



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Eighth Parliament
First Session**

Thursday 24 August 2023

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

| | |
|---|----|
| Documents | 1 |
| Register of Disclosures | 1 |
| Motions | 1 |
| National Forestry Day..... | 1 |
| Workplace Health and Safety | 1 |
| Bonnyrigg Sports Club Serbian Folkloric Festival..... | 2 |
| Lidcombe RSL Sub-Branch Victory In the Pacific Day Anniversary..... | 2 |
| Committees | 2 |
| Standing Committee on Law and Justice..... | 2 |
| Reference | 2 |
| Motions | 3 |
| AusPak Women Association Pakistan Independence Day | 3 |
| Petitions | 3 |
| Petitions Received | 3 |
| Business of the House..... | 4 |
| Postponement of Business | 4 |
| Matter of Public Importance | 4 |
| Brumbies In Kosciuszko National Park..... | 4 |
| Questions Without Notice..... | 10 |
| Member for Newcastle..... | 10 |
| Renewable Energy | 10 |
| Office of the Cross-Border Commissioner | 11 |
| Electric Vehicles | 12 |
| Social Housing | 14 |
| Exhibited Animals | 14 |
| Office of the Cross-Border Commissioner | 15 |
| State Finances | 17 |
| Oakes State Forest | 17 |
| Office of the Cross-Border Commissioner | 18 |
| Cultural Festivals | 19 |
| Hunter Region Wind Farm Zone | 20 |
| Office of the Cross-Border Commissioner | 20 |
| Regional Roads | 22 |
| Supplementary Questions for Written Answers | 22 |
| Office of the Cross-Border Commissioner | 22 |
| Renewable Energy | 22 |
| Questions Without Notice: Take Note..... | 22 |
| Take Note of Answers to Questions | 22 |
| Office of the Cross-Border Commissioner | 23 |
| Office of the Cross-Border Commissioner | 23 |

TABLE OF CONTENTS—*continuing*

| | |
|---|----|
| Electric Vehicles | 23 |
| Office of the Cross-Border Commissioner | 24 |
| Social Housing | 24 |
| Office of the Cross-Border Commissioner | 24 |
| Office of the Cross-Border Commissioner | 25 |
| State Finances | 25 |
| Hunter Region Wind Farm Zone | 25 |
| Aboriginal and Torres Strait Islander Voice and Government Agencies | 26 |
| Social Housing | 26 |
| Cultural Festivals | 26 |
| Take Note of Answers to Questions | 27 |
| Deferred Answers | 28 |
| Teacher Wages | 28 |
| Teacher Wages | 28 |
| Broadmeadow Place Strategy | 28 |
| Written Answers to Supplementary Questions | 28 |
| Childcare and Economic Opportunity Fund | 28 |
| Documents | 28 |
| Tabling of Papers | 28 |
| Tabling of Papers | 29 |
| Matter of Public Importance | 29 |
| Brumbies In Kosciuszko National Park | 29 |
| Visitors | 37 |
| Visitors | 37 |
| Personal Explanation | 37 |
| Brumbies In Kosciuszko National Park | 37 |
| Business of the House | 37 |
| Conduct of Business | 37 |
| Documents | 38 |
| Tabling of Papers | 38 |
| Committees | 38 |
| Joint Select Committee on Protecting Local Water Utilities from Privatisation | 38 |
| Establishment and Membership | 38 |
| Bills | 38 |
| Revenue, Fines and Other Legislation Amendment Bill 2023 | 38 |
| Second Reading Speech | 38 |
| Second Reading Debate | 45 |
| In Committee | 47 |
| Adoption of Report | 60 |
| Third Reading | 60 |
| Motor Dealers and Repairers Amendment Bill 2023 | 60 |
| First Reading | 60 |

TABLE OF CONTENTS—*continuing*

| | |
|--|----|
| Second Reading Speech..... | 60 |
| Sydney Olympic Park Authority Amendment (Hill Road Upgrade) Bill 2023..... | 64 |
| First Reading..... | 64 |
| Second Reading Speech..... | 64 |
| Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023 | 65 |
| Second Reading Speech..... | 65 |
| Second Reading Debate | 67 |
| In Committee | 71 |
| Adoption of Report..... | 74 |
| Third Reading | 74 |
| Revenue, Fines and Other Legislation Amendment Bill 2023 | 75 |
| Messages..... | 75 |
| Documents | 75 |
| Tabling of Papers..... | 75 |
| Committees | 75 |
| Portfolio Committee No. 7 - Planning and Environment | 75 |
| Reference | 75 |
| Adjournment Debate..... | 75 |
| Adjournment..... | 75 |
| Teacher Wages..... | 76 |
| Cost of Living..... | 76 |
| Western New South Wales Services..... | 77 |
| Intergenerational Report 2023 | 78 |
| Foster Carers and Guardians Parental Leave Entitlements..... | 79 |
| St John Ambulance | 79 |
| Ireland Reunification | 80 |

LEGISLATIVE COUNCIL

Thursday 24 August 2023

The PRESIDENT (The Hon. Benjamin Cameron Franklin) 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.

Documents

REGISTER OF DISCLOSURES

The PRESIDENT: According to clause 21 of the Constitution (Disclosure by Members) Regulation 1983, I table the Register of Disclosures by Members of the Legislative Council: Primary returns and Discretionary returns for the period May 2023 to 23 August 2023.

Motions

NATIONAL FORESTRY DAY

The Hon. MARK BANASIAK (10:02): I move:

- (1) That this House notes that:
 - (a) 22 August 2023 marks National Forestry Day;
 - (b) National Forestry Day recognises the critical nature of Australia's forestry products and the benefits they bring, including the dependence of many regional communities on the industry;
 - (c) in Australia, the forestry product sector supports approximately 180,000 jobs, both directly and indirectly;
 - (d) from the timber house frame inside our walls to skirtings, the hardwood timber dining table or decking outside, timber products have a presence in our daily lives and are well known to boost both comfort and mental health;
 - (e) carbon collected by trees and stored inside timber is retained for life, even in the finished form of timber products, creating a renewable and sustainable resource;
 - (f) the timber industry contributes \$24 billion to our national economy, much of which is derived from the regions, underpinning hundreds of local communities;
 - (g) an often overlooked and easily forgotten by-product of our timber industry is the expert fire management teams within; and
 - (h) these teams understand the forests' ecologies and are often the first to put themselves in harm's way to protect forests and communities from the devastation of wildfires, such as the unparalleled 2019-20 event.
- (2) That this House calls on the Government to:
 - (a) acknowledge the impact and dependence timber supply has on our day-to-day lives;
 - (b) recognise that the demand for timber supply is predicted to quadruple by 2050;
 - (c) recognise the hard and tireless efforts of forestry firefighters in protecting our forests and communities from wildfires; and
 - (d) regard the space in which forestry workers operate as a workplace and acknowledge that it should be treated as a safe environment.

Motion agreed to.

WORKPLACE HEALTH AND SAFETY

The Hon. MARK BUTTIGIEG (10:03): I move:

That this House notes that:

- (a) young workers are one of the most at-risk groups when it comes to workplace injuries and illnesses;
- (b) inexperience on the job and unfamiliarity with workplace health and safety risks, policies, procedures and rights leave young workers vulnerable to injury;
- (c) according to SafeWork NSW, every year at least 15,000 young workers are injured in New South Wales;
- (d) motor vehicle mechanics are faced with a number of potential workplace health and safety hazards, including working with dangerous machines, exposure to fumes and physically strenuous labour;

- (e) in July, Minister for Work Health and Safety Sophie Cotsis announced that SafeWork NSW inspectors would be carrying out a month-long blitz of compliance checks at motor vehicle mechanics targeting unsafe working practices for young apprentices;
- (f) SafeWork NSW Young workers eToolkit provides advice about workplace health and safety for young workers, with sections targeted at employers, parents and guardians, educators and young people; and
- (g) any worker can anonymously lodge work health and safety concerns to SafeWork NSW on the Speak Up Save Lives website and app.

Motion agreed to.

The PRESIDENT: I remind members to keep the noise to a minimum while I am trying to listen for objections.

BONNYRIGG SPORTS CLUB SERBIAN FOLKLORIC FESTIVAL

The Hon. RACHEL MERTON (10:03): I move:

- (1) That this House notes that the Bonnyrigg Sports Club held the thirty-fifth Serbian Folkloric Festival on 11 to 13 August 2023, which the Hon. Rachel Merton, MLC, was honoured to attend, representing the Leader of the Opposition, the Hon. Mark Speakman, SC, MP, and shadow Minister for Multiculturalism, shadow Minister for Jobs, Industry, Innovation, Science and Technology, and shadow Minister for South-Western Sydney, Mr Mark Coure, MP.
- (2) That this House notes that the following people attended:
 - (a) the Very Reverend Father Miodrag Peric representing His Grace Siluan, Bishop of the Metropolitan of Australia and New Zealand Serbian Orthodox Church;
 - (b) His Excellency Mr Rade Stefanovic, Ambassador of the Republic of Serbia to Australia;
 - (c) Ms Charishma Kaliyanda, MP, member for Liverpool;
 - (d) Mr Nathan Hagarty, MP, member for Leppington;
 - (e) Mr David Saliba, MP, member for Fairfield;
 - (f) the Hon. Tania Mihailuk, MLC;
 - (g) Ms Anne Stanley, MP, member for Werriwa;
 - (h) Ms Dai Le, MP, member for Fowler; and
 - (i) Councillor Frank Carbone, Mayor of Fairfield City Council.
- (3) That this House notes that the Serbian Folkloric Festival was a celebration of Serbian culture with the vision to celebrate and preserve Serbian folkloric heritage and culture in Australia.
- (4) That this House congratulates Bonnyrigg Sports Club, including its President Mr Cedomir Jesic, for hosting the event and its role in preserving Serbian culture.

Motion agreed to.

LIDCOMBE RSL SUB-BRANCH VICTORY IN THE PACIFIC DAY ANNIVERSARY

The Hon. RACHEL MERTON (10:03): I move:

- (1) That this House notes that the Lidcombe RSL Sub-Branch held a memorial service commemorating Victory in the Pacific Day, which the Hon. Rachel Merton, MLC, was honoured to attend.
- (2) That this House notes the following people attended:
 - (a) Councillor Helen Hughes, Cumberland City Council; and
 - (b) Councillor Paul Garrard, Cumberland City Council.
- (3) That this House notes that almost 40,000 Australian men and women lost their lives during the Second World War, including over 8,000 people who died as prisoners of war under Japanese control.
- (4) That this House commends the Lidcombe RSL Sub-Branch, including its president, Steve Yang, for commemorating the occasion.

Motion agreed to.

Committees

STANDING COMMITTEE ON LAW AND JUSTICE

Reference

The Hon. GREG DONNELLY (10:04): I move:

That the minutes of proceedings, transcripts of evidence, tabled documents, submissions, correspondence, answers to pre-hearing questions, questions taken on notice and supplementary questions, and pro forma documents received by the Standing Committee on Law and Justice during its 2022 Review of the Workers Compensation scheme in the previous Parliament be referred to the Standing Committee on Law and Justice.

Motion agreed to.

Motions

AUSPAK WOMEN ASSOCIATION PAKISTAN INDEPENDENCE DAY

The Hon. MARK BUTTIGIEG (10:04): I move:

- (1) That this House notes that on 13 August 2023 the AusPak Women Association held the "Azadi" or Freedom Parade celebrating Pakistan Independence Day, and the Hon. Mark Buttigieg, MLC, was honoured to attend and deliver a speech at the invitation of Ms Dur e Shahwar Bilal as well as represent the Minister for Multiculturalism, the Hon. Stephen Kamper, MP.
- (2) That this House congratulates the AusPak Women Association, including the president, Ms Shafaq Jaffery, and general secretary, Ms Dur e Shahwar Bilal, for conducting this great event which started at the Faudijan Restaurant and included a number of interesting speeches, an impressive flute performance, a delicious breakfast and several awards presentations for best traditional costume. This was followed by a vibrant musical procession through the streets of Auburn with participants waving the Pakistan flag and singing, a stop-off at Student Biryani Auburn to cut a cake displaying the flag of Pakistan and ending back at the Faudijan Restaurant.
- (3) That this House sends its best wishes to the Pakistani community in New South Wales on the occasion of Pakistan's Independence Day.

Motion agreed to.

Petitions

PETITIONS RECEIVED

South West Rocks Development and Environmental Protection

Petition requesting the Legislative Council call on the Government to order a moratorium on all development approvals in South West Rocks that are older than five years, and review and amend those approvals to comply with State environment planning policy; protect habitat from destruction; and conduct an urgent inquiry into the New South Wales planning system to ensure developments are consistent with environmental and planning instruments and not in areas of extreme risk from climate change, received from **Ms Sue Higginson**.

Hallidays Point Development and Environmental Protection

Petition requesting the Legislative Council call on the Government to place a moratorium on any further work under a development approval for 10.6 hectares of koala habitat corridor pending a habitat-impact review conducted in accordance with biodiversity protection legislation requirements; require a biodiversity assessment of threatened species; and review the site's suitability for new residents and an aged care facility, received from **Ms Sue Higginson**.

Dalmeny Development and Environmental Protection

Petition requesting the Legislative Council call on the Government to amend planning legislation to protect habitat; ensure new developments are built on already urbanised land and not in bushfire- and flood-prone areas; review zoning and development plans to protect coastal communities from urban sprawl; and act to prevent the clearing and development of Dalmeny bushland and ensure habitat protection in perpetuity, received from **Ms Sue Higginson**.

Tuross Head Development and Environmental Protection

Petition requesting the Legislative Council call on the Government to immediately protect 10 hectares of Coila Lake foreshore in Tuross Head to preserve wildlife and habitat from destruction; recognise the importance of First Nations cultural heritage by withdrawing any Aboriginal cultural heritage impact permit for the site and develop its recreational and tourism values; and amend the Environmental Planning and Assessment Act to restrict developments approved under defunct regulatory instruments and introduce a moratorium on development work approved more than 10 years ago, received from **Ms Sue Higginson**.

Lake Macquarie Development and Environmental Protection

Petition requesting the Legislative Council call on the Government to request the Federal environment Minister to refuse consent for conditional approval of the development of 11.3 hectares of bushland on Myall Road in the City of Lake Macquarie, place a stop work order at the site pending a complete review of the approval, direct the New South Wales Department of Planning and Environment to re-evaluate the conditional approval

decision, and direct the department and Lake Macquarie City Council to rezone and develop the area for community recreation and biodiversity conservation, received from **Ms Sue Higginson**.

The PRESIDENT: I remind all members that when they are seeking the call it would be helpful if they stand and in a clear and loud voice—but without yelling—say, "Mr President".

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: On behalf of the Hon. Courtney Houssos: I postpone Government business notice of motion No. 1 until a later hour of the sitting.

The Hon. PENNY SHARPE: On behalf of the Hon. John Graham: I postpone Government business notice of motion No. 2 until a later hour of the sitting.

The Hon. PENNY SHARPE: I postpone Government business notice of motion No. 3 until a later hour of the sitting.

The Hon. STEPHEN LAWRENCE: I postpone matter of privilege notice of motion No. 1 until the next sitting day.

Matter of Public Importance

BRUMBIES IN KOSCIUSZKO NATIONAL PARK

The Hon. EMMA HURST (10:22): I move:

That the following matter of public importance be discussed forthwith:

The New South Wales Government's proposal to undertake aerial shooting of brumbies in Kosciuszko National Park.

This is the first matter of public importance I have moved in this place, and for good reason. The announcement by the New South Wales Labor Government that it is proposing to commence aerial shooting of brumbies in Kosciuszko National Park has come as a shock to many in the State, including animal protection organisations, brumby advocates and the local community. This was not an issue that the New South Wales Government took to the March 2023 election, and it is no surprise as to why it kept it secret. The community does not want to see mass aerial shooting of wild horses under any circumstance. The people of New South Wales do not want to see a bloodbath in Kosciuszko National Park, and yet that is exactly what we will see happen if the proposed amendment to the wild horse management plan proceeds.

Aerial shooting has not been conducted in New South Wales since 2000, when under a previous Labor Government we saw the horrific outcome of the shooting operation at Guy Fawkes River National Park. Bodies were left lying on the ground, and horses suffered for hours and days as they experienced slow, lingering deaths; a community absolutely traumatised. Why would we want a repeat of that? It is very hard for me to understand why the Minns Labor Government would want one of its first acts of government to be ordering the mass killing of thousands of horses, especially when there are so many other pressing issues facing humans, animals and the environment that should be taking priority and are currently being neglected by this Government.

Of course, it goes without saying that the Animal Justice Party wants to see native animals, including threatened animals, protected—including in Kosciusko. But we must find a balance to protect both. I am not looking for a debate about native animals versus the horses, and to simplify it in that way misunderstands the entire issue. We need to find the most humane option and most effective options to ensure neither suffer and native animals are protected into the future. That is why aerial killing simply is not the answer for horses or native animals.

To protect native animals, we need to know how many horses there are in the park so that we can have a genuine understanding of any impact. We need to understand the complex interactions with other animals, including other introduced animals, to understand what will happen if we reduce the number of horses in the park. We need to understand the impact on small native animals when horses are running for their lives across large areas of land. We also need to understand the impact of leaving large numbers of dead bodies, which will attract large numbers of scavenger animals, and what impact that has on native species. We are not being given any information about this, and we have seen this fail so many times in the past.

The Animal Justice Party is deeply concerned about the proposal to amend the wild horse management plan, given the potentially devastating animal welfare and safety impacts of aerial shooting. I know that many other MPs in this place also hold serious concerns. Given the change to allow aerial shooting will occur via an amendment to the wild horse management plan, rather than a bill or regulation that will come to the Parliament, I believe it is appropriate that we as a Chamber are able to have a debate about this issue and speak to some of

these concerns. I have been advised that the Government will not be opposing this matter of public importance today, and I am grateful to the Minister for that. Given that, I will leave my comments there and save my debate for the substantive motion.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:26): The Government is happy to discuss this matter of public importance and will not oppose the discussion coming on.

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

Motion agreed to.

The Hon. EMMA HURST (10:26): Before I go any further into my contribution, I take a moment to address some of the rhetoric around brumbies. There are some in this debate who seem to believe that anyone who cares about brumbies is simply blinded by emotion and is not willing to listen to the so-called "science". It is quite a sexist and outdated notion that someone can only be emotional or rational and scientific but not both, or that emotion is somehow a bad thing. That is the derisive and disrespectful way that people who care about brumbies are often spoken about. I personally find it quite disturbing that any person would not feel some level of distress at the idea of killing thousands of sentient animals and in such a brutal manner. With that in mind, let us look at some of the science and the research around aerial killing, because it is not good.

According to the *Final Report of the Kosciuszko Wild Horse Scientific Advisory Panel* published in 2020, there has been only one study examining the welfare outcomes of aerial shooting in horses—just one. It was published in 2017 and made some very concerning findings. Horses were observed to be non-fatally wounded, and, although the majority of shots were aimed at the head, 65 per cent of the horses ended up being shot in the spine or chest, which is not surprising, given how difficult it is to take a shot at a moving horse from a moving vehicle in the air. At least 37 per cent of horses did not have an instant death.

The study also made it clear that the outcomes of aerial shooting operations are highly dependent and variable on the skill of the shooter and the pilot. Other known risk factors associated with aerial shooting include the significant stress, fear and trauma caused to horses in the helicopter pursuit, as well as the potential environmental impacts that are caused when large numbers of horses flee the helicopter. This chase, as well as the deaths caused by aerial shooting operations, can break up families and social structures and cause ongoing welfare issues to those who survive, including dependant foals, who may be left to die a slow death from starvation if their mother is killed.

Under the Government's proposed amendments to the wild horse management plan, aerial shooting in Kosciuszko will be conducted in accordance with the *Aerial Shooting of Feral Horses (HOR002) Standard Operating Procedure*, published by PestSmart. This standard operating procedure says that an "initial shot to the chest is preferred since it is easier to achieve with a moving animal". This is really concerning, as all the evidence shows that a shot to the chest is more likely to cause a slow and painful death, and it is something RSPCA Australia has raised concerns about in the Federal inquiry into this issue. RSPCA Australia has raised questions about the difficult terrain in Kosciuszko, which can create even more welfare issues. Aerial shooting in steep and undulating areas can result in even more injuries and make it near-impossible to identify and assist injured or wounded animals.

Even the standard operating procedure relied on in the proposed amendment to the wild horse management plan says aerial shooting should not be done if the nature of the terrain reduces accuracy, resulting in too many wounded shots. Yet steep and undulating terrain is exactly what pilots and aerial shooters are going to encounter at Kosciuszko National Park. In fact, it is the excuse we have been given over and over again as to why immunocontraceptives would not work in the park. We are told the terrain is too difficult and mountainous—"You won't be able to dart them"—but apparently it is not too difficult to shoot them.

Another problem is that the amendments to the wild horse management plan are general and do not provide much detail as to the specifics of how any aerial shooting operation would be carried out, which makes it difficult for members of the public to provide meaningful feedback. The amendments to the wild horse management plan simply rely on the *Aerial Shooting of Feral Horses (HOR002) Standard Operating Procedure* published by PestSmart. However, this is quite a vague document that often talks about certain animal welfare measures that should be done or that are preferable. For example, it states:

- To minimise the animal welfare implications of leaving dependent foals to die a slow death from starvation, it is preferable not to run aerial shooting programs when mares have dependent young at foot.

It is not clear how these operational measures relating to conducting aerial shooting operations will be implemented in Kosciuszko. We do not know a lot of other details. We do not know when the proposed aerial shooting is planned to take place or how much it will cost. We do not know if the park will be open or closed

when the shooting operations are conducted, raising serious human safety risks. We do not know how long the shooting is planned to go for—how many weeks, months or years.

We do not know whether it will happen in winter or summer, during foaling season. We do not know the competency of the shooters who will be undertaking the kill or whether there will be any external oversight or transparency, such as video surveillance, independent observers or people on the ground to ensure that any wounded horse or dependent young are tracked down. We do not know if any of the dead bodies of the horses killed will be removed from the park or whether they will be left behind to rot. There are so many unknowns. I do not know how any member in this place could say with confidence that they understand the scope and impact of this aerial shooting operation.

Of course, the Government claims the aerial killing regime is necessary due to the high estimated numbers of brumbies in the park. However, as members would be aware, there have been longstanding concerns about the methodology used to estimate brumby populations in Kosciuszko National Park. A new report prepared by an independent biostatistician has found that there are significant flaws in the survey methodology used to count the number of brumbies and that insufficient numbers of brumbies were sighted in previous surveys to apply statistical modelling techniques to accurately estimate the brumby populations. To give just one example of the problems with this methodology, Ms Galea described a scenario where there were insufficient horses seen in the raw count, so the number of horses cited in both 2014 and 2019 were simply added together. Members do not need to be experts to know that this is a case of lies, more lies and statistics.

These population modelling techniques have often resulted in implausible population increases and other statistical anomalies. A great example is seen in the estimated number of horses in the Byadbo region of the park. In 2014 the survey conducted by NSW National Parks and Wildlife found 366 horses in Byadbo, which, when modelling was applied, led to a population estimate of approximately 4,000 horses in that area. Five years later, the 2019 survey found 362 horses in the same area, four fewer horses than in 2014. Yet when the same modelling was applied, it produced a population estimate of just over 8,000 horses.

The number of horses actually seen remained almost the same yet the population estimate for that area doubled. How can that possibly make sense? Are we meant to believe that the mares at Byadbo were each producing seven foals every year from 2014 to 2019? Consider this along with the fact that horses remain pregnant for 11 months, which means that a horse can have one foal a year, not seven. It is biologically impossible. A horse can only have one foal a year, and twins are very rare. That is how stupidly inaccurate this data is. How can we trust the methodology here when it is producing such bizarre and obviously wrong outcomes?

It would come as no surprise to the Minister that these numbers are so wildly wrong. These are the same flawed population modelling techniques used to estimate kangaroo numbers in New South Wales, which came under intense scrutiny by the Minister and other Labor MPs during the upper House kangaroo inquiry. These reports and findings reaffirm what local brumby advocates and residents have been saying for many years: There is simply not the number of brumbies in Kosciuszko National Park that has been claimed. It is deeply concerning to me that the Government is happy to rely on population data estimates produced by such questionable methodology, especially when that methodology is being used as a justification for taking the lives of so many animals in such a brutal way.

I appreciate that the Minister has now announced there will be a recount prior to the commencement of any aerial shooting. I am grateful to her for agreeing to this. However, I stress that in order to gain community confidence, there must be a truly independent count using best practice, not a recount using the same old flawed methods undertaken by the same people. We need to involve independent experts in the design of this survey. We need to ensure that there is publication of photo and video imaging to validate the raw counts, and we need to use population modelling techniques that are best practice.

Other MPs and political parties in this House hold the position that if there are too many brumbies in the park, aerial shooting could be used as a last-stop measure. Obviously the Animal Justice Party sits in a different space ideologically. We believe aerial shooting to be so inhumane that there is no justification. However, I say to those other MPs and parties who do believe it is justified under certain circumstances that we do not have any data to justify it in this case. With flawed modelling such as I have described, no-one can justify it.

If the new count shows that the population is much lower than previously reported, we need to assess if management is required and what form it should take. Perhaps no management is necessary if the numbers and impact of the horses is low. If it is higher than we would like, we can look into options such as fertility control. Many times in this place I have expressed frustration that there has still not been any investment in fertility control by National Parks or the Government. Clearly it is the most humane and effective solution we have available. It would enable National Parks to manage the brumby population into the long term, if necessary, to avoid damage

to particular native species or the environment. The United States has been using this technology for over a decade and has full control over the numbers of wild horses in parks similar to Kosciuszko.

Ever since I was elected to this place I have strongly advocated for the Government to, at the very minimum, start a trial of immunocontraceptives in a section of the park. I have met with researchers from the US who are having promising results using an oocyte growth factor, which can make horses infertile with a single dart with minimal welfare impacts. This would be an excellent option for us to trial here in Kosciuszko. The researchers have expressed strong interest in doing so yet no-one in the Government is willing to even look at it.

I also strongly believe that in light of the significant question mark around the numbers of brumbies in the park at this point in time—an ongoing concern from the community—we need a moratorium on all shooting and killing operations until this independent recount is undertaken and the results considered. I get concerned calls regularly from advocates in the public who say huge numbers of horses are being removed from the park—too many for re-homers to take—and they are being sent to knackeries, causing significant distress in what is already a difficult time for people who care deeply about these brumbies.

As I said at the outset, the Animal Justice Party wants to see native animals protected, including threatened animals. We want to give all sentient beings the best chance to thrive and live good lives and we do not want to see any animals go extinct. But we must find the right balance here, instead of moving to kneejerk reactions like aerial killing when the evidence is simply not there to back it up. It is an ongoing source of frustration to me and others that there is such intense scrutiny on the impact of horses on the environment in Kosciuszko yet complete silence on the main causes of harm. There is no discussion about the impact of human development. There is no discussion about the impact of climate change. There is no discussion about the impact of diseases like chytrid fungus and how they impact the native frog populations. All the blame is put on the horses.

