future of the timber and forest products industry. I assure the honourable member that the Government is taking the necessary actions to ensure that the IFOA continues to protect our unique wildlife, plants, ecosystems and waterways, and provide for a sustainable timber and forest products industry.

[*Business interrupted.*]

Business of the House

RULES FOR QUESTIONS

The Hon. MARK LATHAM (12:28): Under Standing Order 56, I move:

That the Minister for Tourism, Aboriginal Affairs, the Arts and Regional Youth table the prepared answer given to a question without notice from Mr Justin Field.

The PRESIDENT: Under Standing Order 56 (1), it is open to a member to move such a motion. Under Standing Order 56 (2), that order may be made without notice and moved immediately on the conclusion of a speech of a Minister who has quoted a document. That is in order. The question is that the motion be agreed to.

The Hon. Damien Tudehope: I would like to speak to the motion before the House votes.

The PRESIDENT: The Minister may speak to the motion by leave. It is a procedural motion and so would not ordinarily be open to debate.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:29): By leave: Whilst I acknowledge the member's right to seek speaking notes from a member in relation to observations or remarks he has made in the House, it is not a practice which has been adopted by this House. It is generally accepted that members will bring notes into the House for use when speaking. It may be open to the member to seek the tabling of the Minister's notes, but it is not within the spirit that we have conducted debates in this House to preclude members from using a prepared speech or notes for the purposes of assisting them to provide a fulsome answer to a question. I anticipate, in relation to this question, the Minister may well have been on notice of the question and, for the purposes of fullness, wanted to make sure that he gave a full and complete answer, and so he obtained instructions from others. In those circumstances, it goes against the convention of this House to require the member's speaking notes to be tabled.

The PRESIDENT: Before I call another speaker, I will read from Standing Order 56 (1). It is pertinent to what the Minister has just raised. Standing Order 56 (1) states:

- (1) A document relating to public affairs quoted by a Minister may be ordered to be laid on the table, unless the Minister states that the document is of a confidential nature or should more properly be obtained by order.

I call on the Minister to advise whether that is of concern to him.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:31): The document is, clearly, not of a confidential nature; I read aloud all of the words on the page and they are going to be in *Hansard*.

The PRESIDENT: The other part is "or should more properly be obtained by order".

The Hon. Mark Latham: Speaking to my motion, the Leader of the Government has blown the whistle on its shoddy practices because he said the Minister would have had notice of this question. So it was not a question without notice and, as such, if the Minister had a question on notice it should be on the *Questions and Answers* paper.

The PRESIDENT: Order! The member needs to seek leave to speak as it is a procedural motion.

The Hon. Mark Latham: I moved the motion, and I am seeking to speak to it. I seek the same leave the Minister was granted.

Leave not granted.

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

Motion negated.

Questions Without Notice

GREATER GLIDER HABITAT PROTECTION

[*Business resumed.*]

Mr JUSTIN FIELD (12:32): I ask a supplementary question with regard to the Minister's comments that the NSW Environment Protection Authority can consider additional evidence. The Government has had the Natural Resources Commission [NRC] post-fire report now for over 12 months. The NRC made a specific recommendation, "For a period of 10 years, two recruitment trees per hollow-bearing tree required to be retained under standard Coastal IFOA prescriptions. Recruitment trees can be located in clumps. If eight hollow-bearing trees per hectare are not available, retain suitable substitutes." This was a specific recommendation for the high-risk category. Has the Environmental Protection Authority considered this evidence in making proposed changes to the Coastal Integrated Forestry Operations Approval and, if not, why not?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:33): I have nothing particularly to add to my answer of 25 minutes ago. I am happy to take the specifics of the question on notice.

ENERGY PRICES

The Hon. TARA MORIARTY (12:33): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given the findings of a new report from the Institute for Energy Economics and Financial Analysis that private energy providers such as Ausgrid and Endeavour are reaping superprofits of 10.3 per cent and 15.6 per cent of the average energy bill respectively, compared with government-owned Essential Energy which received just 0.2 per cent—adding \$100 a year more to energy bills on average—what is the Minister's response to community concerns that this Government's privatisation policies have led to higher power prices for the people of New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:34): I have not read the report. I reject the conclusion drawn by the member.

The Hon. Mark Buttigieg: But you haven't read the report?

The Hon. DAMIEN TUDEHOPE: But I reject the conclusion. I do not think the report said that. However, for the sake of fullness, I think it is a question properly addressed to the Treasurer, and Minister for Energy. I am happy to take the question on notice.

INFRASTRUCTURE BETTERMENT FUND

The Hon. SCOTT BARRETT (12:35): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister inform the House about how the Government is securing a brighter future for our State by investing in our communities to build back better with the Infrastructure Betterment Fund?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:35): I thank the honourable member for his fantastic question. He has a real interest in this space, representing regional communities. The New South Wales Liberal-Nationals Government is building back better. We are doing that to secure a brighter future for regional New South Wales. Last week I joined the hardworking member for Tweed, Geoff Provest—he is 100 per cent for the Tweed—along with the Federal member for Richmond, representing the Federal Government, to open applications to our Infrastructure Betterment Fund. For the first time in our State's history, New South Wales has a natural disaster funding program that allows councils to rebuild damaged infrastructure and to rebuild it better and more resilient against extreme weather events. It is exactly what the local community has been calling for. It is exactly what local mayors, general managers, road builders and engineers have been calling for. It is the New South Wales Liberal-Nationals Government working with the Commonwealth to deliver this funding.

This funding allows for the betterment of the project—for resilience to be built into that project for the future, rather than just building it back on a like-for-like basis. An example would be if a timber bridge is washed down the Richmond River, one of the northern rivers of this State, in the future a concrete structure could be built in its place to withstand weather events more often and to better connect the community following a natural disaster or weather event. The 2022 flood disaster resulted in 2,100 kilometres—the equivalent of driving from

Sydney to Brisbane and back again—of our State roads needing repair. More than 100 bridges and 160 slopes have been repaired. The Government is working hard at it.

I note that international disaster studies have shown that for every \$1 spent on risk mitigation and building resilience it will save our economy and our communities \$10 in recovery. So this is really a no-brainer. It is the first time in this State's history that we will have a specific regional road and transport betterment fund to support, initially, the 26 councils impacted by the flood events in February and March this year—\$312.5 million. Transport for NSW is already hard at it, working with these communities to roll out better drainage, better culverts, better approaches and all the stuff that is going to make a meaningful, significant difference to those communities in regional New South Wales.

TEACHER SALARIES

Ms ABIGAIL BOYD (12:38): My question is directed to the Leader of the House in the Legislative Council, and Minister for Employee Relations. Just a few weeks after the Government admitted the pay of teachers under its salary cap policy was uncompetitive, the Industrial Relations Commission of New South Wales [IRC] has today begun arbitration on the Government's award application for teachers in government schools. Given that the Government's salary cap has meant that since 2011 running a work value case in the IRC has been futile, systematically undervaluing the work of teachers, will the Minister accept his Government's culpability in the teacher workforce crisis engulfing our State and commit to endorsing his own Government's position in the NSW Teacher Supply Strategy to reflect the value of the teaching profession by lifting the wage cap and bargaining in good faith?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:39): I thank the member for her question, which involves the Government's wage cap policy. In relation to the Government's wage cap policy, I say first and foremost that it has been endorsed this week by the Prime Minister and the Federal Government. I am sure the member is aware that this week the Federal Government considered a wage proposal for Commonwealth public servants and endorsed a fair and reasonable wage cap increase for Federal public servants of 3 per cent. That is totally in line with the New South Wales Government's position in relation to wage policy.

To the extent that the member suggests that negotiations have not been in good faith, I reject that entirely. There are always strong negotiations between the relevant public service bodies—in this case, the education department. I am a bit surprised the question was not directed to the education Minister, who is primarily at the forefront of those negotiations. In relation to that, she has confirmed that she is happy to deal with the union in relation to productivity outcomes in respect of a whole range of work conditions relating to teachers, including face-to-face hours and a whole raft of issues that have been raised by the unions in relation to their award claim.

The award claim is not just about wages. It is about a whole series of things that the union has sought. This is a Minister who has sought to increase the productivity of teachers. The recent announcements in relation to high-performing teachers who want to stay in the classroom have all been along the lines of obtaining excellent outcomes in the teaching profession. I have to say that some of the announcements that were made last week about enhancement to the teaching profession are to be welcomed. But the wage cap underpins, in many respects, a great deal of the work we have done. [*Time expired.*]

Ms ABIGAIL BOYD (12:42): I ask a supplementary question. Will the Minister elucidate how Labor's policy failure at a Federal level has anything to do with his own Government's policy failure and his decision to keep the salary cap and limit the education Minister's ability to negotiate in good faith?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:43): I thank the member for her question and point out to her that the Federal Labor Government's wages decision backs in exactly the position taken by the New South Wales Government. That position has been not only taken by the New South Wales Government but also backed in by the Reserve Bank Governor. I say to the member that in circumstances where extraordinary inflationary pressures are impacting the Australian and New South Wales economies, and are being dealt with, in terms of monetary policy, by the Reserve Bank, the Reserve Bank Governor has indicated that wage increases ought to have a "3" in front of them. That is exactly what the New South Wales Government has committed to.

There is no way that anyone could deny that over the 12 years of this New South Wales Government a lot of the improvements that we have been able to deliver for the people of this State have been underpinned by having a position in relation to wages policy. Numerous Labor Ministers will back it in. In fact, I recall reading in this House an excerpt from Peter Walsh, in which he backed in the fact that you needed—

The Hon. John Graham: You've been reading the book again?

The Hon. DAMIEN TUDEHOPE: I have; I've read it.

The Hon. John Graham: It's a good book.

The Hon. DAMIEN TUDEHOPE: It is a good book.

The Hon. ANTHONY D'ADAM (12:45): I ask a second supplementary question. In his answer the Minister alluded to the announcement about high-performing teachers, which will necessarily result in an increase in employee-related costs. Has the Minister for Education and Early Learning sought and obtained from you, as the relevant Minister, an exemption for that policy from the wages policy?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:45): It is all part of the wages policy that the Government has embraced. We recognise that there are productivity enhancements that can be addressed. But in many respects what the Minister has done is identify a new position for the benefit of the students of this State. I say to those opposite that this Government has the people of this State at its heart, not just that small section that those opposite come in here and represent. I know you want to get rid of Mick Veitch. It is okay; you can do that if you want to.

The Hon. Courtney Houssos: Point of order: My point of order relates to direct relevance. The question was an important one about whether the education Minister sought an exemption under the wages policy. The Minister's comments are not directly relevant.

The PRESIDENT: I uphold the point of order. The Minister is well aware that he is straying somewhat. I ask him to directly answer the question.

The Hon. DAMIEN TUDEHOPE: What I have been saying is this: The unbelievable hypocrisy of the member to ask that question is just astonishing because there is a member who had an opportunity—

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

The Hon. Sarah Mitchell: We're creating new roles. We're creating additional roles.

The Hon. DAMIEN TUDEHOPE: That's the whole point.

The Hon. Anthony D'Adam: I am pretty sure I am not the subject of the question. The Minister is straying from the original question. He needs to be directly relevant. Asked about whether he was responding, he made adverse comments about me. Will the Minister answer the question? Did he give an exemption?

The PRESIDENT: The Minister will resume his seat for a moment. The Minister is well aware that comments about members should be debated by way of substantive motion if they are of a negative nature. The Minister should directly answer the question.

The Hon. DAMIEN TUDEHOPE: Labor had an opportunity to vote against the wages cap. What did it do? It had a chance to vote against the wages cap. What did it do?

The Hon. Wes Fang: Squibbed it!

The Hon. DAMIEN TUDEHOPE: Squibbed it. Labor had a chance to vote against the wages cap. It voted with the Government. So to now say, "We don't want the wages cap," in circumstances where it was available to Labor to actually get rid of it—

The Hon. Scott Farlow: Like ratios.

The Hon. DAMIEN TUDEHOPE: Exactly. Labor has no credibility whatsoever. This is a new position that the Minister has created for the purposes of benefiting the children of this State. [*Time expired.*]

PUBLIC ASSETS PRIVATISATION

The Hon. ROSE JACKSON (12:48): My question without notice is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. Given that his Government promised not to privatise any more public assets and then proceeded to privatise WestConnex and Sydney Buses, will he now rule out privatising Sydney Water? If so, how can the public believe he will keep such a promise?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:49): Will Labor members rule out a water tax? No, they will not rule it out. They have decided that there is a revenue stream here. She feigns no knowledge of the new water tax. It says it all.

The Hon. Wes Fang: Shadow Minister for water.

The Hon. DAMIEN TUDEHOPE: The shadow Minister for water.

The Hon. Courtney Houssos: Point of order: The question was a specific one about privatisation. The Leader of the Government is deliberately not answering the question and not being directly relevant. The Minister needs to be directly relevant to the question that is asked of him. I ask that he be drawn back to the question.

The PRESIDENT: Indeed. The Minister would be well aware that he is straying quite widely. Even though providing context is useful at times, this is clearly not in that realm.

The Hon. DAMIEN TUDEHOPE: I have been asked to rule out things. We on this side will rule out a water tax. I answered a question earlier in relation to privatisation and said that there are no current plans for any privatisation, nothing on the agenda. I have pointed out that all those opposite do when they are in government is look after their union mates. They pay lots of wages to those people—

The Hon. Penny Sharpe: Point of order: The Minister continues to disregard the rulings and standing orders of the House. It is extremely impolite and discourteous to the House. I ask that he be called back to the standing orders and that he be required to be directly relevant under Standing Order 65 (5).

The PRESIDENT: I uphold the point of order. In doing so, I note that it is not Thursday. The Minister will continue to answer the question.

The Hon. DAMIEN TUDEHOPE: I reject that I am impolite. In any event—

The Hon. Natalie Ward: If we are going to talk about impoliteness, what a disgrace.

The Hon. DAMIEN TUDEHOPE: Exactly. If we want to talk about politeness, what happened yesterday was a disgrace. In any event, I would apologise and withdraw when I am impolite, in those circumstances. But I reiterate the point. There are no current plans to privatise any government assets. I am sure that we on this side will have transparent policy positions to take to the people at the election, unlike those opposite, who will not come to this place and be transparent about what they are putting before the Parliamentary Budget Office and what they are doing in relation to their policies. There is no transparency at all. They use this House to examine our policies and hold to account the Government, which is totally transparent.

A call for papers under Standing Order 52 has been passed by this House and there will be a return to order of all the Government's proposals that are being assessed at the moment. The member would know, as she voted for the motion, that it includes Sydney Water. She can go for her life and look at the produced documents and educate herself on the Government's position. We on this side are absolutely transparent about what we are doing. But we have no idea about the taxes those opposite will impose upon the people of this State. [*Time expired.*]

COMMUNITY AND PLACE GRANTS PROGRAM

The Hon. TAYLOR MARTIN (12:53): 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 the recent opening of the Community and Place grants program?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:54): A few weeks ago I visited the office of the Aboriginal Legal Service in Wagga Wagga to announce the Community and Place grants program. This program supports Aboriginal organisations and groups to deliver projects related to Closing the Gap target areas. It will provide grants of up to \$250,000 for projects that aim to be delivered in 2023, with applications closing this Friday. These grants respond to the long-stated need for Aboriginal communities to be empowered to address the issues they have identified as important to them. As I have said many times in this Chamber, gone are the days of this Government telling Aboriginal people what is best for them. The grants recognise that Aboriginal communities have the solutions to the problems or issues in their communities and that the Government is open to providing funding to turn those solutions into reality.

We understand also that one of the challenges of addressing Closing the Gap targets at a State level is that, though we are seeing improvements collectively, some communities on the ground have not experienced as much change in employment, health or housing outcomes in their local area as other communities have. The Community and Place grants program targets this issue by supporting grassroots projects and measuring change on a local level. In this way, the program will deliver tangible local benefits to Aboriginal communities.

When I announced this program in Wagga Wagga, I was joined by representatives from peak organisations, including the NSW Coalition of Aboriginal Peak Organisations, the Riverina Murray Regional Alliance, the Wagga Aboriginal Women's Group, the Riverina Medical and Dental Aboriginal Corporation, and many others. In addition, I have written to over 300 Aboriginal community organisations encouraging them to apply. Aboriginal Affairs NSW has hosted three online information sessions to promote the program. After applications close, they will be assessed against a defined set of criteria.

These grants are important because supporting Aboriginal people to drive locally led solutions in their communities is a genuine way in which the Government is working in partnership with those communities to help to close the gap. I very much look forward to visiting communities across the State as the program rolls out and seeing the tangible benefits and results it will have for Aboriginal people. Just this weekend I was in Alstonville, visiting the Bundjalung Tribal Society on its incredible Namabunda Farm. The society has some extraordinary plans to engage further with its community to close the gap and to provide employment and economic benefits. This is the sort of organisation that could be supported through this program. Applications close this Friday. A number of them are open but have not been finalised yet, so I strongly encourage all groups to get the applications in to achieve real change in closing the gap.

BRUMBIES IN KOSCIUSZKO NATIONAL PARK

The Hon. EMMA HURST (12:57): My question is directed to the Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism, representing the Minister for Environment and Heritage. Earlier this week, it was discovered that a second group of brumbies had been shot at Kosciuszko National Park, near Gavels Hut. The Minister recently gave a public undertaking on 2GB to Ray Hadley that there would be a freeze on shooting operations in the park until an investigation into the Kiandra shooting had concluded. Will the Minister confirm the date the shooting at Gavels Hut took place, whether it occurred before or after the freeze on shooting operations, and whether that freeze is still in place or has been lifted?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (12:57): I thank the honourable member for her question. I am advised of the following. The Kosciuszko National Park Wild Horse Heritage Management Plan, adopted in 2021, is designed to find a balance between protecting the heritage value of the wild horses and maintaining the exceptional conservation values of our State's largest national park. The plan was developed after extensive engagement with the community, scientists, animal welfare experts and Aboriginal stakeholders. Under the plan, the National Parks and Wildlife Service is required by law to reduce the number of horses in the Kosciuszko National Park from over 14,000 to 3,000.

Aerial and ground shooting operations across the State are currently paused while a review is undertaken in relation to public safety issues arising from an operation involving the aerial shooting of a deer. I am advised that there are some limited exceptions to the pause, but none of these have been in Kosciuszko National Park. It is expected that this review will be completed before the end of October this year. No shooting of wild horses in Kosciuszko National Park has occurred since 8 September 2022.

Separately, an evaluation of the implementation of the Kosciuszko National Park Wild Horse Heritage Management Plan is being carried out by the Secretary of the Department of Planning and Environment. The wild horses near Gavels Hut on Nungar Plain were culled by the National Parks and Wildlife Service prior to the pause on shooting operations. They were culled using ground shooting in line with the highest animal welfare standards required for the National Parks and Wildlife Service to meet its legal obligations under the plan. Under that plan, the National Parks and Wildlife Service is legally required to reduce the horse population in this area of the park to zero.

In relation to wild horse control operations carried out to date in the park, the National Parks and Wildlife Service has a legal obligation to implement the Kosciuszko National Park Wild Horse Heritage Management Plan. To meet the legal requirements in the plan, the National Parks and Wildlife Service must undertake a range of control measures including trapping, rehoming and ground shooting. All control measures, including ground shooting, are undertaken by the National Parks and Wildlife Service in accordance with the highest possible animal welfare standards, with strict requirements developed in consultation with a range of experts. Passive trapping and rehoming are prioritised where practicable and are consistent with the highest animal welfare outcomes. Aerial shooting is not permitted. The implementation of wild horse control is a sensitive and challenging issue for everyone. I know that there are very heated views about it in this Chamber. This control will continue to be carried out to the highest possible animal welfare and safety standards by the National Parks and Wildlife Service.

TAXI INDUSTRY COMPENSATION PAYMENTS

The Hon. MICK VEITCH (13:00): My question without notice is directed to the Minister for Regional Transport and Roads. How does the Minister explain to a hardworking taxi operator in Singleton in the Upper Hunter that they will get only \$25,000 for their plate and a taxi operator in Dubbo will get \$75,000 for their plate, under your Government's compensation plan?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (13:01): I thank the member for his question. Firstly, this Government has put half a billion dollars on the table for New South Wales taxi operators in this State. That is the most generous taxi package in this country. It is \$200 million more than that proposed by a Labor Government in Victoria. In Queensland, there is no package for the taxi industry. In South Australia, under a Labor Government, there is a passenger service levy [PSL], but the PSL does not even go to the taxi industry. The PSL is collected and goes to Consolidated Revenue.

Between 2010 and 2015, in the lead-up to the announcement of this package—\$645 million in total and half a billion dollars announced on 21 September—Transport for NSW looked at every plate sale, pre-reform and pre-Uber arriving, to determine an average plate sale and benchmark value per town. In towns where there were no plate sales between 2010 and 2015, we went back to 2008. There is methodology used to determine the distribution of local government areas [LGAs] and towns in the four different regional zones. It is not drawn out of a hat. There is data that supports this, and that is why we have four zones. There is data to suggest the benchmark value and how each town and LGA end up in each zone. In many regional areas there are no other point-to-point services. There may not be any Ubers in Bourke or Parkes.

The PRESIDENT: Order! The Minister has the call.

The Hon. SAM FARRAWAY: There are 4,084 owners in New South Wales and there will be 5,575 plates that receive a transitional payment. It is important to note that in regional New South Wales, there is no cap on the plates that will receive transitional payments. That is because we want to ensure that every plate owner in regional New South Wales receives a transitional payment. They can then make a decision as to whether they stay in the industry, leave the industry or reinvest that money back into the industry, their taxi and their service. We are also working with the Opposition on the provision of wheelchair-accessible taxis into the future. How do we get more of them rolled out into regional New South Wales? How do we support communities that for years now may not have had a taxi service? How can we work with the Federal Government around the NDIS to get more support for the taxi industry? There is a lot of work being done in this space for regional 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.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. ROSE JACKSON: I move:

That the House take note of answers to questions.

PUBLIC ASSETS PRIVATISATION

The Hon. ROSE JACKSON (13:04): I take note of answers given today by the Leader of the Government in the Legislative Council. When asked whether the Government had any additional plans for privatisation in New South Wales, the Minister said, "We have said no. If we were, we would have told you up-front." Actually, that was not the Leader of the Government in the Legislative Council. That was in fact former Premier Gladys Berejiklian. I am verballing the Leader of the Government in the Legislative Council with the words that former Premier Berejiklian said in an answer to a similar question before the last State election. She said, "We have said no. If we were, we would have told you up-front." The Leader of the Government in the Legislative Council said something like, "We have no apparent plans. We will be transparent about it if we do."

They are two identical answers—one given by the former Premier and one given today by Minister Tudehope. Why is it relevant that they have said the same thing? If they had said the same thing and then been consistent about it, that would be a sign of competent government. It is relevant because, since that statement by the former Premier before the last State election, the evidence has shown how much weight we should give it. The evidence is that that is what she told the people of New South Wales, and then, of course, the Government went on to privatise our buses and WestConnex.

These are two identical comments made in relation to the issue of privatisation. And we know that subsequent to the 2019 State election the Government completely went back on that promise. We should treat that promise as completely unreliable. So when the Government says it has no plans, we know that that is not true. We know that this Government will find more things to privatise, just as it did after the last State election. Because, at the end of the day, privatisation is a fundamental choice point between Labor and the Government. It is one of those dividing lines.

When people think about the big differences between the Government and the Labor Opposition, they should think about privatisation front and centre. The Premier of New South Wales defends the Government's

privatisation record and says that it is a golden key. The Opposition Leader, Chris Minns, says, "Vote Labor. No more privatisation." We need to be clear about the different tracks that New South Wales faces post-March next year. The Government has said again and again that it sees privatisation as a core part of its economic management plan. Labor has been very clear: We do not support that, and if you vote Labor, you will not see more privatisation in New South Wales.

POKER MACHINES AND PROBLEM GAMBLING

Ms CATE FAEHRMANN (13:08): Last week the Premier took the unprecedented step of admitting the scale of the misery that poker machines create in New South Wales. He said:

I'm not going to stand by as Premier and be in a position where some of our most vulnerable people in our society are throwing their life savings down a poker machine.

That statement from a Premier of this State is stronger than most politicians would make in this Parliament and probably further than nearly any NSW Labor MP would dare go. It is unfortunate, though, that he cowed to the pressure of ClubsNSW, ultimately removing the gambling portfolio from Victor Dominello, who was probably the strongest advocate for reducing gambling harm that the Liberals have ever produced. The Premier has also allowed the mandatory cashless gambling card to be delayed until next year. No doubt it is being rendered useless in a smoky backroom by industry heavyweights as we speak.

New South Wales is experiencing an epidemic of gambling harms caused by poker machines, and it is getting worse. New South Wales is second only to Nevada, home to Las Vegas, for the number of poker machines. Our State has more than one-third of all of the world's poker machines outside of casinos. Last year \$85 billion was poured into these addictive machines, the equivalent of one-quarter of all household consumption spending. These losses were concentrated in places like Canterbury-Bankstown, which lost \$562 million to poker machines, and Fairfield, which lost \$527 million—two local government areas that have the lowest median household incomes in Sydney.

These horrific statistics represent the lives of individuals who have been destroyed by gambling harm, families that have been torn apart and communities that have had their wealth stolen from them and put into the pockets of the greedy gambling industry. The only thing sadder is the fact that this could all be solved simply by harm reduction measures like \$1 bet limits, mandatory precommitments, banning loyalty and incentive programs, and a curfew on poker machines operating after midnight. But no-one on either side of this Chamber has the courage to take those simple steps and protect the people of New South Wales.

FOSTER CARERS

The Hon. AILEEN MacDONALD (13:10): I take note of the answer given by the Minister for Families and Communities, and Minister for Disability Services to a question I asked about foster carers, as I have friends in Guyra who are foster carers. On Sunday 18 September My Forever Family hosted the 2022 Foster and Kinship Care Week Picnic. A number of our non-government agency partners were also represented. I thank all of the volunteers from our non-government agencies, from the Department of Communities and Justice and from My Forever Family, who helped make the day possible. We should all acknowledge that caring can be challenging, exhausting and rewarding. It is a journey like no other and our Government is focused on helping ensure our carers have the support they need.

The New South Wales Government provides support and training to foster carers through a number of services, including My Forever Family, to deliver recruitment, carer training, support and advocacy. That includes delivering the carer support line, face-to-face and online training and coaching sessions, and yarning sessions for Aboriginal carers; and facilitating carer reference groups, connection events, advocacy and support. AbSec's Aboriginal Care Support Service receives recurrent funding of \$180,000 per annum to help it maintain the carer support line. It also delivers a number of programs that support placement stability and work with children and young people and their carers, including LINKS, which is delivered by the Department of Communities and Justice's psychological and specialist services, and OurSPACE, a statewide outreach trauma treatment service that is targeted towards children aged 15 years and younger in foster or kinship care who have experienced two or more placement changes in the preceding six months.

This year the New South Wales Government announced that it is extending paid parental leave to New South Wales public sector employees providing permanent out-of-home care to vulnerable children. This new initiative values the work that carers do in supporting vulnerable children, recognises the importance of developing a strong relationship with a child who has arrived in the family home and allows time to address their needs such as health and education. The New South Wales Government has set the standard on leave and entitlements to support carers. I call on the private sector and other employers to do the same.

PUBLIC ASSETS PRIVATISATION

The Hon. MARK BUTTIGIEG (13:13): The beauty of these processes in the House—question time, the take-note debate and the Standing Order 52 [SO 52] motion debate earlier—is that you can tease out the point of difference between the Government and the Opposition. As my colleague the Hon. Rose Jackson pointed out, the difference could not be more stark. I am gratified that we are having this debate, because the Government has taken a clear position. On numerous occasions in question time it has had the opportunity to rule out further privatisations. About three or four questions asked, "Will you rule out any further privatisation?" The weasel words from the Leader of the Government in this House were, "We do not have any current plans." That, of course, is code for, "Some time down the track, we reserve the right to sell the rest off after selling \$90 billion of the assets of the people of this State."

I note the so-called asset recycling policy. I will tell the House what the Government has recycled assets into: dodgy infrastructure. I remind members of the cracked trams, the trains that did not fit tunnels or tracks and the ferries riddled with asbestos. The Government exported jobs to South Korea instead of creating local jobs. It poured into monopoly toll roads, with prices going through the roof so that the average person travelling across Sydney has to spend thousands of dollars just to get to work and make a living. Again, I thank and commend the Leader of the Government for at least being honest and saying that he would not rule it out.

He also said that there will be a transparent policy on this in the coming months. Well, if that is the case, why did Government members oppose the SO 52 motion, which my colleague the Hon. Daniel Mookhey moved, related to whether they are going to privatise Sydney Water or more electricity assets? Why did they oppose it hand over fist? The truth is that that is code for, "We will keep our options open but we probably won't tell the public prior to the election because, if we win, we'll do it then." That is what this is really all about. Let us call it out for what it is. I say to the people of New South Wales: You have a real choice this time. If you want a government that keeps selling strategic assets—electricity, transport, water—to the lowest bidder for dodgy infrastructure that you will lose control of, vote for the Liberals and The Nationals. If you want an alternative, vote for the Labor Party. It is really that simple.

GREATER GLIDER HABITAT PROTECTION

Mr JUSTIN FIELD (13:16): I take note of the answer from the Hon. Ben Franklin to my question about the greater glider in New South Wales. Two of the most iconic species in Australia have been put on the endangered list in the past few months: the koala and the greater glider. Two of our most iconic arboreal mammals and two species that I think most people could not imagine no longer seeing in the wild have been put on the endangered list. That means they are in danger of extinction. Right now, the New South Wales Government, through the State-owned Forestry Corporation, is logging core koala and greater glider habitat across the State despite their endangered listing.

In answers to questions in budget estimates about the listing of these animals, the Director General of the Department of Primary Industries raised the prospect of giving the Environment Protection Authority [EPA] powers to intervene to change the rules for forestry prescriptions and provide greater protection to those species. I asked a question today about what action the EPA has taken. The answer from the Minister was very difficult to make sense of. It was just a laundry list of things that had been done in 2018, with no specific mention of EPA action in response to the endangered listings in the past few months.

Something pretty fundamental happened since the Coastal Integrated Forestry Operations Approvals, the rules for logging, were reshaped in 2018. That was the catastrophic 2019-2020 fires, which impacted about 50 per cent of the State's forests—about 80 per cent of the forests where I live. It is untenable that the EPA, the regulator of forestry in this State, has taken no meaningful action to change the rules for Forestry Corporation to protect habitat. There is no shortage of information that states this has to happen and that states how we can protect those critical areas of habitat for the koala and the greater glider.