To those who continually vilify the brumbies in this debate, I say this: I will never vote to open up an aerial shooting bloodbath on any animal, ever. No species of animal is planning an invasion. They have no evil intent. The wild horses currently residing in Kosciuszko did not ask to be brought here. The ancestors of these horses were brought here against their will on ships over 200 years ago. A wild horse has the same capacity to feel pain and fear as a native animal and their lives deserve the same level of dignity and respect. We must protect both native animals and the horses residing in the park. In fact, we have a duty to do so.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:39): I acknowledge the deeply sincere views and ongoing activism the Hon. Emma Hurst has brought to the brumby matter over a long time. However, when we talk about this matter there is a fundamental disconnect, which is that we have to choose one animal over another given the impact brumbies have on other animals. The Animal Justice Party does not believe that we should be killing any animals or any sentient beings.

I respect that, but that is not the choice that we are left with as we grapple with what is happening in Kosciuszko National Park. Kosciuszko National Park, Australia's alpine area, is the largest national park in New South Wales. It is almost the size of Bali. It is a place of global significance. It contains Australia's highest mountains, unique glacial landscapes, plant and animal species that are found nowhere else on Earth and a large number of unique, threatened native species. The region also has ancient and important First Nations history that is at risk and not well understood. The park encompasses significant water catchments in the headwaters of the Murray River system and globally significant wetlands.

One of the first national parks I visited as Minister for the Environment was the Kosciuszko National Park. I was genuinely shocked by what I saw. I had been aware of the debate about the number of horses there for a long time—it has been dealt with in this House a lot—but the damage being done by wild horses to native species in the alpine landscape is irrefutable. As the Minister for the Environment, and as part of this Government, I cannot stand by and pretend that we can do nothing. On the ground the extent of the damage hits home. There are degraded waterways and heavily used horse tracks carved out through plains and grasslands. I was so naive that I thought the tracks were pathways that had been made by people walking through the park. In any other national park, that would not be allowed to occur. There is trampled vegetation and waterways and there are piles of horse manure. I never thought that I would see something like that.

I make it clear that there is no disagreement about horses staying in the park or recognising their importance to many people in the community. There is a lot of misinformation about the issue; the point is that it has been resolved. The legislation recognises that there are too many horses in the park and that we need to manage and control them to get the numbers down to 3,000. There is no disagreement on that. I have spoken to many activists who are concerned that their access to the park, which they have enjoyed with their horses for many decades, will end. I place on record for those activists—and I know that there are many—that that will not happen. We respect

and value the horses in the park and we respect people's enjoyment of them. We also understand the impact the brumbies have in bringing people to the park. None of that is under threat.

The issue that the Government is tackling is that species will become extinct, in a national park, because the damage is too great. We cannot stand by and let that happen. There are 32 State- and Commonwealth-listed threatened species and four ecological communities that call Kosciuszko home. We are obliged by legislation to protect and take active steps to ensure that those species and communities do not become another chapter in Australia's poor history of extinction. There are frogs, small mammals, rats, skinks, crayfish and fish, and all of them are under threat. As I have said, there are difficult choices to be made, one of which is whether one animal that is not a native species should be put ahead of others. I just do not believe that we can do that.

There are small native rats with short and dense fur to protect them from the snow. They burrow into alpine grass to form nests and burrows in order to breed. The hard hooves of the horses crush the grass and destroy habitat where the rats live, which prevents them from creating nests and burrows and stops them from breeding. Habitat degradation and the loss of ground cover caused by the horses is a recognised threat to the survival of those animals. The corroboree frog, of which there is the northern and the southern, is an iconic species. They are tiny and toxic, but quite beautiful, and they only live in one place in the world—Kosciuszko National Park. They are also an incredible part of the Dreaming stories of the traditional owners of the land. There are very few of them left. The impact of the horses on their habitat—the native sphagnum bogs, the wet heath, the tussock grassland and the low-lying depressions—puts them under threat.

The honourable member asked why Labor did not take the brumbies issue to the election. I am very happy to talk about that. It is because the plan to get the wild horses down to 3,000 had already been agreed upon. After visiting the park I was briefed about how that plan was travelling. I asked how the control methods were going, and it became clear that the legislatively required number will not be reached and that the damage was harder. The Government is being up-front about this. We are having this discussion because we are in the middle of a proper consultation process. I have asked for a community consultation to discuss whether there should be other options—one of which is aerial shooting—for reducing the number of horses. The reason for aerial shooting is that there are too many horses. There is also a significant animal welfare issue. If done properly, aerial shooting is the most humane way to cull invasive species.

People do not like it, but it happens all over the State. I remind members that the Minister for Agriculture has already told the House about the culling of over 50,000 pigs this year because they were running riot everywhere. That was done through aerial shooting. It is an extremely important option. The proposed amendment allows aerial shooting as an additional option for wild horse control. Trapping and rehoming are definitely part of the tool kit. I am also open to reproductive control as an option, but the issue with that is that there are too many horses. We need to get the numbers down to a point where we can trial that option properly. The Government is absolutely committed to doing that. Under the plan the Government is legally required to reduce the wild horse population to 3,000 in 32 per cent of the park by 30 June 2027. We will not be able to meet that target. Yesterday, at a public hearing of a related Senate inquiry, the Australian Veterinary Association made the following statement:

There is a disproportionate weight given to the heritage of horses over the obligation to protect native habitats, flora and fauna in the park.

I now address the issue of the count, because there is a lot of backwards and forwards about that. The counting method being used is the same method that has been used over a period of time because it is replicable and it allows a year-on-year comparison. It is the best available. It is used in the counts for all other animals. I acknowledge Professor Richard Kingsford, who won a Eureka Prize yesterday for his work on the bird counts he has done across New South Wales for the past 40 years. The method that he uses is the method that is used for wild horses. No-one is pretending that it is perfect, but it is the best way to count animals.

I also address the issue raised by the Hon. Emma Hurst about the kangaroo count. We asked a lot of questions about that in the kangaroo inquiry and we are looking at it. We are committed to refining and getting better at the count. As I have already said, there is another count in October. I have already indicated that there will be discussions about whether there are options for improvement. I make clear that the count that is used is the best available. It can probably be improved—and we are open to that—but just arguing about the count does not change the fact that there are too many horses in the park and we have to reduce the number. We are trying to manage how to do that. No-one is suggesting that we will get rid of all of them. I have met the very good staff who work in Kosciuszko National Park. They care about the welfare of all the animals that they deal with. We ask those staff to do the trapping, the rehoming and the ground shooting. When they speak to me about this, they say they worry about some of the animal welfare aspects. I note that the RSPCA in New South Wales believes that aerial shooting is a humane way to reduce numbers.

There is also a significant problem with other feral species in Kosciuszko, and no-one has ever pretended to be hiding from that. In fact, really significant work is going on. Feral species control programs are a core component of what the National Parks and Wildlife Service does every day, and aerial shooting of other kinds of invasive species is common. In the three years to 2022-23, 7,271 feral animals were removed from Kosciuszko National Park, being 5,285 deer, 839 pigs, 816 rabbits, 201 wild dogs, 107 foxes, 12 cats and 11 goats. At the same time, there was baiting in and around surrounding reserves. More than 80 per cent of the animals were removed by aerial shooting. It is not an uncommon occurrence and, in fact, it is used across the State.

The questions by the Hon. Emma Hurst about how this will be done are for when we have decided whether we will do it. Yes, I want us to consider it, which is why we are having the consultation. Is the final decision made? No. But if I decide to do it, all of the issues that the Hon. Emma Hurst has raised will need to be considered. I accept that all of them need to be addressed. That is exactly what we will do. But we can get caught in the crossfire by answering all the questions now, when we have not made the decision, or we can just not have the discussion. We cannot keep kicking the conversation down the road. We need to have it now, and that is exactly the reason why we are doing this. Those are the choices.

We have problems with invasive species all across the State, and I note my colleague the Hon. Tara Moriarty has to deal with them every day. It is costing billions of dollars to our economy and causing an untold amount of damage to our environment. Ignoring this is simply not an option. I have tried to be very respectful in this debate, but I flag an important thing. I respect people who love horses and are passionate about this issue, but I also respect that we have national parks for a reason, which is to protect fragile ecosystems and look after all native species. Australia is now a global sinner when it comes to extinction of species. We have to make difficult choices. We are looking to build on what this Parliament has already agreed to—that is, that there are too many horses in the park, they are doing damage and their numbers need to be reduced, both within the park and their numbers in total. We are working through that carefully, and any suggestion that there is some alternative motivation is simply false.

Kosciuszko National Park is too important for us to let it remain as damaged as it is. The waterways are too important to be as damaged as they currently are. The Aboriginal cultural heritage that the horses are destroying is too important to ignore. This is an important discussion. I thank the Hon. Emma Hurst for always representing the people who support her. We have a fundamental disagreement, which is that sometimes we do have to choose what things we put above others. In this case, we are putting the protection of the 32 species that have been here for millennia and are found nowhere else on earth above the brumbies.

The Hon. BRONNIE TAYLOR (10:53): I thank the Hon. Emma Hurst for moving the motion for debate. I join hands with unlikely allies from across the political spectrum to express my strong opposition to the New South Wales Government's proposal of mass aerial shootings of the Snowy Mountains brumbies. Our unity in this cause underscores the gravity of the situation and the sincere concerns we all hold for the wellbeing of those iconic creatures. I come from south of the State. Kosciuszko National Park is in my backyard. Like all who live there, I value it and love it—as do those who visit from other areas. National parks are there for everyone. I have listened carefully to this difficult debate; it is a very passionate one in my community.

I led for the former Government on the brumby bill that was passed some years ago, with the now Leader of the Government in this place. We did that because a lot of issues needed to be dealt with. But I feel that there is an obsession with the brumbies and not a balanced discussion about all of the invasive species within the park. I think that is the issue. The amazing heritage in the park for First Nations people is so important and relevant, and the Leader of the Government is right to raise it, but the cultural value of the brumbies is just as important to the heritage of other people. The horses played an integral role. They are iconic and they are our heritage as well. We cannot weigh one against the other, and if we choose to do that we come into the difficult situation that we are in now with this debate.

I am not going to suggest that we fixed the issue with counting when we were in government. It is really difficult and we did not get there; I am happy to put that on record. But that does not mean that the new Government cannot get there. It cannot make these sorts of decisions if it is not sure about the information, and the disparity in the numbers is so great that it cannot be sure. If the Government decides to aerial cull these animals while readily admitting that it is not sure about the numbers, it will be the wrong thing to do on any level. It will be completely unjustifiable.

The Leader of the Government talked about misinformation in this debate, and I think she is exactly right. We saw it happen in the Chamber, and I commend the Leader of the Government for clarifying the matter that the Hon. Rod Roberts brought up. But it is exactly those types of things that fuel this debate. When those sorts of things have a fire lit under them and are perpetuated, it makes things extremely difficult. That is exactly what happened, so everyone needs to be careful about that.

As the Hon. Emma Hurst said, Government members should have gone to the election about this. They should have told the truth. They should have been honest and open about it and given the people in the area a choice when they cast their vote. Government members now say that they want to do this and they will consult, but they cannot do any of it unless they are sure about the numbers. We have too much conflict over what is happening at the moment.

We talk about threatened species, but we need to place equal value on everything. If the Government is committed to getting the count right, then we can get the next stage right. But we cannot have a debate on the brumbies without having confidence about the count, which everyone agrees has eroded. People are on record saying that they have no confidence or faith in the count. Therefore, until the count is right, we cannot have the discussions that are needed.

I know it is a difficult issue, and I respect that it is difficult for members in this place. But we have talked about carcasses, a feral cat versus a brumby and what we saw happen recently. People have no confidence in the National Parks and Wildlife Service being able to manage that. They are large animals, with large carcasses. Tens of thousands of tonnes of meat will feed the pigs, dogs and feral cats.

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

Questions Without Notice

MEMBER FOR NEWCASTLE

The Hon. SARAH MITCHELL (10:59): My question is directed to the Leader of the Government. Did the Minister, the Premier or any other Minister request, authorise or approve the Deputy Government Whip to provide legal advice to the former Minister for the Hunter about any of the matters covered by or related to the Premier's referral of the former Minister to the Independent Commission Against Corruption?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:59): No.

RENEWABLE ENERGY

The Hon. PETER PRIMROSE (11:00): My question is addressed to the Minister for Climate Change, and Minister for Energy. Will the Minister update the House on the investment and delivery of renewable energy in New South Wales?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:00): I thank the honourable member for his question and for his long support of proper action on climate change and the opportunities that come with renewable energy. The New South Wales Government understands the importance of getting as much renewable energy into our grid as quickly as possible as we transition to a clean energy future. It is good for the environment as we tackle climate change, it is good for the economy, it is good for households and it is good for businesses. We have inherited a privatised energy market, meaning that we need to work with private owners. That is a challenge, and it is made harder every day. But our focus is on ensuring reliable energy at the lowest possible cost for households and businesses.

There is proof that domestic and international investors recognise that we are getting on with the job of an orderly and ambitious transition of our energy system, and one that delivers better outcomes for New South Wales consumers and host communities. We have seen real progress since we were elected. We are rolling out tendering to support new renewable energy projects. The first tender is supporting 1.4 gigawatts of wind and solar, as well as a long duration battery. That first tender brings New South Wales one-third of the way to our legislated 12-gigawatt generation target for 2030. What's more, we have extended the second tender.

It is good to have a Commonwealth Government that wants to take action on climate change rather than ignore the problem, as we saw for the past decade. We have partnered with the Commonwealth—and I shout out to my counterpart, the Hon. Chris Bowen—to double our second tender using the first investment of the national Capacity Investment Scheme. The first investment is in New South Wales. We will double the capacity at the end of the tender.

I am also pleased to inform the House that the third tender has received a record number of bids, totalling over 3.1 gigawatts. That is so many bids that it has exceeded the Australian Energy Market Operator Services target for the round. The overwhelming demand in the third tender round is not the only sign that New South Wales is powering ahead with the renewable energy transition; we are the preferred place to do business. A recent survey of energy investors in the MinterEllison Australian renewables report shows that 60 per cent of potential investors rank New South Wales as the most attractive jurisdiction for renewable energy investment. Victoria is

second, with just 12 per cent. We are proud of those results and we are committed to ensuring that New South Wales remains the number one destination in Australia for renewable energy.

Last month there were 27 renewable energy and storage projects proceeding through the New South Wales planning system, with another 65 projects waiting to lodge their environmental impact statements. We look forward to receiving them. The Clean Energy Council Renewable Projects Quarterly Report released yesterday shows that the New South Wales share of financially committed capacity over the past 12 months was the highest of all States at 35 per cent. That is more than 10 per cent higher than the next biggest State. The pipeline of renewable energy and investment is strong. It is vital for energy security and for the planet to get as much renewable energy into the system as soon as possible. More renewables will also place downward pressure on bills and ensure that our State achieves net zero by 2050, which we must do if we are serious about future generations. There is undoubtedly more work to do and there are many challenges. Many members often speak to me about those challenges. But we are on the right track and we are determined to get there.

The PRESIDENT: It is clearly internship season. I acknowledge Ethan Alvaro in the gallery today. He is a parliamentary intern for the Hon. Sarah Mitchell, the Deputy Leader of the Opposition. Ethan is a student at the University of Technology Sydney. He is here for the next 10 weeks, and he is very welcome.

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. NATALIE WARD (11:04): My question is directed to the Minister for Regional New South Wales. Did the Minister or anyone in her office order the collection, collation, gathering or dissemination of documents relating to the NSW Cross-Border Assistant Commissioner that were then provided to the media?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:04): I thank the honourable member for her question. I deal on a regular basis—daily, in fact—with documents and information about the Cross-Border Commissioner and every other part of Regional NSW that I am the Minister for. I have said a number of times in this place that we are reviewing how operations work across the department. I have been honest about that. It is appropriate for a new government to look at what works, what does not work, where things fit together and where they do not. I have been honest and open with the House and the public about that, and with people across regional New South Wales. I have communicated through the media that we are looking at how the department operates generally.

The Hon. Scott Farlow: Point of order: The question specifically asked about the release of documents to the media and whether that was authorised by the Minister or her office. The Minister should be directly relevant to the question that was asked by the member.

The Hon. Penny Sharpe: To the point of order: That is a stretch by the Opposition. It is clear that the Minister is being directly relevant. She is responding to the question asked and giving a directly relevant answer. The point of order is out of order.

The PRESIDENT: Firstly, I do not have a copy of the question. It is helpful to have a copy. Secondly, from my recollection of the question, the Minister is being directly relevant, but I will be listening with interest. The Minister has the call.

The Hon. TARA MORIARTY: I will continue where I left off. I have been honest and open with the community at every possibility through the media and in the House and in meetings across the State. I am receiving feedback from people across the community about how they think the department could and should work better. It is an open process. I am happy to engage in discussion about it or answer questions about it. I am not clear on what documents are being asked about specifically, but I am open about making it clear that we are reviewing the operations of the department, as is expected. That is what a new government should do, and that is exactly what we are doing. I want it to be fit for purpose.

The role of a Cross-Border Commissioner is important. I live in a border community, literally on the border between the Australian Capital Territory and New South Wales. I know how important it is to deal with the issues that affect border communities. It is important how our governments work together and how business and the community work together on sharing services across the border. It is the same thing in the Tweed. It is an important role for the Government and for the communities along the border in the north and in the south, such as Albury.

We saw that importance during COVID. It was a key function to manage issues across border communities during the difficult period of COVID, where borders were unfortunately closed. Things worked in a particular way during COVID. Is that how we need it to work going forward? We are open to discussions about that. We will have active discussions with the broad community of New South Wales, particularly with the communities like the one in which I live, about how the operation should work. It is not a secret; I am having discussions

publicly through the media with organisations, councils, mayor groups and anyone who wants to talk about it. There are no secrets here. I am happy to have a discussion about it.

The Hon. NATALIE WARD (11:08): I ask a supplementary question. I thank the Minister for her answer, and I seek elucidation of that part of her answer where she talked about reviewing the documents and the information that she was quite clear about. Will she elucidate that part of her answer about the documents and what her office is doing with the documents? Did she or her office provide them to the media? Why is she spending her time as a Minister digging for dirt on a public sector employee who, as the government website says, joined the office—

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: I call the Hon. Tara Moriarty to order for the first time. I call the Hon. Bronnie Taylor to order for the first time. The Leader of the Government has the call.

The Hon. Penny Sharpe: My point of order is that the question is clearly out of order. It includes imputations against the Minister and it is not asking for an elucidation.

The Hon. Sarah Mitchell: She hasn't finished the question yet.

The Hon. Penny Sharpe: Well, she is so busy impugning the reputation of the Minister that it is hard to get the rest of the question out.

The Hon. NATALIE WARD: To the point of order: I am happy to withdraw that part of the question that refers to the Minister digging dirt on a public sector employee, and I will give the balance of the question without that part.

The PRESIDENT: I do not need to hear any more. There were two parts to the question. The first was simply a restatement of the original question and the second was filled with implication and inference. I rule the question out of order.

The Hon. NATALIE WARD: I had not finished the question. I am not quibbling with the ruling; I had not finished the question before the point of order was taken.

The PRESIDENT: I rule the first two parts of the question out of order. If there is a third part, I am happy to hear it.

The Hon. NATALIE WARD: I refer to that part of the Minister's answer where she said that she and her office deal with those documents. The Government website in relation to this public sector employee says that she joined the Office of the Cross-Border Commissioner as assistant commissioner in January 2020, six weeks before State borders started closing for the first time in a century, and has worked hard supporting those people of regional New South Wales who live in our border areas, including through COVID-19 and the border closures—

The Hon. Penny Sharpe: What is the time on the clock on this question, and where's the elucidation?

The PRESIDENT: The clock continued through that discussion on the point of order. I ask the member to get to her question.

The Hon. NATALIE WARD: Did the Minister give those documents to the media?

The Hon. Daniel Mookhey: Point of order—

The PRESIDENT: I do not need to hear the member's point of order. The question is a restatement of the original question. The Hon. Mark Latham has the call and will be heard in silence.

ELECTRIC VEHICLES

The Hon. MARK LATHAM (11:10): My question is directed to the Treasurer. I refer the Treasurer to the recent analysis by NSW Treasury showing that the previous Government's \$3.3 billion electric vehicle subsidy plan has served only to push up the price of EVs for the benefit of multinational car companies, making those vehicles less affordable for working families, while the great bulk of the Government's tax breaks and rebates have gone to Sydney's northern suburbs. Having voted for this policy in opposition, why is the Labor Government spending subsidies on those wealthy enough to purchase \$75,000 electric vehicles while the policy itself is doing nothing to increase the public's take-up of EVs beyond that which would have occurred without Government intervention or expenditure?

The Hon. DANIEL MOOKHEY (Treasurer) (11:11): I thank the Hon. Mark Latham for his question. He is quite right to say that there is some new information about the rollout of the previous Government's electric

vehicle [EV] infrastructure program/subsidies. He is quite right to say that the analysis that he refers to shows that a lot of the benefit is accruing to a relatively small number of people. He is quite right to say that those people are concentrated in certain parts of our State and not others—disproportionately in city and certain parts of metropolitan areas, and not in regional areas. He is quite right to point out that it is not a cheap strategy. In fact, a lot of public subsidy goes towards that. So I can certainly confirm that part of the question.

Obviously, EV transition is happening. We have to get it right and make sure that we do our bit to ensure that there is adequate infrastructure across the State for electric vehicles. As a government that is reviewing and looking at this as part of our comprehensive expenditure review, forefront in our mind is ensuring that the scarce public dollars we have to provide assistance in the transition are being well spent. We are looking at that. The context of the second part of the member's question, regarding what the previous Opposition voted for, needs to be spelt out. The previous Opposition, now Government, supported the introduction of a road user charge on EVs for the very simple reason that right now an EV driver does not contribute anything towards road maintenance.

The point of the regimes that the previous Government put in place was to at least ensure that an EV user is contributing to road maintenance in the same way a hybrid user does or a petrol or diesel user does. When that legislation was being debated I recall saying, either in the House or the surround sound of that debate, that we reserve our right to do a better job. My final point about the road user charge is that all eyes are on the High Court right now as various parts of the Victorian regime are being tested through that process for constitutional consistency. In New South Wales we should be up-front about the fact that we will have to pay very close attention to the High Court's decision, which is expected in September or thereabouts, so that we can determine whether the policy settings are right. *[Time expired.]*

The Hon. MARK LATHAM (11:14): I ask a supplementary question. Will the Treasurer elaborate and outline to the House what his electric vehicle policy and expenditure are doing to lift the public take-up of electric vehicles, if anything?

The Hon. DANIEL MOOKHEY (Treasurer) (11:15): I am happy to answer the member's question. Certainly, the Government has a strong target for electric vehicles [EVs]: fifty per cent of new car sales by 2030 and the majority of new vehicles by 2035. Of course, the New South Wales Government fleet transition is important, but we should be clear that the transition to EVs is an important part of reaching net zero. Equally, in order for the community to have confidence in that transition, we have to make sure that the supporting infrastructure is in place. That includes charging stations on highways and in neighbourhoods, and making charging facilities available in apartments and strata schemes. A lot of work needs to be done at a State level. My second point is that in the intervening period since the House adopted the road user charge and now, it is good that we have a Federal Government that is also active in this area. We have to be mindful of the fact that the Federal Government has far more fiscal firepower.

The Hon. Mark Latham: Point of order: I did not ask about Federal Government policy. I asked about the Treasury advice that shows that these lavish subsidies are not doing anything to lift the take-up rate of electric vehicles in New South Wales. I have asked the Treasurer to give his information to the House accordingly.

The PRESIDENT: While the Treasurer was being directly relevant in the first part of his answer, he is beginning to stray now and should be directly relevant to the question.

The Hon. DANIEL MOOKHEY: I should be clear that the Treasury analysis I received suggests very strongly that the Federal intervention has been far more impactful than the New South Wales intervention. In fact, as the Hon. Mark Latham quite rightly mentioned in his original question, the advice I have received is that if subsidies are provided at a time of supply shortage all that does is lift prices. That is the advice that I have received; that is the analysis that we have. Again, everyone who is paying attention to the EV global supply chain knows they are scarce.

The Hon. Mark Latham: We knew that two years ago.

The Hon. DANIEL MOOKHEY: I hear the member's interjection that this was known two years ago. To be fair, the semiconductor chip issue has changed in the past two years. I do not disagree with him; it was known two years ago. Equally, in a scenario of supply shortage, if a subsidy is provided all that happens is the price of EVs goes up, putting them outside people's ability to acquire them. That is the analysis that Treasury has provided. We are responding to that as we formulate a better way forward when it comes to EVs in New South Wales.

SOCIAL HOUSING

The Hon. ANTHONY D'ADAM (11:17): My question is addressed to the Minister for Housing. Will the Minister outline what changes have been made to the social housing waitlist data and what that means for our community?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:17): I thank the Hon. Anthony D'Adam for his question. I remember the day well. On 27 or 28 December last year, I was checking the Department of Communities and Justice website—because of course I am extremely normal—and I discovered then, two or three days proximate to Christmas, that what the sector and I had been waiting for for some time had finally happened: The annual once-a-year snapshot of the social housing waiting list had been updated. It was 18 months late and six months out of date but, nonetheless, as a Christmas present for the social housing sector, that data was released. I remember thinking why do we release that data so infrequently and so slowly? The first step to fixing a problem is admitting that you have a problem. We do have a problem when it comes to the number of people on our social housing waiting lists and how long they are waiting.

I was pleased to change the protocols recently around the transparency of the data on our social housing waiting list. Instead of it being released as a once-a-year snapshot, being six to 18 months out of date and dropped quietly just before Christmas, it is now updated monthly with a full, comprehensive snapshot of how many people are on our waiting list, how many people are on our priority waiting list and what the average wait times are. It is not a pretty picture. This is not about boosterism or how great it is going; it is about honesty. It is about being honest with the community about the challenges we face. I am doing that for a number of reasons. Firstly, transparency leads to better policymaking and better decision-making. If we are up-front about the challenges we face and we have that evidence base, that will lead to better outcomes.

Secondly, we must also talk to the community and take them on that journey about why we need more social and affordable housing in this State. The numbers that are represented on our waiting list clearly show that we are in desperate need of more housing. I say to the people who are unsure about the commitment of the Government to deliver more housing, look at the data. Those are not just numbers. They look like numbers on the website, but they are not. They represent people, families and children who are currently living in extremely unstable private rentals, sleeping in tents and cars, waiting for the chance to get into social housing. We are being up-front; we are being clear. We are committed to transparency. I was pleased to make that change. No more Christmas presents, unfortunately. Now there is a monthly update for the sector and the community.