The Natural Resources Commission, the Government's own independent adviser on these issues, has provided a very specific report to the Government about additional logging prescriptions that it recommends to address these issues: protecting hollow-bearing trees and, where there are not enough trees, protecting so-called recruitment trees, those trees that will form hollows the quickest or the largest trees in those various forestry coupes. Members must remember it takes between 80 and 100 years for hollows to form, maybe 150 to 180 years for hollows big enough for the greater glider. The report recommends additional prescriptions to protect those trees. The Government sat on the report for over 12 months, and the EPA has powers as the regulator but has done nothing. The Government cannot credibly stand up in public and claim it wants to protect the koala or the greater glider when its own State-owned corporation is logging the habitat they rely on to survive right now.

COMMUNITY AND PLACE GRANTS PROGRAM

The Hon. TAYLOR MARTIN (13:19): I build upon the important news delivered by the Minister for Aboriginal Affairs about the Community and Place grants program, a \$15 million program to support Aboriginal organisations and groups to deliver projects relating to Closing the Gap targets. The program will provide grants of up to a quarter of a million dollars for projects that aim to be delivered in 2023, with applications closing on Friday 14 October. The grants respond to the long-stated need for Aboriginal communities to be empowered to address the issues that they have identified as important to them.

The Government also understands that one of the key challenges to addressing Closing the Gap targets on a State level is that while we are seeing improvements collectively, some community members on the ground have not experienced any change in the employment, health or housing outcomes in their specific local area for a number of years. The Community and Place grants program targets that issue by supporting grassroots projects and measuring change at a local level.

In particular, I provide specific information to members who wish to pass on the details to people in their local communities. Applications for the 2022-23 program opened on Monday 5 September and will close Friday 14 October at 5.00 p.m. A total of \$15 million in funding is available in the 2022-23 financial year via two streams. Stream one has grants of up to and including \$100,000, and stream two will be for grants over \$100,000 but less than \$250,000. Those grants will be for one-off projects and may be used to fund programs, infrastructure or other equipment, including vehicles. Funded projects must directly contribute towards one or more of the 17 socio-economic outcome targets under the National Agreement on Closing the Gap. Finally, all projects must be delivered by recipients between 1 January 2023 and 31 December 2023. Just like the Minister, I look forward to seeing the tangible benefits of the program for communities throughout New South Wales.

FOSTER CARERS

The Hon. MICK VEITCH (13:21): I take note of the answer provided by Minister Maclaren-Jones regarding foster caring. From the outset, I extend my appreciation to the Minister for highlighting that the Hon. Penny Sharpe and I are former foster parents. Most members of the House would know that my former wife and I fostered 49 children, most of whom had disabilities. In fact, we fostered a child for the entirety of her childhood, and she is now in care in supported accommodation.

That draws me to something I want to talk about that is not good. When a foster child leaves care at 18 years of age, there is a gap as they enter adulthood. Numerous compelling research reports—Deloitte's is the most recent one—state that there is an economic impact to supporting young care leavers, but it will save governments of all persuasions a lot of money in the longer term. They have no rental history and no opportunity in New South Wales to stay with the foster carers of their choice. By the way, we are the only State that does not allow that. I would like to know why, because it does not make sense. Members would not say to their own children at 18 years of age, "Sorry, off you go." We need to fix that, because they have no rental history and cannot rent. We push those poor individuals into a circumstance where a large number enter homelessness. They are at high risk of homelessness because of their circumstances. They do not ask to become foster children and go into care; that is just not what happens. But the system in New South Wales is failing young kids in care who turn 18 and go into adulthood.

I have had it said to me that there are services available, but for those in regional New South Wales who have come out of care, a lot of those services are full. They have no space. The red tape around getting into those services is quite difficult for those who have come out of the care system, because the records are often not there. For privacy reasons, we do not transfer information from the department to someone else. There are privacy provisions around a lot of this. There is a real issue here around supporting young adults out of care and into adulthood. We all have a collective obligation to get that bit right, because we are currently not getting it right. The Minister's answer is correct that fostering can be rewarding—it can also be quite difficult at times, as members can imagine and as any parent would say—but we all have a collective obligation to do a lot more for those 18-year-olds entering adulthood after leaving care.

FIRST HOME BUYER CHOICE PROGRAM

The Hon. SCOTT FARLOW (13:25): I take note of answers given today by the Leader of the Government about members on this side of the House offering choice and those opposite offering no choice. In his answer to the Hon. Shayne Mallard's question on western Sydney, the Leader of the Government outlined his interest in a property in Austral and his ability to go to the calculator. Members opposite say one needs a PhD to work out the plan, but the people of New South Wales know that they need no PhD whatsoever. All they need to do is hop on the Service NSW website and have a look at the calculator to see whether they are better off under our proposals.

The property tax reforms that members on this side of the House are looking at are all about choice. There is no forced land tax. We heard from the Leader of the Government today what the Hon. John Graham would like to see when it comes to a transition to property tax—being able to re-equate, revalue and address inequality through a land tax. But members on this side of the Chamber see an opportunity for first home buyers to get into the market sooner.

When it comes to the legislation that has been moved in the other place and that we will hopefully be debating very soon, there is the assurance on this side of the House that there is a 4 per cent cap on any increase. The proposal will not be for everyone. People in their forever home will look at the calculator and say, "Maybe I'm better off by paying it up-front". But this proposal is for those who want to get their first step on the property ladder and are looking at transitioning out of the property in a few years. The cap on increases at 4 per cent per annum ensures that our property choice proposal offers a benefit to the ability to get onto the property ladder. It is all about choice on this side of the House.

As the Leader of the Government was reflecting on today, the proposal will help people save on their property taxes and get into a new home sooner. It will increase first home ownership in New South Wales, which all members of this Chamber would want to see. One of the interesting things about the proposal is that members opposite have embraced proposals like it in the past, as the Leader of the Government talked about today regarding the Hon. John Graham, but now they are shying away from it. It was sad not to see the shadow Treasurer in the Chamber for question time today, the Hon. Daniel Mookhey, a man who I have great respect for. But an op-ed that popped up in the Herald just as question time started today showed that the Opposition is again trying to create a scare campaign on a policy that is all about choice, is open and transparent, provides a value proposition for first home buyers in New South Wales and will see that first home owners can get their first step on the property ladder sooner.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SHAYNE MALLARD (13:28): What a contrast today's question time has been, and what a clear distinction is emerging in the last few sitting days of this term of Government. As the Hon. Scott Farlow just referred to, the Opposition is running a scare campaign on a key reform policy that our side is proposing. Those opposite offer internal rivalry and disputes, disloyalty, poor discipline, no new ideas and the promise to return this State to Labor's lost 16 years in power should they be on the Government benches next March. Contrast that to this side: a government of experience, a government of success and recorded successes, a government full of energy and renewal, and a government full of reform and new ideas.

No new idea is greater than the one proposed in First Home Buyer Choice, which was the question I addressed to the Leader of the Government and which the Hon. Scott Farlow just spoke about. The Government is supporting home ownership for aspirational workers and families throughout New South Wales, and especially in western Sydney, which is the area I represent and where I come from. I note the Minister and the Government, unlike those opposite, are backing prospective first home buyers. That is the promise the Government is taking to the election: economic reform and choice opt-in.

People are smart enough to work out that they can save years off their mortgage if they opt in to paying the annual fee. It is a contrast of approximately \$40,000 or \$50,000 in stamp duty, or approximately \$1,000 a year for land tax. The land tax is only applicable to a property while that owner has it and is capped, as we heard from the Hon. Scott Farlow. It would be 30 or 40 years before one would come to the same situation. The average length of home ownership is, from memory, six or eight years until people move on to a new home and a change of situation.

Members heard the Government asking the Hon. John Graham, acting as Leader of the Opposition, if he would rule out a water tax. He would not say those famous words, "I will not rule out a water tax under a government I lead." He would not say that. He did not fall for the Julia Gillard trap. The water tax is the \$130 minimum per annum cost to the water consumers of this State under Labor's plan for Warragamba Dam. It is a water tax. As we heard from the Hon. Scott Farlow and the Hon. Damien Tudehope's examination of the Hon. John Graham's history, he has an eager hunger for more taxes. Labor always does.

We concluded with the usual misinformation from the Hon. Mark Buttigieg about trains that do not fit in the mountains. How do they not fit? They do not even run, because Labor's union will not let them run. He talked about trams that crack. Opposition members backed the trams in before the election and then backflipped after the election. [*Time expired.*]

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

Motion agreed to.

*Written Answers to Supplementary Questions***MOBILE SPEED CAMERA SIGNS**

In reply to **the Hon. JOHN GRAHAM** (11 October 2022).

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

I am advised:

The value of road safety initiatives will always outweigh the cost of implementing any policy changes that contributes to a reduction in road trauma.

The New South Wales Government has almost completed rolling out 1,000 permanent static signs across the New South Wales road network to remind drivers about mobile speed cameras and that they can be caught speeding anywhere, anytime. Less than 100 signs remain to be installed (in flood affected areas in regional and outer metropolitan New South Wales). The exact cost will not be known until after these final signs are installed.

The cost of establishing the rooftop signs was previously asked by the honourable member in August and answered by Transport for NSW during the Regional Transport and Roads budget estimates and is available on page 66 of this transcript: <https://www.parliament.nsw.gov.au/lcdocs/transcripts/2994/Transcript%20-%20PC%206%20-%20Regional%20Transport%20and%20Roads%20-%2031%20August%202022%20-%20CORRECTED.pdf>

NSW Labor commissioned the Automated Enforcement survey whilst in government in 2010. The exact cost of establishing that survey in 2010 is not currently available to Transport for NSW.

Transport is currently working with vendors regarding the implementation and operational costs associated with the change announced to reinstate warning signs before and after Mobile Speed Camera enforcement sites.

COVID-19 AND THE HON. BRAD HAZZARD

In reply to **the Hon. MARK LATHAM** (11 October 2022).

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health)—The Minister provided the following response:

I am advised:

The classification of persons as a close or casual contact following a confirmed COVID-19 positive case in the NSW Parliament in June 2021 was undertaken independently by specialist staff in NSW Health.

During the relevant period of the pandemic, information about which people may be possibly exposed to SARS-CoV-2 was first gained by interviewing the infectious person. Where necessary and possible, this was followed by an interview with the person who may have been exposed in order to classify whether that individual had close, casual or no significant contact with the infectious person.

The assessment of the risk of the contact was based on multiple factors including, but not limited to: the physical distance between the two people, the amount of time of the contact, activities being undertaken at the time, whether the infectious person was coughing or had other obvious symptoms of COVID-19, the environment in which the contact occurred, whether the timing of the contact in relation to the infectious person's onset of symptoms or positive test, and characteristics of the test result.

*Documents***INDEPENDENT COMMISSION AGAINST CORRUPTION****Reports**

The DEPUTY PRESIDENT (The Hon. Wes Fang): According to the Independent Commission Against Corruption Act 1988, I table a report of the Independent Commission Against Corruption entitled *Investigation into dealings involving Awabakal Local Aboriginal Land Council land*, dated October 2022, received this day and authorised to be printed.

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

*Private Members' Statements***RURAL HEALTH SERVICES**

The Hon. GREG DONNELLY (15:00): Honourable members are well aware that Portfolio Committee No. 2 – Health undertook an inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales. In graphic detail, the committee's report shone powerful laser lights onto the parlous state of health and hospital services in many parts of the State beyond the metropolitan areas of Newcastle, Sydney and Wollongong. It is a matter of fact that since the March 2011 State election, and up to the commencement of the inquiry on 1 September 2020, this Coalition Government, particularly The Nationals, has been missing in action regarding matters of health and hospital services in rural, regional and remote New South

Wales. Unsurprisingly, this abject neglect by The Nationals over such a long period of time has had the highly undesirable, yet eminently predictable, outcome that one would expect.

Given what we now know as a result of the inquiry—an inquiry that the Minister for Health, the Hon. Brad Hazzard, did all he could to talk down, discourage and dismiss—it is pretty rich of the Minister for Regional Health, the Hon. Bronnie Taylor, to continually complain about the Opposition raising significant health and hospital issues in both this House and the other place. Her unresponsiveness with respect to answering questions without notice is a case in point. For example, the Minister criticised me yesterday for raising the significant negative impact this Government is having on a number of individuals living with cancer in the Eurobodalla local government area and Far South Coast parts of the State because it will not provide radiotherapy services. Make no mistake, citizens living in the Eurobodalla LGA, Far South Coast and beyond are watching and listening very closely.

This huge healthcare failure is happening on the Minister's watch and is an excellent example of the terrible legacy gaps directly brought about by The Nationals' neglect of people living in the bush. In the Minister for Regional Health's own words, reported in the media regarding this matter, she said, "I mean, we've seen a massive surge in population." The Minister is dead right; there has been a "massive surge in population", and this did not happen overnight. The Nationals, of which the Minister is a senior member, have been asleep at the wheel. The Nationals, and indeed the Government, have now been woken from their slumber. There is a huge backlog of matters to attend to, and the Government better get cracking on fixing what needs to be fixed.

BRODERICK REVIEW INTO BULLYING, HARASSMENT AND SEXUAL MISCONDUCT

The Hon. MARK LATHAM (15:03): This Parliament has paid an extraordinary half a million dollars to Elizabeth Broderick for a shambolic, unworkable, heavily duplicated report that undermines the parliamentary privilege and procedural fairness by which our democracy operates. Broderick goes from institution to institution, called in by woke feminists to money-gouge and make the same kooky findings and recommendations as part of the new wowser agenda to stop people from coupling up in the workplace and, in our case, to stop MPs from demanding high levels of staff competence and hard work in the efficient service of the people of New South Wales. Bullying is defined as telling someone to do a better job. This is of course needed to ensure that our offices are doing what the taxpayers pay for: high-quality constituent work and representation.

The Broderick review has defined sexual harassment as looking at a beautiful woman for too long. How long, we do not know. Is it looking for 30 seconds, 50 seconds, three minutes or, as is the preference of most Aussie men, all night? If left to Elizabeth Broderick and her conga line of chastity belts, our species would breed out, handing over the management of the planet to windmills, solar panels and koalas. In one of the great ironies of New South Wales politics, the steering committee that commissioned the half-a-million-dollar Broderick waste of money has itself been totally discredited. No fewer than five of these puffed-up puritans, who were self-appointed to pass moral and ethical judgement on the rest of us, have been outed as bullies and alcoholics. We are left asking, as per the Delphi inscriptions, who will guard the guardians?

In truth, someone was needed to guard Leslie Williams, Jenny Leong, Helen Dalton, Catherine Cusack and Anna Watson. One would logically think that these five clowns would have had angelic CVs—pure, clean and flawless in every respect. Just about the only MP on the new Perrottet committee for the Broderick review who does not have allegations against them is me. What haven't I done wrong? I obviously need to lift my game and get some allegations made against me to fulfill the mission of the Broderick task to target straight white men in this building. Clearly, I need to lift my game and misbehaviour to fit the rogue's gallery of the five fiends, Williams, Leong, Dalton, Cusack and Watson.

In other respects, the Broderick process is falling apart. Answers at the Legislature's budget estimates hearing said that the Parliament has not received any allegations of sexual assault reportable to the police. Furthermore, two innocent Labor MPs, Walt Secord and Tania Mihailuk, have lost their seats through the weaponisation of ALP factional allegations made anonymously and untested in any forum. The two MPs were completely denied any element of procedural fairness. These tragic errors, and the abuse and manipulation of our democracy, are set to be repeated and institutionalised under the new, costly parliamentary complaints officer. Instead of a dignified and purposeful Parliament, we have become just another Star Chamber, another McCarthyist sham, another kangaroo court.

CENTRAL WEST RUGBY GRAND FINAL

REGIONAL SPORTS CLUBS

The Hon. SCOTT BARRETT (15:06:24): On 20 August I watched the Molong Magpies host the Coonabarabran Kookaburras in the grand final of the Central West Oilsplus Cup rugby competition. While I was wearing a Molong Magpies cap on the day—having been a former ball boy and player—I have a soft spot for the

Coonabarabran side because I love the town, the people and their sweet kit. I am wearing a Kookaburras tie today, as I promised to some of the players. The battle was epic. Wet conditions were not conducive to an open game of running, free-flowing rugby, but we got a classic, tough slog in the mud. There were big blokes hitting it one out off the ruck. It was great to see. Defence was key, and both teams dug deep, with some herculean efforts to keep the scoreline close. Particular credit must go to the Coonabarabran Kookaburras, who defended with only 14 players for much of the game due to three separate yellow cards.

With only moments to go, Coonabarabran scored next to the posts. The conversion levelled the scores at 14-14. The full-time whistle went, and the game was into extra time. Coonabarabran scored early and took a seven-point lead into the final break; however, Molong scored deep into the second half of extra time, with a conversion from out wide levelling the scores once again. With only moments to go, a penalty to Molong within range set the scene for a climactic finish but, alas, for the home crowd, the shot at goal missed wide. Not long after, the full-time whistle sounded, and the ground fell silent. Players collapsed in exhaustion as spectators looked to one another and then back to the ground to see players sprawled across the oval in a scene that rivalled that of the Geebung Polo Club. It was an epic grand final, and congratulations must go to all players of the Kookaburras and the Magpies for their season.

Across regional New South Wales, our sporting competitions and activities are so much more than just a game. They provide a connectedness and sense of community unique to our regional towns. They provide friendships that last a lifetime and a movement for the entire town to get behind. It is important that we also get behind these competitions and activities. They are important to our regional towns, and our regional towns should be important to us. They are important to me, and that is why I entered this game. I congratulate all of the men, women and children who took part in winter sports. I especially thank the local sponsors who helped make it happen and all of the volunteers—coaches, officials, committee members and the people who pick up the rubbish and pack up the grounds at the end of the day. I thank them for being part of a movement that makes regional New South Wales by far the best place to live, work and raise a family.

ST GEORGE AND SUTHERLAND MEDICAL RESEARCH FOUNDATION

YELLOW DIAMOND FOUNDATION

The Hon. TARA MORIARTY (15:09): We know all too well that medical research could and should be better funded in New South Wales. With more resources, our researchers could be making more life-changing and life-saving discoveries and treatments, particularly in the areas of cancer and other life-altering diseases. But hope is not lost. There are many organisations filling the gap left by the Government and supporting the work of our researchers to bring about changes that will impact the longevity of the lives of millions of people across New South Wales. I have had the opportunity to meet with a number of these organisations that are making huge strides in the medical research arena. I want to acknowledge two of them today.

First, I was recently able to visit the Microbiome Research Centre in Kogarah with board members of the St George and Sutherland Medical Research Foundation. The foundation works alongside medical staff and researchers at the St George and Sutherland hospitals to support the health of people in the local and wider community. Since its formation in 2007, the foundation has funded over 60 different research projects. The Microbiome Research Centre is home to two major projects that have benefited from the foundation's grants program.

The first was The MothersBabies Study, which investigates the role of microbiome in pregnancy and the health outcomes on babies and mothers. The other relates to inflammatory bowel disease. With enough resources, these two projects could revolutionise the role that gut health plays in supporting health outcomes for mothers and babies, as well as generating enough information to better support people living with chronic bowel disease. I thank the CEO, Pam Brown, and the foundation board members for showing me around the Microbiome Research Centre and letting me see firsthand the beginnings of something huge in this research area for gut health.

On Sunday 9 October I attended the wonderful Annual Yellow Diamond Foundation Charity Lunch. The Yellow Diamond Foundation is a fantastic organisation that raises money for brain cancer research. Brain cancer is one of the most under-researched cancers internationally, but particularly in Australia. The survival rates of those diagnosed with brain cancer are not great; around 1,600 people are diagnosed every year and, of those, 1,200 will pass away from the disease. We certainly need more research into what happens in the brain, particularly to assist early identification of brain cancer. I acknowledge the work of the Yellow Diamond Foundation, which was founded by Vince Agostino following his brain cancer diagnosis. The foundation has raised a significant amount of money and saved lives. I thank them for their work in this space.

NSW BIODIVERSITY OFFSETS SCHEME

The Hon. MARK PEARSON (15:12): The Animal Justice Party values and respects all animals as individual sentient beings that have their own lives to live and the capacity to experience physical, mental or emotional pain and suffering. It is the Animal Justice Party's position that offsetting under the NSW Biodiversity Offsets Scheme to justify maiming, distressing and killing animals and harming the environment is absolutely not acceptable. Not only is it unacceptable that individual animals are killed under this scheme, but it is a scheme that does not protect biodiversity.

The Auditor-General's review found there is an undersupply of in-demand credits for numerous endangered species. Seven endangered and 10 vulnerable flora species are likely to have a large credit undersupply, as are at least three endangered and 15 vulnerable fauna species, including the swift parrot, eastern pygmy possum and bush stone-curlew. Biodiversity gains made through the scheme will not be sufficient to offset the losses resulting from development and the outcome of irreversible habitat and species loss. The Auditor-General found that the Department of Planning and Environment has not established a clear strategy to develop the biodiversity credit market or determine whether the scheme's operation and outcomes are consistent with the purposes of the Biodiversity Conservation Act 2016. The purpose of the Act is to:

... maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development ...

This has not been happening. We are slipping backwards with species and habitat loss. The Government's 2020 *NSW Biodiversity Outlook Report* estimates that, without effective management, only 50 per cent of species and 59 per cent of ecological communities that are listed as threatened in New South Wales will still exist in 100 years. The *NSW State of the Environment 2021* report identifies habitat destruction and native vegetation clearing as presenting the single greatest threat to biodiversity in the State—not introduced wild animals. Demand for offset credits is growing rapidly, predominately driven by major projects. The Government needs to curtail development in sensitive areas. Intuitively, clearing land for development and killing animals in one place and then paying for a credit to protect animals elsewhere is not acceptable. The Auditor-General has shown that to be the case.

MANDAEAN APPRECIATION AWARDS

The Hon. SHAYNE MALLARD (15:15): I recently represented the Minister for Multiculturalism, the Hon. Mark Coure, at the Mandaean Appreciation Awards held at Liverpool in October. The 2022 Mandaean Appreciation Awards are about recognising the critical work members of the Mandaean community do and the challenges that they overcame during COVID. The Sabian Mandaean Association in Australia was established in 1982 and has since engaged in important community work across New South Wales, including supporting new arrivals, information sessions coordinated with local service providers, family casework support, religious services and youth activities.

I was pleased to be joined by my friend, Ned Mannoun, Mayor of Liverpool City Council, to celebrate the very best of multicultural Australia—something Liverpool is renowned for. These awards recognised the tireless contribution of frontline health workers, who worked day in and day out to help keep us all safe from the COVID pandemic, particularly in the Mandaean community. Many of these frontline health workers are members of the Mandaean community—a community of approximately 16,000 people, many of whom live around the south-west of Sydney.

At the awards, I took the opportunity to remind the Mandaean community of the New South Wales Government's awareness that the work of community organisations was vital during the COVID-19 pandemic. As members would recall, the New South Wales Government maintained continuous contact with community leaders throughout the pandemic, with weekly meetings to help them share vital health messages in language with their communities. I offered a specific thanks to His Eminence Rishema Salah Chohili, head of the Mandaean Synod of Australia, for his personal work encouraging Madaeans to be vaccinated.

I wish to repeat this appreciation to His Eminence and his community for their essential work, being part of the 95.7 per cent of New South Wales residents who rapidly received their two vaccine doses at the height of the pandemic. I also thanked His Eminence on behalf of Minister Coure for his constant advocacy and representation on behalf of the Mandaean community. His Eminence has been an active member of the Multicultural NSW Religious Communities Forum, regularly attending and participating in the forums. That partnership between government, communities and religious leaders in New South Wales was a vital pillar in our COVID recovery, particularly in western and south-western Sydney.

All the organisations that received recognition at the 2022 Mandaean Appreciation Awards rely heavily on volunteers, who set aside time from their families, businesses and personal lives to help their community. The

awards honour the sacrifices volunteers made to assist others and reflect the unique place these volunteers hold within their community. This touching evening made it evident that we all want to give back to New South Wales, regardless of where we come from or our religious background. Despite the hardships of the past few years, New South Wales has stepped up time and again. That only happens when people are willing to make sacrifices, like those honoured at the Mandaean Appreciation Awards. On behalf of Minister Coure and the New South Wales Government, I want to thank the Mandaean community once again for hosting me at their touching and uplifting night and for all the work they did to keep their community and New South Wales safe during the pandemic.

TRIBUTE TO COLIN NEAL

The Hon. DANIEL MOOKHEY (15:18): I pay tribute to an old friend of mine, Colin "Col" Neal, who passed away on 24 September 2022 in Macquarie Fields. Col was a lifelong member of the great Transport Workers' Union, as well as a member of the Australian Labor Party since 1984. He was a family man in the best sense of the term and a tireless advocate for workers in his community. Col was born in Condell Park on 26 September 1936—so he was short of his eighty-sixth birthday when he left us. Personally, I am lucky to have counted him as a mentor at the TWU. He served as the secretary of the tip truck section of the union for nearly a decade. I recall fondly the opportunities he gave me and the lessons he taught me about what it was like to represent working people. He was always happy to offer his opinion. He had a good sense of humour and was not afraid to tell someone when they were completely wrong.

Col was a proud member of the Australian Labor Party. He gave the party his valuable time and effort whenever he was asked. He understood the importance of public service but never sought public office for himself. He helped many campaigns cheerfully, including, as I understand, my colleague Mark Latham's when he was the MP for the electorate of Werriwa. He was the faithful returning officer for the Ingleburn-Macquarie Fields branch and was renowned for being a stickler for the rules. No-one had any reason to doubt a ballot that was counted by Col. The most important role he played in the labour movement was with the TWU, which he joined as a brick carter for Blue Metal & Gravel.

Many framed awards show how much Col's fellow members and organisers respected his decency, honesty and sincerity. Col was a passionate fighter for the underdog. He fought for tip truck drivers who had been short-changed in subcontractor arrangements. He was not afraid to speak up when he saw an injustice and always demanded a fair day's pay for a fair day's work. I recall vividly when I first went to Col's house. He was 78. A company had collapsed while performing a Roads and Maritime Services contract in western Sydney. Col would not stop calling me as we went about persuading then Minister Duncan Gay to step in to ensure those contractors got some of the assistance they deserved. That was how Col was spending his retirement.

Col had no tolerance for sham phoenix company arrangements that ripped off workers. He stayed vigilant about phoenix companies and phoenixing in the construction industry, which has devastated many small businesses for a long time, especially tip truck owner-drivers who have to borrow so much money to acquire their vehicles. Col held the principle of fairness close to his heart. He knew that the community was better off if everyone did the right thing and played by the right rules. He believed in the labour movement and knew there was much honour and reward for serving a cause that went beyond his own individual wellbeing and improved the welfare of others. Of course he will be missed. He is survived by the love of his life, Ros, with whom he raised a beautiful family, including their kids, Elizabeth and Michael, and their many grandchildren. Vale, Col Neal.

NSW POLICE FORCE RECRUITMENT AND TRAINING

The Hon. ROD ROBERTS (15:21): I speak about the position that the NSW Police Force finds itself in regarding police recruiting. For a long a time I have spoken about the force's inability to recruit sufficient numbers. The NSW Police Force's current recruitment and training model has led to an untenable and unsustainable position, which I suggest was highly predictable. The NSW Police Force is not alone at the moment. I acknowledge that it is a competitive market in which it finds itself. It is a challenging time to attract and retain people, and there is a shrinking workforce across the country.

However, the NSW Police Force's current education model is a highly contributory factor in its inability to recruit potential police officers. I will not delve into it too deeply because of time restraints. At present, potential police officers must undertake the Associate Degree in Policing Practice at the Goulburn Police Academy, which is conducted by Charles Sturt University. As with any tertiary education, this comes at a cost to the student. In this case, including the prerequisite certificate, to become a police officer costs the student in excess of \$18,000. It is an honourable profession but, as we know, it is not one of the best paying roles in society. If a student does not have the money up-front, they have to carry forward a HECS debt. I understand that some scholarships are available but for only 60 per cent of students. Of those awarded, the majority are for only \$3,000.

Coupled with the cost is the fact that students are not paid whilst undergoing that component of their training. They are required to attend a live-in program at the Goulburn academy, which precludes them from earning any income to support themselves for that period. The system alienates and precludes a large cohort of potential applicants. I ask members to imagine a potential police officer, male or female—that is irrelevant—perhaps in their early thirties who, having experienced life and the workforce, decides to join the NSW Police Force. That is the type of recruit that we need. Firstly, they are confronted with the cost of the course. On top of that, if they have a mortgage and a family, how do they live financially whilst undergoing training with no income or financial support? If they have children, how do they juggle care requirements and commitments? The training costs and the lack of income whilst training is a major deterrent to many applicants. They rule themselves out on financial grounds.

My understanding is that the NSW Police Force is the only force in Australia that does not pay trainees. Even the NSW Fire Brigade pays its trainees. If the NSW Police Force is to remain competitive in the employment market and recruit the best people, the current training model needs to change. I urge the Minister for Police to work with the commissioner to design a new training model that provides for payment, thereby opening up the potential to attract a broader section of the community to the crucial but rewarding role of policing.

SOCIAL ASSISTANCE SECTOR WORKFORCE

The Hon. PETER PRIMROSE (15:24): I am reminded of a quote by Bob Hawke. He said, "The things that are most important don't always scream the loudest." That quote exemplifies the work that is done by the female-dominated workforce in sectors such as aged care, home care, disability support and early childhood education. The workforce in the healthcare and social assistance industries makes up approximately 15 per cent of Australia's labour market. Aged care and disability support workers have experienced strong growth: up by 72 per cent since 2016. Together, residential care services and other social assistance services employ a higher proportion of workers than hospitals do. Every day they go about their work, providing care and support to people in our community who are often experiencing intense vulnerability, as are their families. Those workers provide dignity and courtesy to people who require health and social assistance services. Earlier this year in my contribution to debate on the New South Wales budget, I said:

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

Many media stories have focused on the desperate need to fill the expanding workforce in aged care, home care, early childhood education and disability support. It is difficult to find and retain qualified workers to do this important work supporting families, maintaining people's dignity and ensuring that people do not lose out on opportunities. As at August 2022, the average weekly ordinary-time earnings for full-time adults was \$1,769.80. Anyone who looks at the amount of money paid to workers in the largely feminised sectors of the workforce that I have been talking about will see very clearly why it is so hard to attract workers to those sectors.