EXHIBITED ANIMALS

The Hon. EMMA HURST (11:20): I direct my question to the Minister for Agriculture, and Minister for Western New South Wales. The legal framework for exhibiting animals in New South Wales is underscored by deficiencies and double standards. For example, the standards for exhibiting carnivores requires an enclosure of 300 square metres for a maximum of two lions. By contrast, the standards for exhibiting animals at mobile establishments only requires lions to have enclosures with enough space to move in all directions. Will the Minister please explain that discrepancy and what steps she is taking to rectify the framework?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:21): I thank the member for the question. Exhibited animals must be exhibited and contained in legally compliant facilities. That is a requirement under the Act. If there are issues with that, I am happy to look into it. If there are concerns that the standards are not where they need to be, I am happy to look into it. I am not aware that there are particular issues, but now that concerns have been raised—

The PRESIDENT: Order! The Hon. Wes Fang will cease interjecting.

The Hon. TARA MORIARTY: If the member has particular examples that she would like me to look at, she is welcome to provide them to me. Animals must be exhibited in accordance with the law. I assume and hope that that is what is happening in every case but, if it is not, or if there are specifics that need to be provided to me for review, I will do that. Again, if there are particular concerns about how the current Act works, I am happy to hear more information.

The PRESIDENT: Before I call the Hon. Natasha Maclaren-Jones, I welcome to the public gallery students from The Forest High School, who are visiting as part of the Legal Studies and Legislature program run by the Education Team. They are all very welcome.

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. NATASHA MACLAREN-JONES (11:23): I direct my question to the Minister for Regional New South Wales. Did the Minister or a member of the Minister's staff request from the department the personal employment details of the Cross-Border Assistant Commissioner?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:23): I thank the honourable member for the question. Again, I am happy to talk about the review that we are conducting in relation to the department, and the Office of the Cross-Border Commissioner in particular. I am not aware that requests have been made about specific arrangements. We are looking at the Office of the Cross-Border Commissioner. I have said that publicly, I have said it in the House and I am saying it again now: We are looking at it. The function of the Cross-Border Commissioner is important. As I have said, I live in a border community, so I know specifically how important it can be for interaction between—

The Hon. Sarah Mitchell: Point of order: A very specific question was asked of the Minister about a particular employee, the Cross-Border Assistant Commissioner, and whether the Minister or her office requested from the department their personal employment details. It was a very specific question. If the Minister does not know, she can take the question on notice, but we need an answer to the question.

The Hon. Daniel Mookhey: To the point of order: The Minister was being directly relevant. She had answered the question, was providing more detail and is 40 seconds into her answer. She was well within the bounds of standard expectations, which suggests that the point of order should not be upheld.

The Hon. Natalie Ward: To the point of order: I respectfully disagree with my colleague. The Minister was not being directly relevant when she said she did not know and that they were looking into it. Under Standing Order 65 (5) we seek a specific answer to that specific question. I ask that the Minister be directed to address that part of the question.

The PRESIDENT: While I have substantial sympathy with the point of order that was taken by the Hon. Sarah Mitchell, the question contained extremely limited scope, and I accept that at this point in her answer the Minister has been directly relevant. However, considering the question was specifically limited in scope, the Minister should consider whether she has anything further to add and, if she does, she should be directly relevant to the question that was asked.

The Hon. TARA MORIARTY: I do have further things to add. I am pretty sure I did say this, but I am happy to say it again now: I have not specifically asked for details about any employee inside the department. I am looking at how the Office of the Cross-Border Commissioner works. I am looking at the budget, which has blown out over the past couple of years. I will have to check the figures, and I will come back to the House on those, but it has blown out by millions of dollars after COVID. It is very appropriate to look at that. I want to understand why the budget has blown out after COVID. I acknowledge the work that happened during COVID.

The Hon. Wes Fang: Point of order: The question related to the personal employment details of the Assistant Cross-Border Commissioner. The President ruled that the Minister was being directly relevant in her answer to the question. However, there was no discussion about the budget of that individual but, rather, their personal employment details. Under Standing Order 65 (5) I ask that the Minister be directed to answer that part of the question.

The PRESIDENT: The Minister is being directly relevant. The Minister has the call.

The Hon. TARA MORIARTY: I am very open and transparent about this. I have been asked a question, which I have answered and which I will continue to answer. We are looking at the Office of the Cross-Border Commissioner, which is an important organisation that does important work for the State, particularly for border communities. The budget has blown out after COVID. I am making lots of inquiries into how it works. I have made a number of inquiries, as has my office, into the structure of the organisation and why the budget changed that significantly at a particular point in time. Again, I have not asked about the particular details of any employee in the department. They are all great. I have met with a bunch of them over the course of my role.

The PRESIDENT: Order!

The Hon. TARA MORIARTY: I am being very clear: We are looking into the functions of the Office of the Cross-Border Commissioner. That is completely appropriate given that under the Liberal-Nationals Government the budget had blown out by millions of dollars. The budget was increased for that particular organisation by millions of dollars. Taxpayers expect us to look at why the Office of the Cross-Border Commissioner blew out by millions of dollars, and I am looking at that. That is literally my job in the lead-up to

the budget. I am responsible for the Office of the Cross-Border Commissioner. It plays an important role and I support its existence in some form.

The PRESIDENT: Order! I call the Hon. Wes Fang to order for the first time.

The Hon. TARA MORIARTY: Again, it is completely appropriate that, as the Minister, I look at its operations, and that is exactly what I am doing.

The Hon. NATASHA MACLAREN-JONES (11:28): I ask a supplementary question. Has the Minister or a member of the Minister's staff seen the personal employment information of the Assistant Cross-Border Commissioner and, if so, on what dates did she or her staff view those documents?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:28): I am pretty sure I just answered the first part of that question, which is that I am not familiar with or interested in the specific employment details of any individual employees.

The PRESIDENT: Order! The Hon. Sarah Mitchell will cease interjecting.

The Hon. TARA MORIARTY: I am genuinely not interested in the specific employment details of any individuals inside the department I am responsible for or any other department or anywhere else. I respect the public servants who work for the Government.

The PRESIDENT: I will call the Hon. Bronnie Taylor to order for a second time if she does not cease interjecting. I am trying not to, but she is not making it easy.

The Hon. TARA MORIARTY: Again, to answer the question, we are looking at the Cross-Border Commission as an organisation collectively in terms of the work that it does and its budget. Have I shared context about that on my social media? Yes, probably, because I am being really honest about it. I am saying it in this House. We are looking at the Cross-Border Commissioner. We are looking at the Cross-Border Commission. I have communicated that in this House a number of times today. I have communicated that—

The Hon. Natasha Maclaren-Jones: Point of order: The Minister is repeating what she has previously said. The supplementary question was quite specific on whether or not she has looked at the employment details, which she says she has not, or whether a member of her staff has looked at those documents and, if so, on what dates did her staff know. If she does not know what her staff have done, I suggest she take the question on notice.

The PRESIDENT: Order! I know this topic provokes significant passions, but I remind members of the ruling I made earlier about points of order: It is not helpful if members insert argument at the end of their points of order. Does the Minister have anything further to add?

The Hon. TARA MORIARTY: I do.

The PRESIDENT: The Minister has the call.

The Hon. TARA MORIARTY: I have communicated the fact that we are looking into the Cross-Border Commission and its functions, appropriately so, to make sure that it can be the best that it can be for border communities, including the one that I live in. I have communicated that several times in the House today and probably before today. I have communicated that today inside the department because it has to assist with doing that work and providing the information. I have communicated that in public forums. I have communicated that in the newspaper. I have probably shared stuff like that on my social media. That is what I have done. There are no secrets.

The PRESIDENT: Order! I call the Hon. Wes Fang to order for the second time.

The Hon. TARA MORIARTY: I am happy to be very open and transparent about reviewing the functions of the department. I want it to be the best that it can be to serve the interests—

The PRESIDENT: Order! I call the Hon. Bronnie Taylor to order for the second time.

The Hon. TARA MORIARTY: I want it to be—

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time. I call the Hon. Jeremy Buckingham to order for the first time.

The Hon. TARA MORIARTY: I want the Department of Regional NSW and the Cross-Border Commission to be the best that they can be to serve the interests of the people in regional New South Wales.

STATE FINANCES

The Hon. GREG DONNELLY (11:31): My question without notice is addressed to the Treasurer. The pre-election budget update projected a \$1.5 billion budget result deficit in 2026-27. Will the Treasurer explain to the House any of the factors that might inform that 2026-27 budget deficit?

The Hon. DANIEL MOOKHEY (Treasurer) (11:32): I thank the Hon. Greg Donnelly for his question. He is quite right to say that some troubling news emerged this morning about the projected budget deficit for the 2026-27 year, which shows \$1.5 billion. To put that into some context, if one was to believe the fictional budget we got last year, we were meant to be in a \$1.4 billion surplus the year prior. A \$3 billion turnaround under those opposite was projected but never disclosed to the people of New South Wales. That was kept from them before the election. There was no reference made when they were cracking open the champagne declaring the State back in black. There was no mention of the fact that we are back in red the very next year. That assumes that the fictional taxes would be collected, the unlegislated revenue would be passed and all would be sunshine and glory in the State of New South Wales under their watch. That is what they were effectively predicating it on when they went to the last election.

You might be wondering why all of a sudden we go from a \$1.4 billion surplus to a \$3 billion deficit the very next year. Let me tell you. When you start to spend \$27 billion in announcements at the rate of \$25 million a day to get yourself re-elected and you lock that cost in, that is what happens to the State's finances. That is worrying, but what was more worrying were the cuts that were planned to be able to cover that up. The more and more you look at the budget forecast handed down by those opposite, the more and more you realise there were going to be savage cuts for the New South Wales health system, savage cuts for the New South Wales education system and savage cuts for transport all coming under the watch of those opposite had we had the misfortune of witnessing their re-election back in March. It is disappointing that is what happened.

But what is even worse is that not only are those opposite planning to plunge us back into deficit in the 2026-27 year, that was before they announced their policy of going after the Commonwealth Games. The big economic stimulus, the big reform, that the Opposition is rallying around for 2025-26 and 2026-27, "We'll grab the Commonwealth Games and pay whatever it takes." That would be another \$7 billion on the tab, hitting the budget in that year under those opposite. The Government wants to fix our essential services and treat our frontline workers with the respect they deserve. We are going to clean up the former Government's mess.

OAKES STATE FOREST

Ms SUE HIGGINSON (11:35): My question is directed to the Minister for Agriculture, and Minister for Regional New South Wales, who has responsibility for the public forest estate. In 1995—

The PRESIDENT: Order! The Hon. Wes Fang is about to be kicked out. He will cease interjecting. Ms Sue Higginson will start her question again.

Ms SUE HIGGINSON: In 1995 State Forests of New South Wales mapped the erosion hazard for loss of subsoil and topsoil in Oakes State Forest as high. Now, somehow, New South Wales Forestry Corporation is saying the entire area is of low erosion. Will the Minister inform the House of what happened to cause the drastic change in the erosion hazard since the remapping occurred?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:36): I thank the member for the question. We have had some recent discussions around the issue of erosion in forests. I have indicated to the member that I will have a look at it, which I will do. I am not familiar with the report that was done in 1995 and when the most recent one was done, but I will take on notice the specifics of the question in relation to why there is quite a difference between what was determined in 1995 and what has been most recently determined in terms of these erosion issues. I will come back to the member and the House.

Ms SUE HIGGINSON (11:36): I ask a supplementary question. Will the Minister elucidate her answer as to whether, given the need to look at it, she will suspend any planned logging operations until that is cleared up?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:37): I will have a look at the difference between the two reports. It is quite a period of time in terms of when these reports were done. I am sure things have moved and been looked at since that time. I will do that. At this point, no, we will not be amending the logging operations in relation to the question, but I will have a look, as I have said, at the issues that have been raised and come back.

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. SCOTT FARLOW (11:37): My question is directed to the Minister for Regional New South Wales. Given the confidential employment information about the Cross-Border Commissioner has been leaked to the media, has the Minister requested an inquiry as to how that information was leaked to the media and has she sought advice from the Information and Privacy Commission to assist her to comply with her duties?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:38): I thank the member for the question. It seems like a series of questions in relation to the Cross-Border Commission today. I am glad there is some interest, just as I have, in the operations of the Cross-Border Commission. I understand that some referrals were made in terms of parliamentary inquiries into some matters related to this yesterday. We will see how that parliamentary inquiry goes. I am not familiar with the details that people are saying—

The PRESIDENT: Order! I call the Hon. Sarah Mitchell to order for the first time.

The Hon. TARA MORIARTY: There are references to documents. I do not know what those documents are. There are references to leaks to the newspaper. I do not know what is being referred to in that regard. Again, I am happy to be very transparent about the fact that I have said in public and in the newspaper that the Government is reviewing the Office of the Cross-Border Commissioner and the work that it does. I will say it again: We are doing it. I have said it in the newspaper. I have shared that on social media because I am transparent about it. Again, I am not aware of the specific details of any employees inside the public service.

I spoke to my department this morning because a notice of motion was given this morning about a particular employee inside of the department who was named by the National Party. I immediately contacted my department to have a discussion about leaks and interference.

The PRESIDENT: Order! I call the Hon. Sarah Mitchell to order for the second time. The Minister is answering the question. The Acting Leader of the Opposition will give her the courtesy of listening to her in silence.

The Hon. TARA MORIARTY: I spoke to the acting secretary of the department this morning in relation to the notice of motion that was given by the National Party that named an employee of the department because I am concerned that staff are being used as political pawns by the Opposition.

The Hon. Sam Faraway: You'll be gone by Christmas, for sure.

The Hon. TARA MORIARTY: I am not going to tolerate that, so I spoke to the acting secretary of the department.

The PRESIDENT: Order! The Hon. Sam Faraway will cease interjecting.

The Hon. TARA MORIARTY: I will have a formal discussion after question time to discuss any leaks or potential leaks that have occurred from the department that I am responsible for because I will not tolerate them. I will not tolerate leaks from the Department of Regional NSW.

The Hon. Sam Faraway: Minnsy should have left you with Corrections. You're an embarrassment to the Labor Party.

The Hon. Mark Buttigieg: Point of order: A personal reflection was made on the member in that interjection. I think everyone heard it and he should withdraw.

The PRESIDENT: As members know, and as I have said before, a member has to take offence personally to a comment made by another member in the Chamber. I will let that one go through to the keeper on this occasion because tensions are high. There are 24 seconds to go until the end of the answer, or alternatively it may be done already.

The Hon. TARA MORIARTY: No, I am not done.

The PRESIDENT: Members will listen to the next 24 seconds and then we will move on to the next question.

The Hon. TARA MORIARTY: I can certainly feel the tension in the room, but I am not tense about this at all. These are perfectly fine questions. I am very open and transparent. I spoke with the acting secretary of the department this morning because I am not tolerating leaks from the department. I am not tolerating leaks to anyone outside of the department on any issue. I will have a formal discussion with him about it this afternoon.

The Hon. SCOTT FARLOW (11:42): I ask a supplementary question. Given the Minister's answer and her intolerance of leaks from her department, will she raise with the acting secretary this afternoon the leaks that occurred with respect to the Cross-Border Assistant Commissioner as well?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:42): I am going to have a discussion about leaks, full stop. I will not tolerate them. It is not how the public service should be operating. They do not treat the public service with the respect it deserves. I respect the people who work in my department, and they are entitled to do their work without being named in this place. I am taking this seriously. I had a discussion with the acting secretary this morning, which I will continue as a formal discussion this afternoon. Let this be a message to everyone inside the organisation: It is not tolerable. I do not tolerate leaks from any perspective. I am having a general discussion about it, full stop. I am saying it right here in the House: I have no tolerance for it.

The PRESIDENT: Order! I call the Hon. Sam Faraway to order for the first time. I call the Hon. Scott Farlow to order for the first time.

The Hon. TARA MORIARTY: There is a theme running to some of the questions today. I do not know what members are referring to. I am not aware of specifics in relation to individual employees. I have said that; I will say it again and I will continue to say that. I have provided public statements about the review into general parts of the department and the entire department. I will keep doing that. I am very open and transparent about what we are doing. It is very appropriate for the Government to be open and transparent, but also to look at how things are working and how they are not and to communicate that with the public, who need Regional NSW, the cross-border commission and every part of the public service and the Government to be operating in their interest. That is what people expect.

That is what public servants do, and I support them to do that, and that is why I am speaking to the department to make sure that an end is put to this. They do important work, particularly in the interests of the people in regional New South Wales, who deserve every bit of support out of this Government. That is what I am focused on as the Minister. That is also what I know the department is focused on delivering, and that is what we do.

CULTURAL FESTIVALS

The Hon. CAMERON MURPHY (11:44): My question is addressed to the Minister for the Arts. Will the Minister inform the House about the importance of homegrown festivals like the Sydney Fringe in the vibrancy of the New South Wales cultural ecosystem?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:44): I thank the member for the question. It is a timely one because the Sydney Fringe Festival is about to kick off again next week. Of course, it is supported by the current Government and the former Government. The Fringe is the largest independent arts festival in New South Wales. I am informed that it gives a platform to 1,683 creatives—a very specific number—in New South Wales. It is also the largest single revenue-earning opportunity annually for independent artists. It is Christmas for independent artists. Every time the Sydney Fringe Festival comes around, 74 per cent of the works are from New South Wales. Over the course of the Fringe, festivalgoers will be able to see acclaimed local and international shows presented across Made in Sydney and the Touring Hub, the Fringe's first ever Dance Hub at the Sydney Dance Company, and the return of the pioneering micro festival Limitless, based at 107 Projects Redfern, which celebrates deaf and disabled artists.

This year the festival is more ambitious than ever and its footprint across the city is wider than ever. In the CBD there will be street parties and acoustic music sessions. In the inner west, bars and venues are being occupied. The Rocks will be taken over by Sydney Harbour Fringe Ignite. Hurstville Plaza comes alive for Fringeville, one huge night of live music, dance and spectacle, celebrating the creativity of south-west Sydney. The Festival Garden at the Entertainment Quarter will see the Spiegeltent return. Festivalgoers will be able to experience programming at hubs in Parramatta and Hurstville. With 450 shows and thousands of individual performances, the Fringe reminds us that Sydney really is a creative city.

It is the tenth year of the Fringe under director Kerri Glasscock. I acknowledge not only her extraordinary work for the Fringe but also her contribution as a member of the ministerial advisory panel conducting a consultation about the Government's new arts, culture and creative industries policy in New South Wales, to be delivered by the end of the year. I recognise that Kerry has provided advice to this Government and the former Government. She has been a trusted adviser to New South Wales governments. The thing I am excited about with the Fringe is that it is consistent with the policy direction that the Government is looking ahead to at the end of the year. Not only is it a good expression of creative industries but it is also a different way of thinking about

Sydney. Of course people will come here for the destination, but we also want them to come for the shift to experience tourism. The Fringe is consistent with the sort of regulatory reform that the Government is determined to drive, having arts and culture spill out onto the streets and creating new spaces where that might happen to bring our city back to life.

HUNTER REGION WIND FARM ZONE

The Hon. TANIA MIHAILUK (11:47): My question is directed to the Minister for Climate Change, Minister for Energy, Minister for the Environment, Minister for Heritage, and Leader of the Government. Given that her Federal counterpart Chris Bowen has declared that the pristine waters off the coast of Port Stephens are suitable for an 1,800-square kilometre wind farm, despite widespread community backlash, what role does the Minister anticipate the New South Wales Government will have with the project or any of its associated infrastructure? Does she intend to engage in any community consultation on the matter, including attending a rally that has been planned for 7 October, to hear directly from concerned residents?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:48): I thank the honourable member for her question. In relation to offshore wind, I touched on some of these matters yesterday but I am happy to take the House through them again. The Commonwealth is responsible for regulating offshore renewable energy infrastructure in Commonwealth waters under the Offshore Electricity Infrastructure Act 2021. Commonwealth waters start three nautical miles from the coastline and extend to the boundary of Australia's exclusive economic zone. I welcome Minister Chris Bowen's current ambition of developing offshore wind for New South Wales, and the Government looks forward to working closely with the Federal Government on this.

Offshore wind presents an exciting potential opportunity for New South Wales' clean energy future. The Commonwealth has declared an offshore wind development off the Hunter, and another one is also being planned to be created for the Illawarra. That process allows project proponents to apply for licences to undertake feasibility studies about the potential offshore wind projects in the area. These types of projects are some years away, but it is important that all developers engage in rigorous community consultation as they explore the potential for offshore wind to power our State. That is what is happening right now.

The declared area in the Hunter covers 1,854 square kilometres between the Central Coast and Port Stephens. It is 20 kilometres from the coast in the north and over 35 kilometres from the coast in the south. It has the potential to generate up to five gigawatts of renewable wind energy. That is enough to power an estimated 4.2 million homes. To put that in perspective for people, our energy target in New South Wales for 2030 is 12 gigawatts. This one project could potentially provide five gigawatts of renewable energy. There are also obviously jobs and other benefits.

To go more directly to the member's question, any involvement with the State Government will develop over time. If those projects go ahead, how we then link them and get them into the grid onshore is something that will be very carefully worked through with the State. It will obviously require aspects of our own planning policies. We are a fair way away from that. In relation to attending a meeting—or protest or rally—no, I will not be doing that. But I meet with a range of people all the time, and if people wish to come and talk to me about that, my door is always open.

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. CHRIS RATH (11:51): My question is directed to the Minister for Regional New South Wales. Given that earlier today the Minister said she was not interested in the personal details of her department's employees and that she respects her public servants, why did she share on her social media an article that specifically names the Cross-Border Assistant Commissioner and questions her appointment?

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

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:51): I thank the honourable member for the question. I have had questions on who I have dinner with and which mayors I will and will not meet with. Now I am getting questions about what is on my social media.

The Hon. Natalie Ward: Point of order: I know the Minister is early into her answer, but it would appear to me that she is debating the question in contravention of Standing Order 65 (6). We ask her to simply answer the question that was asked of her.

The PRESIDENT: I do not contend that the Minister was debating the question. I could not hear what the Minister was saying. If members were a little quieter—in fact, quiet—I would be able to hear what the Minister

says and, if further points of order are taken, I would be able to rule on them appropriately. The Minister has the call.

The Hon. TARA MORIARTY: I share things on my social media. If people want to pay attention to what I am sharing on social media, follow it along. That is what it is there for. I have shared articles relating to the answers I have given today because I am reviewing the operations of the Office of the Cross-Border Commissioner. It is an appropriate thing to do. I have communicated that in a number of forums. I have communicated that to people across the community. I have communicated that to various media outlets. I am guessing I have probably shared some of the articles on my social media where that commentary has appeared. The commentary is not in relation to individual employees. I stand by my answer that I gave earlier: I am not interested in individual employees.

The PRESIDENT: Order!

The Hon. TARA MORIARTY: I am reviewing the operations of the cross-border commission. I have said it, and I am saying it again now. It is an appropriate thing to do. I want it to function in a totally appropriate way. I want to get to the bottom of why the budget blew out by millions and millions of dollars. I am interested in understanding why those decisions were made by the previous Government. I am interested in working out how it can do better to operate in the interests of the people broadly of regional New South Wales and all of New South Wales, but particularly, as I have said, in the interests of the border communities of New South Wales. I have been transparent about that. I have said it in the media. I have said it in this place. I have said it today. I will say it again: We are continuing the review. The department is aware of the review. People in the department have been asked to provide information about that. Sometimes on my social media there might be sharing of articles where things that I have said publicly have been communicated.

The PRESIDENT: Order! I call the Hon. Sam Farraway to order for the second time.

The Hon. TARA MORIARTY: I do not know which specific social media page is being referred to here. I share articles on my social media if they are relevant to letting people know about things that I have said as the Minister because I need to communicate with the public about decisions that we are making and things that we are doing. One of the methods for doing that is through this House and the answers that I have given today. Another method for doing that is engaging and meeting with people, particularly across regional New South Wales. Another way of doing that is to engage particularly with people who use the cross-border commission in regional border communities. Yet another way of doing that is through the media. One more way of doing that is on social media. I communicate what I am doing in my role as Minister. That is literally what I am supposed to do. I am happy to communicate that with the public, and I will continue to do so in every form.

The Hon. CHRIS RATH (11:55): I ask a supplementary question. Does the Minister control her own social media accounts? If not, does she authorise posts before the content is posted?

The Hon. Penny Sharpe: Point of order: This question is not seeking an elucidation.

[Opposition members interjected.]

The PRESIDENT: Order!

The Hon. Penny Sharpe: Let the President decide. This is not a supplementary question. It is a different question to what was originally asked and does not seek an elucidation of the answer given.

The Hon. Sarah Mitchell: To the point of order: In her answer, the Minister clearly talked about not being sure what post was being referred to and was quite evasive about what was on her social media. Therefore, this supplementary question is a direct elucidation of the answer that she gave. I want to know specifically whether she has control of her social media.

The Hon. Penny Sharpe: Further to the point of order: The way in which social media accounts are operated is a separate matter to the question that has been asked. If members opposite want to know about the policy of the way in which different Ministers operate their social media accounts—I am sure the Hon. Rose Jackson would have lots of views about that—they should ask that as a separate question, not as a supplementary question, which I maintain is out of order.

The Hon. Wes Fang: To the point of order: The original question referenced the Facebook post that the Minister had shared, and the Opposition is seeking an elucidation of the answer that was related to that. Mr President, your guidance has been that you allow a wide latitude in the supplementary question as long as it is related to the answer that was given. Given the original question referred to social media and the answer that was given by the Minister, I contend that the supplementary question asking about who controls the Minister's social media certainly falls within the guidance that you have provided to this House.

The PRESIDENT: I make two points. I have made the point a number of times about the use of pejorative language and argument when members take points of order. Using terms like "evasive" in points of order is not helpful. If members use argument and that kind of language in their points of order, I will not consider those points of order. I make that point clear to every member in this House. That having been said, the original question asked about "her social media". I do not think it is an unreasonable question for a supplementary question to be asked in that way. I instruct the Minister to answer it.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:58): I am responsible for things that go out in my name. I am responsible for my social media. I stand by what has been posted. I have answered that I share articles on my social media—news articles, other events, the details of what I have been doing around the State—because, as I said in my previous answer, it is a valid way to communicate with the community about the work that I am doing as the Minister on their behalf. There are a number of ways to communicate the work that I do, the work that other Ministers do and the work that the Government does—not even just the work but also communicating messages to the community. Social media is but one of those. Yes, I use it to communicate with the public and, yes, sometimes that includes sharing media articles.

I have been asked about a media article. Earlier I said that I do not know what specific post members are talking about. It does not matter. I am still answering the question. I share articles. I share media articles, when they are relevant, to let the community know about the work I am doing because I am transparent as a Minister. I will say it again: I have shared information about the fact we are reviewing the work of the department, particularly the work and role of the Cross-Border Commissioner, which seems to be a theme of questions today. That is fine; I am open and transparent.

We are looking at the role of the Cross-Border Commissioner. I am looking at the budget that blew out by millions under National Party management and the leadership of the previous Government. I think it is appropriate that I do so. I will make sure that we account for every cent because that is what the people of New South Wales expect. The previous Government did not do that. I have said repeatedly in this place that I am looking at it. I will make sure it can function in the best interests of the people of New South Wales and I will communicate that through every channel possible.

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

REGIONAL ROADS

The Hon. DANIEL MOOKHEY (Treasurer) (12:00): Yesterday the Hon. Sam Faraway asked me certain questions to do with the 29 Fixing Country Roads projects. I appreciate the member providing me with the list. As a result, I can provide some preliminary responses. Put simply, no, none of those projects are being affected at all by any budget review being undertaken by the Government. I thank the member for also providing me the source email. I point out that the email sent to councils states, "There is currently a budget review being undertaken by the State Government. We aren't sure of any impacts of this review on this program." I can inform the member that the review will not have any impact on the program. We will endeavour to provide further assistance to those councils in respect to those projects.

Supplementary Questions for Written Answers

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. NATALIE WARD (12:01): My supplementary question for written answer is directed to the Minister for Regional New South Wales. Given that today the Minister said she respects her public servants, has she or her office reached out to the NSW Cross-Border Assistant Commissioner as an employee? Will she elucidate what steps she has taken to check on the assistant commissioner's personal welfare, given she has been named both in the media and a parliamentary inquiry?

RENEWABLE ENERGY

The Hon. MARK LATHAM (12:02): My supplementary question for written answer is directed to the Leader of the Government, and Minister for Climate Change. In question time the Minister said that her climate change policies were "saving the planet". What advice has the Minister received on the impact of her climate change policies in reducing global surface temperatures?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SARAH MITCHELL: I move:

That the House take note of answers to questions.

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. SARAH MITCHELL (12:02): It will come as no surprise to the House that I focus on answers given by the Minister for Regional New South Wales. This is a really serious issue. A member of the public service is being highlighted, being targeted and not being given the proper duty of care by the Minister for the department for which she works. Today we asked a series of questions regarding many leaks in the media in relation to the NSW Cross-Border Assistant Commissioner. Those leaks have appeared in the newspaper, and we know the information is coming from somewhere. Indeed, in *The Daily Telegraph* today there is reference to documents that were provided to the Minns Labor Government that were seen by the paper.

Clearly something is going on. Somewhere within the Minister's office, the department, the Premier's office or the offices of other Ministers there is work being done to ensure that this individual is named and shamed in the media. That is a serious breach of the duty of care to this particular public servant. The Minister's statements in this Chamber today that she is not aware of the articles and not quite sure what we are talking about—and that she is happy to be open and transparent about a review of that particular agency—do not go to the core concerns we have around the protection of an employee of the department for which the Minister is responsible.

That this Minister has posted a photo of this individual employee on her social media is beyond the pale and something I have never seen in my 12 years in this place. I guarantee that other Ministers in this House would be thinking that was a very poor move by the Minister, and that she should seriously think about how she is undertaking her role. The work of the Office of the Cross-Border Commissioner is incredibly important. To be honest, someone who thought they could make a contribution, particularly to cross-border communities, who was looking to join the public service under this Labor Government would not want to do so after seeing a Minister target one of her employees.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! The honourable member will be heard in silence.

The Hon. SARAH MITCHELL: We have asked a supplementary question for written answer and are curious to get the response. Today the Minister spoke about a Standing Order 52 call for papers that named an employee. The Minister admitted that as soon as that notice of motion was given she rang her acting secretary to ask about it because she has no tolerance for leaks. Yet she has refused to confirm whether she has done anything to protect the Cross-Border Assistant Commissioner's welfare or whether she will even raise that matter with her acting secretary this afternoon. You cannot have two sets of rules. If the Minister is serious about integrity, wants to protect her employees in the public service and has no tolerance for leaks, why did she not immediately inquire as to how details were leaked regarding the assistant commissioner? Something stinks. We are pursuing this to the end because we are not going to tolerate poor behaviour. [*Time expired.*]

OFFICE OF THE CROSS-BORDER COMMISSIONER

ELECTRIC VEHICLES

The Hon. MARK LATHAM (12:05): I also take note of answers given in relation to the NSW Cross-Border Assistant Commissioner. I have to say I have been around politics a little while and it is not really a shock-horror moment that a Minister gave some material to the media. It happens every day; it is a dime a dozen. In any case, the former Government used hospital surveillance cameras on Chris Minns to publicly expose his fleeting visits to emergency departments. I would have thought that was an outrageous breach of privacy, but in the way the system is these days it passed unnoticed. Those in glass houses should not be chucking stones. That is one of the first rules of these debates.

I also take note of the answer given by the Treasurer about electric vehicle [EV] subsidies, some \$3.3 billion over 10 years—a huge amount of money. It highlights the whole conundrum of Keanism. It beggars belief that a Treasurer ever thought it was sustainable to spend money in New South Wales that would be better spent in Canberra for a better result. The truth is for this forthcoming budget that if whatever they are doing in Canberra to promote the take-up rate of electric vehicles is working, let them do it. Let New South Wales fund core responsibilities that have been consistently underfunded, like TAFE. Yesterday we debated the motion of the Hon. Emily Suvaal regarding TAFE. TAFE is the stand-out case of New South Wales not funding properly its core responsibilities while engaged in a whole raft of Keanite funding of things better done out of Canberra.

The Treasury report on this is hardly surprising. Again, it ended up in the media; how do these things happen? The report concluded that much of the benefit of these incentives is passed on to manufacturers in the form of higher prices. That has been the only impact of the Kean subsidisation of electric vehicles, totalling \$3.3 billion. It was no secret when the Parliament passed this measure some 18 months ago that there were supply constraints. The truth is that the tax arrangements for these vehicles in the European Union are such that the

manufacturers have an incentive to keep unsold EVs in the yard in Europe rather than exporting them for sale in Australia because they get a big subsidy for the extra production of the EVs. Basically, the vehicles only ever come out of China. It is another example of having no tangible impact on the take-up rate in Australia but exporting jobs in the car manufacturing sector to China.

Whatever benefit is derived here in New South Wales goes to a whole range of fairly well-heeled, wealthy electorates on Sydney's North Shore and the north-west corridor. The impact of the Kean scheme is to drive up prices, making these vehicles further out of the reach of working families. Working families have no chance of enjoying the subsidy for a \$75,000 vehicle with the price rising. The Kean scheme instituted what is really a reverse Robin Hood policy. We always love Robin Hood; he took from the rich to give to the poor. Matt Kean's policy takes from the poor to give to the rich.

OFFICE OF THE CROSS-BORDER COMMISSIONER

SOCIAL HOUSING

The Hon. Dr SARAH KAINE (12:08): I take note of several answers given in question time. I commend the Minister for Agriculture for repeatedly and calmly articulating exactly what she is doing in her portfolio area regarding to the NSW Cross-Border Commissioner, and for her patience in restating that in the face of question after question. I am also confounded that those opposite have somehow discovered some interest in public servants. After 12 years of repressing the wages of public servants, suddenly there is an interest in the welfare of one public servant in particular—not the nurses, the teachers or our frontline workers who are out there doing the job every day. They did not express concern for them for 12 years but suddenly they had an epiphany in this one case. I commend the Minister for patiently answering and expressing what she is doing in her portfolio area in a responsible way to make sure that we are spending money as we should, and as every Minister has had to do in response to the situation we are in. I commend the Minister for that.

The Minister for Housing commented on the changing reporting frequency of the social housing waitlist. It is an important change. It reflects our concern for those who are struggling to find housing. It shows honesty and courage from the Minister to put those figures out there, despite the fact that—and I do not quote her directly—it is not always good news to know the length of the waiting times for social housing, but it is a step forward to have that transparency. It is a good step and allows the sector to understand the tasks ahead of it so it can prioritise. I commend the Minister for increasing the frequency of those reports.

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. SAM FARRAWAY (12:11): I take note of answers, or lack thereof, from the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales today. It is a sad day for the public servants who work in the New South Wales government agencies under Minister Moriarty's portfolio. I feel for the staff and the public servants in the Department of Primary Industries. I feel for the staff in the Department of Regional NSW. I feel for the staff that are associated with the good work that needs to be done in western New South Wales. How must those public servants feel when their Minister completely throws them under the bus in *The Daily Telegraph*? They must feel as if the Minister and her office do not support those agencies, like the Department of Regional NSW, and the good work that Local Land Services does, despite what the Minister has said about it. I also note the good work broadly done in the Department of Primary Industries.

Those staff must feel as if they can never raise their head again out of absolute fear that the Minister may get a brief done and leak it to the media, resulting in complete destruction of their career in a major tabloid or newspaper. To not offer a safe workplace for the public servants that work and deliver for the people of this State is almost shameful. It should be above politics, but it is clearly not. The Minister would do anything for a scalp. She would anything to prove a point and look good to the Premier because she is an underperforming Minister in the new State Labor Government. One would think that that is quite desperate.

I refer to some of the answers related to the Minister's social media. The Minister has come into this House before with props about how she did not change her portfolio title or something on a website. A week or two in, she is a bit obsessed with a few of us on this side. Someone showed me screenshots of the Minister's social media page but it is not very impressive. She does not post very much. Clearly she does not do a lot because she has not got much of a story to tell. In her answers today she talked about how she needs to use social media to tell her story and to communicate with the public. However, she only posts once a week, so she has not got much to post about. Surely she can remember if she threw a hardworking public servant under the bus by sharing their photo and sharing the article by *The Daily Telegraph*. [Time expired.]

OFFICE OF THE CROSS-BORDER COMMISSIONER

The Hon. BRONNIE TAYLOR (12:14): I take note of answers given today about the NSW Cross-Border Commissioner. It is a very dark day when we start to target public servants. There is an expectation, unfortunately, that members of Parliament—

[Government members interjected.]

The Hon. BRONNIE TAYLOR: Mr Assistant President, I would like to be able to speak.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Yes, all members should be heard in silence.

The Hon. BRONNIE TAYLOR: —can be targeted. I know how targeted I was when I came into this place. As I have often said, the Hon. Walt Secord probably knew more about my family businesses than I did at the time. That was harrowing, but you go through it. When you know there is nothing to hide, you do the right thing and you follow through. Targeting members of the public service is a new low. The New South Wales Labor Government did that when it named the Assistant Cross-Border Commissioner in the inquiry terms of reference. I find it extremely alarming that the people who signed off on those terms of reference are public servants themselves. It was bad enough what happened a few weeks ago in *The Daily Telegraph*. The information published was obviously gained in a concerted effort, through the Minister's office, to target a certain individual because of their political beliefs. The Minister said in her maiden speech that she encouraged people to join political parties. She then shared the article in a persecutory manner on her Facebook page to absolutely target a public servant.

The hypocrisy continues with this Government. The Labor Government should just admit that what happened in Minister Haylen's situation was a grave mistake. It should have an inquiry or not have an inquiry, but it should not try to pivot that to attack an individual. That is deplorable. When members try to cover themselves, try to be smart and try to take people down, they forget what they have been elected to do, which is to govern. Instead, the Minister targeted an exceptional individual who was selected from a talent pool and who has always performed to the best of her ability. Multiple members from all sides of politics in this place will come out to defend her because a very cheap shot has been made. It was a deplorable act and something that should never be sanctioned. It was brought about by the desire of the members of the New South Wales Labor Party to name a public servant in an inquiry for its own political benefit. Shame on them.

STATE FINANCES

The Hon. MARK BUTTIGIEG (12:17): I take note of the question asked of the Treasurer about our fiscal position. It is interesting that those opposite want to lecture us on the morality of ministerial integrity, given the litany of things we saw from them when they were in government. It is understandable given the fiscal record they have left us with because they do not want us to go there. They do not want to discuss substantive policy issues and how we will fix the budget and get New South Wales back on track. They have left a \$187 billion debt, which is the highest debt in the State's history. We are paying \$7 billion in interest alone. We could do a number of things with that \$7 billion if it was not for the debt that they left us after 12 years. Those dozens of fiscal management were always lecturing the Labor Party about the necessity for fiscal rectitude. Then they get up and besmirch Ministers' characters and try to undermine Ministers because they have nothing else.

Again, the Treasurer regaled us today about the position we are in with the deficit. We were in a \$1.5 billion surplus position last financial year. We are now sliding into an almost \$1.5 billion deficit. That is an almost \$3 billion swing in the position of the budget, while members opposite were spending something like \$28 million a day, on average, in a desperate attempt to get re-elected. Is it any wonder they are now sitting on that side of the House? I would welcome a debate about the philosophy that got us into that position. Remember the \$90 billion of assets they sold—asset recycling—for the infrastructure we got, like cracked trams, trains that did not fit tracks or tunnels, ferries riddled with asbestos and the monopoly toll roads that we discussed at length yesterday?

This is a litany of disaster. Instead of coming here time after time with cheap cracks to try to get Ministers' scalps, members opposite should help us get the budget back on track and back in the responsible decisions of the Treasurer and the Minister for Finance so that we can deliver on our promises of more frontline workers—nurses, paramedics, teachers and health workers—get the State back on track and reward the efforts of those people who got us through the pandemic.

HUNTER REGION WIND FARM ZONE

The Hon. TANIA MIHAILUK (12:20): I take note of the response of the Minister for the Environment to my question about her Federal counterpart, Chris Bowen, who declared the pristine coastline outside Port Stephens as suitable for an 1,800 square kilometre wind farm. I speak on behalf of Mark Watson, our One Nation

candidate for Port Stephens, who has been fighting this draconian decision of the Federal Government for many months. He helped organise a rally for 7 October in support of the community there. There is no question that there is a great deal of concern from residents across Port Stephens. The windfarm will stretch from Norah Head to Seal Rocks, and the communities of the Hunter are deeply concerned. I know that the fishing communities are concerned as well and, indeed, those who care about their coastline are disturbed that the Federal Government has made a decision to announce this wind farm. We are talking about turbines the height of Sydney Harbour Bridge being stretched across this beautiful coastline.

There is an interesting article today about a \$62 billion black hole in the Federal Government's budget in relation to how much needs to be spent to prop up its ridiculous net zero plan, knowing all too well that it will dig us deeper into dire economic circumstances in Australia. It was disappointing to hear that the Minister said she welcomed this decision. Kate Washington, the Labor member for Port Stephens, has on many occasions deferred to the Federal Government on why this project is proceeding. I have copies of comments that she has made on Facebook and social media, always deflecting questions on the issue to the Commonwealth Government. So I am delighted to hear that the Labor State Government has made it clear today that it is welcoming the decision of Chris Bowen, despite the fact that over 2,000 submissions were received opposing the wind farm and despite the fact that there are still questions to be answered in relation to why it is proceeding with a project that is so vehemently opposed by many communities across Port Stephens and the Hunter.

We know that they responded to the concerns of the Central Coast, because this was originally going to stretch from the Central Coast to Port Stephens and they were concerned that they were going to lose some seats there, but they have decided to damage most of the coastline of Port Stephens. I am deeply concerned that it is up to One Nation to fight this. That is the disturbing part. You would have thought Labor MPs would have cared for the environment— [*Time expired.*]

ABORIGINAL AND TORRES STRAIT ISLANDER VOICE AND GOVERNMENT AGENCIES

The Hon. RACHEL MERTON (12:23): I take note of several answers to questions 888 to 906 provided to me on notice. The questions were directed to every Minister and concerned the upcoming Federal Voice to Parliament referendum. These questions have several parts. We asked each Minister if the departments and agencies that they are responsible for have been involved in the referendum or intend to be involved in the referendum. We asked for details of any communication strategies for staff or the wider public relating to the referendum. And we asked if any communications, past or planned, within the department or agency refer to a policy position on the Uluru Statement from the Heart.

The answers we received were brief and uniform across all Ministers. They stated the New South Wales Government has publicly stated its support for the Voice to Parliament. The correspondence stated that the Australian Electoral Commission had ultimate responsibility for conducting the referendum and that the New South Wales Government supports the Commonwealth's commitment to conducting a referendum where all members of the community are empowered to make an informed decision. What a cop-out. This is not about helping people make an informed decision. Rather, we are seeing political activism from various levels of government that seek to influence people as to why they should vote yes to the Voice. We know, as a fact, this is occurring in government departments and agencies. Many departments have invited staff to attend information sessions on the Voice referendum where the person leading it is clearly an advocate to vote yes. I note the absence of any speakers representing the no case.

I have one example that was reported in April from the secretary of NSW Health to all staff. It advertises two lunchtime webinars with one speaker. It then outlines, in dot points, five purportedly favourable characteristics of the Voice to Parliament. This is a similar formula developed by local councils across New South Wales. I have numerous examples of other government departments running these clearly biased information sessions that, in reality, are only representing one side of an important debate our country is currently having.

Despite my question going to the heart of this issue, no details were provided regarding the information sessions that have been run or are intended to be run. I call upon the Government and local councils to provide greater transparency in this stealth public information campaign to assist the yes vote on taxpayer and ratepayer time. I would feel the same if these sessions were advocating for the no vote. Government departments have an obligation to operate impartially regarding the expenditure of moneys and resources in the upcoming Voice to Parliament referendum.

SOCIAL HOUSING

CULTURAL FESTIVALS

The Hon. JACQUI MUNRO (12:26): I take note of answers given today by a number of Ministers, beginning with the Hon. Rose Jackson's answer about social housing and transparency. I think that it is wonderful

that we are having data released more regularly. That is certainly a transparency measure that will lead to better understanding in the public about this issue. Nevertheless, the reality of the situation has to be matched by actual policy that addresses the growing concern that we have about the number of people who are experiencing homelessness or are at risk of experiencing homelessness. There are about 200,000 people who are at risk and around 50,000 people who are currently on the waiting list for social housing. For this debate, it is important to understand what vacant properties are already available in New South Wales that may be functional for residents to use without having to wait for building and development.

We have heard a lot in this Chamber about the Waterloo development and the increases in the number of social and affordable housing that will be developed and delivered. However, we have not had any detail about how or when that will happen. It appears that the time line has blown out, unfortunately, and it is unclear how developers will be incentivised to contribute to this project, because we know that one of the problems with building affordable and social housing centres around cost and quality. So we do need that detail. It is all well and good to have transparency around the reality that individuals face in living without a fixed place of abode, but we need to hear what can be done, and when and how, to ensure that there are residential dwellings available for people who are experiencing homelessness.

I also take note of the answer given by the Hon. John Graham on the Sydney Fringe Festival. Mr Assistant President, could I have a quorum call, please?

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Do you wish to draw my attention to the state of the House?

The Hon. Penny Sharpe: We are getting people in, but if you want to stop, you can.

The Hon. JACQUI MUNRO: I prefer to finish my answer, and I will ask for a quorum call at the end of my answer.

The Hon. Penny Sharpe: As long as you do not interrupt me in response.

The Hon. JACQUI MUNRO: I congratulate Kerri Glasscock for her advocacy in that space. Unfortunately, the Minister was not at the launch of the Sydney Fringe Festival. I hope to see him at many of the events, along with the 24-Hour Economy Commissioner, which the former Coalition Government ensured was a significant position. With the 24-hour economy exploding in New South Wales, we must ensure that that is a focus for this Government as well.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (12:29): I respond to a number of issues raised in the take-note debate today. The first point I make is that there has been a lot of huffing and puffing from those opposite, which is probably—

The Hon. Jacqui Munro: Mr Assistant President, I draw your attention to the state of the House.

The Hon. PENNY SHARPE: I let you finish.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Stop the clock. Had the Minister finished?

The Hon. PENNY SHARPE: No, I was just getting started.

The Hon. Jacqui Munro: It was not my understanding that it would finish your time.

The Hon. PENNY SHARPE: That is what I was warning you about.

The Hon. Jacqui Munro: But is it accurate to say that the clock stops at the point at which you were speaking, and then restarts?

The Hon. PENNY SHARPE: No.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The clock stops when I say it stops.

The Hon. Jacqui Munro: But does it stop after that?

The Hon. PENNY SHARPE: It is stopped now.

[The bells having been rung and a quorum having formed, business resumed.]

The Hon. PENNY SHARPE: Now that half of my time has been taken, I make the following points. For all of the huffing and puffing from Opposition members about their concern about the inquiry that has been set up to look into the appointment of the NSW Cross-Border Assistant Commissioner, I point out that they moved a

Standing Order 52 motion today that named a public servant—those in glass houses, seriously. There is nothing wrong—which we accepted yesterday and which we spoke a lot about—with the House setting up an inquiry into how appointments are made. We have accepted that. Opposition members clearly have not. It is pretty weird to appoint someone without a process who is then made permanent and who is the Federal Secretary of The Nationals. That will be dealt with during the inquiry; it is important.

There has been a lot of pushing and shoving today, which was unhelpful and reeked of hypocrisy. If Opposition members want to be serious about it, they should not walk into the Chamber and do exactly the same thing that they attacked the Minister for today. The Minister answered the questions openly and honestly. We have been clear about the problems with the Office of the Cross-Border Commissioner, which has more than tripled in size in two years. It went from 13 staff to 18.4, with people being paid and people not applying for jobs. It is absolutely appropriate that our Minister holds it to account and looks into that matter, and that is exactly what she has done. I make the final point that tomorrow is Wear It Purple Day. I note that the House supports young LGBTIQ people. They are perfect the way they are.

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

Motion agreed to.

Deferred Answers

TEACHER WAGES

In reply to **The Hon. SARAH MITCHELL** (3 August 2023).

The Hon. DANIEL MOOKHEY (Treasurer)—The Minister provided the following response:

I refer to my previous answer given during Question Time on 22 August 2023.

TEACHER WAGES

In reply to **The Hon. SARAH MITCHELL** (3 August 2023).

The Hon. DANIEL MOOKHEY (Treasurer)—The Minister provided the following response:

I refer the member to my previous written response to a supplementary question given on 4 August 2023.

BROADMEADOW PLACE STRATEGY

In reply to **The Hon. NATASHA MACLAREN-JONES** (3 August 2023).

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast)—The Minister provided the following response:

This matter is currently being considered by the Independent Commission Against Corruption (ICAC) and I have declared all meetings as all Ministers are required under the code of conduct.

Written Answers to Supplementary Questions

CHILDCARE AND ECONOMIC OPPORTUNITY FUND

In reply to **the Hon. SARAH MITCHELL** (23 August 2023).

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources)—The Minister provided the following response:

I am advised that the information the member has asked for can be found in the 2022-23 Budget Paper No. 1: Budget Statement, 2022-23 Half-Yearly Review and 2023 Pre-Election Budget Update, and can be accessed at www.budget.nsw.gov.au.

Documents

TABLING OF PAPERS

The Hon. PENNY SHARPE: I table the following paper:

- (1) Disability Inclusion Act 2014—Report of Department of Communities and Justice entitled *NSW Public Authorities' Disability Inclusion Action Plans – Report on progress 2021-22*, dated August 2023.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I shall now leave the Chair. The House will resume at 2.00 p.m.

TABLING OF PAPERS

The Hon. TARA MORIARTY: I table the following paper:

- (1) Local Land Services Act 2013—Report of Local Land Services entitled *Statutory Review of the native vegetation provisions (Part 5A and Schedule 5A and Schedule 5B) of the Local Land Services Act 2013*, dated August 2023.

Matter of Public Importance

BRUMBIES IN KOSCIUSZKO NATIONAL PARK

Debate resumed from an earlier hour.

The Hon. BRONNIE TAYLOR (14:01): I conclude my contribution to the matter of public importance discussion by saying that there is much more to be done. I encourage the Government to look for an accurate account that we can all look at to make informed decisions. I thank the Hon. Emma Hurst for bringing this issue to the Chamber today. It can be worked through respectfully to make sure that we get it right. It means a lot to a lot of people and it is up to us to find a resolution.

Ms ABIGAIL BOYD (14:02): As The Greens spokesperson for animal welfare, I contribute to this important discussion. The management of wild horses is a highly contentious issue, with deeply held beliefs on all sides of the discussion. While it can feel like it is hugely divisive—and there are some that seek to capitalise on that division—the reality is that most of us are closer together on our positions than some seem happy to acknowledge. The facts are that horses in Kosciuszko National Park are an introduced species that have thrived in that beautiful terrain.

Successive government failures to appropriately and ethically manage this population of wild horses has seen their numbers steadily rise. As with all species, these animals and their behaviours are informed by their environment, and in turn they have an impact on their environment. The inescapable fact is that wild horses are impacting on the environment, which, in turn, contributes to the impact on the viability of other species in the environment. These species are struggling, and in many cases failing, to adapt to a rapidly altered ecosystem. It is in many ways the pace of the change that actually causes the greatest harm, more than the nature of the change itself.

Life is resilient and adaptable, but it is also at times brittle and slow to bend. One of my favourite books is *Climate: A New Story* written by Charles Eisenstein. In the book he explains in great detail how climate change is impacting on different ecosystems across the globe and how local ecosystems, in turn, impact on the climate. As an example, he talks about how the Navajo belief in prairie dogs summoning the rain was not a superstition, but instead an observation.

Environmental destruction in North America has forced prairie dogs into the cities to scavenge for food, leading to local changes in the weather as a result of the complex way in which their burrowing activities had previously interacted with their habitat. In other words, their burrowing in that environment had created a local ecology that contributed to rainfall. A cascading series of events ultimately has led to less rain in the area in which these prairie dogs used to reside, which in turn created changed broader weather patterns. As Eisenstein details, those weather pattern changes then have an impact on global climate change, which, in turn, impacts on other local environments across the globe. The local is the global; the global is the local.

Ecology is complex, and the recent rapid changes to climate and the environment are frightening. It is incumbent on us all to do what we can to turn that around. But we must also acknowledge that much of it will be irreversible, and once we do manage to wrestle the rate of change back under control, we will be dealing with very different environments to those that existed before we wrecked the joint. Life is resilient though, and ever changing, and in at least some cases we will get back something richer than what we lost. It is in this context, the context of humans having sought to control nature and to micromanage every part of the global environment, that we are faced with what we now do to prevent more species going extinct without doubling down on our mistakes of the past.

It is undeniable that the management of wild horses has been a complex and long-running issue. Unfortunately, complex problems rarely lend themselves to simple solutions. The brumbies are beautiful, special creatures and it breaks my heart to think of even one of them being culled. But their impact on the environment cannot be denied. Their numbers must be reduced. That is not to say they are the only threat to the national park and the environment, with other invasive species and climate change obviously also playing a part. The Greens are proud to be a party founded on evidence-based decision-making, which guides our policy and positions. Our policy platform is binding on our MPs and is decided by consensus decision-making of our grassroots membership.

It is our strength and our point of difference and it is what ensures that we make the right decisions for the right reasons. Sometimes those policy decisions and positions are extremely simple. Should we tax the rich? Absolutely. Should we take bold and urgent action to reduce emissions to avert global warming? Obviously. Should we be unashamed in our defence of marginalised and underrepresented or oppressed communities, and fight for equity and justice for all? Without a doubt. These are simple, obvious choices, and our democratic principles serve us well.

One need only look at the major parties, divorced from their membership, to see how quickly simple decisions can become corrupted by greed and corporate interest, motivated reasoning or aggressive lobbying. Where things become more contentious, our rigorous democratic processes nevertheless stand us in good stead. We are a party perfectly capable of grappling with complexity and nuance. We are a party capable of containing multitudes, and we are proud to do so. We respect diversity of opinion. We embrace complexity and espouse compassion, kindness and a desire to do the very best we can. We seek to foster a grown-up, responsible conversation where we can lead and guide responsible decision-making, rather than falling prey to emotive or knee-jerk reactions. We are focused on seeking solutions based on evidenced science, and healthy, respectful processes.