RELIGIOUS FREEDOM

The Hon. SCOTT FARLOW (15:27): Australia has a long-held reputation as a tolerant, diverse society where religious and cultural differences are respected and celebrated. Unfortunately, the departure of Essendon Football Club chief executive Andrew Thorburn due to his religious beliefs has challenged our values as a nation. Mr Thorburn's situation, where he has had to choose between his God and his job, is a sad indictment on our society and where we have come to in Australia today. To those who argue that Mr Thorburn was not forced to resign as chairman of his local church, I ask what statement about his beliefs would staying in his employment at Essendon rather than continuing his role in the church have made?

Silence in response to these acts of discrimination is not only a form of complacency but also an open endorsement of the destruction of this country's freedom of religion and thought. We need laws in this country to protect freedom of religion so that people are free to practise their faith without impacting their employment opportunities. We only need to look back on the history of societies throughout the world where that is not the case to comprehend where exclusion and prejudice can lead a nation.

Andrew Thorburn has warned that one's faith can "render a person immediately unsuited to holding a particular role". The idea that one's career prospects can depend on one's religious, cultural or ethnic background undermines fundamental human rights. I have long spoken in this place about freedom of religion and stood up for those who are persecuted for practising their faith. In those cases, it has often been a case of somebody publicly having said something or made pronouncements. This has not been the case with Thorburn; it has merely been

guilt by association. I thankfully and encouragingly note the words of Adam Powick, the Deloitte CEO, with respect to Mr Thorburn's resignation:

... the forced resignation of Andrew Thorburn is so disturbing. What should have mattered in this process were Andrew's proven leadership skills, experiences and values ... not his cultural background, his gender, his sexual orientation, his faith or his personal beliefs. ...

These events could easily be written off as an isolated sports administration issue but that would be missing the point. In reality what happened this week is deeply significant, not just for my footy club, but for society in general and we need to properly take stock and learn from it.

This is indeed the point that we all need to consider. Thorburn's long corporate record has shown that he has never attempted to impose his religious views on any organisation he has headed. In fact, he has welcomed and promoted diversity, but that is not enough for the baying mob. A person being given an ultimatum to leave their church by their employer is a complete overreach of the realm of corporations and should not be accepted. I echo the words of the Archbishop of Canterbury, who stated, "We have gone through centuries where there was a dominant way of thinking that was quite often upheld by the law, but we haven't found an alternative that enables us to negotiate difference without expression and ridicule and exclusions." No Australian deserves to be punished for guilt by religious association. It is time for us to rethink our operation between church involvement for all faiths, be they Buddhist, Christian, Hindu, Jewish, Muslim or Callithumpian. All should be concerned by this state of affairs.

TRIBUTE TO PETER KNOX

The Hon. WES FANG (15:30): I acknowledge the life of Peter Knox, who was a lifelong Labor man and a candidate for the Labor Party in the 2007 Riverina election. As a lifelong Labor man, he and I would often see each other at polling booths and have little sparring matches with each other, but Peter was always a gentleman. You would know that Peter was around because of his love of the Swans and his Subaru Outback marked up with "Join the Labor Party" on the back. He passed away on 14 September 2022, aged 82 years. He was the beloved husband of Valerie and the father of Virginia. He achieved a 4 per cent swing during the 2007 campaign against Kay Hull, which is an achievement in and of itself. Vale, Peter. I will miss our chats together at the polling booth.

Documents

MINISTERIAL CODE OF CONDUCT

Production of Documents: Order

Debate resumed from an earlier hour.

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

The House divided.

Ayes15
 Noes23
 Majority.....8

AYES

Amato	Franklin	Mitchell
Barrett (teller)	MacDonald	Poulos
Fang	Maclaren-Jones	Rath
Farlow (teller)	Mallard	Tudehope
Farroway	Martin	Ward

NOES

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

PAIRS

Taylor

Moselmane

Amendment negatived.

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

Motion agreed to.

*Bills***RACEHORSE LEGISLATION AMENDMENT (WELFARE AND REGISTRATION) BILL 2021****Second Reading Debate**

Debate resumed from 17 February 2021.

The Hon. MARK LATHAM (15:44): One Nation opposes the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021 because most of its provisions are redundant. They have already been implemented by Racing NSW. Anyone who is a racing fan and was watching closely the second race at Warwick Farm today would have seen the slashing effort by Winning Point, co-owned by my good self, who ran in third. We are all very excited going forward to the three-year-old filly races. I come to the lectern as not only a parliamentarian but also a racing expert and lifelong fan.

I can assure the honourable member that Racing NSW has a very good rehoming scheme in place that I have had cause to use, because not every horse is as fast or as promising as Winning Point. Some of them could not run out of sight on a dark night. They unfortunately need to be rehomed, let down, and the rehoming scheme organised by Peter V'landys and others at Racing NSW is superb. They have gone to the trouble and expense of buying extensive properties in western New South Wales and putting the horses out there closer to their natural habitat. Nobody comes flying across in a helicopter to shoot them, as is the case, tragically, with the brumbies in the Snowy Mountains. If we are to focus as a Parliament on cruelty to horses, how can the Labor Party be so passive in allowing the shooting of horses from helicopters in the Snowy Mountains? The Animal Justice Party is quite rightly outraged about it, and we share that concern in One Nation. But for the beautiful thoroughbred horse, the rehoming scheme run by Racing NSW is one of the best in the world.

Objective (f) in the overview of the bill to establish that that scheme is not necessary at all. Objective (e) is to prohibit the slaughtering of horses registered under the Thoroughbred Racing Act. That is not happening because the rehoming scheme is so successful. Objective (d) is to prohibit the racing of a horse unless it is registered under the Act. Of course, these horses are registered on the studbook, which goes back centuries, and they are registered under the ownership provisions of Racing NSW.

The only useful objective is to prohibit a horse racing until they are three years old. Who is Mark Pearson to decide how old a horse needs to be before it can run? Horses are bred to run. They love to run. The faster they run, the greater the thrill they get out of it. It is for their owners and trainers who love these animals to decide at what age they can race. Most horses do start their racing career at three years or older. It is only those who show exceptional speed as two-year-olds that are set for races like the Golden Slipper. So there is no worry there. Objective (c) is to establish a registration scheme for horses owned, bred or kept for horseracing. We have that registration scheme. It is working very well. We do not need interference from this Parliament under this private member's bill.

Objective (b) is to prohibit the riding or driving of a horse that is fitted with a tongue tie. I do not know if the honourable member knows what a tongue tie achieves, but it is designed to stop the horse getting its tongue over the bit. If the horse gets its tongue over the bit for long enough, it could choke and die. So to have a tongue tie, which is not a painful apparatus, is an act of animal welfare. It is ridiculous to ban the use of the tongue tie when some horses will get their tongue over the bit and choke.

Finally, objective (a) of the overview of the bill is to prohibit the carrying or use of a whip or the wearing of spurs. The jockeys do not wear spurs and the whips these days are padded. So they do not cause any welt or physical damage to the horse's hide. Most jockeys, as we saw with the magnificent Winning Point earlier today, just wave the whip at the horse and do not apply it in a forceful, physical way. The whip rules now include the padded whip and restrictions on how often they can be used, and there are heavy fines. If a jockey breaks the whip rule, with overuse in the final furlong, there are very heavy fines and suspensions on that jockey. The changes several years ago to the whip rules have been very successful for animal welfare.

I have to ask the question, with all these Animal Justice Party schemes to ban greyhound racing, harness racing and thoroughbred racing or to fit up extra restrictions, as in this bill, what is the purpose and what would

be the practical outcome? These animals are bred and sustained to run. If they do not run, they are probably going to breed out and they will not exist. For those that run successfully and go on to a stud career in particular—I pointed out to the House that if you believe in reincarnation and you ever want to come back as a particular animal, then you want to come back as Redoute's Choice. In his day, he was in that beautiful luxury mansion, serving up 300 or 400 mares a season.

The Hon. Daniel Mookhey: An option for me.

The Hon. MARK LATHAM: The Hon. Daniel Mookhey believes in reincarnation and wants to come back as Redoute's Choice. He likes the idea of serving 300 or 400 mares. Who wouldn't in that particular circumstance? It is good to see the Labor Party has a sense of their luxury. Redoute's Choice was living in air-conditioned luxury in a stable that could easily have housed several public housing families out of south-west Sydney. Those are wonderful circumstances. Other successful stallions have also lived in luxurious conditions. Not every horse gets to that standard, of course. But under the Racing NSW provisions about registration and rehoming, they all have a chance to stay alive. The past practices of putting horses down were unsatisfactory. I have owned a few—some fast, some slow—over the years. The idea that you would ever cause damage to your horse is abhorrent. You want the rehoming schemes to be a success. They are now. This bill is not needed. It has the stern opposition of One Nation and, I trust, members across the Chamber.

Ms ABIGAIL BOYD (15:50): The Greens strongly support the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021. We thank the Animal Justice Party and the Hon. Mark Pearson for introducing it. The Greens know horseracing to be cruel and unjustifiable. As such, we campaigned for an end to the industry. With one horse dying every three days on Australian racetracks, there is simply no place for this industry in our society. It is time to shut it down. The Greens advocate for a phased transition towards a shutdown of the horseracing industry, including a national ban on horseracing, transitioning racing facilities to open green spaces, planning for and retraining of workers currently employed in the industry, and the assistance, rehabilitation and rehoming of horses—all funded by an increased betting levy.

However, we also support all reforms that improve welfare for horses while the racing industry continues. As such, we strongly support the bill. We know that the use of whips, spurs and tongue ties and the racing of horses before they are physically mature are particularly cruel. RSPCA Australia—along with countless other animal welfare organisations like the Coalition for the Protection of Racehorses—is opposed to the use of whips, spurs and tongue ties and has called for a prohibition on racing before a horse is mature in line with the asks of this bill. Even for the racing industry, New South Wales is behind the times. Spurs are banned under the International Federation of Horseracing Authorities, whips are banned by other jurisdictions like Norway, and tongue ties are banned in most non-racing equestrian sports internationally.

It is no surprise that the New South Wales thoroughbred racing industry does not support these sensible and measured reforms, however. It will not even enforce the paltry rules that it does have. For example, most breaches of whip use restrictions go unpunished by Racing NSW. Racing Australia's rules of racing allow a racehorse to be whipped up to five times prior to the final 100 metres of the race and with as much frequency as a jockey wishes in the final 100 metres. Take the most celebrated thoroughbred racing event on the calendar in New South Wales as an example. Over 10 per cent of horses raced at Randwick on Everest Day last year were whipped more than five times prior to the final 100 metres of their races and, of the 12 horses made to compete in the Everest race itself, half of them were whipped by their jockeys more than the rules allow.

Despite this, however, only one of those 12 jockeys who could not adhere to these measly whipping rules faced any consequences at all. In contrast, two trainers were fined for taking too long to declare who their horses' jockeys would be. Two out of two instances where the stewards were inconvenienced resulted in fines, while only one out of 12 instances of clear animal abuse resulted in a fine. As a further example, in New South Wales between Everest Day and Melbourne Cup Day, as reported in Racing NSW stewards' reports, 49 race meetings took place across 18 days. At only eight of those meets did breaches of whip use not occur. While 201 breaches of rules occurred across these 49 meets, 10 had action taken and 191 had no action taken at all.

The Greens thoroughly welcome the aspects of the bill that seek to prevent the disappearance of former racehorses—including the establishment of a registration scheme for horses owned, bred or kept by horseracing industry participants—that prohibit the slaughtering of racehorses, and that establish a rehoming program. The horseracing industry breeds upwards of 12,000 horses every year, but only around two-thirds ever make it to training. Thanks to the fearless work of whistleblowers, activists and investigative journalists, it is now no secret that many of the horses that exit the racing industry end up in knackeries or the export meat market. Even more exit the industry in ways we simply cannot track. Exposé after exposé has shown that, even after Racing NSW banned the direct sale of horses from the industry to knackeries, the practice continues unpunished. Industry self-regulation on this front has clearly failed.

I commend my Greens colleague in the Federal Senate, Dr Mehreen Faruqi, who has been tireless in her advocacy for a national horse traceability register to ensure that we know what happens to these horses and for whole-of-life care for these animals, which earn the racing and gambling industry so many billions in profits. The bill is important for these reasons. But I suspect that, if the views of former Liberal Premiers are any indication, the Government will not support this crucial reform. When asked whether the racing industry has responsibility to look after horses for their lives, the former Premier Barry O'Farrell's extraordinary response was:

I think they have a responsibility up until the time they leave the racing industry. If I sell you my car ... it's no longer my responsibility to maintain it: it's yours.

This industry and the politicians that it funds view these living, breathing, sentient beings as nothing more than machines and tools to exploit for their benefit. This may be a little radical, but I do not believe that a horse is a car. Even when the industry describes a racehorse collapsing from exhaustion or breaking a leg during a race as "breaking down", I still do not think that its mangled body is quite the same as a crashed rally car. Whipping a horse or stabbing it in its side with a sharp object to make it run faster is animal cruelty, not pushing the accelerator. No matter how the industry tries to hide it, the public is wising up to the inexcusable truth of the racing industry's cruelty. We will see an end to horseracing. In the meantime, The Greens welcome the reforms included in this bill.

The Hon. LOU AMATO (15:57): The Government does not support the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021. While noting the good intentions of the Hon. Mark Pearson, the Government opposes this bill as it duplicates existing processes and undermines the industry's existing regulatory framework. Racing NSW was established as the industry's controlling body under the Thoroughbred Racing Act 1996 and is responsible for the control, supervision and regulation of thoroughbred racing in New South Wales. Racing NSW balances the critical tasks of maintaining high standards of equine welfare, upholding the integrity of racing and fostering industry growth. Racing NSW already administers a registration scheme for New South Wales thoroughbred horses, through which participants must notify it about the retirement, transfer of ownership or change in location of a horse.

New South Wales was the first jurisdiction in Australia to introduce a rule prohibiting registered horses from being sent to a knackery or abattoir. Racing NSW strictly enforces this rule. Significant penalties can be imposed on any industry participant found to have breached the rules of racing, including prohibiting a person from attending race meetings, suspending or disqualifying a person from involvement in the industry, and fines of up to \$100,000. In addition, the Government and the New South Wales racing industry are actively engaged in national work to develop a traceability register for all horses and are focused on ensuring that this work complements and bolsters current efforts to track retired horses. Independently of government, the racing industry has directed significant resources and expertise towards initiatives that focus on horse traceability. National racing industry bodies have allied with race clubs and industry participants to establish an industry-funded and industry-led group to examine the welfare of horses retiring from racing.

Racing NSW and the thoroughbred racing industry in this State have also demonstrated their commitment to horse welfare by dedicating significant resources towards retirement and retraining programs. Since 2016 Racing NSW has invested \$24 million into the purchase of and capital upgrades to properties for the exclusive use of its horse rehabilitation and retraining program for retired thoroughbreds. That is in addition to the funding dedicated through the Equine Welfare Fund, which is derived from 1 per cent of the prize money and generates around \$2.5 million each year. Racing NSW has also partnered with several organisations to implement initiatives to rehabilitate, retrain and rehome horses.

The bill's proposal to amend the Thoroughbred Racing Act to require the Department of Customer Service to maintain a register of horses is impractical and unworkable. The proposal would create a significant administrative burden and would duplicate rather than build on the existing horse registration framework. The racing industry contributes in excess of \$3.3 billion to the New South Wales economy and sustains more than 27½ thousand full-time-equivalent jobs across the State, with over half of the industry's economic impact occurring in regional areas. Legislative amendments that adversely affect racing in New South Wales or create disparity between New South Wales and other jurisdictions pose a significant risk to the employment and economic activity generated by the racing industry.

The New South Wales Government is committed to supporting a responsible, sustainable and competitive horseracing industry with the highest standards of animal welfare in Australia. However, the bill does not support the achievement of that goal. The bill proposes amendments that undermine the regulation of thoroughbred racing in this State. Racing NSW enforces the Rules of Racing of Racing NSW, which incorporate the Australian Rules of Racing and include animal welfare provisions. The rules of racing bind all thoroughbred racing participants in New South Wales.

More than 90,000 people directly participate in the industry as employees, participants or volunteers. Our State leads the way in horse welfare, being the only jurisdiction to have rules in place that require that all thoroughbred horses are suitably rehomed on retirement. Under those rules, Racing NSW must be notified of the new location of retired racehorses and a minimum standard of care must be provided at all times. In 2017 Racing NSW introduced amendments to the rules of racing to prohibit retired thoroughbred racehorses from being sent to an abattoir or knackery.

The rules of racing were further strengthened in 2020 when Racing NSW introduced an excluded list for any person considered to be unsuitable for the care of a New South Wales thoroughbred. Individuals can be placed on the list if they have previously sent a horse to a knackery or abattoir, if they have mistreated a horse or if their property does not meet the minimum standards set by Racing NSW. It is an offence for any New South Wales owner or licensed person to transfer, sell or gift a horse to a person on the excluded list, with participants subject to significant penalties if found to have breached that requirement.

The rules of racing also tightly control the use of whips, tongue ties and spurs. They include conditions regarding their design and specifications, as well as restrictions that limit their use during racing and training activities. Racing NSW can impose significant penalties on any individual found to have breached the rules of racing, including prohibiting a person from attending race meetings, suspending or disqualifying a person from involvement in the industry and fines of up to \$100,000. Racing NSW has dedicated significant resources to rehoming and retraining retired racehorses, and New South Wales was the first jurisdiction in Australia to introduce an equine welfare fund.

As well as protection under the rules of racing, it is important to note that horses are well protected from harmful activities through the Prevention of Cruelty to Animals Act [POCTA Act], which applies to racehorses just as it applies to all animals in New South Wales. Any person responsible for an animal in New South Wales, including a racehorse, has a responsibility to provide care and to treat that animal in a humane manner. Under the POCTA Act, cruelty is defined as any act or omission that results in an animal being unreasonably, unnecessarily or unjustifiably inflicted with pain. That definition already encompasses the inappropriate use of whips, tongue ties and spurs.

The provisions in the bill are unnecessary and impractical. They do not build on current government and industry initiatives to promote and safeguard equine welfare. The bill undermines the regulation of thoroughbred racing in New South Wales and does not contribute to the goal of furthering equine welfare in this State. Earlier today I heard, not from Mr Ed but still straight from the horse's mouth, that the State Labor conference is on the same day as The Everest. Shame on members opposite. The Government will not support the bill.

The Hon. COURTNEY HOUSSOS (16:05): I lead for Labor on the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021. I indicate at the outset that Labor will oppose the bill. However, I acknowledge the work on this issue by the Hon. Mark Pearson as the first Animal Justice Party member elected in New South Wales. He has engaged with me and my Labor colleagues in a really professional and constructive manner, and he will be a sad loss to this Chamber. I thank him for that. The Hon. Mark Pearson moved the second reading of the bill on 17 February 2021. The bill amends the Prevention of Cruelty to Animals Act 1979 and the Thoroughbred Racing Act 1996 to ban whips, tongue ties and spurs in horseracing. The bill increases the minimum age of racehorses to three years. It introduces a registration scheme for horses at least three years old, criminalises sending ex-racehorses to knackeries and introduces a rehoming scheme. The bill introduces section 17A to 17D of the Prevention of Cruelty to Animals [POCTA] Act 1979.

At the outset, I reinforce that NSW Labor believes the racing industry is responsibly managing the welfare of horses, but it must continue to meet community expectations about how they are treated during and after their racing career. Racing NSW has invested significant funds and resources into the industry to rehome retired thoroughbreds and introduce minimum standards of equipment. The bill seeks to ban two-year-old horses from racing. That ban would end the Golden Slipper, which began in 1957. The Golden Slipper Stakes at Rosehill racecourse is a 1,200-metre group one race for two-year-old horses and is Sydney's richest autumn race. Situated in the heart of western Sydney, in Parramatta, it is worth more than \$5 million in prize money, having increased this year.

It is worth noting that Racing NSW already has stringent rules for the use of whips, riding crops, tongue ties and spurs. Restrictions can also be put on any two-year-old horse who races. The current rules state that whips must be approved by Racing NSW. They must not be used excessively, used in consecutive strides before the 100-metre mark or used on more than five occasions. Racing NSW allows riders to use spurs, but they must be blunt and must not be used in an excessive, unnecessary or improper manner. Tongue ties can only be used if they are a leather strap or a rubber band and meet specific measurement requirements.

Under the current regulations, any horse entered into a race or a race trial must be registered with Racing Australia. Within seven days of a decision to retire a horse, Racing Australia must be notified in writing. Racing Australia is also notified in the event of a horse not competing in any event for a period of at least six months. New South Wales has additional protections, as Racing NSW does not allow horses to be sent to knackeries or abattoirs to be destroyed or disposed of. Racing NSW is the only State racing organisation to prohibit a thoroughbred from being sent to an abattoir or knackery, and these rules only apply to horses within the New South Wales racing industry. Horses cannot be gifted or transferred to any person on the New South Wales excluded list for rehoming of thoroughbreds.

The thoroughbred racing industry contributes more than \$3.5 million to the State and generates approximately 27,600 full-time equivalent jobs. It generates more than \$1,971.1 million in household income for those employed in full-time, part-time or casual work. More than 48,000 individuals are involved in the thoroughbred industry as participants, employees and volunteers. As the previous speaker noted, the Everest is on this weekend and it will clash with the NSW Labor State Conference. As the shadow Minister for Racing, I will endeavour to meet both of these very important commitments, along with more than 40,000 other race fans. The Sydney Everest Carnival is expected to attract over 130,000 people and generate \$100 million in economic benefit for New South Wales across retail, fashion, hospitality, accommodation and tourism. The carnival supports more than 2,000 full-time and part-time jobs.

As I said earlier, Australian racing authorities have a robust framework, including through Racing Australia and the Rules of Racing, to deliver high standards of animal welfare. I am advised that tongue ties are listed as approved gear in the Register of Nationally Approved Gear published by Racing Australia. Tongue ties are also approved gear in other major thoroughbred racing countries, including the United Kingdom, Ireland, the United States, France, Hong Kong and Japan. I understand that United Kingdom studies have shown that racehorses improve their performance when a tongue tie is used, and a Canadian study found that the use of tongue ties contributes to upper airway stability of horses during racing.

In relation to whip use, the Australian Rules of Racing, which includes rules governing the use of whips, are administered by Racing Australia and are informed by best practice standards of integrity and animal welfare. The whip is also used by jockeys to assist in safely controlling a horse during a race. Strict rules govern whip usage, as I said earlier, which have been introduced by Racing Australia to overcome concerns. Strict rules also cover whip design. The thoroughbred racing whip must be padded and of a design and specifications approved by Racing Australia, with the maximum length not exceeding 70 centimetres. The padding of the whip must be made of closed cell foam of not less than seven millimetres thick on each side of the whip. The outer layer of the padded segment of a whip must consist of approved material that does not harden over time and does not absorb water. From 1 August 2018 it is an offence for a person to have in their possession a whip that is not approved or has been modified. With those remarks I indicate, as I did at the outset, that NSW Labor opposes the bill.

The Hon. SCOTT BARRETT (16:13:01): I oppose the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021 because it jeopardises the future of the wildly successful New South Wales racing industry and because there are already measures in place or on their way that cover what the bill intends to do. The bill also implies that the racing industry is a cruel and evil industry, which it is not. I was not in the House when the Hon. Mark Pearson introduced the bill, although I have read his second reading speech. It was a very considered, well-put-together and respectful speech. You would expect nothing less from the member. I have also appreciated the contributions of the Hon. Courtney Houssos, the Hon. Mark Latham and the Hon. Lou Amato.

New South Wales is one of the world's leading racing jurisdictions, with prize money that is the envy of the racing world; race meetings of global importance, including the Everest this weekend; and a breeding industry of world renown in the Hunter Valley. On top of that, we have welfare standards that lead the way in best practice. While punching above its weight on the global stage, the New South Wales racing industry delivers its benefits right here for the people of this State. It sustains some 30,000 jobs, with more than 90,000 people involved in the industry in some capacity, either as employees, participants or volunteers. In turn, this activity contributes more than \$3.3 billion to the State economy every year, more than half of which goes to regional New South Wales.

Of course, it is for regional New South Wales that I oppose the bill. It threatens and attacks a key part of what makes regional New South Wales the best place to live, work and raise a family. I was lucky enough to see this for myself over the long weekend, when I took my young bloke, my wife and my mother to Nyngan for a race meet. The meet was thrown together at the last minute. With all the wet weather, a number of race meets have had to be cancelled. Devastatingly, the Louth Races and the Mungery Picnic Races were all cancelled. Nyngan was thrown an opportunity, which it seized, and did a fantastic job. I must congratulate the race club at Nyngan, and Wendy Robb in particular, on their work in pulling the meet together.

It was a lovely day and the course looked a treat. The Lions Club was there with a jumping castle, there was face painting, and the Nyngan Pony Club was there with a barbecue. There were people from all around.

There were groups of mates clearly set for a big day out, a lot of couples enjoying the spring weather and families enjoying the sun and the activities on offer. My young bloke loves to see the horses—or the "neighs", as he calls them—and we thank the trainers who let us spend some time with them.

It was a lovely day out in Nyngan, in a scene that is mirrored right across regional New South Wales. I have had great days out at meets in Come By Chance, Cowra, Harden and Orange, just to name a few. In most regional towns and villages, the date of the race meet is circled on the calendar and looked forward to every year. I also visited the racecourse at Warren recently, the "Randwick of the west". It has wonderful facilities for horses, trainers and their teams, and racegoers. I spoke to Mayor Milton Quigley about how important the race meet is to the local town. He told me that it brings in visitors from all around the State, which of course provides a boost to the local economy. The meets also provide a great social event for the community.

I cannot stress enough how important these events are. There are four race meets in Warren: the Cattleman's Cup, the Golden Fleece, the Cotton Cup and the Twilight Race Meeting. Mayor Quigley said, "These are all important events on our calendar. They bring people out and they bring people together. The community would not be the same without them." Throughout the past few years, the racing industry should be congratulated on the path it took through the devastation that the COVID-19 pandemic had on our economy. The racing industry embraced the challenge of continuing to operate in uncertain times, sustaining employment and providing a source of enjoyment for the many people who watch races across the State. It did this by balancing the economic needs of the industry and its people with health measures to limit the spread of disease.

Indeed, the proactive approach of the racing industry to the pandemic is demonstrated in its approach to protecting the welfare of its animal participants. Racing NSW is established as the industry's controlling body under the Thoroughbred Racing Act 1996 and is responsible for the control, supervision and regulation of thoroughbred racing in New South Wales. It balances the critical tasks of maintaining high standards of equine welfare and upholding the integrity of racing with fostering industry growth. The willingness of Racing NSW to get on the front foot to address industry challenges can be seen in its approach to animal welfare. Racing NSW already administers a registration scheme throughout the State for thoroughbred horses, through which participants must notify Racing NSW about the retirement, transfer of ownership or change in location of a horse.

Racing NSW was the first jurisdiction in Australia to introduce a rule prohibiting registered horses from being sent to a knackery or abattoir. The rules are strictly enforced by Racing NSW, which can impose significant penalties on breaches of the Rules of Racing, so that aspect of the bill is already covered. Racing NSW and the thoroughbred racing industry in this State have also demonstrated their commitment to horse welfare by dedicating significant resources towards retirement and retraining programs. In fact, I have owned a couple of those horses myself—the odd older, retired horse and a few that were never going to make it. They ended up being show horses, jumpers, trail horses and companion horses.

Since 2016 Racing NSW has invested \$24 million in the purchase and capital upgrade of properties for the exclusive use of rehabilitation and retraining programs for retired thoroughbreds. One example of this is Bart's Farm, which is 137 acres located in the Nepean Valley, owned by Racing NSW and designed by Bart Cummings specifically as a retirement village for racehorses. If you own a retired racehorse that you cannot find a home for, Racing NSW will assist in the rehoming of that horse to somewhere like Bart's Farm or one of its other properties across New South Wales. There is a 200-acre property in Muswellbrook, there is Oxley Island on the North Coast and there is a 2,600-acre property north of Lithgow. As well as those properties, there is also dedicated funding from the Equine Welfare Fund, which is derived from 1 per cent of prize money and generates around \$2.5 million each year. This has now been jacked up to 2½ per cent of prize money to provide more welfare protection.

Since July 2015 the New South Wales Government's reforms to the point of consumption tax have fed in an additional \$200 million for programs for the racing industry, including for programs like the Equine Welfare Fund. The New South Wales Liberal-Nationals Government is the most ardent supporter in any jurisdiction when it comes to a vibrant and sustainable racing industry, which is why it announced a \$67 million capital fund in the last budget to invest in regional race courses. There is a new poly-turf track in Cessnock, which is an all-weather training track to support the industry there. In Albury, there were new stables built and better facilities provided for trainers, stablehands, jockeys and horses. There was \$600,000 delivered to the race club in Nowra to build its first female jockey room. We are seeing more and more female jockeys, so it is great that the Government can support that aspect of the industry.

It might seem that I have drifted away from the key aspects of the bill, but it is important that we have a strong industry, and this funding contributes to that strong industry. The stronger the industry is, the stronger the outcomes are for participants, including the horses, which are the key participants in the industry. The New South Wales Government and racing industry are committed to supporting a responsible, sustainable and competitive horseracing industry with the highest standards of animal welfare in Australia. The racing industry is not an evil

industry. It is an important industry that is driven by good people who love and care for their horses. They are not evil people, nor is Delta Goodrem evil. I note that there have been many attacks on Delta for her support of the spring carnival. How could you attack Delta?

I oppose the bill. Its objects are redundant and duplicative, and it implies that the industry is cruel and unjust, which it is not. I note that the Hon. Mark Pearson's time in this Chamber is coming close to an end. I have not dealt with him on many things; we obviously have different priorities in this place. But from my first dealings with him, as a staffer many years ago, he has held himself to the highest possible standard. I thank him for that and congratulate him on what he has achieved as a member of this place.

The Hon. AILEEN MacDONALD (16:23): I oppose the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021. As outlined by previous speakers, the bill before the House calls for legislative amendments that duplicate existing legislation that safeguards equine welfare. Along with other animals, the treatment of horses, including those retired from the racing industry, is covered by the Prevention of Cruelty to Animals Act 1979, or the POCTA Act, which includes penalties for aggravated animal cruelty offences of up to \$22,000 or two years' imprisonment, or both, for an individual and \$110,000 for a corporation. In addition, the Crimes Act 1900 includes a maximum penalty of five years' imprisonment for serious animal cruelty and three years' imprisonment for reckless animal cruelty. This legislation, together with the Rules of Racing of Racing NSW, provides robust safeguards to protect thoroughbred welfare in New South Wales.