The Greens' animal welfare policy is very clear: Animals must be recognised as sentient beings that deserve our care and respect. Animals have intrinsic value, separate from the needs of humans, who have a responsibility to ensure that animal rights and welfare are respected. Humans have a duty of care to minimise physical and psychological suffering of animals resulting from human activity. We must ensure that where humans have scientifically identified a need to manage native animal populations this is done humanely, and where nonlethal methods do not exist, resources are provided for research and development of nonlethal methods. Vitally, we must ensure that lethal and nonlethal measures of population management are based on meaningful population control.

All methods employed must be professional and scientifically proven to be effective before undertaken. The Greens' policy has always been about managing invasive species humanely through nonlethal methods wherever possible, while understanding and ensuring that if lethal methods are to be used as a last resort, they are done humanely, through professional, effective and scientifically proven methods.

The Greens believe it is critically important to invest in nonlethal methods that reduce numbers and improve animal welfare outcomes, while ensuring environmental protection remains key. For many years there has been a notable lack of investment in research and development to improve the effectiveness of humane and nonlethal control techniques. It is particularly upsetting that we find ourselves here after much neglect by previous governments, which did not pave the way for the humane management of animal populations. Instead we are forced to debate how these beautiful, sentient beings must be "managed". The Greens want to prevent any further damage to that fragile ecosystem and we want to let it recover. We want to remove the brumbies in the most humane way possible and in a way that is backed by rigorous science.

Ecosystem management is, by its very nature, a complex and delicate task. It requires deep collaboration, consultation and sensible, proportionate and sustainable measures to achieve and guarantee ongoing rectification. It is obvious and clear that we must significantly reduce the number of wild horses in Kosciuszko. There are multiple ways that that can be achieved, but unfortunately none of those options have been taken up in recent years, which has worsened the situation. Although there are shortcomings in our understanding of the situation on the ground, it is clear that we must reduce horse populations. That reduction must be ethical, scientific and sustainable. All reasonable methods of population control should be on the table. Standards of animal welfare should be a primary consideration, alongside efficacy, when determining the appropriate mix of considerations.

In order to determine the best way forward, we must understand far more, not only about how many wild horses are in the park, but also about where and why they are there. We must also understand exactly why aerial culling was proposed as the best method when there is evidence that, although surely more cost effective, it is less humane than other methods. I would like to correct something that was said by the Minister earlier in debate about the RSPCA's position. In an email to me today the RSPCA said:

Our position on aerial shooting is that more work needs to be done to assess humaneness. The RSPCA does not endorse any specific control methods, and in relation to aerial shooting it is clear that if it is to be undertaken there must be stringent, independent animal welfare audits conducted.

I refer members to the RSPCA's submission to the Federal inquiry into the impacts and management of feral horses in the Australian Alps, where its concerns with aerial culling are made very clear. I recommend people read that submission. In conclusion, the science about every aspect of this issue is far from settled. That is why a wideranging Federal inquiry is currently underway, and another State consultation process is also being conducted. Vitally, we must understand the longer term plan for the management of horse numbers in Kosciuszko. If a decision is made by the Labor Government to implement a cull of these incredibly special animals, it cannot happen over and over, every time the Government realises it has failed to implement a sensible, long-term strategy.

Indeed, if the only way to urgently protect other species is to sacrifice those wild horses, there must be a longer term plan that employs less cruel and haphazard means of managing wild horses. It is morally and ethically indefensible to embark on a program of annual culling with no off-ramp. That position would be morally inappropriate, fiscally reckless and scientifically baseless. I have laid out the principles of The Greens and the ethical framework that guides all good decision-making.

The Hon. STEPHEN LAWRENCE (14:12): On behalf of the Government I contribute to debate on this matter of public importance [MPI]. Kosciuszko National Park is a precious place that holds great significance to all Australians. It is the Government's privilege to be responsible for looking after the park on behalf of the people of New South Wales. We treat that role with the utmost importance and seriousness. Current and future generations are lucky to have dedicated staff who implement conservation programs every day. As has been evidenced in debate today, wild horses in Kosciuszko National Park are a high-profile issue. They receive significant community and media attention.

Of course, the Hon. Emma Hurst does not focus only on high-profile issues when it comes to animal rights. She is a consistent voice on those issues. A sitting week does not pass without her further educating me on issues that pertain to animals and cruelty to animals. I commend her for bringing this MPI before the House. The Hon. Emma Hurst received support from Opposition members, but I suspect it is not lost on her that the Opposition and, indeed, the Labor Party do not consistently hold the same positions as her on animal rights issues. Again, I commend her for her role in relation to those matters. Wild horses receive more attention, concern and support from those opposite, and from other members, than other animals do. One is reminded of George Orwell's observation that some animals are seemingly more equal than others.

The Hon. Mark Latham: Name them!

The Hon. STEPHEN LAWRENCE: There are many animals that no-one cares about who suffer equally, and it is not a matter of humour. However, wild horses are one of a diverse range of management challenges that face the park, alongside broader feral animal control, threatened species protection, bushfires and, indeed, pressures from human access. The New South Wales Government is committed to ongoing investment in priority, cost-effective programs, designed and implemented with expert scientific advice and community inputs, to deliver best practice and evidence-based management of the national park. That is necessary to make sure that the values of Kosciuszko National Park are protected in perpetuity and that sustainable access is available for the benefit of current and future generations. Of course, the national park is an Australian icon. It is our largest national park, and it attracts millions of visitors every year, who come to enjoy its natural beauty, conservation values and recreational opportunities.

It is huge, at around three times the size of the Australian Capital Territory. It was said earlier that it is about the size of the island of Bali. With its diverse mix of rugged mountain escarpments, valleys, wilderness areas and major visitor destinations, the management of the park is a complex challenge. There is a wide range of stakeholder interests and views about how management of the park should occur, including but not limited to how to best manage wild horses in the park. I thank the dedicated staff of the National Parks and Wildlife Service [NPWS], who are intimately involved in those issues and who work tirelessly to protect the unique values of Kosciuszko National Park. The State Government is investing significant resources to ensure the management of all aspects of Kosciuszko National Park and to meet the legislative requirements, community expectations and best practice standards.

In managing the national park, the NPWS works in accordance with relevant legislation and key statutory documents, including the *Kosciuszko National Park Plan of Management* and the *Kosciuszko National Park Wild Horse Heritage Management Plan*, to deliver a balanced approach to the protection of natural and cultural heritage values in the park, along with the provision of sustainable visitor and recreational opportunities. The control of feral species is a core component of the National Parks and Wildlife Service's day-to-day management of all national parks and reserves across New South Wales. Currently, it is delivering the largest ever control program for feral animals.

It is true that aerial shooting has more than doubled and baiting has increased fivefold. Those control measures are essential to reducing the impact of feral predators, particularly following the drought and bushfires of 2019-20. Kosciuszko National Park is not the only area around the State that was impacted by those particular circumstances, which led to an increase in a whole range of feral animal and related biosecurity issues. In Kosciuszko National Park, 7,271 feral animals, including 5,285 deer, 839 pigs, 1,816 rabbits, 200 wild dogs, 12 cats and 11 goats were removed in the three financial years to the end of 2022-23. Also, a large amount of baits were laid in that time—some 102,000—including in some of the surrounding reserves. Of those feral animals removed from the park, more than 80 per cent were removed via aerial shooting.

The aerial shooting of pigs and deer, as the Minister touched upon earlier, is conducted in accordance with a framework developed and led by NPWS working in collaboration with Local Land Services and the Department of Primary Industries. The framework provides for strong governance, accreditation and strict procedural guidance to meet the highest animal welfare standards. Shooters and pilots receive comprehensive training and are assessed against nationally recognised units of competency. To maintain accreditation, shooters must participate in 10 hours of shooting each year and successfully complete four days of re-accreditation every three years. All aircraft and personnel involved in aerial shooting must be accredited for the work. The humaneness of operations is a key part of that training.

The aerial baiting programs also occur across the Kosciuszko National Park. In 2022-23 around 1,362 kilometres was baited and almost 30,000 baits were dropped in the park and adjacent parks and reserves. On bushfire management, the management of fire hazards is also a key factor in protecting Kosciuszko National Park. On average, NPWS delivers more than 75 per cent of all hazard reduction burning throughout the State. The NPWS and its hardworking staff also manage the State's largest fire trail network and implement an extensive works program to ensure safe and effective access for firefighting operations. The NPWS takes a multi-layered approach to fire management in Kosciuszko National Park, including fire planning, community education, fuel management and fire suppression. As members know, the park was significantly impacted during the 2019-20 bushfire season. In 2022-23 nine planned hazard reductions were completed, covering almost 30,000 hectares. In the same period, NPWS upgraded 800 kilometres of fire trails.

I will speak to safeguarding threatened species and restoring the park. The Government is implementing an extensive range of programs across the park to identify and proactively manage risks to conservation values and to restore past damage. That includes declaring 49 sites as assets of intergenerational significance, protecting important habitat for 14 threatened species, which triggers specific conservation actions under statutory conservation action plans; and comprehensive weed control programs targeting State priority species such as hawkweed and mouse ear, including the use of innovative technologies such as drones and detection dogs.

It also includes cross-border partnerships with the Australian Capital Territory, Victorian and Australian governments through the Australian Alps Partnership Agreement; the construction of new fenced enclosure areas to prevent wild horse access to threatened species habitats and the rebuilding of existing enclosure areas damaged during the 2019-20 bushfires; and major investment in new and upgraded visitor assets, such as walking tracks and camping areas, to reduce the risks of unmanaged access and damage to sensitive areas. The NPWS is also implementing a groundbreaking ecological health monitoring program that aims to significantly enhance the health of national parks by tracking key ecological indicators

The Hon. RACHEL MERTON (14:23): I make a short contribution to the discussion on the matter of public importance concerning the proposed cull of our iconic Snowy Mountains brumbies by aerial shooting. The Government's proposal for an aerial cull of our brumbies deserves much greater public attention and scrutiny. The proposal would alarm and appal communities not just in the Snowy Mountains region but across New South Wales and Australia. I recognise the excellent work undertaken by the Hon. Emma Hurst in turning a much-needed spotlight on this issue, as well as by the Hon. Bronnie Taylor and the Hon. Rod Roberts. Individually and collectively, they have asked some important questions about the proposed mass cull of brumbies. They have highlighted the need for a genuine, reliable count of the number of brumbies in Kosciuszko National Park, not estimates and models built more on the vibe and seemingly coming from an already drawn conclusion that there are too many of the animals and they need to be reduced by the thousand.

Let us not dismiss trapping and rehoming brumbies through New South Wales national parks to reduce numbers. Eight hundred brumbies are expected to be rehomed this year. As a lover of horses, I find the possibility of aerial shooting as a method to control numbers quite confronting. There are obvious considerations as to how humane the practice is, and that has been raised during this discussion. If numbers need to be reduced further beyond trapping, then controlled ground shooting is already an available last-resort option. Understandably there is anger within the community, particularly from pastoralists adjoining the national park. There is also anger from a local tourism industry still recovering from the damage of COVID.

Having the courage to stand by one's beliefs and articulate one's agenda is important in politics, and Labor certainly did not flag aerial culling of brumbies as an option before the last election. I am still waiting for the RSPCA to take a more vocal and active role as one would have expected. We must also recognise the damage that is being done to the Snowy Mountains by wild deer and pigs rather than sheeting all the blame home to the brumby. Ideologues claim the brumby is an introduced species and has no place in the Australian environment. They claim that it is a colonial-era addition to Australia so somehow it is of lesser value to our modern nation today. The fact is the Snowy Mountains brumby is part of our culture and an integral part of our heritage, and, yes, I refer to Banjo Paterson's poems *The Man from Snowy River* and *Brumby's Run*. The brumbies represent and embody a sense of majestic freedom that many in the community are quite rightly attached to. Our Snowy

Mountains brumbies should be celebrated, not become the subject of a government mass aerial cull on the basis of questionable data and misguided ideology.

The Hon. ROD ROBERTS (14:26): I contribute to the discussion on the matter of public importance. I thank the Hon. Emma Hurst for bringing it to the House. I come at this not from an animal welfare or ecology viewpoint but from a pure evidence-based viewpoint. Most members in this Chamber know that is the approach I take to most matters in the House. It is important that I place on record my experience with horses. I always hear Ms Sue Higginson telling us how she is a farmer and that she is the only farmer in the Chamber. Members will remember that I, too, was a farmer. I have had deep experience with horses in that I owned a stock feed business and a horse transport business, and on our rural property, apart from grazing cattle, we also bred and raced harness racers—trotters, to the inexperienced. We also spelled and agisted thoroughbreds on behalf of others. So I know the front end of a horse from the back end pretty well.

I know that in farming and grazing in general there is a theory called the DSE, the dry sheep equivalent. All property is rated with a DSE. In other words, how many dry sheep can we run per acre on this property that is sustainable? There is a sustainable number attached to any form of grazing. When I had the farm, if I put too many horses in the paddock, they would eat it out and flog it to death. There would be no grass. If I was not handfeeding them, they would shrivel up and die. I know, and I bring to this discussion the fact that there needs to be a sustainable number, and only that number. To that point, the Parliament has already determined that sustainable number as 3,000. I will not resile from that at all. However, I have issues with what is expressed at the moment as the amount of horses that exist in that park, and that is the core of this whole problem. There is no community confidence—in fact, there is not even any confidence in this Chamber—as to the correct number of horses.

The Hon. Penny Sharpe: The exact number, that's true.

The Hon. ROD ROBERTS: I acknowledge and welcome the interjection of the Minister. I will give her some say in this in a moment.

The Hon. Penny Sharpe: Be careful. Don't verbal me, Rod.

The Hon. ROD ROBERTS: It is not a spray. The Minister acknowledges that this is the core issue. If we can get to the point where everybody, whether inside or outside the Chamber, can agree on the true number of horses that exist in that park at the moment, that will make all of our lives so much easier. The Cairns methodology that is relied on at the moment is the one in dispute. In fact, in the kangaroo inquiry the Minister for the Environment, and Leader of the Government expressed concern over the credibility of that count. She cannot have concern over the count when it is kangaroos but have no concern when it is horses. She has admitted—again, I do not want to verbal her and she can speak for herself—that she holds some degree of concern about that methodology.

In 2020 Cairns reported that there were 14,000 brumbies in the whole park. It is agreed by all parties that 85 per cent of the horses reside in what is known as the northern block, the area around Currango plains, Long Plain, Kiandra and Boggy Plain. If Cairns' figures are extrapolated, there should have been 12,000 horses in the northern block in 2020. I flew over the northern block in April 2022 and I counted 992 horses. I will not say that I saw every single horse in that northern area. I am not that naive and I am not that silly. But I did not miss 11,000 horses. If we are to believe Cairns, when I flew for two hours over the northern block I miscounted by 11,000 horses. It is absolutely impossible. That is where the rub lies. Mark Twain said, "Lies, damn lies, and statistics." This is why there is so much community angst.

In her contribution this morning the Minister said she went to the park and saw the damage. She did not say how many horses she saw, though. She did not say, "I flew over and I saw 14,000 horses", because she could not possibly have done that. The community angst comes from the fact that in 2019 community members, via the Government Information (Public Access) Act [GIPAA] process, found out information that the National Parks and Wildlife Service has never revealed: that in 2019 it conducted a horse-count flight over exactly the same territory in the northern block and came up with 3,110 horses, not 14,000. Those are the National Parks and Wildlife Service's own figures. In 2020 it did the same flight over the same area. Guess what it came up with then? It was 2,468. Those figures were hidden from the public. It took members of the public using the GIPAA process to find out what the National Parks and Wildlife Service had actually counted. Why was that hidden from the public? Because it is an inconvenient truth. It does not suit the narrative of those running the National Parks and Wildlife Service.

In her contribution Minister Sharpe also said that this is the best methodology we have available. The figures that the Government is throwing around at the moment are that there are somewhere between 14,000 and 23,000 horses in the park. Its own statistics have a massive discrepancy of 9,000. I ask all members to imagine 9,000 horses lined up. That is a lot of horses, and that is the discrepancy in the Government's figures. "We think

there are somewhere between 14,000 and 23,000. We're not really sure. We're only out by 9,000." How can we rely on that? What is scientific, what is forensic and what is accurate about that assessment? That is why community members and advocates are so upset and disappointed in the information that has been provided to them.

We need to restore public confidence in the operation of the Kosciuszko Wild Horse Heritage Act and the operation of the National Parks and Wildlife Service. The only way that can be achieved is by having a new count. The Minister and I have spoken about this before. There will be a new count in October. That count—and I think there may be some common ground on this, which we will continue to pursue—needs to be done with an accurate, transparent method, observed and/or participated in by others outside of the National Parks and Wildlife Service. Therefore, there will be a collection and analysis of the data by all parties. Then if there are more than 3,000 horses in the park, a humane culling needs to be done. The number has to be brought back to 3,000. If there are fewer than 3,000 horses and we have been lied to and misled by the National Parks and Wildlife Service, which has said there are 14,000 to 23,000, I will be the first one back up on my feet in this House to scream merry hell about it.

Ms SUE HIGGINSON (14:35): I thank the Hon. Emma Hurst for bringing this matter of public importance to Parliament today. It is tragic that we are in the current circumstances, which we got to as a result of centuries and further decades of colonial land exploitation and poor management. That is a simple fact. The last term of Parliament saw a colonial renaissance when the Parliament took the extreme measure—and I want to remind members of just how extreme—of passing legislation to protect an introduced species in a national park. Only 10 per cent of the entire State is reserved for nature, for ecosystems as they actually are. This extreme measure was based on political power and vested interests. The outcome has been perverse and made New South Wales an international scientific disgrace from an ecosystem-survival and management perspective.

Kosciuszko is home to ancient glacial landscapes and life-sustaining water catchments. It is rich in alpine wildflowers and native animals found nowhere else on earth. It is a fragile landscape that is particularly vulnerable to the hard hooves of horses. Spanning 690,000 hectares, Kosciuszko National Park is Australia's largest alpine park. It lies entirely within New South Wales and is home to the highest mountain. We know that Kosciuszko is in trouble. Horses that should not be there are muddying its clear streams, trampling its unique plants and destroying animal habitats. The past decade of neglect in the management of Kosciuszko, in spite of the efforts of the incredibly good folk who try every day to do the right thing by the national park on behalf of us and future generations, has been catastrophic for its ecosystems and wildlife, including those that are almost extinct. They have really suffered from this period of neglect.

Scientists, environmentalists and park managers have copped the brunt of the abuse from those who seem unable to accept the reality that the horses need to be removed from the park. From a deep ecology perspective—not an anthropocentric one but one that recognises real, genuine and sincere respect for country and places humans in, and not at war with, nature—all members should be working together to repeal the Kosciuszko Wild Horse Heritage Act and remove all the horses from the park, but we are not. Instead, we are arguing about maintaining a level of the animals in the national park. Indigenous ambassador for the Invasive Species Council and Snowy Mountains local Richard Swain has been subject to threats and abuse for speaking out about the need to protect country and Kosciuszko. Richard is literally on the front line and watches every day what is going on. He said:

The next decade is critical for Kosciuszko National Park. If we don't start getting horses out now it's a death sentence for our native wildlife and for Country.

We need management based on science and evidence, not fairy tales and poems.

We need the cold, hard facts. It is hard, but we have to do it. Streams that were once lined by precious sphagnum mosses are now scarred erosion channels. The Minister spoke about them. They are shocking. If you have not seen it with your own eyes, you need to look. The habitat of critically endangered animals like the northern corroboree frog, the possums and the mice are being severely damaged. Rare alpine daisies and orchids found nowhere else on this living planet will exit this planet; they will not be here. They are at direct risk of extinction due to the impact of horses.

The failure to control horses right now puts us at risk of actual legal failure in terms of our Commonwealth obligations and responsibilities that environmentalists, lawyers, scientists and politicians worked for decades to put in place. They are based on our international obligations under the Convention on Biological Diversity, on which we literally sat with the world and made promises to the rest of the world that we would look after these incredibly important and unique ecosystems. We agreed to the nation that we would protect the headwaters of the Murray-Darling Basin and the water resources that we also rely on. The Commonwealth has also committed to the goal of no new extinctions under its threatened species action plans—

The Hon. Penny Sharpe: New South Wales has committed to it.

Ms SUE HIGGINSON: —which New South Wales also has committed to. It is important that we respect the environmental rule of law. As members of a State Parliament, we of all people should be the ones working to uphold that environmental rule of law, not slugging politics in the face of evidence. The Australian Alps contain the headwaters of some of Australia's greatest rivers, including the Murray, the Snowy and the Murrumbidgee. It has been estimated that, on average, the Alps contribute 9,600 gigalitres to the Murray-Darling, or about 29 per cent of the basin's total annual flows. The systems at the headwaters are on the brink of collapse. We do not realise how important these fragile systems are, and we are literally trampling on them. We have been now for 200 years, and they cannot continue to sustain it. That is what the evidence and the science is telling us.

The Commonwealth Threatened Species Scientific Committee has now identified the horses in Kosci as a direct threat to the survival of the named species on the brink of extinction. I know how conservative those science bodies are. In my career as an environment and planning lawyer, I have never seen a scientific committee make such clear and direct links that a key threatening process will be the tipping point and the cause of extinction. Unfortunately, that tipping point is the horses. Horses were added as a key threatening process in 2018, joining the other species of rabbits, goats, deer and pigs. The Commonwealth listed the horse as a key threatening process in 2011.

The current plan, the 2021 Kosciuszko National Park wild horses plan, sets a target of 3,000 horses by 30 June 2027. It already provides for the use of trapping and rehoming, trapping and transport to knackeries, aerial mustering and ground shooting. However, the rules of aerial shooting were left out of the suite of options that we need to be able to deal with this environmental problem, and it is a serious problem. This is the point at which to make a decision about whether we protect this incredible ecosystem or let it get degraded irreversibly. We know that the current Alps-wide population of horses is estimated to exceed 20,000. We know that the population studies are based on the world's best methodology. We can critique it, we can smash it, we can do whatever we like, but it is what we have and it is very accurate in terms of basing ecosystem-management processes upon it.

The one thing that is clear right now is that we have a job to do, and we need to get on with it. The experts on the ground who are charged with the responsibility of doing the job are advising us that we need to have available all of the humane tools that we possibly can. We know that ground shooting is an important humane kill tool. We know that aerial shooting is a humane kill tool. We also know that there are other methods. We need to make sure that the people who have to do this awful job—and it is an awful job—have all the tools that they need available to them to undertake this job on behalf of all of us and future generations.

The reality is that right now a consultation process is out, and that is what it is. The Minister has been absolutely up-front, honest and transparent about what we are doing here. This is about putting an extra tool on the table, on the advice of the experts who have to do the job in the most humane way possible. They have said, "This is what we should be doing," along with all of the other management tools that we have. We are out for consultation, and the process is on foot. This is not about not going to the election with a promise. If that is how environmental management works, then we are all in trouble. It is not a static process. We need to be monitoring and managing as we go and doing the best we can.

I currently manage horses on my own place. I love horses. I am the current manager of 13 horses, including two brumbies. I literally love these animals. I have spent 24 hours helping mares birth foals overnight. It is not something that anybody wants to do. We are in this predicament, which we got into ourselves. We need to take responsibility, and this Minister needs our support.

The Hon. WES FANG (14:46): I make a brief contribution to the discussion. I thank the Hon. Emma Hurst for bringing forward this matter of public importance and for her support of the iconic brumbies in the Kosciuszko National Park. I put on record my support for the continuation of what is a very important part of the Australian story. We have held dear those horses in folklore, poetry and stories for a long time. Certainly, throughout the history of our young nation, they have been a source of work for the people of rural and regional New South Wales not only through the taming and breaking of horses, but also through the tourism that those horses bring to the national park by way of the delight that people get when they either see or get to experience the brumbies at full flight when they are running through the park. I can say from personal experience that it is a sight to behold.

Yes, they were introduced. Yes, they are not native. But they are something that I think we hold dear in Australian culture and society. The issue of damage in the park is obviously important, and I understand the Minister's views on this. However, it is interesting that that issue of damage in the park is put aside when perhaps there are other things that might cause damage to the park. The recent inquiry into the transmission lines showed that the easements that will be cut through Kosciuszko National Park will be as damaging as, if not more damaging than, the brumbies.

The Hon. Penny Sharpe: Mate, you guys approved it. That was on you.

The Hon. WES FANG: It is a bit hypocritical for the Minister to sit in the Chamber—

The Hon. Penny Sharpe: It wasn't my decision. That was yours.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order!

The Hon. WES FANG: Thank you, Madam Deputy President. I ask that the Minister listen to my contribution in silence, as I listened to hers.

The Hon. Penny Sharpe: I am listening very carefully.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! Members will address their comments through the Chair.

The Hon. WES FANG: I find it interesting that the Minister has a laser-like focus on one part of that issue yet completely ignores the other, even though both of those—

The Hon. Penny Sharpe: I'm trying to fix up both of your messes.

The Hon. WES FANG: Are you on a call yet? You should be.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order!

The Hon. WES FANG: Sorry, Madam Deputy Chair.

The Hon. Penny Sharpe: Take it to the President.

The Hon. WES FANG: Maybe I will. It is interesting that both of those areas of responsibility fall within this Minister's purview, yet one is vitally important and the other is completely ignored. With that, I conclude my remarks.

The Hon. EMMA HURST (14:50): In reply: I thank Minister Penny Sharpe, the Hon. Bronnie Taylor, Ms Abigail Boyd, the Hon. Stephen Lawrence, the Hon. Rachel Merton, the Hon. Rod Roberts, Ms Sue Higginson and the Hon. Wes Fang for their contributions to discussion of this matter of public importance. In her contribution the Minister emphasised that a final decision on aerial shooting of brumbies in Kosciuszko National Park has not yet been made. The Kosciuszko Wild Horse Heritage Act 2018 mandates that the Government must do a public consultation on any amendments to the wild horse management plan, and that is what is being done. If a decision honestly has not been made then I hope she is genuinely open to listening to the very real concerns about aerial shooting held by community members and experts. Aerial shooting is not a humane tool to kill. To suggest otherwise is one of the most absurd things I have heard in this House.

The Minister said that she believes aerial shooting can be done humanely if done properly. The problem is that the risk of aerial shooting going wrong is extremely high. I referenced the only study done—only one study ever—on the welfare of aerial shooting of horses, which says that the outcomes are highly variable and depend on things such as the terrain. Given the mountainous terrain in Kosciuszko and the disastrous past consequences of shooting, like at Guy Fawkes, there is a reason many people are seriously concerned. The RSPCA found animals at Guy Fawkes days later with bullet wounds in them, still alive and suffering.

I note that Minister Sharpe has said that some hard decisions need to be made both about the protection of native animals in Kosciuszko and the Government's response to non-native animals generally. I make it clear that my objection to aerial killing and cruel lethal control methods is not limited to horses. I do not support and am frankly disgusted by the amount of money this Government and the previous Government spent on the aerial shooting of animals. It is much more than has ever been spent on genuine animal welfare measures.