Racing NSW is established as the industry's controlling body under the Thoroughbred Racing Act 1996 and is responsible for the control, supervision and regulation of thoroughbred racing in New South Wales. Racing NSW currently has substantial powers to ensure the welfare of thoroughbred horses throughout their lives. It administers and enforces the Rules of Racing of Racing NSW, which include equine welfare provisions and bind all New South Wales racing industry participants. The industry already administers a horse registration system, with participants required to notify Racing NSW when a horse is retired or transferred to another owner or location. Amendments to the POCTA Act to prohibit racehorses from being sent to slaughter are simply unnecessary.

Racing NSW was the first jurisdiction in Australia to introduce a rule prohibiting a thoroughbred racehorse from being sent to an abattoir or knacker. It strictly enforces the Rules of Racing of Racing NSW and can impose significant penalties on any individual found to be in breach, including prohibiting a person from attending race meetings; suspending or disqualifying a person from involvement in the industry; and imposing fines of up to \$100,000. The bill also proposes to prohibit the use of whips, spurs and tongue ties through amendments to the POCTA Act. Again, these amendments are unnecessary, as this equipment is regulated by Racing NSW through the Rules of Racing of Racing NSW, which include conditions on the design and specification of such equipment and limitations on its use during racing and training. The inappropriate use of whips, spurs or tongue ties can also be pursued under existing provisions in the POCTA Act, which defines an act of cruelty as any act or omission that results in an animal being unreasonably, unnecessarily or unjustifiably inflicted with pain.

The bill also proposes to prohibit the racing of a horse unless it is at least three years old. This proposal is not founded in sound research, as several studies indicate that commencing racing as a two-year-old is not only not detrimental but may prolong a horse's racing career. I note that the bill's second reading speech erroneously states that the racing of two-year-old horses was first introduced in Australia in the 1980s; however, as the Hon. Courtney Houssos mentioned, that is incorrect. The racing of two-year-old horses has occurred in Australia and around the world since at least the late 1800s. It is also noted that the Golden Slipper, a New South Wales feature race for two-year-old horses, was first run in 1957. The New South Wales Government and racing industry are committed to supporting a responsible, sustainable and competitive horseracing industry with the highest standards of animal welfare in Australia. I oppose the bill because it duplicates existing welfare legislation and the Rules of Racing of Racing NSW and undermines the current regulatory scheme for thoroughbred racing in this State.

The Hon. MARK PEARSON (16:28): In reply: I thank everybody who has contributed to the debate on the Racehorse Legislation Amendment (Welfare and Registration) Bill 2021. The positive and collaborative way that has occurred is very welcome. Two hundred years ago, Richard Martin introduced a bill into Westminster for the fifth time. The bill was called the Ill-Treatment of Cattle Bill. Essentially, it was a bill to stop the whipping of horses and cattle in the streets of London and elsewhere in Britain. Richard Martin tried over five years to introduce the legislation. Finally, an argument from the great philosopher Jeremy Bentham got everybody—almost everybody—over the line. He said:

The question is not *Can they reason?* or *Can they talk?* but *Can they suffer?*

So the very first legislation in the world to protect animals was based on the abhorrence of witnessing the whipping of two species: horses and cattle. Here we are, 200 years later, arguing that whipping an animal for entertainment

should be acceptable. Think about it. The animal does not need to be whipped to prevent harm to itself or to a rider. I have just returned from Norway and Sweden. In Norway, the whip has not been used and spurs have not been used since 1973. There have been no accidents or harm caused to a horse or a jockey as a consequence of that decision of the Norwegian Government. Sweden, 10 years later, followed suit. Denmark is now introducing similar legislation, as is the Netherlands.

Whipping an animal for entertainment and for absolutely no other purpose should never be acceptable, in any terms. The bill introduces more restrictions in relation to the tracking of horses and other aspects of the care, wellbeing, welfare and protection of horses. The bill is about bringing in laws to uphold what, apparently, are the purposes and the meaning of the rules and the guidelines that the horseracing industry have. But they are not strong enough. As my colleague Ms Abigail Boyd pointed out, of all of the breaches of the rules and guidelines of Racing NSW, very few attracted the penalties that they deserved, and virtually none were referred to the authorities which administer the Prevention of Cruelty to Animals Act.

So it simply is not the case that protections are already in place for the wellbeing of these animals. Why would we not want to uphold the rules and strengthen them by incorporating them into the Prevention of Cruelty to Animals Act, which is the high bar that is necessary to protect animals? What the ABC exposed in the horseracing industry was utterly horrific. It showed that many horses do end up in knackeries; they do end up not being registered. They become untraceable ghost animals. I acknowledge there is considerable opposition to this bill. But I ask every member: Is it acceptable for us to continue to condone the whipping of an animal, whether it be a padded whip or not? The evidence is clear that it is excruciatingly painful for a horse. Equine experts have upheld that. If a fly lands on the rump of a horse, the horse will spin around and nudge the fly away. If a horse can feel a fly landing on its rump, it is going to feel a whip—padded or not. Just on that simple principle, I call on members to support and uphold the bill. 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 negatived.

Documents

BUNGENDORE HIGH SCHOOL PROJECT

Return to Order

The CLERK: According to the resolution of the House of Wednesday 21 September 2022, I table documents relating to an order for papers regarding the Bungendore High School Project, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

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

CENTRAL NAMES INDEX IMPROVEMENT AND DATA CLEANSING PROJECT

Correspondence

The CLERK: According to the resolution of the House of Wednesday 21 September 2022, I table correspondence relating to an order for papers regarding the Central Names Index Project, received this day from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution.

DESIGN AND PLACE STATE ENVIRONMENTAL PLANNING POLICY

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 21 September 2022, I table documents relating to a further order for papers regarding the Design and Place State Environmental Planning Policy, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

SAFEWORK NSW**Production of Documents: Order**

The Hon. DANIEL MOOKHEY (16:35): I seek leave to amend private members' business item No. 2020 outside the order of precedence for today by:

- (1) Inserting "Minister for Fair Trading, NSW Fair Trading, Department of Customer Service," after "Minister for Better Regulation and Innovation".
- (2) Omitting "Attorney-General" before "Department of Premier and Cabinet".
- (3) Omitting "Office of Transport Safety Investigations" before "relating to SafeWork NSW".
- (4) Omitting "operations, investigations and reports" after "relating to SafeWork NSW".

Leave granted.

The Hon. DANIEL MOOKHEY: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier, the Deputy Premier, Treasurer, Minister for Finance, Minister for Customer Service and Digital Government, Minister for Better Regulation and Innovation, Minister for Fair Trading, NSW Fair Trading, Department of Customer Service, Department of Premier and Cabinet, Department of Regional NSW, Treasury, SafeWork NSW, relating to SafeWork NSW:

- (a) all documents created since 1 January 2021 relating to recommendation 49 of the *icare and State Insurance and Care Governance Act 2015 Independent Review*;
- (b) all minutes created since 1 January 2016 of the independent decision-making panel, including triage details, results and classifications, and inspector reports relating to:
 - (i) Byrne Demolitions Pty Ltd;
 - (ii) Ability Barge Services Pty Ltd;
 - (iii) Cooma tank/reservoir failure in January 2020;
 - (iv) fatality of Gordon Keith Willis in July 2018, including the classification of his death; and
 - (v) fatality of Matthew Julien in August 2017, including the classification of his death;
- (c) all notifications, requests for service, investigations or interactions with SafeWork NSW created since 1 January 2016 for the following persons conducting a business or undertaking [PCBUs]:
 - (i) Perry's Roofing;
 - (ii) Riverwall Construction Pty Ltd;
 - (iii) Aussie Skips Pty Ltd;
 - (iv) sites in North Ryde or Macquarie Park operated by Ganellan Pty Ltd;
 - (v) Byrne Demolitions Pty Ltd; and
 - (vi) Ability Barge Services Pty Ltd;
- (d) 2019 and 2020 People Matter Employee Survey results for any divisions of the Better Regulation division of the Department of Customer Service, including SafeWork NSW inspectors, the SafeWork NSW inspectorates within the Better Regulation division of the Department of Customer Service; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This order for papers under Standing Order 52 relates to the conduct of SafeWork NSW in certain respects. It seeks to establish, amongst other matters, where the Government's response to the McDougall inquiry is up to. The McDougall inquiry was established to examine the administration of Insurance and Care NSW [icare]. In the course of that examination, the Hon. Robert McDougall was notified of concerns people have had about the conduct of SafeWork NSW as well. In his review report, Mr McDougall stated:

The terms of my Review did not extend to a review of the operations of SafeWork NSW. However, I have come to the view that such a review is desirable. In doing so, I have taken into account submissions as to the suggested present inefficacy of SafeWork NSW's activities. I emphasise that I make no finding on those submissions, given the limitation on my Terms of Reference and the fact that I have not heard from SafeWork NSW in response to those submissions.

Mr Deputy President, you will recall that the McDougall report was released in April 2021. At that time, Minister Anderson and Minister Dominello were collectively responsible for the conduct of SafeWork NSW. It then became the responsibility of former Minister Petinos and is currently the responsibility of Minister Dominello solely. How things change in just two years! Nevertheless, it is an important recommendation.

SafeWork NSW has a very important function. Of the three agencies that are funded from employer premiums, SafeWork NSW takes a lot of the money. The concerns around SafeWork NSW's efficacy, as put by former Supreme Court Justice McDougall, are quite serious. I know you would be aware of those concerns as well, Mr Deputy President. It is disappointing that it took a bit of time to establish precisely what the Government's intention was with that particular recommendation. Whilst I note that the Government has made repeated references to its strict adherence to the McDougall review as it relates to the repair of icare, it is disappointing that the same strictness has not been applied to this particular recommendation about SafeWork NSW.

The Government is in no position to pick and choose when it comes to the administration of the three particular agencies that were subject to the McDougall review, that is, icare, the State Insurance Regulatory Agency [SIRA], and SafeWork NSW. It is disappointing that we still cannot get to the bottom of precisely why the Government has not yet gone ahead with that recommendation.

It is not like the concerns about SafeWork NSW have gone away. By bringing this motion to the House, we seek to engage our powers in an attempt to understand what is causing it. I cannot help but note that during the COVID pandemic SafeWork NSW was assisting employees, and that was good. But there is a lot of controversy about certain matters to do with our airports and the extent to which it came under pressure from major players in the aviation industry regarding how it exercises its powers. That is another matter that has surfaced since the McDougall review. It is equally worthy of review as we go about looking into SafeWork NSW.

The balance of this call for papers under Standing Order 52 relates to the handling by SafeWork NSW of certain known matters, for which it has come under some criticism. Those matters involve fatalities as well. It is a reminder of just how important it is as an agency. It is a regulator whose ultimate mission is to keep people safe at work. Any failure in SafeWork NSW increases the risks of failures in our workplaces. No doubt SafeWork NSW has a very important job to do, but we also have a very important job to keep an eye on it. Hence I bring this motion and I commend it to the House.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:40): The Government does not oppose the motion.

The Hon. DANIEL MOOKHEY (16:41): In reply: The Opposition thanks the Government.

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

Motion agreed to.

GREYHOUND RACING NSW

Production of Documents: Order

The Hon. COURTNEY HOUSSOS (16:41): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created between 30 September 2021 and 31 August 2022, in the possession, custody or control of the Minister for Hospitality and Racing and Greyhound Racing NSW relating to Greyhound Racing NSW:

- (a) all briefing notes relating to Greyhound Racing NSW;
- (b) all correspondence sent to, from and/or between the office of the Minister for Hospitality and Racing and Greyhound Racing NSW; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be very brief. This is a straightforward call for papers under Standing Order 52. It asks for briefing notes relating to Greyhound Racing NSW and correspondence between the office of the Minister for Hospitality and Racing and Greyhound Racing NSW. We do not expect that to be onerous for the Government. My understanding is that the Government will not be opposing the motion. I commend the motion to the House.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:42): The Government will not be opposing the motion.

The Hon. SCOTT FARLOW (16:42): I just wanted to end the kumbaya that is going on around the table, with the Government not opposing, with very short introductions from the Opposition to the motions under Standing Order 52.

The Hon. Daniel Mookhey: A big supporter of public transparency and Standing Order 52 motions.

The Hon. SCOTT FARLOW: I am a supporter of transparency in this House. I love it when we come together and agree on these motions in a congenial manner. Unfortunately, I do have to speak to this motion

because I feel that the Hon. Courtney Houssos has taken a lot of liberties in this House when it comes to Standing Order 52 motions. She may not be taking one of those liberties in moving this motion. It may not be one of the trawling expeditions that the Hon. Courtney Houssos has undertaken in the past. It might be a confined Standing Order 52 motion. It may be drafted with "surgical precision", as the Hon. Walt Secord said—so surgically precise that it is very short, as I see from the *Notice Paper*.

The motion asks for "all briefing notes relating to Greyhound Racing NSW". Although the Government does not oppose the motion, that could be very broad. The motion may need a little more surgical precision. The Hon. Daniel Mookhey is used to the commentary and character critiques from the Government. Now the Government is providing critiques to assist the Opposition in drafting future motions under Standing Order 52. The motion asks for "all correspondence sent to, from and/or between the office of the Minister for Hospitality and Racing and Greyhound Racing NSW". I know the Minister. Kevin Anderson is a great Minister.

The Hon. Walt Secord: That's misleading.

The Hon. SCOTT FARLOW: He is a great Minister, and he has an even greater chief of staff in Gavin Melvin. I think the Hon. Daniel Mookhey will agree with that. "All correspondence" is particularly broad. I do not know whether the Hon. Courtney Houssos is looking for faxes or smoke signals. As I have done my duty, I will conclude. The Government will not be opposing the motion, and I commend the Hon. Courtney Houssos for picking up her game.

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

Motion agreed to.

Motions

PUBLIC SECTOR WAGES POLICY

The Hon. CHRIS RATH (16:45): I move:

That this House congratulates the Albanese Government on its sensible public sector wages policy, which is in line with New South Wales Government policy.

It is a strange sitting week in New South Wales Parliament when for two consecutive days I have something to congratulate Mr Albanese on. Last night in my contribution to the adjournment debate I congratulated Mr Albanese on standing by the stage three tax cuts. Now this motion congratulates the Albanese Government on public sector wages. However, members can rest assured that this is probably the last time I will be congratulating Mr Albanese, or at least it is very unlikely, unless there is a strange streak of neoliberalism in the Prime Minister that we do not know about.

Today I acknowledge the correct implementation of the Albanese Government's interim workplace arrangements policy for Commonwealth public servants. The policy has kept public sector wages to a 3 per cent remuneration increase until September 2023. That is a sound commitment to maintaining the balance between healthy wage increases for public sector workers and forward-thinking fiscal policy. Whilst we know that is Cabinet's position, it is of interest to me that we have had radio silence from the rest of Labor and the media. What exactly is the Labor Party's position on public sector wage increases? The truth is it does not have a uniform position. Federally, Mr Albanese and the Australian Public Service commissioner have made the right call at a 3 per cent increase, which, I should add, matches the commitment of the New South Wales Government to workers in the public sector in this State.

However, in New South Wales Labor seems to be singing from a different hymnbook—the hymnbook of the union movement. That movement has an entirely different position. It is seeking a wage increase of at least 5.2 per cent. Only last month Chris Minns again declared that a Minns government will abolish the wage cap entirely. It is quite bizarre that Labor would announce that it wants to abolish the wage cap entirely, when it voted the other way in this place only a few weeks earlier. How contradictory is that? Maybe the trade unions were knocking on Labor's door, putting pressure on it. But, as we know, Labor does not disclose the diaries, so we are not exactly sure whether that is the case.

An increase in the public sector wage cap to 5.2 per cent—potentially even higher under a Minns government—would take a sledgehammer to the level-headed economic management our State has enjoyed since 2011. The New South Wales Labor Party has absolutely no regard for debt, deficit and inflation. Were it to learn a thing or two from its Federal counterpart, it would realise that its proposed wage increase risks a wage price spiral. Removing the wage cap entirely is a more preposterous suggestion, which would only make that spiral more likely. Huge wage demands will follow, without corresponding productivity improvements.

The Perrottet Government's new policy already provides among the highest public sector wage growth in the country. Employees who make a substantial contribution to productivity improvements that drive reduced costs are offered remuneration increases of up to 6.5 per cent over two years. Productivity and an efficient public sector, not wages alone, are placed in focus. It is incredibly bizarre that, while here in New South Wales, with generous public sector pay increases, we have strikes and the unions marching down Macquarie Street, the same cannot be said of Victoria, which has much lower public sector wage increases.

We do not see the trade unions going on strike and marching down Spring Street. I wonder whether they will be picketing out the front of Parliament House in Canberra because of 3 per cent pay increases. I think not. That makes you think that the strikes here are politically motivated. The workers are not striking against the Andrews Government or the Albanese Government. The strikes are entirely political, which is why I congratulate the Albanese Government on its fiscal prudence, which is missing from those opposite, who are completely economically reckless. They are a party that is run by the trade union bosses for the trade union bosses. [*Time expired.*]

The Hon. DANIEL MOOKHEY (16:50): I move:

That the question be amended by omitting all words after "wages policy".

On behalf of the Prime Minister, I welcome the support the Coalition Government is giving us here. The Liberal Party's support for Anthony Albanese did not start from when he was elected. In fact, Matt Kean and his ability to leak from his own party well before the election thoroughly assisted Anthony Albanese in winning a mandate for this policy. The Liberal Party was openly barracking for the election of Anthony Albanese. The moderate members of the Liberal Party who were desperate to see Mr Albanese elected over Mr Morrison must have been motivated by their sincere desire to see a sensible public sector wage policy. That is the conclusion I reach when a motion moved by the ambassador from PremierState in this place comes forward to congratulate Mr Albanese. If members of the moderate faction of the Liberal Party want membership forms and for Albo to sign them, I am happy to provide them and to provide assistance as well.

I wonder whether the mover of this motion wishes to make any confessions about his own conduct ahead of the Federal election. I enjoyed Trent Zimmerman and many others arguing at the last Federal election for the election of Anthony Albanese. I am disappointed because the strong support for the election of the Albanese Government, especially from those North Shore Liberals, did not necessarily lead to their own elections.

The Hon. Natalie Ward: Tell us if you've got one policy—one infrastructure project, one road that you'll back.

The Hon. DANIEL MOOKHEY: I know that, as the Liberal Party faces teal after teal, as certain members get ready for their contests in Davidson and elsewhere, and as the party gets ready to battle the teals, it wants to paint itself as Labor lite—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! I let the interjections go on long enough because what is good for the goose is good for the gander. However, I am cognisant that poor Hansard will struggle with that, so I ask that one member be heard at a time. The Hon. Daniel Mookhey has the call.

The Hon. DANIEL MOOKHEY: I know that the Hon. Chris Rath has moved this motion because he wants to campaign as Labor lite as he goes about holding onto the Liberal Party seats on the North Shore. If the voters on the North Shore and down south want the real Labor deal, they should vote for Anthony Albanese and not fall for this facade of the moderate wing trying to present itself as moderates. They can copy the Labor Party, but they do not have the Labor conviction. No-one should trust them when it comes to implementing wages policy in this country.

The Hon. Natalie Ward: Point of order: The member clearly is not able to—

The Hon. DANIEL MOOKHEY: My time has expired.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:54): That was the most appalling display of lack of policy I have ever seen in my life. I support the motion moved by the honourable member and congratulate the Albanese Government on its fair and responsible wages policy. The question that hangs over this discussion remains, "What is NSW Labor's policy on wages for the public sector?" Labor just had an opportunity to articulate it and squibbed it because it does not have one. So far all we have heard from the shadow Treasurer is vague platitudes and lazy sentiment. That is what that contribution was in spades.

The closest thing to a policy position on wages could be summarised as a return to the good old days of Labor bargaining with the public sector unions of New South Wales. Thankfully, we have the benefit of history, documented by some of the great luminaries of the Labor Party, to help us see through the fog of unaccountability

and laziness, and to get an indication of what that policy of nostalgia would mean in practice. The great Frank Sartor, one of the finest lord mayors of Sydney and an excellent Minister of the Crown, said the following about wage bargaining during the Carr-Iemma-Rees-Keneally years:

Since the 1990s, ALP-affiliated unions in New South Wales have devolved into a sectional interest that was able to wield power over the Labor government at will and gradually strangled the government's ability to govern.

He also said:

... because of union control of the Labor government, a very significant economic rent was being paid to New South Wales public sector workers.

This annual extra cost severely restricted the government's capacity to fund vital infrastructure projects, such as new rail links.

On productivity-based bargaining with unions, he said:

The unions took the money but ... the productivity ... never materialised.

Victoria's former Labor Premier Steve Bracks also wrote that, back then, NSW Labor's Treasurer told the Victorians that their approach to public sector negotiations was to just give the unions what they want. Bracks wrote, "That sounded like a recipe for disaster."

A similar sentiment was echoed by the former Labor finance Minister Peter Walsh, someone with whom I feel a great connection, who wrote:

Labor's fiscal credibility was ... jeopardised by public sector unions' pursuit of ... wage increases based on phantom productivity gains.

The unions could get away with dodgy productivity claims, he said, because they cannot bankrupt their employer; they just force the Government to levy higher taxes on all workers. So, when the Hon. Daniel Mookhey and Mr Minns try to sell their claims of a return to the glory days of industrial relations in New South Wales, members should know that that means lower productivity, worse outcomes for the community and service cuts to pay for it. The truth is that the last Labor politician with any credibility on industrial relations in New South Wales was Neville Wran, who had the strength of conviction to take on the Rail, Tram and Bus Union and its outrageous attacks on modernising public transport that continue to this day.

The Hon. SCOTT FARLOW (16:57): I think that there can be no doubt about whom I supported in the last election. I was on Team Scomo all the way, but I acknowledge that Prime Minister Albanese has gotten it right on the wages cap and making sure that we can have responsible fiscal management when it comes to wages. We have heard from the Leader of the Government the litany of mistakes that Labor governments made in the past. We have heard how they have rolled over to the unions every time. Why do they roll over to the unions? We know that the Labor conference is coming up this weekend. We know who the masters really are when it comes to the Labor Party. They are the union movement, who decides who sits in this place and who the candidates are. The union movement makes a little chess board of New South Wales, works out who the Labor candidate in each place will be and which union they will answer to. The unions will try to come back in here and run this State again and try to push up outrageous wage claims.

Thankfully, Anthony Albanese has it right on this one. He has it right in choosing to make sure that wages are at 3 per cent at the Federal level, just like they are in New South Wales. As the Hon. Chris Rath pointed out, when we look at Victoria and its wages policy, we do not see protests throughout Victoria or the unions riling things up. Why do we not see that? It is because they know that there is an election in Victoria and they want their servants in the Labor Party to be returned to government in Victoria. But we see them rallying in New South Wales. We see the Hon. Damien Tudehope's friend Alex Claassens each and every day standing up and trying to rile up the troops in the Rail, Tram and Bus Union for more industrial action. Why? It is because they want to see those opposite elected in New South Wales so they can deliver higher and higher wages for those workers in New South Wales. What is that to the detriment of?

The Hon. Mark Buttigieg: How terrible. Higher wages.

The Hon. SCOTT FARLOW: Let me tell you why. That is to the detriment of everything else in this State. That is to the detriment of the infrastructure we have been able to deliver—the \$112 billion infrastructure pipeline in this State. That is to the detriment of our budget in New South Wales.

The Hon. Damien Tudehope: It is to the detriment of small business.

The Hon. SCOTT FARLOW: It is to the detriment of small business, as the Minister quite rightfully says. It is to the detriment of hardworking mums and dads across New South Wales. That is what we need to restrain. Anthony Albanese has worked out very quickly in his Prime Ministership that that is what he has to restrain at the Federal level. We want to see all members of this House come together to congratulate Anthony

Albanese on a good policy decision in keeping wages at 3 per cent at the Federal level, something which is unremarkable here in New South Wales, as it is the policy of the Perrottet-Toole Government.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (17:00): I support the motion of the Hon. Chris Rath and also flag an amendment. I move:

That the question be amended by inserting after "congratulates", "the NSW Labor Opposition on voting to defeat the repeal of the public sector wage cap on 22 June 2022 and".

The Albanese Labor Government has delivered a fair and responsible wages increase for public sector workers and it should be congratulated, as we have heard from previous speakers. But given the sound template for wages policy set by the Perrottet-Toole Liberal-Nationals Government and now the Albanese Labor Government in Canberra, it beggars belief that those opposite have no wages policy they can put forward to the workers they claim to represent in this place.

As referred to, Mr Sookhey Mookhey cannot have his cake and eat it too. He cannot promise workers big increases in pay but refuse to put a number on it. The Hon. Daniel Mookhey stood in this place earlier this year, in the year of declines in real wages due to the high inflation rates currently being felt around the world. Earlier in the year Chris Minns was also on the record saying that public sector wages should keep up with the rate of inflation. With inflation where it is now, that policy would blow a massive hole in the budget and would be completely irresponsible, particularly given the New South Wales Government's track record on delivering real wage increases for the public sector over the last decade when inflation was low.

If the Government had tied wages to inflation since 2011, our nurses, our teachers and our emergency services workers would be getting paid thousands less today. In fact, the Government's wages policy delivered real growth above the consumer price index of 5.6 per cent from 2011 to the start of this year. The Albanese Labor Government knows this, and it would be foolish to link pay offers to day-to-day movements in the inflation rate. But the Hon. Daniel Mookhey and Mr Minns continue to make lazy promises without having the conviction to back them up.

The non-announcement on teacher pay last week is a case in point. They claim they will improve pay and conditions, but they proposed no policies and made no real commitments. There was nothing on pay or workloads; there were just empty platitudes to the Teachers Federation. I say to the teachers and nurses that if the shadow Treasurer will not commit to a pay increase now, he definitely will not commit to one next year. This equates to lazy promises, lazy policy, lazy Sookhey Mookhey and lazy Minns.

The Hon. TAYLOR MARTIN (17:03): I support the motion moved by my colleague the Hon. Chris Rath. It is encouraging to see a Labor policy announcement that recognises the importance of governing for all Australians and not only the narrow interests of their backers, the unions. A 3 per cent pay increase as announced by the Albanese Government is a fair and reasonable policy in line with pay increases across the broader economy. The policy also provides scope for further bargaining with different segments of the workforce on productivity-enhancing reforms, aligned with the New South Wales Government's wages policy announced in the 2022-23 budget. It is a win for public sector workers and the community that they serve.

It is important that the House look beyond the partisan politics at play and take this opportunity to acknowledge that this is a fair and reasonable policy, because there has been almost no public commentary on Federal Labor's 3 per cent wage cap—near silence on the issue. There has been absolutely no outrage from the unions, no marching in the streets and no shutdown of essential public services by the union movement. It is a curious case because here in New South Wales, there has been a very different reaction to the same policy settings from our State Government. There has been outrage from those opposite, of course, cheering on the strikes and the disruption to the lives of everyday people in New South Wales.

As was mentioned earlier, we have the Rail, Tram and Bus Union stopping people getting to and from work every day. We have the Teachers Federation threatening to shut down exams. We have the Nurses' and Midwives Association defying orders from the Industrial Relations Commission. All of this is in protest at a wages policy that is matched and endorsed by Anthony Albanese and Jim Chalmers in Canberra. State Labor has made it clear that it supports the year of the strike regardless of the impact that it has on public services throughout New South Wales. It shows the hypocrisy of the union bosses and the people who they put into this Parliament.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:05): I speak to the amendment. The endorsement by those opposite of the Government's wages policy at a time that they had the opportunity to vote against it did escape me—although it should not have. But the problem is they are confused. They do not know whether they stand with Albanese. They do not know whether they stand with the Government. They do not know whether they stand with the unions.

The Hon. Daniel Mookhey: I just can't keep up.

The Hon. DAMIEN TUDEHOPE: I understand the shadow Treasurer's dilemma. I am sure he would love to be engaged in the debate. For example, he wrote an opinion piece in the Herald today. Did anyone read it? No.

The Hon. Daniel Mookhey: Point of order: First, the member is misleading the House; and, second—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Is the member taking a point of order?

The Hon. Daniel Mookhey: I am taking a point of order.

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

The Hon. Daniel Mookhey: My point of order relates to relevance. The member only has leave to speak to the amendment. He is speaking for a second time in this debate. He should stick to the terms of the amendment. Mr Deputy President, I would not mind if you wanted to read the amendment again, so you remind the Leader of the Government—

The DEPUTY PRESIDENT (The Hon. Wes Fang): He is speaking to the other amendment, I believe.

The Hon. Daniel Mookhey: He is, but the relevance rules apply to amendments.

The Hon. Damien Tudehope: Can we stop the clock here?

The Hon. Daniel Mookhey: The clock does not stop during points of order. We will take a separate point of order on that point, because the clock has not been stopped when members have taken points of order on us. Given the Leader of the Government is speaking on the second amendment and he is speaking for a second time, he should stick to the amendment.

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

The Hon. DAMIEN TUDEHOPE: No-one has read it because it was probably not written—

The Hon. Daniel Mookhey: Point of order—

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

The Hon. Daniel Mookhey: The Leader of the Government is now clearly cavilling with your ruling.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I have not made a ruling.

The Hon. Daniel Mookhey: He is not speaking to the point of order, then.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I do not know what the context of the op-ed was. I have not read it. I do not know if it relates to the amendment or not. That is what I am about to hear.

The Hon. Daniel Mookhey: Further to the point of order: I am happy to clarify the context of the op-ed. It has nothing to do with the amendment.

The Hon. DAMIEN TUDEHOPE: Hang on, that is for me to do, not for you to do.

The Hon. Daniel Mookhey: Mr Deputy President, if you do wish to rule, and if you wish to hear from me further as to what the terms of the op-ed are, I am happy to explain it.

The DEPUTY PRESIDENT (The Hon. Wes Fang): In relation to the contribution of the Minister, he had only achieved introductory remarks before the point of order was taken. The Minister may have been going to link the relevance of the opinion piece to the amendment. I had not heard enough to make that ruling. There is no point of order. The Minister's time has expired.

The Hon. DAMIEN TUDEHOPE: I seek an extension of time.

Leave not granted.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (17:09): I was not going to make a contribution, but I feel compelled to speak. I thank the Hon. Chris Rath for bringing this important motion recognising sensible public sector wages policy. Once again, the Labor Party is copying our homework. That is fine because success has many parents. We are pleased that Labor has seen that—in line with New South Wales Government policy and sensible fiscal management—expenses need to be managed. That is what a sensible government does. The New South Wales Government is proud of the fact that it has a public sector wages policy that applies to the government sector, public sector agencies, departments, executive agencies, independent statutory bodies and all staff identified in the Government Sector Employment Act.

It is important we have that consistency across the sector and that we are clear going forward about what our expectations are so that our budgets can be managed accordingly. Of course, State-owned corporations, including their subsidiaries, are strongly encouraged to adopt the terms of that policy. We welcome the Federal Government doing the same, because it allows us to be sensible in the management of our projects across our budget. We are looking to the Opposition to clarify what its policy is. What is it going to do? Because we cannot seem to find one of its policies no matter how we search. Opposition members are welcome to copy our homework because good policies can be done. Mr Albanese has seen that.

The Hon. Sam Faraway: That's why they move so many Standing Order 52 motions. They have to copy.

The Hon. NATALIE WARD: Yes. They have to find out what we are doing in education. I can understand, given that their conference is coming up on the weekend, that Opposition members are nervous about positions and are trying not to upset anybody. But it is important that at some point they demonstrate to the electorate what they stand for. If that is copying our homework, all good and well. But it would be very nice to see just one policy—and, in my space, one infrastructure policy. If they are looking at changes in wages or other areas, they need to be clear with the electorate about what they are cancelling, what they will take out of the infrastructure pipeline and what they will take away from the people of New South Wales in order to reward their union mates. They need to be clear about what they will do in order to up the increases that public sector workers have already received ahead of so many other people who are doing it tough, who are self-employed and who are employing other people.

The Hon. John Graham: The Beaches Link.

The Hon. NATALIE WARD: Employing people on the Beaches Link would be great. We have an infrastructure pipeline that ensures we can employ a lot more people. We know that those opposite have a policy vacuum. I am pleased that the motion moved by the honourable member will ensure that we bring forward sensible policies at a Federal and State level. We welcome those opposite doing the same on infrastructure programs and across the board to ensure that the people of New South Wales are clear about the differences between us and them. I support the motion and commend it to the House.

The Hon. SCOTT FARLOW (17:12): I speak to the amendment moved by the Hon. Sam Faraway. It is good that he has moved such an amendment because we want to give fair credit to Prime Minister Albanese and also to the Opposition. We give credit to Opposition members for not voting to repeal the wages cap in this place. That was good, but it is important that they also go outside this place and express the same view. They need to be up-front and honest with the public of New South Wales outside the Chamber and either commit to keeping the wages cap in place—as they demonstrated in this House by not voting to repeal the wages cap—or say what they are going to do in government, because we are seeing a policy-free zone.

I would have loved to have heard the comments from the Leader of the Government about the Hon. Daniel Mookhey's opinion piece. I was sad not to see the Hon. Daniel Mookhey in question time today. I am not sure where he was. Maybe he was sitting in his office reading all the comments coming through online on that opinion piece. I noticed there are 171 comments already. People are reading that opinion piece, which is good to see. I have not combed through the comments yet, but we want to see more policy from this Opposition. We want to see it actually state its position. I am sure the Hon. Sam Faraway will be happy to move more motions and amendments congratulating the Opposition when it comes forward with more policies, but it has to be open and up-front.

What would the Opposition do about the rail dispute at the moment if it were in government? Would it stand with the commuters of New South Wales? Would it stand with the people of New South Wales and make sure that our wages were controlled? Or would it side with the union bosses? Would it roll over to Alex Claassens and his gang and say, "You can have whatever you want"? Or would it be like the Leader of the Government—standing for the people and the commuters of New South Wales and making sure that efficient community rail services are delivered?

We know where the Hon. Mark Buttigieg stands, because we have all seen it. I am sure the Hon. Mark Buttigieg is very proud of it. I commend him for being one of the members in this place who is always very open, consistent and honest with his position. There is no doubt where the Hon. Mark Buttigieg stands. But it would be wise for some of the other members opposite to say, inside or outside this Chamber, where they stood when it came to the commuters of New South Wales, and whether they stood with the commuters or the union bosses. We all have our suspicions but it is time for the Opposition to come forward. I am sure that, if it does, the Hon. Sam Faraway will be happy to move more amendments congratulating the Opposition on coming up with a position and declaring it in this place.

The Hon. CHRIS RATH (17:15): In reply: I thank all members who contributed to this important motion. In particular, I thank Minister Farraway for his very important amendment. It is important that we call out hypocrisy when we see it in this place. What people want to know is why did members of the Opposition vote against the Shooters, Fishers and Farmers Party bill? Why did they vote against the bill to remove the wages cap? Very shortly thereafter, they made an announcement saying that they also wanted to get rid of the wages cap. Why did they not vote for that Shooters, Fishers and Farmers Party bill? The question remains unanswered. Maybe it was because the shadow Treasurer actually thinks that removing the wages cap is poor policy that will lead to huge debt and deficit but the trade unions were knocking on the door and putting pressure on members of the Opposition and they capitulated.

I remind members of the history of wages in this country. The fact is that capping public sector wages has an important history dating back to Bob Hawke. If Bob Hawke were here today, he would be sitting on this side of the Chamber. He brought in the prices accord policy, which is very similar to our policy in terms of keeping wages under control. There were very good economic reasons for that policy. In particular, you do not want to create an inflation spiral. Bob Hawke knew that in the 1980s, but members of the Opposition today do not know that. Minister Natalie Ward made another important point: What projects will the Opposition cancel to pay for the public sector wage increases and the removing of the cap? What infrastructure projects will it get rid of? Because you cannot have it all.

Those opposite cannot say that they are going to build all of this infrastructure, that they are going to do something about debt and deficit—which they constantly attack the Government on—and that they are going to remove the wages cap. What a magic pudding! Where is all the money coming from? Maybe they should subject their costings to the Parliamentary Budget Office so that we can take a look at the magic pudding that they constantly serve us in this Chamber, as well as their diaries, because we know that their few policies—what lack of policies they have—are determined by Mark Morey and the trade union movement. I commend the motion to the House and congratulate the Albanese Government on its important wages policy that is in line with our wages policy.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Chris Rath has moved a motion, to which the Hon. Daniel Mookhey and the Hon. Sam Farraway have moved amendments. The question is that the amendment of the Hon. Sam Farraway be agreed to.

The Hon. Daniel Mookhey: Point of order: The ordinary practice is for the amendments to be put in the order in which they are moved, and I moved my amendment first. The appropriate thing to do would be to stay consistent with practice and put my amendment prior to the Hon. Sam Farraway's.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The advice that I have from the Clerks is that the amendment of the Hon. Sam Farraway is put first because it would be inserted first. However, I will seek further advice from the Clerks.

The Hon. Daniel Mookhey: To the point of order: My amendment is an omission, not an addition. Omissions need to be heard prior to additions. That consistent practice has been adopted in respect of all motions to amend.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The advice that I have from the Clerks is that Minister Farraway's amendment amends the first part of the motion, before the Hon. Daniel Mookhey's omission. I will therefore be putting Minister Farraway's amendment and then the Hon. Daniel Mookhey's amendment. There can still be an omission after Minister Farraway's amendment if it passes.

The Hon. Daniel Mookhey: We accept your ruling, Mr Deputy President. If it would be possible, we request that written advice be tabled by the President on this matter to establish a future precedent.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I accept the position that the Hon. Daniel Mookhey has taken. I am guided by the Clerks and will seek further advice in relation to that. We will put the amendment of Minister Farraway and then the amendment of the Hon. Daniel Mookhey.

The PRESIDENT: The question is that the amendment of the Hon. Sam Farraway be agreed to.

The House divided.

Ayes16
 Noes20
 Majority.....4

AYES

Amato

Latham

Rath

AYES

Barrett (teller)	MacDonald	Roberts
Fang	Mallard	Taylor
Farlow (teller)	Martin	Tudehope
Farraway	Nile	Ward
Franklin		

NOES

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

PAIRS

Maclaren-Jones	Moselmane
Mitchell	Secord

Amendment negatived.

The PRESIDENT: The question now is that the amendment of the Hon. Daniel Mookhey be agreed to. Is leave granted to ring the bells for one minute?

Leave not granted.

The House divided.

Ayes22
 Noes 15
 Majority..... 7

AYES

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

NOES

Amato	Franklin	Poulos
Barrett (teller)	MacDonald	Rath
Fang	Mallard	Taylor
Farlow (teller)	Martin	Tudehope
Farraway	Nile	Ward

PAIRS

Moselmane	Maclaren-Jones
Secord	Mitchell

Amendment agreed to.

The PRESIDENT: I will now put the question on the motion as amended.

The Hon. Damien Tudehope: Can I invite you to read the motion as amended?

The PRESIDENT: The motion as amended reads:

That this House congratulates the Albanese Government on its sensible public sector wages policy.

The Hon. Damien Tudehope: To that, Mr President, if you read—

The Hon. Daniel Mookhey: Fell apart. I made it clear which one.

The Hon. Damien Tudehope: No, you did not. That is the problem that we have here. The motion as originally moved was:

That this House congratulates the Albanese Government on its sensible public sector wages policy, which is in line with New South Wales Government policy.

The Hon. Daniel Mookhey moved an amendment to delete all words after the word "policy". The word "policy" appears in the original motion twice. If the honourable member does not make it clear in his motion what he is asking the House to vote on, in those circumstances, I would contend that the House just voted to remove—

The PRESIDENT: The Minister will resume his seat.

The Hon. Mark Latham: Point of order: This is meaningless psychobabble. It is unbecoming of the Chamber, and the Minister should be dealt with for time wasting.

The PRESIDENT: Order! I am seeking advice from the Clerk.

The Hon. Daniel Mookhey: Mr President, can I be heard on the point of order?

The PRESIDENT: The debate has concluded. The motion is, "That this House congratulates the Albanese Government on its sensible public sector wages policy." The question is that the motion as amended be agreed to.

Motion as amended agreed to.

The PRESIDENT: Members will take their conversations outside the Chamber.

Bills

ROAD TRANSPORT AMENDMENT (MEDICINAL CANNABIS - EXEMPTIONS FROM OFFENCES) BILL 2021

Second Reading Speech

Debate resumed from 17 November 2021.

Ms CATE FAEHRMANN (17:50): I move:

That this bill be now read a second time.

The Road Transport Amendment (Medicinal Cannabis - Exemptions from Offences) Bill 2021 has been to an inquiry. I understand that under the new standing orders, I have an opportunity to give a further second reading speech now. However, I will not take up time to do that. The inquiry was very important for members in this place to understand from a number of very good, credible witnesses how unfair the current laws are, how they work in other jurisdictions, and the need for New South Wales driving laws to get up to speed to reflect the fact that medicinal cannabis is a legal medicine in this State that has been available to tens of people for years. I will talk more about this in my speech in reply. I look forward to members' contributions.

Second Reading Debate

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (17:52): The Government will oppose the Road Transport Amendment (Medicinal Cannabis - Exemptions from Offences) Bill 2021. The Government cannot support the bill and believes, if enacted, it would compromise our longstanding road safety principles. I hope Opposition members would oppose it as well. The Government is committed to improving road safety. Earlier this year, Minister Faraway and I released the 2026 Road Safety Action Plan. It has new targets to halve deaths and reduce serious injuries by 30 per cent on New South Wales roads by 2030. It demonstrates the Perrottet Government's ongoing commitment to reducing unsafe behaviour and trauma on our roads and includes a continued focus on reducing dangerous drink and drug driving behaviour.

The plan builds on the success of the 2021 plan, which achieved its target of a 30 per cent reduction in road deaths over the decade to 2021. I repeat: It achieved that target. That is significant and it was because of the efforts of this Government. As part of the 2021 Road Safety Action Plan, in 2018 and 2019 this Government introduced a series of reforms to strengthen drink and drug driving laws. In 2021 the Government introduced the combined drink and drug driving offence, following a number of tragic incidents in which people lost their lives as a result

of motorists' decisions to drink and drug drive. That was an important piece of legislation to keep the people of New South Wales safe. In New South Wales we have a well-established approach to drink and drug driving that is aligned with other jurisdictions.

I welcome the interest of all members in improving road safety. However, there are real safety risks, uncertainties and impracticalities associated with the bill which mean that it cannot be supported by the New South Wales Government. The New South Wales road safety policy focuses on deterring people from driving if they have taken drugs, as well as detecting drivers who show visible signs of impairment. This policy reduces the risk of a fatal crash due to drug driving. In New South Wales we have a two-tiered approach to tackle drug driving. There is one offence for driving under the influence [DUI]. This offence applies to a driver who, when stopped by police, is visibly affected by a drug. This is a serious offence, carrying penalties consistent with high-range drink driving.

The second offence is for driving with the presence of a prescribed illicit drug in blood, urine or oral fluid. The New South Wales Mobile Drug Testing [MDT] program, led by the NSW Police Force, tests for detectable levels of four key drugs in oral fluid: ecstasy; THC, which is the psychoactive part of cannabis; cocaine; and methamphetamine, including speed and ice. This random roadside testing of oral fluid is the most common way that drug drivers are detected and charged with a drug driving "presence" offence. As part of our recently released 2026 Road Safety Action Plan, the New South Wales Government has committed to continue delivering 200,000 mobile drug tests per year. This ongoing enforcement is important to achieving our committed road safety targets of halving—

Ms Cate Faehrmann: Point of order—

The Hon. NATALIE WARD: I ask that you stop the clock, Mr President.

Ms Cate Faehrmann: I just wanted to check that the Minister is speaking to the right bill. The bill is about medicinal cannabis and all she is talking about is road safety and illegal drug use.

The Hon. NATALIE WARD: I am getting there.

Ms Cate Faehrmann: It just sounds like the Minister has not read the bill and has no idea what it does.

The Hon. NATALIE WARD: To the point of order: I am most certainly addressing the bill.

The PRESIDENT: I have not heard any evidence to the contrary. There is no point of order. The Minister has the call.

The Hon. NATALIE WARD: Drug and drink driving behaviour is a serious matter that this Government is directly addressing. Our long-term goal is to reduce and eventually get rid of serious trauma on our roads. As roadside testing can be undertaken anywhere, anytime, it is designed to deter drivers who have recently used illicit drugs from taking the risk of driving. We want to stop them before they get behind the wheel. This approach maximises the deterrence effect by enabling large-scale roadside testing that keeps New South Wales drivers and road users safe across the State.

I turn to medicinal cannabis. The New South Wales Government has a zero-tolerance approach to driving with prescribed illicit drugs. This approach is efficient, it is considered best practice and, therefore, is widely adopted across Australia. I am aware of the growing use of medicinal cannabis to treat a range of serious conditions, such as chemotherapy-induced nausea and vomiting, epilepsy and chronic pain relief. However, it is critical that people continue to be deterred from driving after they have used drugs that may impair their driving ability, which are consistently present in our road trauma data. To support this, it is important that roadside drug testing continue to operate efficiently and effectively to deliver safety benefits to all drivers.

I am advised that cannabis medicines vary considerably and can contain THC and cannabidiol [CBD]. CBD is a non-psychoactive ingredient in cannabis and is responsible for the therapeutic qualities including anti-nausea and pain relief in medicinal cannabis. While medicinal cannabis typically relies on CBD, it can also contain THC. THC is the psychoactive component in cannabis that can affect the skills needed for safe driving and is found in illegal cannabis and some medicinal cannabis products. THC can affect cognitive and motor skills necessary for safe driving such as attention, judgement, memory, vision and coordination.

I speak now to the provisions of the bill. Most medicinal cannabis products are unapproved therapeutic goods, which means they have not been assessed by the Therapeutic Goods Administration for safety, quality or effectiveness. They can still be accessed as a treatment, where clinically appropriate, when approved treatments have not been successful. There is strong evidence regarding THC use and road safety risk. NSW Health advises that patients should not drive while using a product that contains THC.

Crash data in New South Wales shows that between 2016 and 2020, 253 fatal crashes involved drivers and riders with the presence of THC. Importantly, that represents 16 per cent of all fatal crashes recorded during that period. That is a significant contributing factor. With such a significant trauma profile, it is critical for any responsible Government, and Parliament for that matter, to take a cautious approach to reviewing any changes proposed and to consider the practical challenges and implications.

The bill amends the Road Transport Act 2013 to exclude users of medicinal cannabis from offences relating to driving with the presence of THC in oral fluid, blood or urine if THC is the only illicit drug present and if it is taken as prescribed. Importantly, as THC is in both illegal cannabis and cannabis medicines, critical to the operation of that proposed change is that, should it become the law of this State, there would be no reliable way for the NSW Police Force to distinguish at the roadside whether the source of THC detected is illicit or prescribed for medicinal use, or whether the driver has used cannabis illicitly in addition to prescribed medicinal cannabis. Roadside drug tests provide clear evidence that a driver has recently used THC, which is known to affect safe driving. All roadside drug tests are confirmed in the laboratory before further action is taken against a driver. However, the process does not determine drug concentration.

Should the bill become law, to determine whether THC from cannabis was administered as prescribed by a doctor, the NSW Police Force would require a blood sample by an authorised sample taker and expert pharmacological review. Even if the concentration was known, current analytical techniques are unable to determine the source of the drug. The bill would result in much more invasive, uncertain and resource-intensive outcomes for both law enforcement and administration. Any change would limit the ability of the NSW Police Force to deliver the high volumes of roadside drug tests that deter drug driving—an approach that has community support and has been independently evaluated in Victoria as successful in saving lives. It would also be inconsistent with the policy settings in other major Australian jurisdictions that have comparable roadside testing programs.

As I have said, the current mobile drug testing program, modelled on the random breath testing program, is designed to reduce risk and address trauma on our roads. Together, random breath testing and mobile drug testing, combined with public education and our targeted safety programs, are deterring most people from drink and drug driving and changing unsafe driver behaviour. Every effort has been made by this Government to deter high-risk behaviours like drink and drug driving. As part of the 2026 Road Safety Action Plan, the New South Wales Government has committed to continue to monitor drug driving research and developments relevant to drug driving policy. We have also recently established a drug and alcohol road safety advisory group to revitalise the strategy for drug and alcohol testing of drivers in New South Wales, including the scale of testing and testing processes, with a view to achieving greater efficiency, reach and deterrence of unsafe behaviour, and reduction of trauma.

I dispute the assertion that our drug driving laws are outdated. This Government is focused on saving lives on New South Wales roads, not on encouraging unsafe driving practices. As I have outlined, this Government is committed to keeping up to date with best-practice evidence. The New South Wales Government will continue to take a cautious approach to driving and roads regulation and legislation, and will consider the safety of all road users. The New South Wales Government will maintain its focus on strong measures to help us reach our ambitious road safety targets and keep everyone safe on the road. For those reasons, we do not support the bill.

The Hon. JOHN GRAHAM (18:03): On behalf of the Opposition I contribute to debate on the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021. I am grateful for the work that the Standing Committee on Law and Justice has done on the bill. Its inquiry has shed some light on some of the complexities and contrasts in the positions of the mover of the bill and the Government. I recognise the work done on that inquiry by Opposition members of the committee, the Hon. Rose Jackson and the Hon. Greg Donnelly.

There are some real complexities, but the inquiry report shows some areas of agreement shared by the committee members. Firstly, the committee heard evidence from some people who are really affected by the problem. There is real acknowledgement of that in the report, and both sides of the House, through the committee, recognise it. Certainly other MPs have put to me that they are dealing increasingly with this issue. They are seeing the impact as more people use medicinal cannabis. Because of the legal restrictions on the way testing works, those people are unable to move around in the way that they would like to. As a result, they are more isolated and some are losing work. In some parts of the State—the North Coast is one of the areas where this debate has been the strongest—many people acknowledge that there is a problem on the ground, which is growing as medicinal cannabis becomes more widely used.

The committee went further than that. I note the work of the committee chair, the Hon. Chris Rath, who is in the Chamber—in particular, his foreword to the report. I highlight one portion. On behalf of the committee, he said:

It was noteworthy that diverse stakeholders highlighted the need for more research into the interaction between the use of medicinal cannabis products and driving impairment. The committee has encouraged attention to and investment in the task of carefully considering the specific effects of medicinal cannabis products on essential driving skills so that the paramount importance of road safety is maintained.

The committee acknowledged the need for more research and called for investment in that research. That indicates the work the committee has done to find a middle ground when grappling with the issues raised in the contributions of Ms Cate Faehrmann and the Minister. The Opposition will not be voting to support the bill today. I acknowledge there is a growing problem as medicinal cannabis use becomes more prevalent in our community. However, we believe that more research is required, as highlighted by the committee chair and in the committee's discussions. That is evident in the Government's contribution, which raised some real complexities and real issues.

I turn to the Minister's remarks. I will deal with a couple of them. Firstly, the Minister is right to point out the terrible issues that we have had on our roads. Some very high-profile incidents have attracted the thoughts and sympathy of all members of the House. It is true that this House has acted to change the law and tighten offences. That should not stop us dealing with this issue. But I do acknowledge the Minister's comments. She is right to draw attention to the fact that some medicinal cannabis medical solutions are approved by the Federal Government and some of them are not. That is one of the things that the Opposition committee members refer to. She is right to draw attention to the fact that too many people are dying on our roads. Some of them are impaired by drugs. That is a contributing factor to those road deaths.

I did not agree with her observation that some members contributing to this debate are encouraging unsafe drug practices. I would not accept that characterisation of the mover of the bill. I accept that the mover of the bill has been driving the agenda behind it for quite some time and in good faith. I want to disassociate the Opposition from that comment of the Minister. But it demonstrates the width of the debate and the issues that still need to be resolved before we can deal with what we acknowledge to be a real problem here.

I will deal with some of the matters in the bill. It amends the Road Transport Act 2013 to provide an exemption to people who test positive for THC in their systems while driving if the THC was obtained and administered in accordance with the Poisons and Therapeutic Goods Act 1966 or a corresponding Act of another State or Territory. Importantly, the defence applies only if THC is the only illicit drug present in a person's system at the time of testing positive. The person must have consumed a legally prescribed medicinal cannabis product and, importantly, must have consumed the product according to the guidance of their doctor. That guidance will include how to use the product in such a way as to avoid driving while impaired, as is the case for other prescription drugs, such as opioids.

We acknowledge that the bill does not provide a catch-all defence for persons who have a medicinal cannabis prescription and are demonstrably impaired. One way that is put is that the bill provides a medical defence comparable to that for those who are found driving with morphine present in their systems if it was consumed for medicinal purposes. The Minister made some references to the current situation in New South Wales, which is that, if persons test positive to THC while driving, they are found guilty of an offence under section 111 of the Road Transport Act 2013. There have been a number of changes to strengthen penalties in New South Wales, as we have discussed.

The inquiry received 106 submissions. There was quite a high level of public engagement with this upper House inquiry. There were legal and health policy experts and advocacy groups, but the most valuable work of the committee was drawing out submissions from people who were living through the experience of having serious health challenges and using medicinal cannabis, and suffering the impact of not being able to drive and having to make their way through their ordinary life. It is often so hard to get that evidence. Those submissions are helpful in grappling with this complex issue. Of particular note is that the committee also heard that some prescription medications allowed to be present in the body while driving can cause greater impairment than medicinal cannabis, which is another sign of just how complex this debate can be.

The inquiry highlighted the issue of the isolation and disadvantage that barriers to driving impose, especially on those living in regional and remote areas. I have referred to one of those areas, the North Coast of the State, but this applies equally to other regional areas. Many residents of those areas do not have access to public transport and the other ways of making their way around that they might if they were living in Sydney. One advocate who has drawn attention to this issue is David Heilpern, a former magistrate in the Lismore Local Court. He has been a strong advocate for what it is doing to the community on the North Coast of the State, based on what he saw when sitting on the bench. I recognise the specific contribution he has made to this debate, highlighting some of the impact on ordinary people's lives.

I will contrast two issues to highlight where the Opposition is coming from. The real issue at the centre of this complex debate and the reason why the Chair's call for more research is so important is that one can be unimpaired but still record a positive test. Someone with a health issue, using legal medication and not being

impaired, and undertaking a legal activity at a vulnerable point in life, could still record a positive test. That is creating this problem. Our issue with the Government's position is that it does not acknowledge, as I understood it, that you could be not impaired but still test positive. I agree with some of the remarks the Minister made about it. There are risks here, but we must acknowledge that you could be unimpaired but still test positive. The Opposition's issue with the bill is that it does not acknowledge that you could be impaired and be dangerous on the roads but that a defence still could take place when you present before the court system. That is the complexity in its simplest form. That is why we believe there needs to be some work here.

I will summarise the position as we see it going forward. I have been as clear as I can be on our position on the bill. We will not be supporting it today. Where do we go from here? Building on the good work of the committee, we can say a problem is impacting the lives of New South Wales citizens. It is something that the Parliament should continue to look at. We accept the case made by the committee and the Chair: More research is required. In New South Wales there are institutions that are well placed to perform that research. We accept the case for more investment. In government, we would look to invest in that research in order to move this issue along and do so rapidly.

The last step is something we would look to initiate in government, were we successful in March. We believe a further review of the matter by the NSW Centre for Road Safety, that expert body in government, which has done so much good work, along with the independent research investment, would allow us to resolve some of the issues, sort through some of the complexities and come back with further advice so that the Parliament could consider what steps could be taken to deal with the problem this report has highlighted. Having said that, I acknowledge the bill before the House.

The Hon. ROD ROBERTS (18:17): On behalf of One Nation, I contribute to the debate on the Road Transport Amendment (Medicinal Cannabis - Exemptions from Offences) Bill 2021. From the outset, I say that we too will not be supporting this bill. I place on the record, though, that this bill is not about the prescription or use of medicinal cannabis but actually about driving while it is in your system. That is important because I too sit on the Standing Committee on Law and Justice, along with the Hon. Greg Donnelly and you, Mr Deputy President, and the Hon. Chris Rath as well. We heard lots of evidence that day, but it became conflated between the actual use of medicinal cannabis and driving with it.

I believe the use of prescribed medicinal cannabis is not an issue. If it is prescribed, it is legal. Where the issue comes from is the increased risk of motor vehicle collision when cannabis is in your system. This bill is dangerous, not in the use of prescription medication, being the cannabis, but driving while it is in your system. This bill is also deficient. I will come to the deficient parts later. The committee's report has been circulated and all members of this House have had an opportunity to read it, but I will draw members' attention to some aspects of it. I go to page 5 of the transcript, where the evidence of Professor Iain McGregor, academic director of the Lambert Initiative for Cannabinoid Therapeutics, is recorded. I think I am being fair in saying that he is a proponent of the bill. But let's have a look at some of his evidence. I am not going to read the whole transcript onto the record, but these are the crucial parts. He said—and these are his words:

... crash risk data are complex ... but the best controlled studies are telling us that what we call the odds ratio is about 1.1 to 1.4 if you are acutely intoxicated with cannabis. In other words, it's an increased crash risk of 10 per cent to 40 per cent. That is about the same as .04 or .05 blood alcohol concentration ...

This is coming not from a member of Parliament but from a professor at the university, telling us about the increased risk of driving whilst cannabis is in your system. He goes on to talk about the need for further studies and research, which is reflected by what the Hon. John Graham said. Then I questioned Professor McGregor, as follows:

The Hon. ROD ROBERTS: ... Let's take you to your statement just recently. In your opening statement, you said the risk level of a crash goes up. Then, in answer to my colleague Mr Donnelly, you have said anywhere between 10 per cent and 40 per cent. Monash University says 50 per cent. You dispute that, but we're not here to split hairs. There is an increase in risk, though. Do we agree?

IAIN MCGREGOR: That's what the evidence—

The Hon. ROD ROBERTS: Where that sits, we don't know. But there's an increase in risk.

IAIN MCGREGOR: Yes.

He went on:

We don't actually know, in the case of patients ... Until we run a trial like the AMBER study we won't know whether that impairment is really—

The Hon. ROD ROBERTS: Can I rudely interrupt you? I apologise, but I want to hone in on this. We don't know at the moment, were your exact words?

IAIN MCGREGOR: In the case of patients, we do not know whether crash risk is increased or not.

He had previously told us that the crash risk increases by somewhere between 10 to 40 per cent. I will let members form their own opinions as to the evidence of the professor. We also heard evidence from a Michael White. Unfortunately, I have not recorded his portfolio, but my understanding is that he is an academic from South Australia. I asked:

Dr White, does the presence of THC in somebody increase the chances of them being involved in a motor vehicle accident if they are to drive a vehicle? Is there an increased risk factor?

In his evidence, he said:

We agree so far that THC-positive drivers seem to have a 40 per cent increase in the risk of crashing.

The Hon. ROD ROBERTS: Thank you, Dr White. I will just rudely interrupt you there, because we are on the clock and I want my other colleagues to have their chance. Did you listen to any of the evidence earlier this morning, particularly the evidence presented by Professor McGregor from the University of Sydney?

MICHAEL WHITE: No, I haven't been listening to it. But I've read Iain McGregor's submission, and it looks to be an excellent submission to me.

Let's bear in mind that that submission said the increase in risk of an accident goes from 10 to 40 per cent. So we have another academic saying it is an excellent submission. I said:

Yes, certainly. But Professor McGregor in evidence here this morning—albeit he is probably a proponent of this bill, if I could suggest that—says that there is an increased risk of motor vehicle crashes of anywhere from 10 per cent to 40 per cent and not that it has no effect at all, as you are suggesting.

MICHAEL WHITE: Yes, and I acknowledge that that is the commonly accepted view—40 per cent—from the literature. That is the view from about three, perhaps, recent literature reviews, including my own, unless you go the one step further and try to work out if some of those studies were affected by study biases. I agree with Iain McGregor that the normally accepted view would be 40 per cent.

I could go on but I will not. I think I have made the point, and the transcript is available to all members. This bill is asking us as legislators to pass legislation that will increase the risk of motor vehicle collisions. That is what it is asking us to do. The evidence from academics and professors is that the risk increases by between 10 and 40 per cent. How could we possibly legislate in all due conscience to increase the risk to drivers on the roads of New South Wales? That would be completely irresponsible and reckless on our behalf. I note the time and I would like to finish my submission, if I can, for the benefit of all members of the Chamber.

I will talk about the deficiency in the bill. Let me explain the practicalities of this for a police officer. A motor vehicle is stopped at a random drug test. The police officer approaches the vehicle and says to the driver, "You are going to undergo a random breath test. Lick the stick." The stick comes back positive. The driver says, "Hang on a second. I've got a prescription here for medication", and he presents it to the police officer. That is well and good, but how do we know that the THC that has been detected in the system of the driver is, in fact, the prescription one? How do we know that old mate hasn't pulled a few cones or ripped a few bongs before he has got into the car, driven down the road and then said, "Hang on. Here's my defence. I take prescription medication"?