These aerial shooting campaigns never work. Governments in New South Wales have been aerial killing these and other species for a long time and nothing has changed. According to the Government the problem is getting worse, proving that mass killing is never the solution to any problem. It reduces the number of animals for a short time; we know that numbers then quickly come back because animals breed to the amount of food and space available to them. Aerial shooting does not kill every single animal, so they breed back up. Members know what that means. As noted by Ms Abigail Boyd, the shooting will happen over and over again.

I wish members could be talking about other hard decisions in this place, such as ending native forest logging that threatens koalas, gliders and other threatened species, or stopping developments that are going to be absolutely disastrous for these animals and the environment. Let us prioritise these matters if we really want to care about native animals.

When Government members talk about the mass killing of potentially thousands of animals, I am sure there would be an assumption that such an extreme decision would be based on the best science and evidence available. The Minister said that while the count data may be inaccurate, it is not really relevant to whether this

shooting occurs, and we cannot sit around and have conversations while nothing is done. However, that flies in the face of the very issue I have brought to Parliament for discussion today. We cannot excuse any action being taken while recognising that the data is seriously flawed. If members today recognise that the number of brumbies is entirely unknown, how can anyone argue that extreme measures are warranted?

Earlier I said the Animal Justice Party does not agree with aerial killing because of the cruelty that is likely to occur. Other MPs believe that, in exceptional circumstances, the cruelty could be warranted. The issue is that these exceptional circumstances have to be backed up by accurate data. If there is no data to prove exceptional circumstances, there is no excuse to consider such extreme measures—it is really as simple as that. The problems with the population count methodology are not small; these are major flaws. As the Minister said, this same methodology is used for not only brumbies but also the counting of kangaroos and many other wild animals, which is a serious concern. This morning on 2GB Ray Hadley said that he has been speaking to a variety of experts in this space, who have said that to achieve the numbers being estimated would require the male stallions to also have had foals during this period.

While the Minister says there is no disagreement that some brumbies will remain in the park, she needs to understand that many brumby advocates are genuinely concerned that if ongoing killing methods continue, there will be no brumbies left at all. I continue to call for a moratorium while a proper re-count is undertaken. If the concerns of members of the local community, statisticians and MPs across this House are correct and there are under 3,000 brumbies in the park, the Minister needs to recognise that any action taken right now may be in contravention of the Act.

I was pleased to hear the Minister state that she is open to using immunocontraceptives in the park. However, she did say she was only open to this when numbers are lower. Even if we accept the premise that numbers are currently too high to start fertility control methods, I ask the Minister why we cannot start a trial to see how this would work in Kosciuszko National Park. That is the urgent action needed here. Again, a re-count needs to be done urgently and then a management plan can be decided. If there are over 3,000 but fewer than 10,000 brumbies, immunocontraceptives can be deployed immediately instead of other measures. The reality is that we cannot decide on a strategy while we do not know the number of brumbies in the park. I finish by quoting the Hon. Stephen Lawrence, who quoted Orwell:

All animals are equal, but some animals are more equal than others.

This gets to the heart of the problem. The suffering of these horses is not being treated equally to the suffering of other animals. All suffering is equal, which is why we cannot allow this aerial kill to take place.

Discussion concluded.

Visitors

VISITORS

The DEPUTY PRESIDENT (Ms Abigail Boyd): I acknowledge the guest of the Hon. Aileen MacDonald in the President's gallery today. Roger Liang is a student at UTS studying journalism and social political sciences. He is an intern for the next 10 weeks. I welcome him to the Chamber.

Personal Explanation

BRUMBIES IN KOSCIUSZKO NATIONAL PARK

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:57): By leave: I wish to make a personal explanation. I make two points in relation to issues raised in the matter of public importance discussion today. I put on record that I was a participant in the upper House kangaroo inquiry and paid close attention. During that inquiry I asked a lot of questions in relation to the count. To suggest this means I have a fundamental concern with the current methodology for counting is inaccurate. I place that on the record because various members kept saying that. The second point is that I have said the count is imperfect because it is through the range. I have not said it is not accurate.

Business of the House

CONDUCT OF BUSINESS

The Hon. WES FANG: I seek leave to move a motion forthwith relating to the Standing Order 52 motion of which I gave notice this day.

Leave not granted.

*Documents***TABLING OF PAPERS**

The Hon. PENNY SHARPE: I table the following paper:

- (1) Biodiversity Conservation Act 2016—Report of Department of Planning and Environment entitled *Independent Review of the Biodiversity Conservation Act 2016: Final Report*, dated August 2023.

*Committees***JOINT SELECT COMMITTEE ON PROTECTING LOCAL WATER UTILITIES FROM PRIVATISATION****Establishment and Membership**

The Hon. PENNY SHARPE: I move:

- (1) That this House agrees to the resolution in the Legislative Assembly's message of Thursday 3 August 2023 relating to the appointment of a Joint Select Committee on Protecting Local Water Utilities from Privatisation.
- (2) That the representatives of the Legislative Council on the joint select committee be the Hon. Mark Banasiak, Ms Cate Faehrmann, the Hon. Wes Fang, the Hon. Stephen Lawrence and the Hon. Emily Suvaal.
- (3) That, notwithstanding anything to the contrary in the standing orders, this House requests that the Clerk of the Legislative Assembly set the time and place of the first meeting.

Motion agreed to.

The Hon. PENNY SHARPE: I move:

That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

*Bills***REVENUE, FINES AND OTHER LEGISLATION AMENDMENT BILL 2023****Second Reading Speech**

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources)
(15:00): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

The Revenue, Fines and Other Legislation Amendment Bill 2023 amends a number of Acts as part of the Government's ongoing program of maintaining the integrity and effectiveness of the revenue legislation. The State's revenue is integral to funding our State's vital public services, including its schools, hospitals, roads and transport. As such, the revenue legislation needs regular amendment to ensure that it is kept up to date and effective. The reforms in this bill fall into seven broad categories. The first category is amendments to State taxation legislation to enhance revenue integrity, ensure the equity of exemptions and concessions, address anomalies, respond to court decisions, close tax avoidance loopholes, increase penalties and reduce red tape. The second category is amendments to government sector finance legislation to support the recovery of act of grace payments made under Government programs.

The third category is amendments to fines legislation to enhance administration and create new offences relating to false nominations and false or misleading information, with the latter offence incorporated in State debt legislation. The fourth category is amendments to police legislation to enable information sharing of fines between the NSW Police Force and Revenue NSW. The fifth category is amendments to unclaimed money legislation to aid recovery of incorrectly paid money and improve overall administration. The sixth category is amendments to valuation of land legislation to provide for objection rights and make changes to the handling of sales information data. The seventh category is amendments to the shared equity scheme legislation to ensure that the payments are validly made into the NSW Shared Equity Scheme Fund.

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

Leave granted.

Starting with the first category of amendments.

Amendments to State taxation legislation

This bill makes amendments to State taxation legislation, namely the Duties Act 1997, the Land Tax Management Act 1956, the Payroll Tax Act 2007, the Property Tax (First Home Buyer Choice) Act 2022 and the Taxation Administration Act 1996.

I will deal firstly with the Duties Act amendments set out at schedule 1 to the bill.

Duties Act 1997

The Duties Act amendments are comprised of:

- Changes to ensure that duty concessions and exemptions operate equitably and as intended,
- Changes to reduce revenue leakage, and
- Minor clarifying amendments.

Duty concessions and exemptions

The first set of duty concessions I will speak to are those relating to managed investment schemes and superannuation funds.

Currently, concessional duty of \$50 applies to certain internal transfers of property within a managed investment scheme that do not change the ultimate beneficial ownership of the property.

However, the provisions for this concession have become outdated, as they do not contemplate modern-day holding structures. In addition, the definition of a managed investment scheme is limited to registered schemes, which makes transfers following the deregistration of a scheme ineligible for the concession.

The amendments modernise the duty concession to address these issues.

The second duty concession relates to transfers of property that occur as a result of a person changing their superannuation fund, the intention being that such transfers should not attract full duty if the value of the property does not exceed the person's entitlement.

However, the provisions are loose and create a risk of revenue leakage in cases where consideration is paid for the transfer of the property. The amendment addresses this by requiring that the value of the property cannot exceed the value of the person's entitlement, and that no consideration can be paid for the property.

Secondly, the concession is intended to apply only to a person who is genuinely changing funds by requiring the person to cease being a member of the old fund before the transfer and to become a member of the new fund after the transfer.

However, a person may already be a member of the new fund at the time of transfer because entitlements are being consolidated into the one fund. To address this, the amendment will allow the concession to apply where the person is already a member of the new fund before the transfer.

The third duty concession relates to certain transactions over property vested in an apparent purchaser. A concessional rate of duty of \$50 applies to a declaration of trust made by an apparent purchaser or a transfer from an apparent purchaser to the real purchaser.

Currently, if either person dies, the duty concession no longer applies because it does not extend to a legal personal representative, such as an executor or administrator. To address this inequity, the amendments extend the concession to the real or apparent purchaser's legal personal representative.

Finally, the bill introduces a new duty exemption. Increasingly, the Government is transferring properties to Registered Native Title Body Corporations (which represent native title holders once native title has been determined) as compensation for entering into Indigenous Land Use Agreements. These Agreements permit the Government to continue doing certain things, such as managing fire trails and undertaking bushfire protection work. The amendments will make these transfers exempt from duty.

Reducing revenue leakage

I will now speak to the measures that seek to reduce duty revenue leakage.

The first concerns the duty aggregation provisions. Dutiable transactions that form part of a single arrangement may be aggregated to ensure that duty is calculated on the total value of the arrangement and not minimised through splitting. Currently, for transactions to be aggregated, they must occur within a 12-month period.

However, this 12-month time limit can result in some transactions that are part of a single arrangement evading the aggregation provisions simply because they occur over a longer period of time. For example, an option to purchase dutiable property may be exercised more than 12 months after the grant of the option but is clearly part of the same arrangement.

The essential test is whether the transactions are part of a single arrangement. Accordingly, this amendment removes the requirement that the transactions occur within a 12-month period.

The second measure relates to divisions. A division is a type of corporate dealing available in some overseas jurisdictions. It allows a company to effectively split into two separate companies, with some assets held by one and other assets held by another. However, for liability and contractual purposes, both companies are deemed to continue to be the original company. In some cases, the original company also continues to exist after the division.

Currently, the treatment of these divisions under tax and other legislation is uncertain, as it is not a dealing that fits neatly within Australian corporations law. Nonetheless, divisions involve a movement of assets that is similar to transactions that are recognised under Australian corporations law and subject to tax, including duty.

These amendments ensure that such divisions will be subject to duty, similar to how mergers are presently liable to duty. This strengthens the integrity of the New South Wales duty regime and addresses an area of potential revenue leakage.

Minor clarifications

The bill also contains several minor duty amendments.

Every year, more duty transactions are occurring involving electronic instruments. Uncertainty has arisen as to when and where an electronic instrument is first executed.

When an electronic instrument is first executed determines when duty is due and whether interest and penalty tax apply. Currently, the Act provides that an electronic registry instrument is first executed when it is digitally signed by a subscriber to the electronic lodgement network, such as a legal practitioner. However, there are instances where an instrument is not digitally signed and is uploaded without a digital signature. To address this, the amendment deems the time and date of when an unsigned electronic instrument is first executed to be when information relating to it is received.

Nominal duty of \$500 is charged on the establishment of a trust over unidentified property or non-dutiable property if that trust is first executed in New South Wales. Uncertainty has similarly arisen as to whether a trust executed electronically outside of New South Wales is considered "executed in NSW" for duty purposes. The amendment will deem the place of a trust's execution to be where the trustee is based.

These amendments are consistent with the existing principles under the Electronic Transactions Act 2000 in relation to electronic communications generally. They will help provide certainty and clarity, and ensure that revenue legislation stays up to date with practices in an increasingly digital world.

The final clarifying amendment concerns the recalculation of duty when the original consideration payable changes before the property is transferred. With duty rates now being indexed annually, uncertainty has arisen as to what rate of duty should apply for the recalculation. The amendments clarify that the applicable rate is the rate in force at the time of the original agreement.

Turning now to the Land Tax Management Act 1956 amendments at schedule 4.

Land Tax Management Act 1956

The bill contains two land tax amendments.

One removes a redundant land tax concession for rural land that has been rezoned for subdivision for residential or commercial use but continues to be used for rural business. As land that is used for primary production is generally exempt from land tax, this concession is effectively redundant.

The second amendment removes a requirement that, to be exempt from land tax, land used solely for a school must also be owned by the entity that operates the school. This requirement is unnecessarily restrictive and imposes a potential cost barrier to the development and use of land for educational purposes. This amendment will make land that is used solely for a school exempt from land tax, regardless of whether the land is owned by the school's operator.

I now turn to the amendments to the Payroll Tax Act 2007 at schedule 5 to the bill.

Payroll Tax Act 2007

The payroll tax amendments achieve an important revenue integrity measure and target a well-known problem—phoenix activity.

Phoenix activity is when a company is liquidated to avoid paying its debts. Before liquidation, the company's assets are transferred to a new entity, controlled by the same directors or shareholders, to carry on the same or similar business without the debt.

This type of mischief is a major concern of Commonwealth and State regulators, not only because of tax avoidance but also the harm caused generally to individuals, businesses and other creditors to whom the debts are payable—for example, employees who miss out on wages, suppliers that are left unpaid and businesses that are at a competitive disadvantage.

Currently, for payroll tax purposes, entities can be grouped together where they are owned or controlled by the same people, including directors or shareholders of companies, partnerships and beneficiaries of trusts. These grouping rules prevent businesses from avoiding payroll tax by splitting the employment of workers across multiple entities to claim the payroll tax free threshold multiple times. When grouped, each entity is liable for any outstanding payroll tax of the other entities.

However, entities cannot be grouped with ones that have ceased to operate — that have been "phoenixed".

These amendments will extend the grouping rules to allow Revenue NSW to group a company that is in administration, winding up or deregistered with any successor entity, whether it is a company, partnership or trust. The entities would be linked if the same person exercised sufficient influence over the former entity and the successor entity.

This would make the successor entity jointly and severally liable for the payroll tax debts of the phoenixed company. To ensure that legitimate businesses are not caught by these provisions, the Chief Commissioner of State Revenue will be empowered to exclude an entity from being grouped if satisfied that there is no 'phoenix' behaviour.

These amendments strengthen the integrity of the New South Wales revenue system, while furthering the measures available to combat the harmful practice of "phoenixing".

The bill also includes an amendment to the Taxation Administration Act 1996, which will enable its promoter penalty provisions to be applied to promoters of phoenix activity. Those provisions include the imposition of civil penalties and injunctions and making of voluntary undertakings.

I now turn to the other amendments to the Taxation Administration Act 1996 at schedule 9 to the bill.

Taxation Administration Act 1996

These amendments relate to five key areas:

1. Penalties for breaches of confidential tax information;
2. Increased penalties for offences that hinder compliance activities;
3. Time limits for out of time objections and reassessments;
4. Information sharing; and
5. Administrative improvements for valuations, refunds and payments.

Starting with the first of these.

I am sure I speak for all members of this chamber in expressing shock and dismay over the revelations concerning the use of confidential Commonwealth Government taxation plans by persons at PwC to assist clients to avoid the very purpose of such plans—to tackle tax avoidance.

PwC was engaged by the Commonwealth to assist in the design of these anti-avoidance strategies. And yet, various persons at PwC brazenly monetised this information for their own profit. An utterly disgraceful breach of trust.

While Revenue NSW does not consult commercial bodies or involve them in the design of legislation, it does consult certain industry bodies, such as the NSW Law Society and the Taxation Institute of Australia, on draft legislation on a confidential basis. While such consultation is valued and we want it to continue, in light of the PwC scandal, it is necessary to send a clear message that breaching the confidentiality of taxation information will not be tolerated.

I indicated publicly some months back that this Government would introduce legislation to impose multimillion-dollar penalties for the unlawful use or disclosure of confidential tax information. This bill delivers on that commitment.

The use or disclosure of confidential tax related information will attract significant penalties of 10,090 penalty units (\$1,109,900) for an individual and 50,450 penalty units (\$5,549,500) for a corporation, partnership or association.

The Chief Commissioner of State Revenue will also be allowed to report any person to any relevant professional body, publish details of the breach and undertake investigations into suspected breaches.

I now turn to the second group of reforms to the Taxation Administration Act 1996.

This bill enhances the existing penalties regime contained in the Act.

Offences relating to taxpayer activities that impede a proper assessment of tax liabilities will be increased and a new offence will be introduced for evading or attempting to evade tax.

The current penalties for poor taxpayer behaviour are inadequate and are generally significantly lower than those for the same or comparable offences in other Australian jurisdictions. For example, in Victoria the maximum penalty for making knowingly false or misleading records is 240 penalty units (or \$39,653), while in New South Wales the maximum penalty is 100 penalty units (or \$11,000). Since the Taxation Administration Act 1996 was introduced, the penalties have not been updated and their effectiveness has been eroded overtime.

Increasing the penalties provides greater encouragement for taxpayers to comply with their obligations. It strengthens deterrence against taxpayers who engage in blatant efforts to avoid or minimise tax, or do not exercise due care. Penalties will generally be increased by 2½ times, while penalties for more serious offences, such as providing false or misleading information, will be increased by five times.

The bill also introduces a new general offence for evading or attempting to evade tax. This offence will have a maximum penalty of 1,000 penalty units or 2 years imprisonment (or both).

The third area of reform concerns the time limits applying for objections and reassessments:

- Firstly, a taxpayer has 60 days to lodge an objection. However, they can lodge an 'out of time' objection, explaining why they could not object within the 60-day period, and
- Secondly, Revenue NSW can only reassess a tax liability within 5 years of the initial tax assessment. There are limited exceptions to this rule.

These time limits are designed to give certainty to both the taxpayer and the State. However, recent court cases have revealed some anomalies in how these time limits operate.

Firstly, there is no time limit for lodging 'out of time' objections. If an objection is successful, Revenue NSW may need to issue a reassessment many years after the five-year time limit has expired. This effectively negates the purpose of the time limit on reassessments. To address this, the amendments will require "out of time" objections to be lodged within five years of the initial tax assessment or decision.

The second anomaly relates to an exception to the five-year limit on reassessments. This exception permits reassessments beyond five years where facts were not fully disclosed to Revenue NSW, resulting in a tax liability that is less than what Revenue NSW would have assessed had it known those facts. This imposes a hypothetical test (what Revenue NSW may have done) which has caused uncertainty in applying the exception. To address this, the amendment clarifies that the exception only requires consideration of whether, as a result of facts not being fully disclosed, tax was assessed at a lower amount.

Lastly, another exception to the five-year limit on reassessments is where the reassessment is to give effect to an objection or review decision of an initial assessment. However, there may be cases where an objection or review decision is of a reassessment. For example, where an audit was conducted, resulting in a reassessment, and the taxpayer then successfully objects to that reassessment. The amendment clarifies that this exception applies to objection or review decisions of any assessment (including a reassessment).

These amendments will ensure that the time limits on objections and reassessments operate as intended.

The fourth key area concerns the disclosure of information which Revenue NSW collects in the course of administering tax laws.

Currently, Revenue NSW is prohibited from disclosing such information except in prescribed circumstances. The amendments would permit the disclosure of such information to Service NSW and NSW Treasury because there are good policy reasons to do so.

Firstly, Revenue NSW and Service NSW are increasingly collaborating to deliver a range of services and programs, and to provide an integrated customer experience for the people of New South Wales. The information held by Revenue NSW would be valuable to Service NSW to assist in verifying a person's eligibility for a service or program. Allowing this information sharing would help reduce the risk of fraud and error, enabling customer applications to be processed more smoothly.

Secondly, such tax information is needed by NSW Treasury to assist with revenue forecasting and policy development. Although Revenue NSW can currently provide deidentified tax data to NSW Treasury, there may be circumstances in which it becomes possible to identify a taxpayer. For example, when the data is combined with other information, such as publicly available information, or where a tax only applies to a small group of taxpayers.

It is simply not possible or practicable for Revenue NSW to determine what data may be re-identifiable or to withhold all data from NSW Treasury simply because of the notional possibility that a taxpayer's identity may be ascertained. The amendment will therefore permit tax information to be disclosed to the Treasury but only for specified purposes.

Finally, the bill includes three administrative improvements relating to valuations, tax refunds and tax payments.

Firstly, Revenue NSW currently may request a land valuation from a taxpayer. Revenue NSW may also obtain its own valuation but must bear this cost even if the taxpayer's valuation proves to be manifestly incorrect.

The amendments will enable Revenue NSW to require a taxpayer to provide evidence of the value of a property for the purpose of assessing their tax liability. Revenue NSW will also be able to obtain a valuation on its own initiative. Where that valuation differs from the taxpayer's by at least 10 per cent or the taxpayer fails to provide a valuation within 60 days when required, Revenue NSW will be able to recover the cost of obtaining the valuation from the taxpayer. These amendments will encourage taxpayers to provide more timely and accurate valuations to Revenue NSW, when requested.

The second improvement relates to the application of tax refunds to other debts. Currently, Revenue NSW may use a person's tax refund to offset that person's other tax debt, grant debt or State debt. The amendment would extend this to enable a tax refund to be applied to a person's fines debt. This would support the timely resolution of fines. I note that, as this power is discretionary, Revenue NSW would be able to consider the person's circumstances before undertaking such action.

The third improvement will modernise the provisions for methods for paying tax. Currently, the Act expressly permits a person to pay by bank cheque. This is hampering efforts by Revenue NSW to discourage the outdated and inefficient use of cheques by some taxpayers. The amendments will, instead, provide a broad discretion for Revenue NSW to approve the methods of payment. This would still allow for cheque payments in limited circumstances.

Let me now turn to some amendments concerning the property tax initiative of the previous government, which are at schedules 7 and 11.

Property tax

Although the property tax initiative is now closed to new participants, this bill introduces two amendments to improve the administration of the scheme for those who entered it.

The first of these corrects minor drafting errors in the Property Tax (First Home Buyer Choice) Act 2022, and the second amendment relates to the Valuation of Land Act 1916 which I will speak to later.

That concludes the amendments relating to tax.

I now move to the amendments to the Government Sector Finance Act 2018 at schedule 3 to the bill.

Government Sector Finance Act 2018

The Government Sector Finance Act 2018 enables an act of grace payment to be made to a person in special circumstances even if the payment is not provided for by law or required. A payment may be made subject to terms and conditions, which, if breached, may make the payment repayable.

In recent times, Revenue NSW has been administering various grant and community support programs through act of grace payments. For example, payments to provide tax relief for individuals and businesses affected by extreme events, such as the COVID-19 pandemic and natural disasters.

Although these grants and programs are subject to terms and conditions, Revenue NSW is not able to use its powers under the Taxation Administration Act 1996 to support compliance activities to ensure that recipients are eligible and that the payments are being applied as intended. This is because the Government Sector Finance Act 2018 is not a taxation law.

The amendments address this problem by extending the application of the Taxation Administration Act 1996 to these act of grace payments in several respects.

Firstly, where a term or condition of an act of grace payment has been contravened, the amendments will enable Revenue NSW to recover the payment using its tax recovery powers under the Taxation Administration Act 1996. For example, Revenue NSW will be able to recover the payment from third parties, such as a bank, which may hold money in an account for a recipient that banks with them.

Secondly, the amendments will enable Revenue NSW to exercise its investigative powers to determine whether a recipient has contravened a term or condition of an act of grace payment. Those powers include, for example, the power to require a third party to provide information or documents, which may assist to verify the recipient's eligibility.

Lastly, the amendments apply the offences and penalties under the Taxation Administration Act 1996 to act of grace payments. This includes, for example, offences for giving false or misleading information, or deliberately omitting information.

These amendments will only apply in respect of act of grace payments nominated by the Chief Commissioner of State Revenue in the Gazette.

I now turn to the fourth category of amendments in this bill—those largely relate to the Fines Act 1996 at schedule 2, with one being mirrored in the State Debt Recovery Act 2018 at schedule 8.

Fines Act 1996

The first amendment will permit Revenue NSW to share information obtained in fines administration with Service NSW. For similar reasons to those I have previously outlined supporting the disclosure of tax information to Service NSW, fines information should also be able to be shared with that agency.

The second amendment creates two offences that will further deter the provision of false or misleading information to Revenue NSW. The first is in the context of false nominations. For certain driving and traffic offences, the fine and any demerit points are issued to the registered owner of the vehicle. If the owner was not driving at the time, they may nominate the person who was the driver, or the driver may nominate themselves. The fine and any demerit points are then transferred to the nominated person.

Currently, it is an offence for a person to make a false nomination. This may be done to not only avoid a fine payment, but to avoid demerit points that could lead to the driver losing their licence.

However, there is no offence for a person who offers or agrees to be falsely nominated. Such persons are effectively selling their demerit points. The creation of this new offence will further combat the practice of false nominations, which compromise the integrity of the demerit point system and the safety of all road users.

This new offence carries a maximum penalty of 50 penalty units if the offence relates to a vehicle or vessel registered to an individual or 100 penalty units for a non-individual.

The second offence to be introduced is where false or misleading information is provided to Revenue NSW. There have been a number of instances where such information has been provided to Revenue NSW in applications for the review of a fine or State debt.

Although there is an offence for providing false or misleading information to Revenue NSW in its administration of tax, there is no such offence in the context of fines or State debt. This new offence will be introduced to both the Fines Act 1996 and the State Debt Recovery Act 2018, bringing them into line with the tax legislation.

This offence will carry a maximum penalty of 100 penalty units.

The third amendment makes two enhancements to the Work and Development Order [WDO] scheme. Since its inception, the WDO scheme has assisted many fines recipients to resolve their fines debt through undertaking certain activities, such as unpaid work, taking a course or receiving treatment.

One of the activities that may be undertaken is to participate in a mentoring program. However, the Act currently restricts this to persons under 25 years of age.

I cannot see why a mentoring program for a person aged 25 years and over should be considered any less valid or less appropriate for a WDO than a mentoring program for a young person.

Almost 40 per cent of current WDO participants are aged 26 to 39 and it seems unfair to preclude their participation in a mentoring program from the WDO scheme. The amendment will remove this age limit on mentoring programs.

The second enhancement will support the use of WDOs for persons outside of New South Wales. In some circumstances, a person living outside of New South Wales may incur a New South Wales fine. For example, a person living in a cross-border community may be issued a New South Wales fine while travelling in New South Wales.

Although the WDO Guidelines already support interstate organisations and health practitioners to be approved sponsors for an interstate person applying for a WDO, this amendment will enshrine that within the Fines Act. This will ensure that the WDO scheme continues to be available to those outside of New South Wales, in particular those in regional and border communities.

Finally, the bill includes two miscellaneous fines amendments.

Firstly, the Act deems a fine and reminder notice to be properly served on a person even if it is "returned to sender". This ensures a fine cannot be avoided simply by the person sending it back. However, this rule does not apply to overdue fines notices (enforcement orders). If an overdue fine is "returned to sender", Revenue NSW cannot proceed with enforcement action.

This has compromised the ability of Revenue NSW to take enforcement action in many cases, particularly in relation to corporate entities. Some entities have sought to take advantage of this and accrue a substantial fines debt without consequence.