Further to that, how do we know that driver has taken the prescribed amount? The prescription might say to take one tablet. Old mate has taken five. How do we know this? We cannot detect this because the bill is deficient in allowing for that process. The bill is also deficient in terms of the onus of proof. I refer members to evidence from Ms Rose Khalilizadeh, who is a member of the Criminal Law Committee of the New South Wales Bar Association. In her evidence, we talked about the bill, the defences and the mechanisms of the bill. I asked her:

But the bill in its current form does not take it far enough there, does it—

in terms of the explanation of it. She said:

This has been set out in our written submission. At the moment, there is perhaps some need for some clarification about precisely how that might work in practice in terms of the onus of proof, where the defence lies and who needs to prove what if it does proceed to court.

So the bill is deficient in the expert eyes of members of the Bar Association. The bill is dangerous in that it increases the risk for drivers of motor vehicles in the State of New South Wales. It would be irresponsible of us to support the bill.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will now leave the chair. The House will resume at 8.00 p.m.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (20:00): I contribute to the debate on the Road Transport Amendment (Medicinal Cannabis - Exemptions from Offences) Bill 2021. In outlining the Government's opposition to the bill, it is critical to highlight the rationale for the approach to drug driving in New South Wales. The current policy settings align with other jurisdictions and other countries.

New South Wales is not the first or only jurisdiction to face the question of how to minimise potential harm to road users. Statements have been made in the community about alternative approaches to drug driving both in New South Wales and around the world, and it is important to be aware of differences in the context of programs and best practice. To that end, I thank the Standing Committee on Law and Justice, chaired by my colleague the Hon. Chris Rath, for its report on the bill, which was delivered in August of this year. I also thank stakeholders and members of the public for making submissions that carefully considered the impact of drug driving.

I note that the committee elected not to take a position on the bill but to put forth evidence to be considered during this debate. The approach to drug driving in Australian jurisdictions uses high-visibility, high-volume roadside testing to create an environment that deters people from driving if they have recently taken drugs. I would hope that my fellow members agree that high-visibility, high-volume roadside testing is an appropriate approach to keeping people safe on roads in New South Wales. The mobile drug testing program is modelled on the random breath testing program that began in 1982, which has been highly successful in deterring drink driving. Since that time, trauma from fatal crashes involving alcohol has dropped from about 40 per cent of all fatalities to 18 per cent in 2018 to 2020. In real numbers, 389 people were killed in alcohol-related crashes in New South Wales in 1980 compared with 51 in 2020.

The change in public attitude to drink driving did not happen overnight. It took a consistent commitment to public education and appropriate penalties, as well as large-scale testing by the New South Wales Police Force. Our drug testing program is a smaller and relatively new program. I note that the proportion of crashes where illicit drugs are a factor has remained fairly steady over recent years. However, according to the National Household Drug Survey, this must be considered in the context of the increasing use of drugs and THC by the general population. The evidence is clear. It shows that mass random screening directly correlates to a reduction in drug-related road deaths and injuries. We see consistently from research that drivers who see and experience testing are less likely to take the risk of driving after they have used drugs or alcohol. That is why similar drug testing programs operate across Australia, and it is why Australia is considered to be at the "international forefront of combating drug driving", as quoted from the 2018 report of the National Drug Driving Working Group.

More recently, the Monash University Accident Research Centre conducted an independent evaluation of the Victorian random drug testing program and found that an increase in roadside drug tests was effective and highly cost beneficial, and it was estimated to have saved a significant number of fatal and serious injury crashes per year. Likewise, the approach to medicinal cannabis in New South Wales is consistent with other Australian jurisdictions. It is also consistent with the Assessing Fitness to Drive guidelines, which are the national medical standards for licensing and are adopted by all Australian licensing authorities when assessing a licence holder's medical fitness. The guidelines include a new section on medicinal cannabis and note that THC can cause cognitive impairments that degrade the ability to drive safely. Most Australian jurisdictions test for THC in mass screening, presence-based roadside drug-driving programs, similar to New South Wales. No other jurisdiction has an exemption specifically for medicinal cannabis.

Tasmania has a medical defence for any prescribed drug; however, I am advised that this reflects differences in the way drug-presence offences were previously enforced in Tasmania. While this could provide a method to consider a change in legislation or policy in New South Wales, I make the following points. In practice, drug testing numbers are much lower in Tasmania than in New South Wales, so the impact on government services from operating this defence is very different. For example, I understand that Tasmania conducted approximately 5,000 roadside drug tests per year over the past couple of years. This number is compared to the New South Wales Government's commitment to conduct 200,000 tests per year. While the Tasmanian population is smaller proportionally, New South Wales conducts 2½ times more drug tests than does Tasmania. Any weakening of the general deterrence approach would therefore be expected to have a more significant impact in this State.

Interestingly, the Australian Capital Territory decriminalised recreational cannabis in January 2020 to allow adults to possess a small amount of cannabis for personal use. However, the ACT did not amend its road transport law to allow a defence for the use of medicinal cannabis. It is also worth noting that medicinal cannabis bills have been introduced in the Victorian and South Australian Legislative Councils. The Victorian bill was introduced in 2019 and the South Australian bill was introduced in February 2021. At this stage, neither of them has progressed any further. In Victoria, an expert working group was established to consider approaches to managing medicinal cannabis and safe driving. The working group included representatives in the areas of health, road safety, justice and academia.

The working group's report is current and detailed, and it looks in-depth at the risks, challenges and opportunities of a comparable bill to the one before us. The report also considered both what is known and not yet known about the specific risks associated with medicinal cannabis. Similar to the Standing Committee on Law and Justice, in considering the comparable bill before the House today, the working group did not make any recommendations and it did not recommend progressing the bill. That shows that there is not enough evidence to

adopt this bill without potentially impacting on drug driving. The Government is agile and open to amending or introducing new policies as needed where they have merit. As part of the 2026 Road Safety Action Plan, the New South Wales Government has established a drug and alcohol road safety advisory group to revitalise the strategy for drug and alcohol testing of drivers in New South Wales, with a view to achieving greater efficiency, reach and deterrence of unsafe behaviour and a reduction in trauma.

Under the plan, this Government has also committed to continuing to monitor drug-driving research and developments that are relevant to drug-driving policy. Speaking of monitoring research and other programs, I know that some people will wonder why we have not followed the example set by other countries that have an exemption for medicinal cannabis. It is difficult to compare the approaches to combating drug driving in international jurisdictions to those here. Even within countries that allow a defence for medicinal cannabis, drivers must prove that they are not impaired, which typically involves providing blood samples. Notably, those countries do not have mass roadside screening programs and the deterrence benefits that they offer.

Australia is the only country with a widespread random mobile drug testing program for the detection of drug driving. Governments across major jurisdictions in Australia believe in the benefits of these programs—and the results back them up. In international jurisdictions there is less focus on general deterrence. This means that testing for THC through blood samples in those other countries is likely to be less onerous as a proportion of the population simply because so few people would be stopped and tested in the first place.

Another difference is that many of those other countries do not allow medicinal cannabis to be prescribed for the variety of conditions that it can be prescribed for here. In the United Kingdom and Ireland, medicinal cannabis can only be prescribed for three serious conditions or illnesses, which are not generally consistent with a person being in a position to safely drive. While other countries have different types of road safety challenges and perspectives about enforcement which inform their approaches, the bottom line is that the trauma challenge in New South Wales is real.

Between 2016 and 2020 in New South Wales, there were 253 fatal crashes involving drivers and riders, with the presence of THC in 16 per cent of all fatal crashes recorded during that period. Because of these significant numbers, and because the bill is not aligned with the best-practice evidence of the National Drug Driving Working Group, it is important to cautiously consider it in the New South Wales context and not just adopt changes because another country takes a different approach. As I have said, the Government's current approach to drug driving is designed to reduce risk and address trauma on our roads. This Government continues to implement initiatives to deter high-risk behaviours like drink and drug driving. The Government does not support the bill.

The Hon. CHRIS RATH (20:11): I will go through the Government's position on the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021 shortly, but I want to start by making some initial observations about the work of the Standing Committee on Law and Justice, which I am proud to chair. I thank the members of the committee for their work. In particular, I thank Ms Cate Faehrmann for all of her work and for bringing the bill before us. She might not get the outcome for the bill that she wants tonight, but I think it has given all the members of the committee and of this Chamber a lot to think about, which is a job well done. I also thank Government members the Hon. Wes Fang, the Hon. Taylor Martin and the Hon. Lou Amato, as well as the Hon. Greg Donnelly, the Hon. Rod Roberts and the Hon. Rose Jackson. I remember talking to the Hon. Rose Jackson after the inquiry and we realised that there was not all that much difference between our positions on this issue. I think that is the importance of the Legislative Council committees; there is great collaboration between members—unlike, potentially, in the other place.

People probably think that the Hon. Rose Jackson and I have nothing in common. But when members from different sides of the House sit down together and talk about issues, often they find they have a lot more in common than people might think. Through the inquiry, the committee realised that this is a complex issue to navigate. On the one hand, there is the issue of freedom. On the other hand, there is the issue of safety. Currently, there is a problem where people who are prescribed medicinal cannabis, who may take medicinal cannabis before going to bed at night, are unable to drive to work or to get their groceries or to do other essential things that they need to do to go about their lives because they may be pulled over and determined to be drug-impaired, even though there is no impairment per se. As the Hon. John Graham mentioned in his contribution, the real issue is that better research into the effects of medicinal cannabis needs to take place. It is not like alcohol. It is not as simple as doing a breath test. It is not as simple as setting a blood alcohol concentration of 0.05 and saying, "That is the line—everybody above 0.05 will be charged, but those below are fine to drive." That is not the case with cannabis.

The case with medicinal cannabis is that it is binary; it is either impairment or no impairment. There is no simple scale when it comes to cannabis. That is why I made a deliberate point of including in my foreword to the committee's final report, and also detailed throughout the report, that research is so important. I would like to see—and hopefully we will see in years to come—a situation where this will not be an issue, where people who

use medicinal cannabis will be able to have something equivalent to blood alcohol concentration and there will be a scale where it is determined that at a certain point there is impairment and below that point there is not. Currently, mere traces of medicinal cannabis could prohibit someone from driving, even where there is no impairment. I think we do have to acknowledge that. Our hearts go out to medicinal cannabis users who are caught up in the system. Unfortunately, they will be determined to be impaired—even if they are not—and, therefore, cannot drive and go about their ordinary day.

But the problem that I have with the bill, which was raised throughout the inquiry, is that the flipside argument is to say, "Well, let's just allow anybody with any amount of impairment to drive." There would be no distinction between someone who is completely impaired and unable to drive—a reckless driver—and someone with mere traces of medicinal cannabis in their system. That is the real problem, and that is where we sit. I think that the Government and, I take it from the contribution of the Hon. John Graham, the Opposition lean on the side of safety and not allowing people with impairment to drive. The Greens are leaning more the other way, which is that people who use medicinal cannabis should be able to drive to go about their ordinary day. There is a lot of merit in that argument. Research is really important so that we can overcome this issue in the future. Hopefully, with scientific advances, it will not be an issue for much longer. I will say that, overall, the committee went through an excellent process, hearing from stakeholders on both sides who delicately considered the impact of drug driving and balanced the consideration of road safety.

Driving is a privilege that comes with the responsibility of keeping yourself and others safe on the road. Measures introduced by the Government to address drink and drug driving have been pivotal in reducing road trauma over decades. The Government has introduced significant reform supported by enforcement, public awareness campaigns and targeted programs to continue protecting road users from the dangers of drug driving. This is a track record that we are proud of. As part of the previous Road Safety Plan 2021, the New South Wales Liberal-Nationals Government strengthened penalties and enforcement of both drink and drug driving by introducing drink and drug driving reforms. The reforms included the introduction of penalty notices, coupled with automatic licence loss for lower-range drink and drug driving offenders, the extension of mandatory alcohol interlocks to mid-range drink driving first offenders, and the option for police to apply vehicle sanctions at the roadside for high-risk drink driving offenders. A key aim of the reform was to ensure penalties are consistently and swiftly applied to prescribed concentration of alcohol and drug presence first offences.

In February 2015 the mandatory alcohol interlock program was introduced by the New South Wales Liberal-Nationals Government for high-range drink drivers, repeat drink driving offences and other high-risk offences where a driver refused to be tested. Time and again evidence has proven that alcohol interlocks significantly reduce the risk of drink driving reoffending. New South Wales has an established vehicle sanctions scheme in place for high-risk offences to immediately reduce the risk of a driver engaging in further high-risk behaviour. Since December 2018 vehicle sanctions can be imposed by police at roadside for repeat, high-risk drink drivers. In June 2021 the Government introduced a new, combined offence for drivers with illegal concentrations of alcohol and illicit drugs. The combined offence recognises that alcohol and drugs separately increase crash risk and together they amplify that risk. The combination of drugs and alcohol increases the risk of a fatal crash by 23 times.

In his contribution to this debate, the Hon. Rod Roberts referred to some of the evidence that people who take medicinal cannabis can pose an increased risk on the road. That is why this Government leans on the side of safety rather than towards a more lax approach. We cannot ignore that figure. It is an important consideration behind the Government's opposition to the bill. The law sends a clear message to drivers that putting themselves and others at risk by combining alcohol and illicit drugs will not be tolerated. Enforcement, education and a strong penalty framework all act to deter unsafe behaviours like drink and drug driving. The Liberal-Nationals Government has strongly supported those enforcement measures through education such as the Plan B drink driving campaign, which highlights the impact of driving whilst impaired and encourages people to make alternative arrangements to get home safely.

The Government has a strong track record of providing a holistic approach to addressing drink and drug driving. That involves the Government continuing to deliver 200,000 roadside drug tests each year, expanding mandatory drug and alcohol testing policy to include testing of cyclists in cases of fatal crashes, and delivering new and enhanced education programs for drink and drug driving offenders to reduce reoffending and build on recent reforms. The Government cannot support this bill, knowing the negative impact it will have on road safety.

The four prescribed illicit drugs that are detected under the mobile drug testing [MDT] program were found to be present in 23 per cent of fatal crashes in New South Wales that occurred between 2016 and 2020. THC was a factor in 16 per cent of all fatal crashes. During those years, of the fatal crashes involving illicit drugs, between 50 per cent and 70 per cent each year involved drivers who tested positive to THC. Over the same five-year period, two-thirds of all crash fatalities occurred in country New South Wales. Of those fatalities where THC was a factor,

72 per cent were in country New South Wales. In 2020 THC was present in nearly 60 deaths of the total 264 fatal crashes. Those grim statistics must be considered in the context of this bill. We also know that in 2020-21 over 50 per cent of positive samples from MDT contained THC. That is over 8,000 samples. About one-third of all positive samples showed more than one drug present.

Roadside testing can be undertaken anywhere, any time, and is designed to deter drivers who have recently used illicit drugs from taking the risk of driving. Under the Road Transport Act 2013, it is illegal to drive, occupy the seat of a vehicle or supervise a learner with the presence of a prescribed illicit drug in blood, alcohol or urine. Illicit drugs prescribed for the purposes of the Act are THC, cocaine, methyl amphetamine and ecstasy. They are some of the most commonly used illicit drugs as reflected in the road toll. Deterrence is important because of the strong evidence on the impairing effects of THC. The impact of THC use on road safety risks is well established globally. Consistent with the trauma outcomes in New South Wales, evidence shows that THC can affect cognitive and motor skills necessary for safe driving—such as attention, judgement, memory, vision and coordination—and can increase the crash risk of drivers by 40 per cent.

Research commissioned by Victoria, when a similar bill was introduced there, made the same findings. The Government cannot ignore that. Between 2017 and 2019, 144 motor vehicle controllers with the presence of THC were involved in 142 fatal crashes. Over half of those were people aged over 30 years of age and one-third were over 40 years of age. If the bill were to be passed, enabling some cannabis users to claim an exemption or a defence, it would complicate and potentially jeopardise the effective operation of the MDT program and the message it sends. As I said earlier, while I empathise with people who are taking medicinal cannabis under prescription and as directed by their GP, there is just not sufficient evidence that when combined with driving medicinal cannabis poses no risk to other road users. As Minister Faraway said, the committee did not come to the conclusion that the amendments proposed by the bill are free from risk and should be recommended to this place.

The Perrottet Government is committed to our strong track record on reducing drink and drug driving behaviour on New South Wales roads. Together with a large suite of other initiatives in the plan, we are steering New South Wales towards the ultimate goal of zero road trauma. Unfortunately, as highlighted by the Minister and my parliamentary colleagues, the bill is not consistent with reducing unsafe behaviour and protecting all road users from the risks posed by impaired drivers. It would be unfair to those other road users for the New South Wales Government to support the bill. Certainly in the future I hope that the research and technology improves and that we can resolve this issue. I hope that we have a situation where people who use medicinal cannabis are not caught up in the current difficult situation they are in, unable to go about their daily lives in a way that we take for granted. But given the very important balance when it comes to safety, I do not support the bill and nor does the Government.

Reverend the Hon. FRED NILE (20:26): I oppose the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021. I congratulate the Hon. Chris Rath on his excellent contribution to this debate. Members probably do not need to hear from me now. However, I still think it is good for me to second his contribution and support what he said, which was excellent. I am a member of the Joint Standing Committee on Road Safety and have seen the terrible impact of drug driving on motorists and pedestrians across our State.

Regardless of whether the drug is prescribed by a medical practitioner, the question that should be asked is whether the user should drive. Numerous legal drugs that are prescribed by medical practitioners prevent the user from driving while it is in their system. In fact, it is illegal and contravenes the Roads Act 1993. That prohibition applies to various opioids for the purpose of pain relief. The same prohibition applies to cannabis. That should continue, regardless of whether the cannabis was prescribed by a medical practitioner.

If a light to moderate amount of alcohol is consumed the night before a driver goes on the road, then he or she will be quite comfortable and unimpaired when driving. The same cannot be said for the consumption of cannabis. Cannabis slows down the user's reactions and reduces the ability to respond to situations. The drug changes their perception of distance and time, lowers concentration, reduces coordination and makes them drowsy. Cannabis users often do not realise that their driving is affected until they are faced with an unexpected situation. Only after they are in danger do they realise that they are incapable of making a quick or correct decision. Cannabis can impact users, especially long-term and habitual users, more than 24 hours after consumption. I respect that The Greens need to represent their constituency, but they cannot expect this Chamber to support this dangerous drug they are introducing. Therefore, on behalf of my organisation Revive Australia, I strongly oppose this bill.

The Hon. ROSE JACKSON (20:30): I make a brief contribution to debate on the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021. I was a member of the Standing Committee on Law and Justice that conducted the inquiry into the bill. I thank my colleague the Hon. Anthony

D'Adam for allowing me to represent Labor on the committee. I have an interest in these issues, have followed them closely and was enthusiastic about participating in the inquiry. The committee wrote a good report. I think it contains some lessons for Labor that have guided the position outlined by my colleague the Hon. John Graham, which is that we will not support the bill on this occasion but the issues it raises need to be grappled with. It is not about saying that we will not support this legislation now, we think there are issues and we are going to kick them into the never-never. There are serious issues that need to be addressed now.

Cannabis is not a dangerous drug, despite what the previous speaker said. It is legally prescribed by doctors in this State to help people who are dealing with chronic diseases. To the extent that it is dangerous, it is no more dangerous than benzodiazepines or any other pharmaceutical drug that is prescribed regularly and daily by medical professionals. Medicinal cannabis is no different from any other medicine we give to sick people who are in pain. In fact, we received evidence during the inquiry that some people found the experience of taking benzodiazepines or other legal opiates really difficult. They described feeling like zombies and feeling fuzzy all the time. Those extremely addictive opiates can have very harmful impacts on some users.

For some people, medicinal cannabis legally prescribed by their doctors offers fantastic relief for symptoms associated with cancer and neurological disorders. They feel as though they are able to operate at a much higher level and in a much clearer-minded way because of medicinal cannabis. As our population ages, this is something that we will have to deal with. We will have to deal with more chronic illnesses and the consequences of an aging population. It is not old mate skateboarding stoner down the road who will lead the charge for this type of reform. It is our grandparents and older people in our community who are suffering and in pain and who find that medicinal cannabis can offer them relief. They will be the ones beating down the door for this reform. Let us be clear about that.

The overwhelming evidence we received in the parliamentary inquiry was that medicinal cannabis is a completely valid form of medicine. The issue we are dealing with in this bill is how that body of work, which has been accepted across the Parliament with an utterly bipartisan acknowledgement—Premier Mike Baird introduced the concept of medicinal cannabis as a completely safe and legal form of medicine—interacts with our road safety rules. That is a complex interaction, which is why we need to get the evidence right. Of course we do not want people driving impaired. It is outrageous to suggest that anyone in the Labor Party thinks it is okay to get behind the wheel of a vehicle if you are impaired. Do not drive if you are impaired. If you have been drinking too much, if you are stoned, if you are off your face on benzodiazepines, if you are too tired, if you are looking at your mobile phone, if you are not paying full attention to the road, do not drive. If we are unable to determine where that line is, we need to do the work.

The Lambert Institute appeared before our committee and said clearly there is work it can do. It put a study in front of us and said, "We have been asking the Government to fund this so that we can know how this works". My colleague John Graham outlined how we want to do exactly that moving forward. But the reality is that you can drive if you are taking benzodiazepines or other opiates. You have a conversation with your doctor, "I'm taking this drug. When should I be driving?" We need to move to a position where medicinal cannabis is treated in exactly the same way. More research is needed to land that, but this issue cannot be kicked down the road. It is utterly unfair that people who are taking medicine in a way that is completely consistent with prescriptions from their doctors are being prohibited from driving.

The impact in regional New South Wales is particularly significant, as has been mentioned a few times. I know that people in regional New South Wales and those who represent regional New South Wales have heard the stories—we have all heard them—about people who have lost their jobs and livelihoods because they are trying to deal with their pain or cancer. Those stories are not going away. Labor's commitment to dealing with this issue is not going away. But we need to get the science right, which is why we are committed to doing the research. All the evidence we have—which is not enough, partly because, by and large, cannabis is an illegal drug, which makes it more difficult for us to invest in the evidence base; but we should do it anyway—is that the impairment risk for someone who is taking medicinal cannabis as prescribed is similar to that for low-level alcohol consumption.

So the reality is that, if you are so concerned with the potential risk here, you must be consistent and stand up and say that the legal blood alcohol level should be zero. I at least credit the people who are putting that case with consistency. The people who say, "You can't have any alcohol—not one glass of wine or beer—and drive" at least have a consistent position. But it is utterly inconsistent to say, "We are prepared to accept a risk level associated with a blood alcohol level of .05, but we are not prepared to accept a similar risk level associated with someone who has taken medicinal cannabis." It is not consistent. Either you accept that there is a level of risk associated with some of those activities or you say that nothing is acceptable.

The difference at the moment is that the research that has gone into establishing what the measurement capacity of the blood alcohol level looks like is clearer than with medicinal cannabis, hence the need for research

and to establish a framework for medicinal cannabis use that is consistent with the one we use for alcohol consumption. When we have done that research and have that framework, it will be something we need to consider seriously. The inquiry was good and aired a lot of the issues. Its key recommendation was that there is a genuine inconsistency in the law and that is something we must deal with. We cannot fail to deal with this issue. It is something that we have to continue to put on the agenda because we cannot have a situation where people have to choose between their livelihood and their job or taking a medicine that they have been prescribed in a completely legal way by a doctor to deal with their pain and suffering. That is an impossible choice to give the community and we as legislators have a responsibility to resolve that.

Ms CATE FAEHRMANN (20:39): In reply: Thank goodness that the Hon. Rose Jackson spoke on the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021. I was fearful that I was living in a parallel universe, to be honest, after hearing the contributions from everybody else in this place. It was like I had a bill before the Parliament that would allow people to drive while taking illegal cannabis, completely stoned. It was like I was trying to completely change the road safety laws to allow people to drive while stoned. That is not what the bill before us does.

I again thank the Hon. Rose Jackson for talking about what the issue is: the fact that this is a legal medicine. I think there are now more than 300,000 prescriptions across Australia. A little more than 72,000 patients across Australia are taking this drug—this medicine—that was legally prescribed by their GP. That is often because they have tried many other legal prescription drugs, like opioids, to deal with chronic pain, PTSD, epilepsy and so many other issues and they have not worked. Prescription drugs have not worked, and medicinal cannabis has been life-changing and life-saving for those people. That is what we are talking about.

It was this Parliament, as well as the Federal Parliament, that introduced legislation to make medicinal cannabis legal. Again, let's be clear: We are talking about a legal prescription drug where people cannot currently drive because they are fearful—and rightly so—of losing their licence. The current law treats people who are taking a legal drug—legal medicine—completely lawfully as though they are consuming an illicit drug. That was what Minister Ward, when she addressed the—

The Hon. Natalie Ward: Point of order: I respect the contribution of the honourable member but she is, with respect, mischaracterising what my colleague and I have put before the House. We have addressed the bill before the House. We have not, in any way, characterised drugs as illicit or otherwise. I would ask that she be drawn back to her contribution to the House and not mischaracterise my colleague's and my contribution to the House. We can go back and check *Hansard*, if necessary.

The DEPUTY PRESIDENT (The Hon. Adam Searle): I do not uphold the point of order. Ms Cate Faehrmann has the call.

Ms CATE FAEHRMANN: Some of the language that has been used during the Government members' contributions to this debate is, "We have high visibility policing for a reason", "We stand by our zero tolerance approach to illicit drugs", "We are committed to road safety", "We have a road safety plan that is about reducing dangerous drink and drug driving behaviour". They were the lines they used and whatever was in the speech notes that Government members were given to speak in debate on the bill. I am not sure whether the people who wrote the speeches for Government members read the bill.

The Hon. Natalie Ward: Point of order: I ask that the honourable member be drawn back to her contribution in the debate. It is disrespectful to other members to characterise what they have contributed to the House as being handed to them. We have given serious consideration to this matter and it is disrespectful, in my submission, to characterise it as being handed to us. These are road safety issues. We have made our contribution.

The DEPUTY PRESIDENT (The Hon. Adam Searle): The suggestion that someone might have been handed notes is not unparliamentary. It is not an offence against the standing orders. There is no point of order. The Minister will resume her seat. Ms Cate Faehrmann will continue.

Ms CATE FAEHRMANN: I move to the contribution from the Hon. Rod Roberts. Committee members on the Standing Committee on Law and Justice inquiry that looked into this bill engaged very genuinely. It was a very good inquiry. There were witnesses from both sides. It was a hard job to find witnesses who were dead against the bill, but we did find some. We all did a good job on that committee. I want to refer to some of the evidence that the Hon. Rod Roberts was referring to and expand on it a bit, because it is really important. The crux of the situation is that quite a few Government members mentioned these statistics and I think they have been selectively talked about.

The Hon. Rod Roberts made the great point that being acutely intoxicated is the equivalent of driving with an illegal blood alcohol limit. Nobody wants acute intoxication. Let's be very clear: The bill is not about encouraging anybody to drive impaired, even though that seemed to be a big part of the Government's contribution

to the entire debate. The Hon. Rod Roberts quotes Professor Iain McGregor and Dr Michael White in his contribution. I have the transcript before me from when those legal experts provided their evidence. Professor Iain McGregor talks about cannabis intoxication causing a 10 per cent to 40 per cent increase in crash risk. He called it "acute cannabis intoxication", but it is important to look at what he is saying. Professor Michael White was also asked about that 40 per cent. He said, "Yes ... 40 per cent—from the literature". There is an increased risk of crash by 40 per cent. He said:

None of the papers I'm aware of on cannabis and crashing have tried to work out where the cannabis came from, whether it was taken medicinally or recreationally. My understanding would be that medical users would be taking it regularly—and often the findings on regular users is that they're not as impaired or probably not impaired at all—and they'd be taking it I think in doses that would be less likely to be impairing.

Then he said:

Is it possible for me to say one more thing about the 40 per cent increase in crash rate? ... The important thing to note is that even if it is the commonly accepted 40 per cent rather than perhaps the 0 per cent that I suspect it is, that is very low. Alcohol at 0.05—the legal level—doubles your risk of crashing. That is 100 per cent.

We are talking about the 40 per cent. The same expert that a number of members have quoted today when talking about increasing the crash risk by 40 per cent said that alcohol at 0.05 per cent increases the crash risk by 100 per cent. Michael White also said:

Cannabis at 40 per cent versus legal levels of alcohol is a lot less. If you look at other things, the use of a motorbike increases the risk of crashing 30-fold. That is 3,000 per cent. I think sometimes the focus is on the wrong things. If you look at all of the road safety problems, including other drugs—benzodiazepines, opioids et cetera—cannabis is way down at the bottom of the list as far as crash risk goes, and that's if you accept the 40 per cent and not my 0 per cent. If you accept my 0 per cent then there's no risk at all. I think the crash risk from cannabis needs to be put into context. It is a very small risk compared with almost any other cause of concern to road safety people.

That is Michael White. The Hon. Rod Roberts said that this bill is asking us to increase the risk factor of driving. All the expert witnesses before the law and justice inquiry stated very clearly the risk of other factors such as alcohol or benzodiazepines. In fact, they even talked about the risks, for example, of getting six hours of sleep compared with seven or eight. Sleeping six hours per night was associated with a 33 per cent increased crash risk compared with sleeping seven or eight hours per night. Antidepressants are associated with an approximately 40 per cent increase in crash risk.

Again, the bill is asking for a simple medical defence for those who are caught not driving recklessly or driving impaired but simply pulled over, for example, during a random roadside drug test. They are simply pulled over, asked to take a test and found with THC in their system. If they have a valid script that has been provided by their general practitioner and if they have not been pulled over because they were driving recklessly or posing a danger to others, then the bill gives them a medical defence. They could have taken that medicine 24 hours previously and clearly they are not impaired because they are not driving recklessly. It is disappointing that I introduced this bill and gave my second reading speech quite a few months ago now. I know that hundreds and thousands of people who have been directly impacted by these laws have contacted members in this place. They have contacted key figures—Ministers as well as Opposition leaders and Opposition members—urging them to support the bill.

I also agree with some of the comments that more and more people are going to be taking medicinal cannabis. The rate of increase in the use of medicinal cannabis over the past six months, one year and two years is absolutely astronomical. More and more people are discovering that medicinal cannabis is working for them when no other drug does. I thank the many hundreds, if not thousands, of people who have contacted their MPs and have contacted me with their stories, including a man who is living in regional New South Wales. His is just one email that I have received in recent weeks. I note that the law is particularly difficult for people in regional New South Wales, who have to make the choice between taking the only medicine that will work for them and relieve their chronic pain and being able to drive to the nearest town or drive their loved ones around.

This man in his 70s wrote to me telling me that he suffers from chronic pain, sleep disorder and anxiety and has been diagnosed with osteoarthritis in both shoulders and his spine. He was on a cocktail of pain medication that he told me caused more side effects than the pain it relieved. The man eventually tried medicinal cannabis, which finally gave him relief from his pain. Hundreds and thousands of people are telling me the same thing. But he was forced to quit medicinal cannabis because he did not feel that he could continue to rely on his wife to drive him everywhere. That man is now back in severe pain because he cannot take the medicine he has been legally prescribed from his GP even though his driving is not impaired. There is also the story of Scott Ford, who was a patient witness at the inquiry. I will read a portion of his opening statement so that members can also hear his story. He said:

I regularly use medicinal cannabis to manage chronic pain. I am a military veteran and have had pain issues for around 10 years now. My injuries have significantly limited my capacity to work so, to keep myself productive, I run a small beef cattle farm. I was a

long-term prescribed opioid user. My dosages just kept going up and the opioid medications became more and more ineffective over time ... I had to change my approach to managing my pain and the solution I found was medicinal cannabis ... I have found the medication is extremely effective for managing my conditions and is also safer than the previously tried opioid medications ... I experience no intoxicating or ill effects when taking it as prescribed. The downside is that I can no longer legally drive in New South Wales ... I live in a rural area and being able to drive is crucial. If I can't drive, I must be completely dependent on others to go anywhere. At the moment, when I need to drive somewhere, I go early and delay having my morning dose until I return home. By doing this, there is no chance that I'm impaired since I've not medicated for more than 12 hours—

although I note that I have spoken to a lot of people who say the THC does stay in their system for longer than that. He continued:

However, I would still fail an RBT as I would have detectable amounts of THC in my system. I would be guilty of the offence of driving with an illegal substance in my system, even though that substance has been obtained and used legally... I would strongly urge the inquiry—

and let us change that to "this Parliament"—

to support this bill so that users of medicinal cannabis can be acknowledged as genuine users of legal medications and not be treated as criminals.

No-one needs a maths degree to work out that this bill is not going to pass tonight. I will say that I appreciate the contributions made by the Hon. Chris Rath, who is the chair of the law and justice committee, from his side of the Chamber. He clearly did and does understand the issues. I appreciate him putting on record that it is an issue. He gets that it is an issue. I acknowledge that. I certainly hope that in the new Parliament people with understanding of this issue—

Ms Sue Higginson: Compassion.

Ms CATE FAEHRMANN: —and people with common sense and compassion are in the right portfolios, and we can get a change very soon after the next election. Tens of thousands of people in New South Wales are severely impacted by this law. I know quite a few people are watching the broadcast tonight because they are so desperate for this law to change because it is impacting so severely on their lives or their loved ones' lives. I say to them that it is not over yet. Yes, the bill will be voted down, but change is inevitable. We will get there. I thank them for all their support. Let us pass the bill.

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

The House divided.

Ayes6
 Noes29
 Majority.....23

AYES

Boyd (teller)
 Faehrmann

Field
 Higginson

Hurst (teller)
 Pearson

NOES

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

Graham
 Jackson
 Latham
 MacDonald
 Maclaren-Jones
 Mallard
 Martin
 Mookhey
 Moriarty
 Nile

Poulos
 Primrose
 Rath
 Roberts
 Searle
 Sharpe
 Taylor
 Veitch
 Ward

Motion negatived.

Motions

HOUSING CRISIS

The Hon. ROD ROBERTS (21:08): I move:

- (1) That this House notes with concern and urgency that:

- (a) all New South Wales residents should have access to suitable and affordable accommodation;
 - (b) housing should provide a level of security or tenure, be affordable, habitable and provide for at least the basic needs of the resident; and
 - (c) the issues relating to access to housing are not limited to the homeless who sleep rough on our streets but extend to those struggling to find rental accommodation or affordable premises to buy.
- (2) The House further notes that:
- (a) successive governments have failed to provide long-term solutions;
 - (b) successive governments have failed to establish a long-term plan to protect our State from falling into the critical state of housing accessibility that it currently finds itself in;
 - (c) there is no single measure that can address all the issues;
 - (d) although some elements such as immigration or population growth are out of the control of a State government, the risks were foreseeable and should have been included in the planning;
 - (e) cooperation between all levels of government and relevant stakeholders is required to address this issue as the most pressing and urgent challenge of our time;
 - (f) a lack of access to housing threatens the State economy;
 - (g) a lack of access to housing threatens business sustainability and growth by limiting the availability of workers, full-time or seasonal; and
 - (h) a lack of access to housing hinders recovery capacity following natural disasters.
- (3) That this House calls upon the Government to make the housing crisis in New South Wales their number one priority and establish both a plan to address the urgent needs of those in crisis and a long-term plan to ensure future generations are not dealing with this problem.

I bring the motion with a real sense of urgency. Members have heard the words "crisis" and "emergency" in relation to ideologically based positions on many occasions, but the crisis I speak about is real. It is not a potential or a perhaps; it is happening right now. It is the housing crisis. New South Wales is in the grip of a real and dire shortage of housing, not only on the affordability scale, but also, and more concerning, on the availability scale. It affects both potential house buyers and renters. The severity of the crisis is recorded in record low vacancy rates for rental availabilities.

The Hon. Rose Jackson: It is an important issue.

The Hon. ROD ROBERTS: I acknowledge that interjection. The demand for rental accommodation is causing a shortage of properties, resulting in a surge in rent. In turn, this is making it more difficult for families to afford housing amid growing cost-of-living pressures, with rent increases outstripping growth in wages. Having a roof over one's head is a priority for all, but clearly there is a severe lack of availability of homes. There is not enough supply of new homes to meet demand. Traditionally, housing affordability and availability issues are usually confined to Sydney. However, the COVID-19 pandemic triggered an exodus from Sydney to country areas. With the increase in working from home possibilities, people fled the city in search of space and fresh air, putting the squeeze on an already tight market.

At a recently held business lunch, Harry Triguboff of the Meriton Group lamented the struggle to gain planning approval for new builds, saying, "At present you cannot build in the State of New South Wales. I promise you, if I can't, nobody can." At the same gathering, Adrian Pozzo, chief executive of Cbus Property, agreed that the lack of supply was because of planning issues. He said, "You can put these developments in front of councils and it normally takes two to three years." Local councils and their planning departments need to become emboldened and warm to the idea that increasing density might be the answer to dwelling shortages, which in turn may lower housing costs.

Remember the law of supply and demand. Councils need to reject the complaints of nimbys who do not want to share with more people living where they live. This can only be done with support from the State Government to provide much-needed infrastructure to offset the increase in population. Previously the State Government built, held and rented out a large number of public dwellings across New South Wales. Over time, for various reasons, the amount of these homes has diminished and the Government has subcontracted the provision of rental accommodation to private investors. As we know, there is still a great shortfall in the number of homes required, and further initiatives need to be taken to encourage large-scale developers to build more dwellings.

The shortage in regional areas has exacerbated the worker shortage. Businesses are struggling to attract staff as prospective workers are priced out of the market or find there are no homes to rent. This is having a major impact on the labour market and hurting the economy of metropolitan and rural New South Wales. It is not just

rent that has soared in regional areas, with evidence of a huge surge in home values also limiting the options for workers wishing to take up opportunities in the bush.

Overlay that with the Federal Government's recent announcement of a lift of the migration cap to 195 places per year. I note that this move has been encouraged and applauded by Treasurer Matt Kean. But those of us who are pragmatic and realistic and engaged ask, "Where will they live?" We know that more than one-third of these migrants will end up in New South Wales, yet we cannot house the people that we already have. It is a simple matter of logic that increasing the population without a corresponding plan to build more houses will worsen our housing affordability woes.

I do not have the simple answer to this complex problem. I do know, however, that what we are doing at present is not working and the prognosis for the future is bleak. We must accelerate the building of new dwellings. To do this, we may have to review existing planning laws and put in place incentives that slash red tape and speed up approval times. We can also look to existing zoning provisions to encourage a greater diversity of new housing. Perhaps, too, we may have to stimulate greater investment via financial incentives. I seek an extension of time.

Leave granted.

The Hon. ROD ROBERTS: I thank the members in the Chamber for their latitude. Perhaps we may have to stimulate greater investment via financial incentives encouraging developers to construct more dwellings. What this looks like, I do not know exactly. Perhaps no stamp duty or land tax will be payable on build-to-rent accommodation. I know that small incentives are presently available in this area, but clearly they are not enticing enough to stimulate great interest from developers and builders. Perhaps income tax reductions will be provided by the Federal Government to encourage more investment.

There are trillions of dollars sitting in Australian super funds. Instead of investing this money in large-scale infrastructure such as toll roads, perhaps we need to provide incentives such as tax-free thresholds in land tax to get those funds to invest in build-to-rent portfolios. Before the socialists get up in arms about providing more incentives to private investors, I point out that the Government is not building so you need someone to do the heavy lifting, and that leaving the status quo unchanged will not fix the crisis. I note the time and I look forward to other members' contributions on this vital topic. I will make further remarks in my reply. [*Time expired.*]

The Hon. AILEEN MacDONALD (21:15): The Liberal-Nationals Government acknowledges and understands the housing crisis facing not only metropolitan Sydney but also regional New South Wales. We are using all levers available to government to address the issue. The Accelerated Infrastructure Fund is one of the New South Wales Government's most successful funding programs, with the first two rounds seeing almost \$215 million worth of State investment, unlocking the potential for more than 100,000 new homes and almost 700 hectares of employment land.

We are building on that more than ever before. Councils experiencing high growth over the next decade are currently eligible to apply for a share in up to \$300 million in the third round of funding, with applications closing at the end of the month. These areas have been selected as projections show they will account for 94 per cent of the State's population growth over the next 10 years. These job-generating projects will mean new homes will be quickly connected to the local roads, open spaces and stormwater infrastructure that they need to function. Some \$120 million of the Accelerated Infrastructure Fund will be specifically allocated to our highest growth regional areas because we know our coastal and inland areas are experiencing pressures like never before.

In response, last year the New South Wales Government introduced the Regional Housing Taskforce and recently released our response to its findings, outlining how it will address those findings. As an initial response to the task force's findings, we set up the \$30 million Regional Housing Fund to immediately start helping regional councils that are experiencing housing stress, and to fast-track the supply of shovel-ready land for more homes. Twenty-five projects from 21 councils have been approved for funding to help deliver new roads, sewerage upgrades, stormwater works, park upgrades, community facilities and open space.

Our regional housing response is backed by the \$2.8 billion housing package. It will help us unlock 127,000 new homes in our regions over 10 years, remove housing barriers for key worker groups and Aboriginal families and, as I said earlier, support high-growth areas so they can build much-needed infrastructure. Up until 30 September, all regional councils can apply for grants of up to \$250,000 from our Regional Housing Strategic Planning Fund. The \$12 million fund will be rolled out over the next four years to help councils. I will conclude my remarks by saying we support this important motion moved by the Hon. Rod Roberts.

The Hon. ROSE JACKSON (21:18): We know something is a pretty urgent crisis when it has One Nation and the Labor left absolutely singing from the same song sheet—indeed, we are. I commend the Hon. Rod Roberts for this motion. It is an excellent motion and I commend him for an excellent speech that raised a range of issues that are absolutely urgent for this Parliament to address. New South Wales truly has a housing crisis and

those who do not know that have not been listening to the tsunami of correspondence that Labor members have been receiving from people about the dire housing stress that they are in. If you do not know that, you have not been on social media where people are using local community buy, swap and sell groups to plead with their neighbours for housing. Those groups are inundated with people, particularly in regional New South Wales. They are saying, "Please, does anyone have a tent for me and my kids to live in? I have a job. I have references. I cannot find anywhere to rent."

If you have not heard this, you do not watch TV and did not see the excellent investigative report on *Four Corners* that was focused on Coffs Harbour, where there is story after story about the constituents of our State who we represent. These are people who have jobs. There are people like Kayla, who is a single mum raising two kids. She works almost full-time in a tavern in Bellingen. She earns \$750 a week. She does not do drugs; she is not a bad person. She is just trying to put a roof over the heads of her two kids, and she cannot find a place.

As the Hon. Rod Roberts said, it is not just an affordability issue; it is an availability issue. There is simply not enough affordable housing in New South Wales. There are so many levels to this that we need to address, and it is great that we have the opportunity to talk through them in this Parliament in the form of motions and other things. We need to improve the security of tenure for renters. The idea that someone can be kicked out of their property, where they have signed a lease, paid their rent and done nothing wrong, is not acceptable. They are told, "Get out. You have got 90 days to find a new place." They cannot find a new place, and they are then living in a tent or in a car. The property comes back on the market two weeks later with the rent jacked up by \$100. It is not acceptable.

We need to address the issue of the availability of social housing. This Government has completely failed to invest in social housing. The Government is far from doing everything it can. We are going backwards in terms of the availability of social housing in this State. It is not just about renters and social housing; it is about affordable housing. We are talking about people with jobs who are not eligible for social housing. They are working people and they cannot find anywhere to live. We are talking about young professionals with two incomes who cannot find a place to live in Sydney and many regional towns. This issue is big; it is complex. Almost every speaker has run out of time but I commend the member for moving the motion. [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Wes Fang): Before I call further speakers, I acknowledge that we have mayors, councillors and general managers from the Central West, Lachlan Shire Council, Oberon Council and Cowra Council in the gallery. I welcome Councillor Ruth Fagan, John Metcalfe, Bill West, Andrew McKinnon and Greg Tory to the Legislative Council, the House of decorum and review.

The Hon. LOU AMATO (21:21): The Hon. Rod Roberts' motion states that everyone in New South Wales deserves access to suitable and affordable accommodation. The New South Wales Government could not agree more. Having access to a safe place to call home also means that the people of New South Wales can pursue health, education and employment opportunities, which strengthens our communities and allows us to thrive. The 2022 budget's \$2.8 billion for housing is targeting resources where they are needed most, making all individuals and families feel valued. This follows a long history of investment in social housing in New South Wales, which has grown to around 157,000 properties. This is the largest in the country and is equal to the Queensland, Victoria and Australian Capital Territory portfolios combined. It is also helping to achieve the Premier's Priority to reduce street homelessness and halve the number of people sleeping rough across New South Wales by 2025.

Over the past five years, the Government has invested \$9.3 billion in social housing, which is 32 per cent of the national total of \$29 billion. As a result, social housing across the State has increased by 9 per cent over 10 years, which is well ahead of the national figure of 4 per cent. Since 2020 the NSW Land and Housing Corporation has secured over \$1.3 billion in new funding for social housing. This includes \$868.1 million as a result of the COVID-19 pandemic, which included \$200 million to upgrade more than 12,000 social homes. The \$2.8 billion housing package is building on that. As part of the \$554 million investment in providing new and upgraded social homes, \$300 million is being allocated over the next three years to support vital upgrades to almost 16,000 of those homes.

These works will enable the Government to continue to improve property condition, quality and thermal comfort; and reduce future maintenance costs and the cost of living for tenants. This will go a long way to ensuring that tenants continue to have a safe, healthy and well-maintained place to live, which is especially important for an increasing cohort of people who are older or less mobile. It will also protect around 455 homes from becoming unliveable and support around 900 construction service jobs. A further \$37 million is being invested in the Together Home Program, which partners with 18 community housing providers to link rough sleepers with stable accommodation. This work is being led by the Department of Communities and Justice.

The New South Wales Government also continues to honour its commitment to Close the Gap for meaningful reform and target investment centred on cultural understanding and regular consultation. Over the

next four years we are allocating \$149.8 million to deliver 200 new culturally appropriate homes for Aboriginal families and 260 significant upgrades to properties across the State, including regional areas like Menindee, Broken Hill, Coonamble and Cobar. The delivery of those homes is expected to create 669 construction-related jobs and employ at least 132 Aboriginal people across regional and remote New South Wales. The New South Wales Government is tackling the housing crisis. We are pulling all levers at our disposal. We support the motion.

The Hon. MARK LATHAM (21:24): It has been a high-quality debate with good speeches. Yes, we agree with the Labor Left when they come up with sensible solutions. The matter reaches a point of consensus and agreement around the Chamber because New South Wales is very much in the middle of a genuine housing crisis. I do not use that word lightly. This has so many dimensions to it that the crisis is playing out in real-time. It has supply shortages, which are critical. Even in Palaszczuk's Queensland, land developers can get a decision one way or the other within six months. That is where the money is flooding out of New South Wales. Streamlining and fast-tracking the development approval process is critical in New South Wales. Some of the blockages in Sydney are horrendous. Getting improved densities on the North Shore of Sydney is one for the teal-type agenda to have a crack at. Parramatta, Leppington and Pagewood are a blackhole for any form of development progress.

The Hon. Rose Jackson: You can't get sewerage.

The Hon. MARK LATHAM: You cannot get sewerage; you cannot get approval. That is an obvious challenge for a government that has neglected the supply side. On the taxation side, the Government does recognise now that stamp duty is a horrendous tax. It is a tax on mobility and we have become a more mobile society, a more mobile labour market. That is something for Labor to take on. We are so much more mobile in the labour market, in our housing choices and in our job and schooling choices as families, why would we want to tax mobility?

The Hon. Damien Tudehope: We don't.

The Hon. MARK LATHAM: You don't? Well, the Government has been slow to get on to it. I prepared a motion last year to say that the support was in the Chamber and I have been urging various Government head honchos to get cracking with it. The final issue is a cost question. In the delusional flood to think New South Wales can save the planet, according to Tom Forrest at the Urban Taskforce, BASIX and all the development assessments—the various biodiversity schemes and the like—are adding \$100,00 to the cost of building a new home in Sydney. That is such a prohibition on housing affordability.

If we fix the supply, fix the taxation issues and fix the cost issues we will start to move towards a solution to the crisis. In various iterations around the Chamber that package can be put together and it would be workable. Everyone should reach a bit of bipartisanship here. I know there is an election coming up. I will even have my name on the ballot paper. The One Nation housing solution will be foremost in practical answers to this crisis and I hope it is embraced across the political spectrum.

The Hon. SCOTT BARRETT (21:27:45): The New South Wales Government wholeheartedly understands that the housing market is facing a climate where demand is outstripping supply and affordability. We thank the honourable member for bringing the motion to the House. We also know that housing is particularly unaffordable for young people, people in our regions and people in need. This challenge is getting worse as our population rapidly changes and grows. Tackling this issue is a big job, as acknowledged by the honourable member. There is not just one single lever to pull to fix this issue, but many different things need to be done.

The 2022 budget included a \$2.8 billion housing package. It is the largest injection the New South Wales Government has made in decades into creating a pipeline of more homes over the long term. Over the next four years that package will include almost \$500 million to unlock land and supercharge housing supply; \$554 million for new and improved social and Aboriginal housing; and \$174 million for key worker housing. There is also money for strategic planning to help councils map out ways that they might be able to contribute to fixing this problem, and also support to assist with approval backlogs.

It is one thing to stand in this place and talk to each other and think that no-one is listening, but when your key stakeholders are sitting in the room it adds a little bit more pressure. I acknowledge the mayors and councillors that we have with us here tonight. I have worked with a few of these people. I am hearing from councillors, mayors and general managers that the housing crisis is having a flow-on effect on the ability to attract people into these towns. They cannot get staff to move to their towns because they cannot get housing.

At Nyngan, through the Resources for Regions fund provided by the New South Wales Government, the council has been able to build a few houses for doctors' accommodation. That sort of diverse thinking is what we need here. I also have to acknowledge the mayor of Lachlan Shire Council, John Medcalf, and its general manager, Greg Tory. We have spoken about a few of these things. We need to look a little bit more closely at what we are doing around biodiversity offsets. That is causing a particular problem in regional areas. I stand here committed

to help councils in those regional areas to work through some of those problems moving forward. It is a particular problem in regional New South Wales. The Government acknowledges it is a problem, and that is why we will continue to work on it. The housing issue is a key factor contributing to homelessness, particularly among older people. This is acknowledged in a report into homelessness that I and others in the Chamber have been working on, which is to be released soon. The housing crisis is an important issue and we thank the member for bringing this motion on for discussion.

The Hon. ADAM SEARLE (21:30): I outlined some ideas to deal with housing on 20 September in this Chamber and I now make a contribution in this debate. I wholeheartedly support the words and the sentiments in the motion, but I would like for members to not focus attention on the issue of supply alone. It is an important part of the equation, but it is not the only part. I say that because when I was the shadow Minister for Planning I regularly met with development interests and they would tell me, quite proudly, that up to 70 per cent or more of their product was actually bought by investors, not by people intending to live in their own home. The combination of tax advantages for investors is working against people—particularly young people—who are trying to get into the housing market. That is not to say anything against investors. But we have, in one part of the economy, turned a lot of our available housing stock into a product that is bought and sold for profit. That is perfectly legal and fine, but the upshot is that it is one of the things that has caused upward pressure on housing prices.

So, yes, we do need to have adequate levels of stock, but we also need to make sure that key workers and people in that same set of incomes are able to realistically access a decent proportion of the housing stock that is constructed or is otherwise available. It cannot all fall into the hands of investors. Investors have a role in the market, but we cannot have that role deny the next generation of Australians, of New South Wales residents, their part of the Australian dream—to own their own home. We all know that one of the major determinants about whether people slip into poverty in older age, particularly women, is whether they own their own home. I have three children, and it is a regular conversation that they will not be able to afford a home. My daughter is a nurse. She will be earning a good living, but she will not be able to live in the city of Sydney.

This is a real and pressing problem for all of us, and we all betray the next generation if governments do not meaningfully intervene in the market. It cannot all be fixed by the market. The market is broken, because the people with means are advantaging themselves. We need to make sure that there is an adequate part of the housing stock of this State that is realistically available to people on realistic incomes. That is a challenge that we all must face. Council approvals of new dwellings is another part of the equation. But historically approvals have often outstripped the construction of new dwellings. So the problem is not in new land releases and new approvals. We have to make sure that all of the mechanisms are in place for new home purchasers.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:33): I share the observation of the Hon. Mark Latham that all of the contributions to this debate have been significant. I also acknowledge the relevance of the proposition which has been brought here tonight by the Hon. Rod Roberts. It is an issue that must be dealt with and it is multi-faceted. Every single contribution has identified a component of the problem. I will make a few observations on what has been said. First of all, the Treasurer is hoping to bring a shared equity scheme bill to the House to potentially make sure that more people have an opportunity of getting into the market.

The cohort that the Hon. Adam Searle identified is the target group we are hoping to assist in getting into the housing market where they may not otherwise be able to. I hope the scheme is embraced by members on both sides of the House. The Hon. Rose Jackson made quite a play in relation to the dearth of rental properties. She would go so far as to potentially amend the Residential Tenancies Act. I anticipate she would embrace some sort of prohibition against no-fault evictions and the like. I get all that; that is part of it. But investment properties are generally occupied by renters and so on the question of stock, we need to encourage the investment market because there is a home ownership market and a rental market and all of that goes to making sure that we have availability of sufficient housing stock.

I come back to the Government initiative on property choice and stamp duty. One of the biggest impediments to people getting their own homes has been stamp duty and the impost that puts on them. The shadow Treasurer said that his parents owned their home all their life. I am sure that may well have been right, but he said, "I wasn't alive in 1979 and I don't know how the market has moved in that time." I was alive in 1979. I was struggling to buy my own home in 1979, and I would have welcomed an opportunity of not having to pay stamp duty. Now is the opportunity to say that we can do innovative things and embrace the choice that first home owners should have.

The Hon. Mark Buttigieg: What? Push house prices up?

The Hon. DAMIEN TUDEHOPE: That is rubbish; the honourable member knows that is rubbish. If one was to apply for a loan, it is all predicated on their ability to repay. [*Time expired.*]

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (21:37): This debate is very important, particularly as a bipartisan approach. I acknowledge the contributions of the Opposition and the crossbench. I also acknowledge the mayors who are in the Chamber. That is important because tackling the housing crisis across New South Wales and the whole of Australia is all our responsibility as local, State and Federal governments. I note that New South Wales is leading the charge, particularly when it comes to social housing. We have over 154,000 properties. The next State is Victoria with 76,000 properties.

That is because over a decade ago the New South Wales Government invested over \$9 billion to ensure the delivery of more social and affordable housing across the State. That is working in partnership with community housing providers, local government and other organisations to ensure that the properties are available. That was not just social housing but also affordable housing. Only last week I was out with Alex Greenwich in Potts Point announcing a 16-unit property which will provide affordable housing to essential workers living in the city. But that is happening across the board. Whether it is regional areas like Tweed, the South Coast, Orange or Dubbo, the Government has been announcing properties because we made that investment over a decade ago, and we continue to do so.

The Hon. ROD ROBERTS (21:38): In reply: I thank the Hon. Aileen MacDonald, the Hon. Rose Jackson, the Hon. Lou Amato, the Hon. Mark Latham, the Hon. Scott Barrett, the Hon. Adam Searle, Minister Tudehope and Minister Maclaren-Jones for their contributions. It appears there is a consensus that something needs to be done and it needs to be done urgently. We only need to live in the world of reality to know how serious the housing crisis is. Every day when we pick up the newspaper or turn on the TV and watch the news, we know it is an issue.

We are deluding ourselves if we think this crisis will be rectified without changing our current thinking. What we are doing at present is not working. I listened closely to the contribution of the Hon. Adam Searle. I ask members to imagine a working family living in the western suburbs of Sydney. Let us say dad is a labourer in a factory, perhaps earning \$80,000 a year. I really don't know, but let us just assume \$80,000. His wife is a good, hardworking woman, perhaps working as a register operator at Woolworths. Again, I don't know what they get, but let us assume it is \$50,000. They are good, genuine, hardworking people. They have three children and are living in a home for which they pay rent of perhaps \$600 or \$700 a week. How will those people ever be able to afford to enter our housing market unless somehow there is some intervention? Those people deserve a roof over their heads.

Earlier in my contribution I said that this matter requires the cooperation of all levels of government and the private sector. I said I do not have the answer. But I would like to give the Leader of the Government in this House a bit of a clue. I do this in all seriousness and with all due respect. Recently in the Federal sphere a jobs summit was held. Whether we needed that is up for debate. I do not think we did, but I tell members what we do need, and that is a housing summit. I call upon the Government to host the summit, bringing together local, State and Federal governments, because the issue is not solely within the sphere of State governments; it involves all tiers of government. They should be brought together with local council planners, the planning department, Treasury, the tax office, major builders and developers, think tank groups, and advocacy groups such as the Urban Taskforce. Put them all in a room together. Let us work this out. As I said, I do not have the answer. But amongst all those people, somewhere is a plan to go forward.

Ms Cate Faehrmann: Time has expired.

The Hon. ROD ROBERTS: I am aware that I have run out of time. This is serious. We are talking about people and houses. We waste a lot of time in this Chamber on other matters. I seek leave for an extension of time.

Leave not granted.

The Hon. Ben Franklin: Point of order: I think the Chamber generally agreed that a one-minute extension is appropriate. With the greatest amount of respect, I thought that Ms Cate Faehrmann relented.

Ms Cate Faehrmann: No, I did not.

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

Motion agreed to.

*Rulings***AMENDMENTS TO MOTIONS**

The DEPUTY PRESIDENT (The Hon. Wes Fang) (21:42): During debate on private members' business item No. 2025, relating to public sector wages policy, the Hon. Daniel Mookhey raised a point of order concerning the order in which the questions on two amendments before the House were put. The advice from the Clerk was that the question on the Hon. Sam Farroway's amendment should be put first because it appeared earlier in the motion than the Hon. Daniel Mookhey's amendment. The Hon. Daniel Mookhey requested written advice on the matter. Page 441 of *New South Wales Legislative Council Practice* summarises the established practice:

Where amendments are moved during debate of a motion or a bill, the President or other occupant of the Chair first puts the question on the amendments in the order in which they occur in the motion (SO 111 (1)), including any amendments to the amendments, followed by the question on the original motion, as moved or as amended as the case may be (SO 111 (1) and (2)).

I thank honourable members.

*Documents***BRUMBIES IN KOSCIUSZKO NATIONAL PARK****Production of Documents: Order**

The Hon. EMMA HURST (21:43): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning and Environment and/or the Minister for Environment and Heritage relating to the shooting of brumbies in Kosciuszko National Park:

- (a) all documents, including correspondence, regarding the shooting of brumbies in Kosciuszko National Park that took place between 1 September 2022 and 10 October 2022; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Animal Justice Party is seeking this order for the production of documents under Standing Order 52 following the shocking shootings of brumbies at Kosciuszko National Park that occurred in the past month. The first shooting occurred on 11 September, when at least 11 horses were shot near Kiandra. It has been reported that three of the horses were pregnant when shot and spontaneously aborted their pregnancies after the shooting. Those who attended the scene also reported finding brumbies shot in the chest, along with long trails of blood, suggesting that those horses were not killed immediately and would have suffered long, painful deaths. That shooting came as a complete shock to the local community, brumby advocates, rehomers and animal welfare organisations. It brought back memories of the botched Guy Fawkes aerial shooting and the horrific suffering that event created.

There are so many questions and concerns about this shooting and the way it was carried out. Why did this shooting need to occur when there are still many brumby rehomers with the capacity to take in and rehome horses? Why did the first shooting occur in a brumby retention area where, under the Government's own management plan, horses are meant to be retained? Why did the shooting occur without any notice to local residents, creating a serious public safety risk? As if one shooting was not bad enough, over the weekend the bodies of three more shot brumbies were found in another area of the park, suggesting that more secret shootings had taken place without any public notice.

The management of the Kosciuszko brumbies is a controversial and emotionally charged issue. Regardless of where one stands on the issue, it is clear that there are serious issues of animal welfare, public safety and government transparency at play that must be investigated through a Standing Order 52 request. I note that the Government will be moving an amendment to this call for papers that we will not be opposing, and I thank it for working with our office to come to an agreement on that. Finally, I state for the record that if there are concerns for safety, we are content for names and details of any staff members, where appropriate, to be redacted as part of any production under this Standing Order 52 request. I urge everyone to support the motion.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (21:46): As foreshadowed by the Hon. Emma Hurst, the Government proposes to amend the motion. The Government acknowledges that there is strong community interest in wild horse management in Kosciuszko National Park. This is a very sensitive and difficult issue for everyone. The wild horses of Kosciuszko National Park are a part of our unique alpine heritage, representing a link to our pioneering and pastoral past. However, the Government also recognises that wild horses are adversely impacting Kosciuszko National Park's unique environment and cultural heritage.