The amendment addresses this by enabling a "returned" overdue fine to be deemed as served where it is served to a company at their registered office. This is appropriate given that companies are legally required to maintain the correct registered office address on the records of the Australian Securities and Investments Commission. Companies are also often used as a shield for individuals to avoid being personally liable for a fine.

The second miscellaneous amendment improves the process for Revenue NSW writing off a person's fines debt. Write-offs occur when a person is considered unlikely to be capable of paying and enforcement action is unlikely to be successful.

Currently, a person may have multiple fines, some of which may be overdue and others that have not yet become overdue. Although Revenue NSW may have sufficient information to support writing off a person's fines debt, the Act only permits overdue fines to be written off. This means that the person remains burdened with the fines that are not yet overdue, including receiving reminders and overdue notices, even though Revenue NSW is aware that those fines will in all likelihood be written off as well. This is counterproductive for Revenue NSW and stressful for the person.

The amendment will enable Revenue NSW, in writing off overdue fines, to include a person's fines that are not yet due. This would be on the proviso that Revenue NSW is satisfied that those fines should be written off as well, and that they should not be separately considered later.

I now turn to the amendments to the Police Act 1990 at schedule 6.

Police Act 1990 amendment

Under the Fines Act 1996 information can be shared between Revenue NSW and the NSW Police Force to support the enforcement of fines. However, there are no provisions in legislation that allow for Revenue NSW to share information with the New South Wales police for other law enforcement purposes or in the investigation of a serious offence.

The bill amends the Police Act 1900 to insert section 211H enabling the Commissioner of Police and the Commissioner of Fines Administration to enter into an information sharing arrangement for the purpose of sharing or exchanging information that is held by either Commissioner. This necessary amendment will enable Revenue NSW to share information collected through the administration of the Fines Act 1996 with the NSW Police Force for law enforcement purposes.

Under the amendment the information that can be shared under an agreement is limited to information that assists in the exercise of law enforcement and investigative functions of the NSW Police Force.

I now come to the amendments to the Unclaimed Money Act 1995 at schedule 10.

Unclaimed Money Act 1995

The first amendment relates to the application of the Taxation Administration Act 1996 to the Unclaimed Money Act 1995.

Although the former already applies to the latter, this amendment extends this further to enhance the recovery of incorrectly paid unclaimed money.

On occasion, unclaimed money can be incorrectly paid to a person who is not the true owner due to error or fraud. Currently, to recover such money, Revenue NSW must go through the courts, which can be a long and costly process for all involved. This amendment will enable Revenue NSW to leverage its tax collection powers, such as the power to garnishee a bank account, to recover the money.

Secondly, a person whose application for unclaimed money is denied currently has no right to seek a review of that decision. The bill amends this to provide objection and review rights to such persons, in line with the rights available to a taxpayer disputing a tax assessment. This includes a right to internal review and external review by the NSW Civil and Administrative Tribunal or the Supreme Court.

The third amendment relates to the unclaimed money register. Currently, Revenue NSW is required to publish an unclaimed money amount even where the owner's identity is unknown. As you can imagine, this is not a particularly useful exercise. This amendment removes this obligation on Revenue NSW.

The fourth amendment concerns disputed money. For example, a solicitor's trust account may receive a deposit from a prospective buyer of a property. However, the contract falls through and the vendor and purchaser are in dispute as to whether the deposit is refundable. This money may be "untouched" for quite some time due to the dispute and inadvertently fall within the definition of "unclaimed money". This amendment will prevent enterprises from remitting such money to Revenue NSW, which actually is not "unclaimed", but is simply the subject of an ongoing dispute as to who is its rightful owner.

The final amendment will allow a person's successful unclaimed money claim to be applied towards any tax, grant, fine or State debt they may have. This is consistent with how a person's tax refund may be applied towards other debts, and helps support a single, integrated view of customer payments and debts across Revenue NSW.

I will now move on to the amendments to the Valuation of Land Act 1916 in schedules 11 and 12.

Valuation of Land Act 1916

The first of these consists of changes to the Valuation of Land Act 1916 to allow objections to valuations of land for the purpose of property tax assessments. These amendments will operate in the same way as the objection provisions for land values used for land tax assessments.

The second amendment to the Valuation of Land Act 1916 is required to ensure that the Valuer-General may continue to receive and use property sales information collected by the Registrar General to carry out statutory functions and provide property sales information to third parties.

Statutory amendments in 1992 provided for sales data to be centrally collected by the Registrar General, but in doing so did not explicitly authorise the Valuer General to receive and use property sales information collected by the Registrar General despite it being clearly intended that the Valuer General should receive such information.

These amendments rectify this issue and clarify the authority of the Valuer General to receive, use and/or provide property sales information to third parties when it is lodged directly with the Registrar General. The amendments will operate retrospectively because the Valuer General's practice of receiving and using property sales information collected by the Registrar General has continued without knowledge of legal constraints since 1992.

The final set of amendments are to the First Home Owner Grant and Shared Equity Act 2000 at schedule 13.

First Home Owner Grant and Shared Equity Act 2000

The schedule includes amendments to the First Home Owner Grant and Shared Equity Act 2000 to ensure the proper and ongoing operation of the NSW Shared Equity Scheme Fund (the Fund). In November 2022, the enabling legislation for the NSW Shared Equity Scheme established the Fund in the Special Deposits Account, which is separate from the Consolidated Fund.

However, this legislation did not ensure that money previously appropriated could be paid into the Fund.

This amendment retrospectively provides that payments totalling \$42,077,194 were validly paid into the Fund by the Department of Customer Service in 2022-23 and consequently that money could then be validly paid out of the Fund.

The schedule also includes a provision enabling the Treasurer to direct money appropriated by Parliament into the Fund. This authority is consistent with the setup of other government funds. This will ensure that the Fund can be topped up by the Treasurer outside of a budget cycle if required.

The need for this directions power may arise where higher than expected government contributions for Shared Equity Scheme purchases require more money in the Fund or where there is a policy decision to increase take-up of the program. An example of such a policy change is the potential broadening of the eligibility criteria for the Shared Equity Scheme, which is being explored by the NSW Domestic and Family Violence Shared Equity Taskforce.

I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (15:02): As the Minister for Finance outlined, the Revenue, Fines and Other Legislation Amendment Bill 2023 amends 12 Acts relating to the revenue function, including amendments to State taxation legislation to enhance revenue integrity; ensure the equity of exemptions and concessions, address anomalies, which is a good thing; respond to court decisions, another good thing; close tax avoidance loopholes; create a new offence of tax evasion; increase penalties; and reduce red tape. There are also amendments to Government sector finance legislation to support the recovery of act of grace payments. There are also amendments to fines legislation to enhance administration and create new offences relating to false nominations and false or misleading information, with the latter offence being incorporated into State debt legislation.

There are amendments to enable information sharing between Revenue NSW and the NSW Police Force, Services NSW and NSW Treasury for various purposes. There are amendments to unclaimed money legislation to aid the recovery of incorrectly paid money and improve overall administration. There are amendments to valuation of land legislation to provide for objection rights and make changes to the handing of sales information data. There are also amendments to shared equity scheme legislation to ensure that the payments are validly made into the NSW Shared Equity Scheme Fund.

The Opposition supports the bill because we support measures to strengthen the integrity of the revenue-raising function and to ensure equity in carrying out this function. I note that the new offence of tax evasion was first proposed by the previous Government and it was good to see that this new Government is adopting so many of the reforms of the previous Government, so many of which it sought to thwart in relation to previous legislation. That new offence could not be progressed due to Labor's politicising of a bill to facilitate payroll tax collection, when wage theft was detected. I note that the Government has not moved legislation to criminalise wage theft, notwithstanding its much-vaunted approach to that issue in preventing the previous legislation, which would have put the new offence it is now legislating for into effect. Much to its shame, the Government seems to have abandoned the principle of being a government with any integrity.

The new measures to deal with phoenixing continue the work of the previous Government to crack down on payroll tax evasion using that method. When in government the Liberals and The Nationals strongly supported the use of work and development orders as an alternative means of resolving fines for vulnerable people. They were introduced by the previous Government. We are pleased to see the additional option of appropriate mentoring for people 25 years of older, where this is seen as the best fit for their particular circumstances. That has added to the armoury available to work and development orders.

Given the great splash made by the Minister for Finance in announcing the multimillion-dollar penalties for disclosing confidential tax information as a reaction to the PwC scandal, it was instructive for the Attorney General in the other place to inform us in his second reading speech on the bill that penalties for disclosure of confidential tax information are not relevant to New South Wales, because Revenue NSW does not consult commercial bodies or involve them in the design of legislation. Perhaps the Minister for Finance should consult with the department before deciding policy by media release.

The new offence to offer or agree to have the person's nomination details used in an approved nomination notice relating to a vehicle or vessel offence is a reasonable response to the growth in social media to offers to take demerit points in exchange for cash. It seems to have become a remarkable eventuality. I hope it does not cover the discussion between a husband and wife at the kitchen table about whether one or other of those would take the points on behalf of the spouse in relation to a fine that may have been received.

The Hon. Courtney Houssos: If you have an accusation, make it.

The Hon. Tara Moriarty: Seriously? That is rubbish.

The Hon. DAMIEN TUDEHOPE: Well, the breadth of the provision could potentially catch even that sort of discussion. In any event, I do not anticipate that that is the intention of the legislation and I do not believe that there would ever be that sort of offence charged to a husband and wife who have that discussion. However, the application of the offence to offers made within the family context would need to be monitored. While the making of a false nomination should never be countenanced, we can all understand a partner or a parent instinctively floating the possibility of helping out their partner or child who may need their licence for work. I am

sure that the provision is not meant to catch or criminalise that sort of discussion by way of the imposition of a penalty.

The legislation, by and large, is uncontroversial: It should be supported. They are all integrity measures. However, I foreshadow that the Opposition will move two amendments to the bill in Committee if it passes the second reading stage. I will address those amendments at the appropriate time. However, the Opposition will not be opposing the bill.

Ms ABIGAIL BOYD (15:09): As the treasury and finance spokesperson for The Greens, I support the Revenue, Fines and Other Legislation Amendment Bill 2023. The bill introduces a number of amendments to 12 separate pieces of revenue and related legislation, as has been stated already during this debate. Of note are the proposed increases in maximum penalties for various offences under the Taxation Administration Act, which, we note, take New South Wales from being a relatively low-penalty jurisdiction in this area, in comparison with other Australian jurisdictions, to being by far the highest penalty jurisdiction. Penalties under the Taxation Administration Act, including for knowingly giving false information to a tax officer, will increase from \$11,000 to \$27,500 for most offences without a mens rea element, and \$55,000 for those with a mens rea element.

[Members interjected.]

I would just note that the continual discussion about someone's husband is perhaps inappropriate in this context.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The member will be heard in silence.

Ms ABIGAIL BOYD: There is a significant and notable increase to penalties. It will be interesting to see if the other jurisdictions follow suit. The bill will also introduce the new offence of deliberate tax evasion, an offence applying only in Victoria previously, which will have the maximum penalty of \$55,000 or two years imprisonment or both, and will introduce the new offence for knowingly or recklessly disclosing or using confidential information, or knowingly concealing or attempting to conceal the unlawful disclosure or use of confidential tax information.

As has been reported, the maximum penalty for both offences is \$1,109,900 for the individual, or \$5,549,500 for a non-individual. Of course, this headline new offence for unlawful disclosure or use of confidential information has been announced as a response to the PwC scandal that we have all been following closely and that kicked off the recent inquiries into consulting firms in the Senate, and the proposed maximum penalty is sufficiently punitive to act as a real discouragement of similar situations happening in the future, we hope, although it does not deliver adequate consequences for any misuse of confidential information previously and prior to this amendment.

For members' interest, between February and April 2023, which is the last three months of available data, consultancy expenditure for taxation services by the New South Wales Government with PwC was approximately \$71,000. Between July 2018 and April 2023, a \$1.6 million engagement type 7—under taxation—was spent compared with \$138 million on other business advisory service engagement types. So what we are looking at here, over this reporting period, is expenditure by the New South Wales Government for taxation services representing approximately 1.2 per cent of overall business advisory services spend with PwC. I think that is really relevant here, because, while it is great that we have some response from the New South Wales Government to what is unravelling about the PwC tax disclosure, just to note again, that is only 1.2 per cent, on average, of our total overall spend with PwC on business advisory services. Given the nature of what is unravelling, I would hope that we can perhaps strengthen our response slightly. But this is a good start.

The bill also amends the Payroll Tax Act 2007 to enhance the ability of Revenue NSW to recover tax debts from phoenix operators, as has been said, which is a good start. I thank the Minister, her office and the Revenue NSW team for talking through a variety of scenarios to get us comfortable that this is effectively allowing the sharing of information between police and Revenue NSW more efficiently, rather than creating whole new powers. Finally, the bill seeks to create an offence for people who offer or agree to be falsely nominated for driving and traffic offences—that is, those people who are offering to fraudulently take a demerit hit for another driver, with a penalty of \$5,500 for an individual and roughly double that for another person. Again, we have had the benefit of a detailed briefing on exactly how that would apply to ensure that we are not capturing people unfairly. We will talk about our response not just to the amendments of the Government and the Opposition, but will also be putting our own amendment about payroll tax during the Committee of the Whole. But, for now, I note that we will support the legislation.

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources) (15:15): On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Damien Tudehope and Ms Abigail Boyd for their contributions to debate on the Revenue, Fines and Other Legislation Amendment Bill 2023. As

I said earlier, the bill strengthens the integrity of our taxation and fines systems, and it is worth noting that revenue legislation does need regular amendment to ensure that it remains effective, up-to-date and fit for the purpose of funding the vital services that New South Wales needs. As I said in my second reading speech, there are seven broad categories of reform in this bill. There are amendments to State taxation legislation, government sector finance legislation, fines legislation, police legislation, unclaimed money, valuation of land and the shared equity scheme legislation. I gratefully respond to a couple of the issues that were raised in the second reading contributions, particularly by the Leader of the Opposition, who seemed to imply that my office is not consulting with the public service.

Indeed, I take this opportunity to put on record my sincere thanks particularly to Cullen Smythe from Revenue NSW, an excellent public servant who, with his team, has been invaluable in the drafting of this bill. I also thank Matt Nowell from Revenue NSW, who is currently working in my office, and it would be remiss of me to not thank my own staff: Kris Neill, my interim chief of staff, and Laura Akkari, a superstar who helped in briefing the crossbench and in the work associated with bringing this bill to the House. A lot of work is involved, particularly in explaining and working through some of the complexities in the bill. I am really proud of one particular part of this legislation: the new penalty for breaches of confidentiality of tax information. That will address concerns raised in the recent revelations of misuse of confidential Commonwealth Government tax plans. The Leader of the Opposition, in his second reading speech, raised the excellent and, I should say, lengthy contribution from the Attorney General, who represents me in the other place. I take this opportunity to thank him sincerely for his—I understand—45-minute contribution in outlining the extensive provisions of this bill. I thank him very much for that.

He clearly outlined that we do not engage in commercial arrangements with private commercial firms when we engage this work, but we do engage with stakeholder organisations. I have consistently spoken about this in the House and outlined these arrangements for months. I am glad the Leader of the Opposition read the lengthy and excellent second reading speech, but I just think it is important to clarify that we have been consistent on this the whole way through. Of course Revenue NSW engages with a range of stakeholder organisations. Organisations like the Law Society and the Tax Institute have positions that people fill, having worked in the field, so it is natural that they may have worked at one of those particular firms. But the Government and Revenue NSW engage, have engaged and will continue to engage with these organisations because it is important. We should be consulting them on measures before we bring them to the House. We should be able to consult with the people who work in that particular sector. Coming from a former Minister for Finance, that shows interesting insight.

It was also noteworthy that he called out the issue of wage theft. Let me be clear: The Labor Party remains 100 per cent committed to criminalising wage theft. We look forward to the upcoming Federal Government bill on wage theft, which will criminalise it at a Federal level. We are working on our plans at a State level. I find it interesting that in 12 years the previous Government did nothing and in 4½ months we are working on it. We are not there yet; we cannot do everything in the first 100 days. One would think that those opposite had never served on the government benches due to their lack of understanding. I digress. The bill is important, and I commend it to the House. I thank the excellent public servants who have assisted us in getting the bill to this place.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have three sheets of amendments: Opposition amendments Nos 1 and 2 on sheet c2023-070D, The Greens amendment No. 1 on sheet c2023-071C and Government amendment No. 1 on sheet c2023-074B.

The Hon. DAMIEN TUDEHOPE (15:22): I move Opposition amendment No. 1 on sheet c2023-070D:

No. 1 **Primary production**

Page 10, Schedule 4. Insert after line 8—

[2A] Section 10AA Exemption for land used for primary production

Insert after section 10AA(3)—

- (3A) In determining the dominant use of land for the purposes of subsection (3), any part of the land used as an easement for network infrastructure associated with a renewable energy zone is to be excluded.

[2B] Section 10AA(5)

Insert at the end of section 10AA—

(5) In this section—

network infrastructure has the same meaning as in the *Electricity Infrastructure Investment Act 2020*.

renewable energy zone has the same meaning as in the *Electricity Infrastructure Investment Act 2020*.

The amendment amends the Land Tax Act to insert an exemption for land used for primary production. It is a straightforward amendment which says that in determining the dominant use of land for the purposes of subsection (3), any part of the land used as an easement for network infrastructure associated with a renewable energy zone is to be excluded. It then includes definitions of "network infrastructure" and "renewable energy zone".

The amendment arose because concerns were raised in recent hearings about whether agricultural land used for the purposes of the installation of energy infrastructure would lose its exemption status for primary production. This small amendment seeks to give clarity around that issue so that, to the extent that the land was used for that purpose, it would not lose its exemption as primary production land. I will not say much more about it. It is a simple and straightforward amendment. It would not necessarily have impact on revenue, but it would give clarity to people who are entering into agreements in circumstances where their properties are being accessed for the installation of renewable energy infrastructure.

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources) (15:25): The Government opposes the amendment. There is no compelling policy rationale for specifically excluding easements for infrastructure associated with renewable energy in determining whether the dominant use of the land is primary production. More importantly, the exemption for land use for primary production is based on a dominant use of the land test under section 10AA. If the dominant use is primary production, in accordance with the section, then the land will be eligible for the exemption regardless of any easements. In short, there is absolutely no need for the amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. Damien Tudehope has moved Opposition amendment No. 1 on sheet c2023-070D. The question is that the amendment be agreed to.

The Committee divided.

Ayes16

Noes23

Majority.....7

AYES

Carter
Fang (teller)
Farlow
Franklin
MacDonald
Maclaren-Jones

Martin
Merton
Mihailuk
Mitchell
Munro

Rath (teller)
Ruddick
Taylor
Tudehope
Ward

NOES

Banasiak
Borsak
Boyd
Buckingham
Buttigieg
Cohn
D'Adam
Donnelly

Faehrmann
Graham
Higginson
Houssos
Hurst
Kaine
Latham
Lawrence

Mookhey
Moriarty
Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

PAIRS

Farraway

Jackson

Amendment negatived.

The Hon. DAMIEN TUDEHOPE (15:34): I move Opposition amendment No. 2 on sheet c2023-070D:
No. 2 Exemption from payroll tax for payments by medical centres to registered health practitioners for particular period

Page 11, Schedule 5. Insert before line 2—

[1AA] Section 35 Amounts under relevant contracts taken to be wages Insert at the end of section 35—

- (4) Amounts paid or payable by an employer during the relevant period for or in relation to the performance of work relating to a contract under which a person provides services as a registered health practitioner at a medical centre are taken—
 - (a) not to be wages paid or payable during the relevant year, and
 - (b) to be amounts for which no person is liable to pay payroll tax in relation to the payment.
- (5) Subsection (4) does not entitle a person to a refund for any payroll tax paid under this Act before 1 July 2023.
- (6) In this section—

medical centre means premises that are used to provide health services, including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies, to out-patients only, if the services are principally provided by health care professionals.

relevant period means the period—

 - (a) starting on 1 July 2018, and
 - (b) ending on 30 June 2025.
- (7) Subclauses (4)—(6) and this subclause are repealed on 1 July 2025.

This is a more substantial amendment and it seeks to amend section 35 of the Payroll Tax Act 2007, which provides that payments made to contractors will, in certain circumstances, be taken to be wages for the purposes of payroll tax. These provisions are necessary to prevent the avoidance of payroll tax by disguising an employment relationship as a contractor relationship. As the former Minister for Finance I have the utmost respect for Revenue NSW, which carries out the unenviable but necessary task of tax collection without fear or favour.

Following the dismissal of an appeal in the New South Wales Court of Appeal in the case of *Thomas and Naaz Pty Ltd v Chief Commissioner of State Revenue*, the Chief Commissioner of State Revenue issued a revenue ruling on 11 August 2023 about how Revenue NSW intends to enforce compliance with payroll tax obligations of medical centres about payments made for the performance of work relating to a contract under which a person provides services as a registered health practitioner at a medical centre. The revenue ruling states that it is effective in relation to relevant matters from 1 July 2018 onwards.

Revenue NSW has a program of audits designed to maximise the effectiveness of its tax gathering function. Some medical centres in New South Wales have been audited and, in accordance with this revenue ruling and the law on payroll tax as it currently stands, are faced with demands to pay very significant amounts of outstanding payroll tax. Let me be clear: The law as provided for in the Thomas and Naaz case in my view is correctly decided. I do not think there is any view on which one could argue that the case has not been properly decided. The court in the Optical Superstores case also came to the same conclusion. The collection of the payroll tax as assessed by Revenue NSW in both instances was correct. The only remedy to give relief to those medical centres is legislative change.

I inform members of one such medical centre, First Light Healthcare. It is one of the longest running practices on the New South Wales North Coast. It was tasked with establishing a general practice respiratory clinic in Ballina at the start of the pandemic, which it operated until September 2022. First Light Healthcare also runs a GP clinic from a local homeless services enterprise, providing a highly effective service offering for an at-risk segment of our community. The 2022 floods devastated the Ballina clinic and cost the medical centre in excess of half a million dollars in direct and indirect costs.

First Light Healthcare's multidisciplinary clinical team currently consists of 25 general practitioners, seven medical specialists, seven nurses and 12 allied health professionals, including physiotherapists, psychologists, dietitians and diabetes educators. They play an important part in our healthcare system. This hardworking clinical team supports 24,180 active patient relationships across two clinics in Byron Bay and Ballina, making it one of the largest primary healthcare service providers in northern New South Wales. First Light Healthcare is an innovative service provider that invests its scarce resources into improving community access to outcome-oriented specialist care and outpatient and rehabilitation services, all of which would have to potentially be provided by local hospitals if not provided by that centre.

On 31 July 2023 First Light Healthcare received a letter from Revenue NSW demanding payment within 21 days of \$451,415.54—nearly half a million dollars—for payroll tax due on five years of payments made to general practitioners and other health practitioners in its multidisciplinary clinical team. I am advised by the operators of First Light Healthcare that the imposition of this tax represents an existential threat to its business; to the livelihoods of more than 50 GPs, allied health practitioners and nurses; and to the communities they serve. They say, "Our only options are to increase our fees or shut the doors", noting that increasing fees may well

precipitate the closing of the clinic. First Light Healthcare is just one of many medical centres at risk of closing if faced with retrospective payroll tax bills of that magnitude.

The amendment addresses the urgent need for tax relief for those medical centres in order to ensure that the already stressed health system in New South Wales, especially in regional New South Wales, is not put under further pressure. It is counterproductive for the Government to offer payments of \$20,000 to persuade GPs and other health practitioners to relocate to regional New South Wales while at the same time forcing the closure of medical centres due to onerous retrospective tax bills. Every such medical centre that closes in the bush puts more stress on our regional hospitals. It puts the wellbeing, health and even the lives of regional people, including children and the aged, at risk. The amendment is simple: It creates an amnesty for any payroll tax owed on amounts paid for services provided as a registered health practitioner in a medical centre, effective from 1 July 2018 until 30 June 2023 and, thereafter, an exemption from any payroll tax that would otherwise be due on such payments through until 30 June 2025.

The import of the amendment is that it seeks to remove liability for the retrospective assessment of payroll tax. It provides an opportunity for businesses to restructure and look at the way they incur liability for payroll tax. It provides advisers to those groups an opportunity to say during that time, "There is a different way to structure your business.". But the amendment is predicated also on the position that the law, as it currently stands, is being correctly applied. That level of intervention is required to provide businesses with an opportunity to restructure their affairs for the purposes of ensuring that those liabilities do not arise. Later we will debate the Government's amendment. Quite frankly, it is a Clayton's amendment designed for a media release rather than for any real relief for those medical practices.

I say to each and every one of those medical practices, and I will repeat it later, that the Government's amendment continues the risks that they are faced with. As I indicated, the amendment provides nearly two years for the Government to work with all relevant stakeholders to develop an appropriate regime for payroll tax that takes into account other financial pressures on medical centres. There is a motion on the *Notice Paper* at item No. 46 in the name of Dr Amanda Cohn. I commend her for calling the attention of the House to the issue as early as 11 May 2023, when she gave notice of her motion. The motion states:

- (2) That this House calls on the Treasurer to rule out retrospective application of payroll tax to general practitioners—

The Opposition is attempting to do exactly that—

and to urgently consider exempting general practitioners from payroll tax.

In part, we are doing exactly that. The amendment rules out retrospective application of payroll tax on payments made to general practitioners for services provided to patients of a medical centre. It provides a natural and necessary extension to payroll tax on payments made to other registered health practitioners, such as those in the integrated multidisciplinary clinical team at medical centres like First Light Healthcare, until 30 June 2025. The amendment achieves exactly what Dr Amanda Cohn wants it to achieve.

It would be astonishing if The Greens did not support the amendment in this place. If Greens members reject the amendment, it would indicate that they say one thing in this place and they virtue signal in others, but when the rubber hits the road they will not actually support legislation that would achieve what they so piously and sanctimoniously say they want to achieve. That is certainly the nature of being elected to this place: We have to stand by the things we believe in. We have to be able to say, "There are things that I believe in and I will vote for them." Here is the first opportunity for Dr Amanda Cohn. When she gave notice of her motion, I was well aware of the issue and thought, "This is worth supporting."

Ms Abigail Boyd: Point of order: The member is not talking about the amendment at all. He is pre-empting the response from another party and being quite offensive. I ask that he be called to order.

The CHAIR (The Hon. Rod Roberts): I uphold the point of order. As members know, the Committee stage is for debating amendments. Wide latitude is given in the second reading debate. I draw the member's attention back to the amendment itself.

The Hon. DAMIEN TUDEHOPE: In any event, the amendment reflects the substance of the motion moved by Dr Amanda Cohn. I encourage all members to support the amendment, as it is important for all of those regional medical practices that are trying to establish alternatives to emergency care in regional hospitals. They are already set up and they provide a significant service. They are attracting doctors and nurses to work in regional areas. We should encourage that and not tax those medical practices to the extent they would find it necessary to close. I commend the amendment to the Committee.