With the adoption of the Kosciuszko National Park Wild Horse Heritage Management Plan in November last year, there is finally an agreed approach to balancing the protection of the heritage values of the wild horses

and the environmental values of the park. To protect the environmental values of the park, the wild horse population will be reduced from the 2020 estimate of approximately 14,000 horses to 3,000 horses by 30 June 2027. As a result, there will be no wild horses across 68 per cent of the park. The park's pristine environment belongs to everyone in New South Wales. It cannot be maintained in the long term if the wild horse population is not reduced over time.

To meet the legal requirements in the plan, the National Parks and Wildlife Service [NPWS] must undertake a range of control measures, including trapping, rehoming and ground shooting. All control measures, including ground shooting, are undertaken by the National Parks and Wildlife Service in accordance with the highest possible animal welfare standards, with strict requirements developed in consultation with a range of experts. Passive trapping and rehoming are prioritised where practicable and are consistent with the highest welfare outcomes. As I said in question time today, aerial shooting of horses is not permitted.

It is also important that the safety of the National Parks and Wildlife Service staff and its contractors is prioritised. Various acts have placed NPWS staff and contractors at risk, which also threatens the safety of members of the public conducting those illegal activities and jeopardises the welfare of the horses themselves. As an example, passive trapping operations have been subject to continued interference by members of the public. Yards have been tampered with, horses have been released from yards and yards have been completely dismantled. The Department of Planning and Environment is formally investigating those incidents.

Furthermore, social media comments have been made about organised protests, sit-ins and interferences in areas of wild horse ground shooting operations, as well as threats made to staff. That is unacceptable in any context. With those facts in mind, acknowledging the sensitive nature of this issue and taking into account the separate evaluation and review which are currently underway with respect to the implementation of the plan and public safety of shooting operations respectively, the Government proposes to amend the motion. I thank the Hon. Emma Hurst for her constructive engagement and her agreement to the amendment.

The Hon. PENNY SHARPE (21:49): I indicate that Labor will be supporting this Standing Order 52 motion. Given the time and that we are trying to get through many items, I will not speak for a very long time. But I will mention something that the Hon. Emma Hurst raised when speaking on this motion and it was touched on by the Minister, and that is the safety and respect of public servants who are National Parks and Wildlife Service officers or field officers in the Kosciuszko National Park. This is a very contentious issue in the community. People know this. The threats, the behaviour and how those officers are being treated on the streets in their own towns is completely and utterly unacceptable. The way we conduct this debate is extremely important. We should be respectful that people hold genuinely different views, but what is happening to those officers is unacceptable.

Some of us have been here long enough to remember that, in the heat of some of the previous debates around environmental issues and clearing land, a farmer murdered a National Parks and Wildlife Service officer who had to deal with those matters. Those things must be dealt with sensitively. I thank the Hon. Emma Hurst for indicating that any of the material provided can be redacted so that the names of those officers are not provided. It is a very sad thing that we are in this situation, but it is important to note that there are very high emotions in relation to this. But these people are doing the job we have asked them to do, that is legally required, that is part of a plan that has been agreed to and is supported. They must be able to go to work and be safe in their community.

Reverend the Hon. FRED NILE (21:51): I thank the Hon. Emma Hurst for moving this motion before the House tonight. I fully support it. The number of brumbies is not up to 24,000 or 14,000. There are not up to even 3,000 brumbies. There are barely 1,000. There remains a dwindling population of brumbies that are hard to find; they are invisible to the casual observer. The predictable end of the brumby is a sad indictment on this Government's alleged efforts at conservation and an appalling vision of a local species' extinction. I challenge all members of Parliament to visit Kosciuszko National Park and see the truth for themselves. After the recently announced pause on shooting brumbies, three brumbies that were shot to death were discovered by well-known local horseman Shannon Byrne. The bloodied and pus-filled bodies were found in the snow. I do not believe that a pause has actually occurred and I support the Animal Justice Party's Standing Order 52 motion to discover the truth about the brumby shootings.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (21:53): By leave: I move:

That the question be amended by inserting after "regarding" in paragraph (a) the words "the planning, implementation and conduct of".

Mr JUSTIN FIELD (21:53): I acknowledge and congratulate the Government for getting to a point of agreement with the mover of this motion because, above all things, transparency will be important in this process to head off some of the conspiracy theories that have built up around this issue. Preceding this call for papers with

those amendments is important for that. We cannot ignore the fact, though, that we would not necessarily be having this debate had the National Parks and Wildlife Service been allowed to do its job years ago when Government members failed to stand up to an absurd proposal by former leader of the National Party John Barilaro and allowed the heritage bill to come into law in the first place.

That has set this off, to a large degree. It allowed populations to expand to the point that now so much more work needs to be done to bring about corrective action. It has been a long and arduous process to get agreement on the management plan in the parks. That will inevitably require animals to be destroyed. I do not think the objectives are adequate, but if we are going to achieve the objectives of the Government and the plan, they will need to be shot. There is no way that rehoming and removal can achieve the objectives.

The horses will need to be shot. That is not something that can be guaranteed in every instance to be clean. But every step has been taken to ensure the highest possible welfare outcomes from what is a really horrible activity, no doubt for even those people who engage in it as a profession to have to do every day. But the problem has been allowed to get worse and worse because of decisions made in this place. Given that currently investigations are being conducted into the claims around the particular animals that were found, it is important that we do not pre-empt the findings of those investigations and circulate information that I do not think necessarily presents the facts of what occurred in the park.

That is what breeds some of the things that happen online, including, as I understand, threats of firebombing National Parks and Wildlife Service officers, which is going on at the moment. Some of that is driven by rumours being spread through emails about what happened on the ground while professional staff were trying to engage in their appropriate roles in accordance with the law in New South Wales. I am glad there could be an agreement. Hopefully, it will improve the transparency around what happened and minimise the risks associated with the campaign that is going on.

The DEPUTY PRESIDENT (The Hon. Chris Rath): The Hon. Emma Hurst has moved a motion, to which the Hon. Ben Franklin has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

COMMISSIONER OF POLICE

Production of Documents: Order

The Hon. ROD ROBERTS (21:58): I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Deputy Premier, Minister for Regional New South Wales, Minister for Police and the NSW Police Force relating to the briefing provided to Commissioner Karen Webb for Portfolio Committee No. 5 - Regional NSW and Stronger Communities hearing on Wednesday 31 August 2022 concerning Constable Daniel Keneally:

- (a) all documents, emails, notes, transcripts, recordings, briefings, legal advice, SMS, diary entries, messages sent via business communication platforms and meeting minutes provided to or made by Commissioner Webb on or before Wednesday 31 August 2022 that referred to the work status, suspension or non-suspension of Constable Keneally;
- (b) all documents, emails, notes, transcripts, recordings, briefings, legal advice, SMS, diary entries, messages sent via business communication platforms and meeting minutes provided to or made by Commissioner Webb when she stated "he was originally suspended and he's now back in the workplace" when referring to the work status, suspension or non-suspension of Constable Keneally; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a very serious matter. We have evidence of the police commissioner deliberately misleading—well, maybe not deliberately but definitely—Portfolio Committee No. 5 at a budget estimates hearing on 31 August 2022. How do we know that? On page 54 and page 55 of the transcript, I asked certain questions, to which she gave answers. I was availed of certain information, which then led me to further ask supplementary questions on notice, and we found out from those answers that the answers that the commissioner gave that day were, in fact, wrong. Not just on one occasion, but on three separate occasions the commissioner gave answers that were wrong. This is systemic.

This is not a slip of the tongue; it is systemic. I am trying to rush this because of the time. We will run out of time. Maybe I will come back next week and we will have a deep dive into this matter. This is extremely serious. It goes to the heart of law enforcement in New South Wales but, more importantly, it goes to the heart of

the operation of committees in this Parliament. We cannot have witnesses appearing before committees taking the oath to tell the truth and then finding out that they misled Parliament in their answers. The answers that the commissioner gave that day dictated my line of questioning and interfered with my ability to do my job.

The DEPUTY PRESIDENT (The Hon. Chris Rath): According to standing order, it being 10.00 p.m. proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

According to standing order, members made the following statements.

CAREERS NSW

The Hon. LOU AMATO (22:00): Back in the old days when I was at school, we used to have an important subject included in our curriculum—vocational guidance. Vocational guidance played an important role in helping students in the final years of their schooling in choosing not only a career suited to their academic ability but also a vocation that ignited their passion. My passion was machines. I spent much time as a young man in the garage with my father who was a mechanical engineer, tinkering with engines and machines. I was one of the lucky ones who knew what I wanted to do and set out to build my own mechanical engineering business. Even before I completed school, I knew how an engine worked. I could fabricate parts, was skilled in metalwork and understood the intricate workings of machines. I excelled at school subjects such as metalwork and woodwork because it was my passion.

Unfortunately, many of my schoolmates found themselves in a difficult place, unable to decide on what vocation they were suited to, or wanted, and relied on the school's vocational guidance team to assist them in choosing the right career to match their talents. Many young people today find themselves in a similar position, unable to decide on where to go once school has finished. The importance of vocational guidance in our schools is integral to teaching our young people survival skills in the workforce after completing school. Many young people find themselves taking career paths that are unsuitable to their skill set or take on a career that does not provide them with the work satisfaction so important in achieving a balanced and happy existence.

Our Premier, Dominic Perrottet; Alister Henskens, Minister for Enterprise, Investment and Trade; Sarah Mitchell, Minister for Education and Early Learning; and Victor Dominello, Minister for Customer Service and Digital Government, have released the details of increased vocational guidance for our young people through the Careers NSW program. This Government initiative takes the vocational guidance training I had when I was a student to a new level of career assistance for young people. The Careers NSW program was trialled in 32 high schools, with more than 15,000 New South Wales high school students using the program for information and assistance on personalised career guidance, coaching and support to help inspire and prepare young people for life after school.

The Careers NSW program was a key recommendation of the review into the New South Wales vocational education and training sector led by David Gonski, AC, and Professor Peter Shergold, AC. The pilot program has been a huge success and more than 100,000 students have accessed the program since the pilot program was launched last year. The Careers NSW program takes the traditional vocational guidance programs of the past by connecting young people not only with professional careers guidance but also with real industry experts, unlocking opportunities and insights into a secure and brighter future. Connecting young people with industry experts will give our students a greater understanding of the industry they wish to engage in as a lifelong career.

The program also caters to younger students where they can participate in group careers exploration sessions, while parents and guardians can be involved in their children's career path decisions by being given the opportunity to seek advice from professional careers practitioners. This support is vital for parents and guardians on how they can better support their children in career decision-making. The program has been designed to be an expansion of the Educational Pathways Program and the introduction of TAFE NSW Schools Launchpad. In addition, recent changes to the HSC and ATAR that will increase the take-up of vocational education and training in high schools provide more opportunities for young people wishing to start a career in the trades.

I am excited about this great Government initiative, as in recent times we have experienced a lack of skilled tradespeople providing many of the services requiring people with highly specialised training. The program offers guidance on existing career opportunities and also explores openings in new and emerging skills by preparing our young people for exciting prospects as new technologies emerge in our great State. I commend the Premier, the education Minister and the customer service Minister for coordinating a program that will not only benefit our young people in transitioning from school into the workforce but also provide the much-needed services our great State needs to keep moving forward.

WORKER ENTITLEMENTS

The Hon. PETER PRIMROSE (22:04): Whether it is cutting TAFE, sending manufacturing jobs overseas, privatising health services or underfunding public schools, there is an underlying mean streak at the heart of the Liberal and National parties. NSW Labor understands that our economy is changing. The New South Wales workforce is now dominated by the services sector. It is also increasingly a workforce in precarious employment. That is why NSW Labor has announced that, if elected to government next March, it will introduce a portable entitlement scheme for workers in the gig, disability, community services and home care sectors—all very highly feminised workforces across New South Wales.

NSW Labor will also establish workers compensation entitlements for people who work in precarious employment so they have the same rights as any other worker. This will allow workers in precarious employment to accrue annual leave, long service leave and other entitlements just like all other workers. The ugly reality is that, increasingly, workers in these sectors are forced to work in three, four or more jobs just to make ends meet. Without any financial security for themselves or their families if they are injured at work, become sick or need to care for a sick child, these workers and their families live from week to week and pay to pay. They cannot plan for the future and can work an entire lifetime without ever accruing long service leave, annual leave or the entitlements that other workers take for granted.

It is no coincidence that the biggest and growing group of homeless people in this State comprises women over aged over 55, who are less likely to own their own home, less likely to have any superannuation or other savings and less likely to have secure employment. In Victoria, Queensland and the Australian Capital Territory, this group of workers already has portable entitlements, including long service leave, but not in New South Wales. A NSW Labor government will recognise that all workers are entitled to live and work with dignity and security for themselves and their families no matter how they are employed. Angus McFarland, the New South Wales Secretary of the Australian Services Union, said:

... the NDIS and community services sector is the fastest growing industry in our State. Just in the next 12 months alone we need people for an extra 30,000 jobs in this sector, but the problem is workers are leaving in droves. And why is that? ... Workers are working across multiple employers Portable leave schemes will make these essential jobs, better jobs ...

I also quote Claire Urban, who has been a disability support worker and sole trader for the past five years:

... as a person who's supporting the most vulnerable in the community, it's hard for me to be able to take sick leave or annual leave, as I don't have ... the entitlements to fall back on. So I think it's important for people in my industry to have self care—

but, she says—

... you can't take sick leave when you need it because you know you won't be able to support your family.

Is any member in this House able to tell me that Claire Urban and her family deserve less than any other worker and their family? Next March there is a clear choice. We can show these workers that the hard and vital work they do is recognised and valued by our whole community, or we can keep turning our backs on them. Quite frankly, they and their families deserve better than the meanness they have been shown for the past 12 years.

TROY STOLZ AND CLUBSNSW

The Hon. ROD ROBERTS (22:08): Tonight I take the opportunity to balance the debate surrounding Mr Troy Stolz and ClubsNSW. In the past two weeks, there have been several articles in *The Sydney Morning Herald* regarding this situation. My assertion is that these articles are unfair, unjust and unbalanced and lack any form of forensic investigation. I do not intend to name the journalist involved, but they have allowed themselves to be used as a pawn in Mr Stolz's game. The journalist failed to inform the readers of the other side of Mr Stolz and therefore failed to let them form their own opinions as to the veracity and character of Mr Stolz. To do so would shine a light on the character of Mr Stolz and his motivation.

I will attempt to set the scene. Stolz is a former contractor and later an employee of ClubsNSW. He resigned in 2019 and since then has made a number of allegations against ClubsNSW in relation to money laundering and gaming in club venues. He has portrayed himself to be a whistleblower. A whistleblower he is not. I will come to that shortly. To know Stolz, though, and his motivation and credibility, one must go back in time. In June 1999, whilst employed by the Australian Protective Service to guard the Prime Minister's residence at Kirribilli House, Stolz was found by superior officers to be asleep, in a state of undress, without his firearm or radio and with empty beer bottles nearby. He was rightfully dismissed.

Unhappy with this, Stolz commenced unfair dismissal proceedings in the Australian Industrial Relations Commission. I have the transcript of that matter, *Troy Graham Stolz v Australian Protective Service*, No. 20251 of 2000, in the Australian Industrial Relations Commission. Commissioner Wilks, in his judgement dated 30 August 2000 dismissing the proceedings, said that Stolz's evidence was inconsistent with other versions he had

given. On page 6 of the judgement he said, "I do not believe him". Fast forward to Stolz's resignation from ClubsNSW in 2019.

Following his resignation, Stolz registered a number of business names that were identical to names used by ClubsNSW and which were subject to trademark registrations and common law trademark rights acquired over time. To rightfully protect its intellectual property, ClubsNSW wrote to Stolz requesting that he cease using the names. Stolz appears to have been aggrieved at this development and commenced litigation against ClubsNSW for employee-related payments and defamation. He is seeking \$1.9 million in damages. That matter is *Registered Clubs Association of New South Wales v Stolz* [2021] FCA 576.

In preparing its defence, ClubsNSW discovered Stolz was in possession of a significant amount of its confidential information. In a court-ordered disclosure regime, it was identified that Stolz and his wife had in their possession 2.3 million files relating to ClubsNSW. It should be noted that Stolz had signed confidentiality and non-disclosure agreements and had contractual obligations, all of which he flagrantly disregarded for his own commercial gains. This says a lot about the character and motivation of Stolz. I also have a transcript of the judgement of Justice Yates in *Registered Clubs Association of New South Wales v Stolz* (No 2) [2021] FCA 1418, dated 17 November 2021. I will highlight a few of the comments the judge made. At paragraph 159, he states:

... the uncontradicted evidence suggests that from the time when proceeding was in contemplation, Mr Stolz has sought to generate the public narrative, through the media, that the applicant has made its claims, and brought its proceeding, against him and Mrs Stolz as nothing more than an act of retribution—to "bash" a whistleblower ... the evidence suggests that the object of this conduct has been to arouse not just sympathy for Mr Stolz's cause, but also to foment public condemnation of the applicant for bringing and maintaining its proceeding ...

Interestingly, at paragraph 161 the judge states that Stolz actively encouraged public condemnation of ClubsNSW by, amongst other things:

... suggesting to the media how their reportage of the proceedings should be themed—for example, "Some media coverage on ClubsNSW blatant attempt to get square with the whistleblower would be good"

How did the judge know this? Because at paragraphs 35 and 36 the judgement details emails sent from Stolz to media outlets, including *The Sydney Morning Herald*, suggesting this strategy. At paragraph 171 Justice Yates states:

On the evidence before me, it is clearly arguable that Mr Stolz's conduct has had, and if continued is likely to have, the real, clear, and definite tendency to interfere with the course of justice ...

Interestingly, at paragraph 177 he states:

... in the course of this application, Mr Stolz has said that his defence in this proceeding is that he is a whistleblower. At the same time, correspondence from his former solicitors, which is in evidence, acknowledges that the protection afforded by legislation to whistleblowers is not available to Mr Stolz.

Subsequently the Federal Court issued Stolz with an order— [Time expired]

ILLAWARRA ENERGY CONFERENCE

The Hon. PETER POULOS (22:14): Several months ago, on Thursday 7 July, I attended the Illawarra Energy Conference, which was held at the BlueScope Inside Industry visitor centre. One of the keynote speakers was the Treasurer, and Minister for Energy, the Hon. Matt Kean. The purpose of the event was predominantly to enable EnergyCo—also known as the Energy Corporation of NSW, which was established to coordinate the delivery of the renewable energy zones [REZs] in New South Wales—to ensure that the REZs are strategically planned and that local communities and stakeholder groups, such as large-scale energy project developers and energy users, were engaged with and could share in the benefits associated with the REZs.

The Illawarra Renewable Energy Zone registration of interest was promoted through the conference, together with EnergyCo's broader role in the region through the development of the REZ. It also showcased collaboration with the Office of Energy and Climate Change programs in the region that focus on large-scale energy and emerging industries. Such programs include the hydrogen hubs program and the Net Zero Industry and Innovation Program.

Port Kembla serves as a key location identified in spearheading those opportunities. As members know, the New South Wales Government embraced the Illawarra region as an ideal location to establish a REZ. The region hosts major energy, port and transport infrastructure, with a skilled workforce that includes the University of Wollongong and its Innovation Campus. Importantly, the Illawarra has the potential to utilise existing dams for pumped hydro and harness significant offshore wind generation. It has strong demand for future hydrogen projects, including for future green steel production.

Three other important strategic initiatives assist in encouraging more jobs and economic growth opportunities for regional centres like the Illawarra. Firstly, EnergyCo will assist in the development of an offshore

wind industry in New South Wales. Offshore wind farms could complement the New South Wales Electricity Infrastructure Roadmap by introducing new sources of clean energy supply and driving investment to modernise the electricity system. Furthermore, the draft Australian Energy Market Operator 2022 integrated system plan identified the Illawarra to potentially host an offshore wind zone off its coast.

Secondly, the *NSW Hydrogen Strategy* will support the development of a hydrogen industry in New South Wales by outlining the New South Wales Government's bold vision and pathway to enable the State to become a global leader in hydrogen. The strategy provides a framework to unlock \$3 billion in incentives such as concessions and exemptions for hydrogen producers and to drive demand through the renewable fuel scheme. The aim is to help kickstart green hydrogen production in New South Wales. The \$70 million hydrogen hubs initiative combines demand from existing and emerging hydrogen users to deliver hydrogen in a manner that drives scale and reduces costs while focusing on innovation and enhancing our local workforce skills.

Finally, the New South Wales Government is seeking to support new manufacturing jobs through a \$250 million renewable manufacturing fund to boost locally manufactured content for the renewable energy sector, with a further \$300 million investment to expand the New Low Carbon Industry Foundations program to ignite our State's clean industry base via the green hydrogen sector. Following the closure of the registration of interest [ROI] period, it was announced in late August that the Illawarra Renewable Energy Zone had indeed attracted a phenomenal \$43 billion worth of potential investments through 44 registered projects for large-scale energy and green manufacturing projects. Those projects could potentially deliver 17 gigawatts of generation and storage capacity in total, including opportunities for offshore and onshore wind, solar, energy storage, pumped hydro, green hydrogen and green steel. Such market interest vindicates the vision of this Government's relentless pursuit of its forward-thinking reform agenda.

In summary, the ROI attracted interest in turbocharging \$35 billion in potential investment from 10 wind generation projects, with eight located offshore, totalling 12.9 gigawatts of generation capacity. Five solar projects and 16 energy storage project proposals were also submitted, including 11 batteries and four pumped hydro projects, as well as four hydrogen production projects, two hydrogen electricity generation projects and three new load projects that include steel manufacturing. The Illawarra is an economic and energy powerhouse in the renewable energy economy and will undoubtedly drive further innovation and opportunities for New South Wales well into the future.

DRUG USE

The Hon. TARA MORIARTY (22:19): Recently I toured the Medically Supervised Injecting Centre in Kings Cross to hear about its operations and results and to meet some of the team who run the place. The centre is run by UnitingCare and has been in operation for over 20 years. During that time it has moved people off the streets, out of back alleys and into a medically supervised space that can link them with treatment, health services and other supports. The centre has helped to save many lives. According to its own records it has managed 10,611 overdoses without a single death and made 19,028 referrals to health and welfare services, though I am sure that has gone up since my visit. The centre has produced an 80 per cent drop in ambulance callouts for overdoses in Kings Cross. I acknowledge medical director Dr Marianne Jauncey for her work and passion in the area. I also acknowledge Kev, who I met on my visit and who shared his story. He is now using his own experience over many years to help others to seek treatment.

The centre is a great example of an evidence-based, pragmatic approach to treating drug addiction. There are far too many people in our custodial and justice systems due to personal use issues in this area, and it is not fixing the problem. We must create more opportunities for people to manage their addictions through health and support services rather than prison. That would be better for all of us. The very long-awaited response from the Government to the Special Commission of Inquiry into the Drug 'Ice' is so important. The inquiry, conducted by Commissioner Dan Howard, SC, and the subsequent report made well-considered recommendations for necessary improvements to dealing with the issues.

According to Uniting's statistics on government spending towards solving drug dependency, 64 per cent goes to law enforcement, only 22 per cent goes to treatment, 10 per cent goes to prevention and 2 per cent goes to harm minimisation. Almost every day we hear stories of gang bosses living large and flashing their cash. In recent times, far too often they get away with shooting each other in public places in what appears to be a grab for control of the drug trade. I am not sure the balance in government spending on drug dependency is working in the way it should. Given the limited resources to support and aid people through treatment and prevention, we cannot expect the numbers of offenders in custody for drug-related offences to change, which is nothing short of a failure. More often than not this particular failure affects already disadvantaged and vulnerable communities.

The ice inquiry made significant recommendations for real initiatives to ensure that a health response rather than a criminal justice response is provided to tackle addiction and address drug use. The Government's response

took a ridiculously long time and came only after significant community pressure. While the response is very welcome, it does not go far enough. Important initiatives include further expansion of court diversion programs including the Magistrates Early Referral into Treatment Program, specialised programs for young people to prevent drug use and assist with early intervention, an expansion of the Drug Court and significantly more investment in rehabilitation services for people who need and seek it. The waiting lists are ridiculous and in many cases the costs are extortionate. We must do better.

We must also provide better drug and alcohol and mental health support in prisons and other custodial places. Two recent custodial inspector reports at Parklea and Lithgow—and there are plenty of others—found deficiencies in mental health services and long waiting lists to see mental health nurses. People need to be in the right headspace to make better choices about drug use. When people end up in our prison system for drug-related offences, that time could be spent on avenues for change. But that would require the availability of services in order to help break the cycle of dependency.

There are better, evidence-based ways of dealing with the issue of addiction than pure punishment. We must address and understand the underlying reasons for addiction and deal with them. We must steer people away from prisons and towards health services when addiction is the issue. We know that, so let us get on with it. We must absolutely go hard on the dealers and peddlers. We should throw the book at them. But addictions must be treated as a health issue, and that requires more resources.

BOATING FACILITIES

The Hon. MARK BANASIAK (22:23): We have an inclusivity issue in this State when it comes to boating infrastructure and its accessibility. As boat ramps and pontoons age, they become dangerous and the disabled and elderly cannot use the facilities. The maintenance of boat ramps and pontoons falls to local councils. Councils can apply to the Boating Now Program to receive funding, provided the upgrades meet the conditions and criteria under the program guidelines. However, the State Government's involvement ends with the novelty cheque and obligatory photo for the Minister's social media pages. Once the funding is approved, it falls on the councils to arrange contractors and carry out maintenance protocols. Maintenance on boating facilities can and does vary. The following is an extract from the NSW Boat Ramp Facility Guidelines:

All boat ramps will require a cleaning regime to be implemented for removal of marine growth, and therefore the removal of slip hazards to allow the ramp to function safely for its users. This is generally undertaken by high pressure water blasting or by other mechanical means ... The frequency and nature of routine maintenance would be subject to the local waterway and weather conditions, scale of the boat ramp facility and level of usage. The schedule of routine maintenance should be supported by an inspection program and should ensure that the facility is clean, safe and usable over the boating season.

Unfortunately, these guidelines are not legally binding. To be funded, the project must meet the criteria outlined; however, Transport for NSW would never know because it never checks. Specific details on the projects are detailed in the letter of offer and conditions of grant document, but then, once again, the State Government does its best impression of Pontius Pilate.

What members of my party have found—because, unlike the Government, we have actually listened to recreational boaters—is that many councils are not keeping their end of the deal regarding boating facilities and their maintenance. They become degraded and unusable. In some cases, councils are changing the scope of the project to fund non-boating-related facilities in their local government areas. In fact, a boating association contacted 32 councils to find out what their maintenance schedules were for the boating infrastructure. To their dismay, they found that 20 of the councils had no protocols at all. This is all due to costs—costs that our local councils simply cannot bear.

Programs like Boating Now have the potential to enhance regional areas with the infrastructure that the funds build. They provide the opportunity to grow local investment and draw tourism into the area. But what we now see is that there is less uptake by councils to get involved because, with these grants, they know that the maintenance costs are on them. We see inclusivity issues popping up on the shoreline because the elderly and disabled simply cannot use the degraded facilities. We also see a conga line of Ministers passing the buck in response to letters written to them about the accessibility issues, including the Minister with responsibility for ageing and disability.

In August the Government announced a measly \$2 million for maintenance. Minister Elliott said, "We've listened to feedback from boating stakeholders and as a result we've made up to \$2 million available as part of round four of the Boating Now Program to help owners return boating assets to their optimal operational condition." That \$2 million is chump change when you consider that, of 32 councils asked, only 12 councils have maintenance protocols in place. The degradation is huge across our State. I dare say one boat ramp repair would eat up that \$2 million in no time.

I would say to the Government that there should be no more passing the buck on to local councils. Degraded boating facilities are not only dangerous but they also become an eyesore if they are not maintained. This State has some of the best waterways in the world. We should have world-class boating facilities in every coastal suburb, and the State Government should be fully funding their maintenance.

BALI BOMBINGS TWENTIETH ANNIVERSARY

The Hon. SCOTT BARRETT (22:27:48): I pay tribute to all those affected by the Bali bombings, which occurred 20 years ago today. It was a tragic event that had an impact on so many lives—and, in truth, the whole country. In particular, I acknowledge those from Forbes who were impacted. In Kuta on that night were 25 members of the Forbes Rugby Club on an end-of-season trip celebrating a successful year, having won the Central West Rugby Premiership. Unfortunately, only 22 of those men came home. Paul Cronin, Brad Ridley and Greg Sanderson lost their lives that night.

It left a huge hole in the Forbes Rugby Club and community, not to mention the impact on their families. Survivors gathered in Forbes today to remember those events and, importantly, to pay tribute to those who lost their lives—their mateship, their loyalty and their strength. On the Bali memorial that stands at the Forbes Rugby Club are the words "Never Forgotten". I know that the Forbes community will make sure those words ring true.

I further pay tribute to the Forbes community members and the way they have supported those affected. They threw their arms around those people in the way that only a small country town can do. In a quote that was reported today in the *Forbes Advocate*, Murray Fraser, who is one of the toughest blokes I have come across on the footy field, said:

We had 22 blokes come home and through the care and support and love from Forbes we've still got 22 blokes, that's a huge reflection on how much help and support we got.

Let us make sure these people—victims and survivors—are never forgotten and let us continue to get around and support all those affected.

[*Business interrupted.*]

Members

THE HON. ROBERT BORSAK

Messages

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

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

That this House:

- (1) Considers the statement, "He should have got up and clocked her", is a threat of violence directed by the Hon. Robert Borsak towards the member for Murray.
- (2) Condemns the Hon. Robert Borsak for making the threat, which constitutes dangerous workplace behaviour.
- (3) Notes the importance of the Legislative Council ensuring its members adhere to the standards set in the Legislative Council's Code of Conduct.
- (4) Calls on the Hon. Robert Borsak to apologise publicly to the member for Murray.
- (5) Sends a message to the Legislative Council informing it of the Legislative Assembly's resolution.

Legislative Assembly
12 October 2022

JONATHAN O'DEA
Speaker

Adjournment Debate

ADJOURNMENT

[*Business resumed.*]

The PRESIDENT: The House now stands adjourned.

The House adjourned at 22:30 until Thursday 13 October 2022 at 10:00.