I am aware that the Minister oiled her way around the floor, to paraphrase the great soliloquy in *My Fair Lady*. The amendment will probably fail because of a Clayton's amendment that she wants to move. In rejecting

this amendment, the Minister's amendment represents a betrayal of the people of regional New South Wales and regional medical practices. In the months to come, when the so-called "period of amnesty from audit" finishes—as foreshadowed in the Government's amendment—each and every one of those practices will find themselves liable for the payment of the taxation that First Light Healthcare has found itself exposed to. For those reasons, I encourage members to support the amendment to ensure that those practices in regional New South Wales are able to continue operating. I welcome the Minister potentially advising the House whether the assessment that has been made and sent to First Light Healthcare will be withdrawn. Will it be withdrawn? I would look over and potentially get advice because—*[Time expired.]*

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources) (15:50): That was a pretty remarkable contribution from the Leader of the Opposition. I thank the good doctors at First Light Healthcare. I thank the GPs around the State, who do incredibly important work providing primary health care to the people of New South Wales. As I spoke about with the Minister for Health earlier today, that is vital work with an important intersection of relieving the pressure on our emergency departments. But it also has an incredibly important role in preventative health care and a range of other ways of ensuring better health outcomes.

I will put a few facts on the table as to why GPs are under so much pressure. It is because the previous Federal Liberal-Nationals Government failed to index the bulk-billing rebates for almost a decade. At the time, it got the Federal Government about a billion bucks. That is why I welcome the Federal Labor Government's initiative that will start in November to inject \$5.7 billion over five years into our GPs to start to fix the problems that were created under that Abbott-Turnbull-Morrison governments at a Federal level. That was a disaster for the country. The Federal Government is starting to fix up that mess. I will not speak to the specifics, as I was invited to do by the former finance Minister. The broader bill imposes significant penalties for disclosing confidential tax information, so I am not going to be engaged in a debate about a specific case. I encourage that particular practice to contact Revenue NSW if they have concerns. There are extensive hardship provisions that can be made.

I will move an amendment as an alternative to the amendment of the Opposition, and I will outline that in a later contribution. I will detail a few more facts to highlight the somewhat road to Damascus conversion that the Leader of the Opposition has had in passing from the Government benches all the way over to the Opposition benches. What was the course of action of the former finance Minister, who was in office for a year, two months and three days? What did he choose to do while he was the Minister? The Thomas and Naaz case was handed down on 3 September 2021. What did the Minister for Finance in his capacity do? Revenue NSW was then pursuing them through the New South Wales Civil and Administrative Tribunal and the Supreme Court of appeal, and then in additional court cases.

What did the Leader of the Opposition do when he was actually in a position to effect change instead of moving outrageously disingenuous amendments in this place? The hypocrisy and disingenuity is unbelievable. As to that patronising explanation towards the member of The Greens, I will let Dr Amanda Cohn speak for herself. She absolutely does not need me to speak for her. I assure the House that I have been working through this issue since the very first day I was sworn in as Minister for Finance. I take the plan that we announced seriously.

The CHAIR (The Hon. Rod Roberts): The Minister will resume her seat for a moment. A number of members are on calls to order from previous antics this morning. The Hon. Wes Fang is on two calls to order. One more unseemly interjection and he will be removed from the Chamber. Do I make myself clear?

The Hon. Wes Fang: Yes.

The CHAIR (The Hon. Rod Roberts): The Minister has the call.

The Hon. COURTNEY HOUSSOS: I have worked on, and been across, this issue since the first day I was sworn in as Minister for Finance. I understand the pressure our GPs are under. In June I met with the Royal Australian College of General Practitioners and the Australian Medical Association with my colleague the Minister for Health, and we have continued to engage with them to try to find a solution. We believe we have landed on a solution that will give them breathing space. In addition to that, I have had many conversations with members in this place and elsewhere, including GPs in this Parliament. I thank Dr Joe McGirr, the member for Wagga Wagga, who made a series of representations to me on this issue.

It is an important issue, but the idea that the former finance Minister, now shadow Treasurer; the former Treasurer, now shadow Minister for Health; and the former Minister for Regional Health, now shadow Minister for Regional Health belt out a press release on a Tuesday afternoon and think that is going to deliver a solution for GPs when they failed to do anything during their time in Government is disingenuous. That hypocrisy does not sit well with me and—I hazard a guess—it does not sit well with the community of New South Wales.

The Government will move a sensible amendment. It will not provide relief only for GPs and for GP practices, which are under a specific set of circumstances. It will apply broadly for five years in retrospectivity and for two years in advance to a whole range of medical centres. This is a wild and outlandish plan, which is what we have seen from the Opposition since the election, whether it is Active Kids or deciding that we should unsustainably have the first home buyer scheme formally in place and also provide stamp duty exemptions worth hundreds of millions of dollars to the budget every year and now this. The idea that the Liberal-Nationals Coalition has any kind of economic credibility is undermined by their approach, and this amendment is yet another example that shows us how out of touch they are. The Government opposes the amendment.

Dr AMANDA COHN (15:56): I will address both this amendment from the Opposition as well as the following amendment that will be put forward by the Government. The Greens welcome the opportunity to discuss the really critical issue of payroll tax on health practitioners. As I raised in a notice of motion earlier this year, that has significant impacts in the health sector and, by extension, for all of us. The Greens oppose the Opposition amendment and will support the Government amendment.

I believe general practitioners must be provided a specific exemption for two key reasons. The first relates to the way that general practice clinics have been established historically. Most people would be surprised to learn that the vast majority of GPs are not employees of medical centres. Rather, medical centres are set up with a service entity structure. That means a GP is an independent contractor who collects payment from patients, usually subsidised by Medicare, and then pays a proportion of those fees to the clinic in exchange for services such as IT, reception services and access to shared equipment. Practices were often set up this way so that medico-legally, the buck stops with the doctor and clinics could avoid malpractice liabilities.

The vast majority of general practice clinics are still structured that way. However, clinics have put in place a wide variety of measures to improve patient care, such as shared after-hours rosters and arrangements for doctors to look at incoming test results ordered by their colleagues while they are on holidays. Clinics have also employed other health practitioners, such as nurses, physiotherapists and pharmacists among many others, to work as a multidisciplinary team. That is a good thing for patients, but the measures have been assessed in audits as creating employee-like arrangements, and more and more clinics are facing audits that are leaving them with enormous payroll tax bills. As a result, some family medical practices have already been sold to larger corporations.

General practice clinics are receiving advice that they need to restructure their businesses to avoid payroll tax, and that is having disastrous unintended consequences for patients. After-hours rosters, result-checking arrangements and working as part of multidisciplinary teams are all things we should be incentivising. The Federal Government's Strengthening Medicare Taskforce is specifically looking at ways to incentivise that kind of teamwork, as it should, and imposing payroll tax on general practitioners in New South Wales is directly at odds with that work.

To be clear, the extraction of payroll tax on general practitioners is having direct and significant unintended consequences on the provision of primary care services and, by extension, the health and wellbeing of communities across New South Wales. In speaking to the Opposition's amendment, the Leader of the Opposition encouraged practices to use the amnesty time to continue to restructure their practices so that at the end of the period they will still avoid payroll tax. That will cause further harm. General practice clinics should not be doubling down on their service entity structure. Those employee-like arrangements that encourage teamwork should be incentivised.

Of course, there are health practitioners other than GPs who provide health services of critical value to New South Wales communities. I note that dental services and others have also campaigned for a similar exemption. That brings me to the second key reason that general practitioners must be provided a specific exemption, which is that currently there is largely no public provision of primary care services in New South Wales. Primary care is both the most effective and the most cost effective part of the health system. As I have stated previously in this House, continuity of care provided by a regular general practitioner is associated with lower mortality and lower rates of hospitalisation, emergency attendances and hospital re-admission. It is astonishing that this has been left, with only limited exceptions, to the private sector, with public funding provided by the Federal Government in the form of Medicare rebates to patients.

Public health services in New South Wales already receive an exemption from payroll tax, but GP clinics that provide care at no out-of-pocket cost to patients do not receive that exemption. That is not to say that public dental services or public medical specialist services are accessible or resourced adequately. For the over 78,000 people currently on the waitlist for public dental services in New South Wales, we must bolster those services rather than provide tax exemptions for private services.

Regarding the amendment proposed by the Opposition, I note my earlier comments about the specific circumstances that justify a particular exemption for general practitioners. The amendment strikes me as both

poorly drafted and exceedingly broad. I am delighted by the Leader of the Opposition's sudden interest in the wellbeing of health workers, having ignored the issue entirely when he was finance Minister. The amendment serves to benefit the shareholders of private health providers more than it benefits people who need health care by exempting all health practitioners in all medical centres from payroll tax. Large corporate private health providers should be paying their payroll tax bills. Cosmetic surgery clinics should be paying their payroll tax bill. One example is Ramsay Health Care, which was founded by one of Australia's largest Liberal Party donors, which just reported \$286 million in profit for last year. It should be paying its payroll tax bill.

We need a detailed, specific and nuanced exemption that will support health service accessibility for the people of New South Wales in the long term. The Opposition's amendment does not achieve that. The Government has committed to examining that issue as part of the Special Commission of Inquiry into healthcare funding, which I welcome. The amendment to be proposed by Minister Houssos provides a 12-month pause on payroll tax audits for general practitioners while that process is conducted. I will be watching closely to make sure that the Special Commission of Inquiry achieves a long-term solution to this issue. If not, I look forward to holding the Government to account by revisiting this in 12 months. It will not get away with kicking this can down the road. I hope that tomorrow GPs can get back to doing the work that they trained to do, looking after their patients, rather than worrying about how to restructure their clinics.

Ms ABIGAIL BOYD (16:03): I thank the Government for the amendment that it is about to propose and for working so well with The Greens. I support the comments of my colleague Dr Cohn regarding the amendment from the Opposition. It is great that we can listen to Dr Cohn. Unfortunately, despite her great advocacy in this House on this issue, her very detailed notice of motion and the time that she gave in speaking with the Opposition about the amendment, it appears that there is still a complete misunderstanding of what is trying to be achieved. I reiterate that The Greens cannot support the amendment because it is simply not what we were requesting. It is far too broad and needs to be narrowed. We have already made that incredibly clear to the Opposition, and it is a shame that it has not listened. I add my thanks to Dr Cohn for her work in bringing this issue forward to explain again why The Greens cannot vote for such a ridiculously broad Opposition amendment. I also thank Government members for their good faith.

The Hon. DAMIEN TUDEHOPE (16:05): I have to answer some of that. The Greens were invited to suggest an amendment to the Opposition's amendment if they thought it was too broad.

Ms Abigail Boyd: Do your own work.

The Hon. DAMIEN TUDEHOPE: If you thought that this was such an important issue when you gave notice of your motion, and you wanted to achieve this outcome, you would have—

Ms Abigail Boyd: Point of order: I am sure you know what the point of order is, Chair.

The CHAIR (The Hon. Rod Roberts): I know what it is.

Ms Abigail Boyd: The member should direct his comments through the Chair.

The CHAIR (The Hon. Rod Roberts): The member will direct his comments through the Chair.

The Hon. Mark Latham: To the point of order—

The CHAIR (The Hon. Rod Roberts): I have already made my ruling. You were too slow.

The Hon. Mark Latham: It was an interjection that provoked the response.

The CHAIR (The Hon. Rod Roberts): The member should know better than to respond. Comments will be directed through the Chair. There will be no further interjections. I have already warned members. I made a particular example of the Hon. Wes Fang. I will have no hesitation calling Ms Abigail Boyd to order as well. There will be no more interjections.

The Hon. DAMIEN TUDEHOPE: The contributions by Dr Cohn and Ms Abigail Boyd highlight the hypocrisy with which they come to this place. They say one thing, but when given the opportunity to propose an amendment to a bill so that it achieves what they want, they say, "No, we don't want to do that." They would rather opt for an inquiry. They are expert at spending more money on conducting more inquiries.

The CHAIR (The Hon. Rod Roberts): Minister Houssos will cease interjecting. The rules apply to all members, including Ministers.

The Hon. DAMIEN TUDEHOPE: The Labor-Greens coalition has worked to make sure that this amendment does not get through today. They are more concerned that the Opposition is not successful with an amendment than they are for the livelihoods of the people of this State. That is the great tragedy of where we are today. This perfectly sensible amendment would achieve an outcome for regional medical practitioners by giving

them the opportunity to make sure that they would not be liable for payroll tax. Working with the Labor Government, The Greens have coalesced to betray whatever principle they ever stood for for the purpose of making sure that the Opposition does not have success with its amendment.

The amendment is not about a media release; it is about substantive relief. The media release came this morning when the Government sought to occupy this space because it knew, in the absence of a cosmetic approach to the issue, that this amendment would potentially be successful. So it has acted late in the day and has been forced kicking and screaming into a response because it knew one was needed. That is the nature of where the Government is. The Opposition is pleased because, at the end of the day, it has made the Government do something on this issue in circumstances where earlier this week, when asked questions about it, nothing was to be done. Today, Thursday, all of a sudden the Government needs to move an amendment to do something about it.

I maintain that this amendment is eminently supportable in its current form. It recognises that wraparound services are provided by these regional medical centres, and we need to make sure that those wraparound services are maintained and provided for. Any business that receives a retrospective tax bill of half a million dollars in circumstances where it was unanticipated faces the problem of imminent closure. Alternatively, it has to raise that revenue from patients. That is an unacceptable outcome. This amendment is designed to make sure that those practices get that relief.

When given an opportunity to say whether the clinic that I referred to would be given any relief under the Government's amendment, the Minister refused to say whether it would be given any relief. She referred to hardship provisions and the like, which are available through Revenue NSW. This amendment would not only give hardship provisions; in fact, it would give ultimate relief. We ought to be encouraging regional healthcare clinics, not discouraging them.

The CHAIR (The Hon. Rod Roberts): The Hon. Damien Tudehope has moved Opposition amendment No. 2 on sheet c2023-070D. The question is that the amendment be agreed to.

The Committee divided.

Ayes16
Noes25
Majority.....9

AYES

Carter
Fang (teller)
Farlow
Farraway
Franklin
MacDonald

Maclaren-Jones
Martin
Merton
Mitchell
Munro

Rath (teller)
Ruddick
Taylor
Tudehope
Ward

NOES

Banasiak
Borsak
Boyd
Buckingham
Buttigieg
Cohn
D'Adam
Donnelly
Faehrmann

Graham
Higginson
Houssos
Hurst
Jackson
Kaine
Latham
Lawrence

Mihailuk
Mookhey
Moriarty
Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

Amendment negatived.

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources)
(16:19): I move Government amendment No. 1 on sheet c2023-074B:

No. 1 **Exceptions in relation to audits, interest and penalties for general practitioners during relevant period**

Page 17, Schedule 9. Insert after line 19—

[11A] Section 61A

Insert after section 61—

61A Exceptions for general practitioners during relevant period

- (1) During the relevant period, the Chief Commissioner must not conduct an audit of—
 - (a) a general practitioner's compliance with the *Payroll Tax Act 2007*, or
 - (b) compliance with the *Payroll Tax Act 2007* by an entity with whom a general practitioner has a practice arrangement, to the extent amounts paid or payable by the entity relate to the general practitioner.
- (2) Also, if a tax default by a general practitioner occurs before or during the relevant period—
 - (a) in calculating, under Part 5, the interest payable by the general practitioner, no interest is payable in relation to a day that is within the relevant period, and
 - (b) the general practitioner is not liable under Part 5 to pay—
 - (i) for a tax default that occurs during the relevant period—penalty tax in relation to the tax default, or
 - (ii) for a tax default that occurred before the relevant period—any penalty tax in relation to the tax default that was not paid before the relevant period.
- (3) Subsection (2) does not entitle a person to a refund of interest or penalty tax paid before the relevant period.
- (4) This section applies despite section 61 or another provision of a taxation law.
- (5) In this section—

general practitioner means a medical practitioner who, under the *Health Practitioner Regulation National Law*, holds registration as a general practitioner.

practice arrangement has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

relevant period means the period—

 - (a) starting on the day on which the *Revenue, Fines and Other Legislation Amendment Act 2023* commences, and
 - (b) ending on the day that is 12 months after the day that Act commences.

As discussed earlier in the debate, there is urgency to get the bill back to the other place, so I will be quick. Earlier I indicated that today the Government announced this amendment to pause on payroll tax audits for GPs and GP practices for 12 months. There will be no penalties or interest imposed for that period of 12 months, and any audits underway will also be paused. Firstly, I place on record my thanks to the Minister for Health and my Labor colleagues with whom I have been working closely on this issue. I thank the GPs, particularly the Australian Medical Association and the Royal Australian College of General Practitioners, for their engagement over many months. Earlier I outlined that I met with them in June. We have been working on this since I was sworn in as Minister for Finance.

The Government understands the pressure that GPs are under. Earlier I outlined at length the causes of that pressure: the failure to index the GP bulk billing rates by the former Federal Liberal Government. We think it is important that this 12-month period gives our GPs some breathing space. The Federal Labor Government has announced \$5.7 billion that will begin to flow in November. It is important that we allow that process to continue. In addition to that, today the Minister for Health announced a special commission of inquiry into the health system. We think—and everybody understands this—that there is a clear intersection between GPs and emergency departments as we examine how to best deliver multidisciplinary care. We expect that the special commission of inquiry will consider this issue, amongst many others.

There is a long history to this, which I outlined at length earlier. Certainly over the next 12 months we will look to the steps other jurisdictions have taken to address this very specific pressure on GPs. However, my personal view is that any ongoing relief would want to get better outcomes for patients and families across New South Wales. That might mean an increase in bulk billing rates or some other specific measure. Our payroll tax system is valuable for the State's budget. It is expected to bring in about \$12 billion this year. We operate under a nationally harmonised system. Before we were to take any ongoing step out of that, we would consider it really carefully, which we intend to do over the next 12 months. I will leave my comments there and perhaps speak briefly in reply.

The Hon. DAMIEN TUDEHOPE (16:22): The Government's amendment is a poorly drafted, limited attempt to pretend to do something to respond to a serious situation that affects the possible closure of several medical centres, including, critically, in some regional parts of New South Wales. The amendment simply pauses the conduct of audits of a particular kind for 12 months—that is all it does. I make this point very clearly so that

medical practices understand this: The Government's amendment does not remove the obligation of a medical centre to honestly complete a payroll tax return, including reporting of all payments to general practitioners covered by the revenue ruling on this matter issued by Revenue NSW on 11 August 2023. In fact, if those cases are correctly decided, the pausing of audits does not relieve any payroll tax liability on any practice in this State. Every one of those practices, if they honestly complete a payroll tax return in accordance with their obligations and the commissioner's ruling, must, in fact, provide an honest payroll tax return. There is no relief in relation to that.

Nor does the Government's amendment remove any liability from retrospective tax. This amendment does not state that tax dating back to 2018 will not be removed. All this amendment achieves is a pause in respect of audits. Audits would discover whether the medical practices have been honestly preparing their payroll tax returns. The amendment that was previously rejected by the Committee would have been a proper solution to this problem rather than this bandaid, headline-seeking pause on audits for the purposes of allowing some sort of review. The obligation remains. Of course, once you complete a payroll tax return, guess what? You get an assessment and you should pay. Under this amendment, audits of medical centres could recommence on the first day 12 months after the commencement of the Act, resulting in medical centres then facing a demand for payment if they have not properly completed their returns of up to six years' retrospective payroll tax.

Limiting the pause on audits solely to payments made to GPs is also incoherent. It would still allow Revenue NSW to audit a medical centre with multidisciplinary clinical teams and impose a retrospective payroll tax bill on payments made to all registered health practitioners, other than GPs, for clinical services to patients. By limiting the audits to GPs, the drafting of this amendment does not stop audits in respect of other health practitioners on those same premises.

Additionally, the exclusion of interest and penalty tax in the proposed new section 61A (2) applies only to tax defaults "by a general practitioner". The general practitioner often does not have the payroll tax bill. Surely it should apply to the entities that are lodging the returns. They are the taxpayers who should be immune from an audit by section 61A (1) (b), namely "an entity with whom a general practitioner has a practice arrangement". To exclude the penalties for tax defaults by general practitioners is meaningless. I invite the Minister to consider this point and fix this definition, thereby fixing what I would suggest is an error.

As limited and poorly drafted as this amendment is, it is at least something in terms of the pause on audits. Potentially, it would not have even needed legislation. However, I am delighted it does appear in legislation. We will not oppose the amendment. However, we look forward to all members supporting what we say is a proper amendment to give relief to these medical centres, which I am sure at some stage in the future will come back to this place in a form similar to the amendment moved by the Opposition earlier today.

The CHAIR (The Hon. Rod Roberts): The Hon. Courtney Houssos has moved Government amendment No. 1 on sheet c2023-074B. The question is that the amendment be agreed to.

Amendment agreed to.

Ms ABIGAIL BOYD (16:28): I move Greens amendment No. 1 on sheet c2023-071C:

No. 1 **Wages—consultancy firms**

Page 11, Schedule 5. Insert before line 2—

[1A] **Section 13A**

Insert after section 13—

13A Profit distributions by consultancy firms taken to be wages

- (1) An amount paid or payable as a profit distribution to a partner of a consultancy firm is taken to be wages for the purposes of this Act.
- (2) To avoid doubt, subsection (1) applies regardless of whether the consultancy firm is a partnership formed under the law of this jurisdiction or another jurisdiction.

Example— The consultancy firm may be an incorporated limited partnership formed under an Act of a State or Territory, other than New South Wales, that relates to partnerships.

- (3) In this section—

consultancy firm means an Australian accounting partnership that—

- (a) is covered by a professional liability scheme, and
- (b) has more than 100 partners. Unless members have been living under rock, they will be aware that the large consulting firms in this country have been subject to a reckoning in the past six months. It started with the PwC scandal at a Federal level, which inspired a number of Senate inquiries as well as our own inquiry here in New South

Wales. The Public Accountability and Works Committee is up to its seventh hearing for that consulting inquiry, with many more to come. To be honest, at every single hearing, we are getting more and more revelations. For a start, the New South Wales Government could not tell us how much it spent on consulting firms. It cannot tell us how much it spent in the past year or the past 10 years. We know that when it comes to the big four—EY, KPMG, PwC and Deloitte—we are talking hundreds and hundreds of millions of dollars.

We are also finding a concerning trend of revolving doors between government and the public sector—even members of government—and these consulting firms. There is a real bleeding of one type of work into another when firms walk both sides of the street. For example, EY worked both as the auditor for Santos and as a consultant on the Future of Gas Statement, which happened to recommend matters that went in Santos' favour. We heard about the conflicts of interest of current partners sitting on government agency boards. A number of the local health district boards, which have not been subjected to the same reporting requirements as the rest of the government bureaucracy, have spent, again, hundreds of millions of dollars on consultants without disclosing that in any way that we could make sense of. Even after two months of the inquiry, we are still having to go back to Health to try to get a proper record of exactly what has been spent.

The secrecy and the obfuscation and the way in which consultants have been infesting government, by sitting in our departments as secondees and writing policy advice, are coming out. They have failed to disclose conflicts of interest, but when we probe that we find it is because the consulting firms did not think there was a conflict of interest. They are making those decisions themselves. The additional scrutiny on these firms means we are finding out more and more about them. One current Senate inquiry is looking into the structure of those organisations. They have been set up as partnerships. Back when partnerships were first around as a corporate structure, they were what the name says: a partnership between a handful of partners who were sharing business liabilities and profits as opposed to setting themselves up as a corporate structure.

Over time and across the globe a new partnership structure has developed, which is a quasi-pseudo corporation where 1,000 people are called partners of a partnership, with levels of seniority within those partnerships: senior partners who might be akin to a board-level executive and mid-level partners who are probably more akin to an employee. But, critically, they do not share the liability like they used to because of the types of corporate structures that they can now take advantage of. Another thing that has not been well understood—certainly not by the public nor by most of the media until recently—is that the big four are subject to a New South Wales regulation that gives them special legal protections and, if sued, limits their liability to a maximum of \$10 million in most circumstances. The New South Wales Government is granting those special protections and benefits. We found out that in doing this fancy corporate structuring, these partnerships pay no Commonwealth company tax or State payroll tax. They do not have directors' and officers' duties, nor do they have to provide audited financial statements. They are living the best of both worlds. They sit in our board rooms and our cabinets across Australia but face no oversight.

The Greens' amendment is a simple amendment to the Payroll Tax Act. It requires the big four to pay payroll tax on partnership earnings in the same way a CEO would. Taking advantage of that corporate structure and only paying payroll tax for those people who are seen as employees, while having a thousand-plus partners getting, effectively, a partnership drawing on which the firm avoids paying payroll tax, is not good enough. The amendment is saying, "We see your corporate structure. We understand that you are a protected species because, perhaps, you have had such unfettered access to our governments and our politicians. But that time is up." New section 13A (1) changes the definition of wages by including "an amount paid or payable as a profit distribution to a partner of a consultancy firm", being "an Australian accounting partnership that is covered by a professional liability scheme"—like the one we give in New South Wales—"and has more than 100 partners." They are the big partnerships—the ones that make it hard to believe that 100 people are equally running them. If a firm has 100 partners, it should be operating more like a business—more like some other more familiar types of corporate structure—and it should be paying payroll tax like everybody else.

It is not a radical idea. New section 13A (2) states that to avoid doubt subsection (1) applies regardless of whether the firm is a partnership formed in New South Wales or somewhere else. We have the power to do that. We absolutely can capture those drawings and distributions as wages in New South Wales. I would encourage other jurisdictions to follow the lead of New South Wales, if we were to implement this, in doing the same. There will not be a double taxation system. Our Payroll Tax Act is clear that if you pay in one jurisdiction, you do not have to pay in another. Let's start the process of holding these firms to account and making them pay payroll tax like everybody else does.

I take a moment to express my sorrow for the partners at these big firms who have been reported in *The Australian Financial Review* today as finding this suggestion that they pay payroll tax like everyone else as being a bit of a punitive measure and a bit unfair. What is unfair is that the New South Wales Government has paid them

hundreds of millions of dollars for work over the past 20-odd years. They have taken advantage of every aspect of the corporate structure they currently sit under and of the liability caps. They are now being investigated and have been found wanting when it comes to upholding ethical standards. There is no reason for these firms to continue to be treated as though they are some special, ethical, mythical creature because we know now that they are not. Step one is treating them like everyone else and raking in a quarter of a billion dollars over the forward estimates into the State budget from these firms that we can use to pay teachers, nurses, paramedics and midwives.

Every time I hear the Treasurer talk about the terrible state of the budget—which I understand and agree with—and that we have to make some difficult decisions, The Greens' statement has been, and will continue to be, that we understand there is a limited pool of cash but the Government must do everything it can to expand that pool of cash from those in our economy who are not paying their fair share in order to ensure fair wages and conditions for those people who have been pulling our economy along for decades with inadequate reward. Before I hear that the Government is reneging on the deal with teachers and before I hear talk of any kind about a cap on wages, let's rake in a quarter of a billion dollars from the big consulting firms that can more than afford it and that have absolutely no excuse for continuing to avoid payroll tax like every other business in our State. I commend the amendment to the Committee.

The Hon. MARK LATHAM (16:39): I oppose the amendment on the basis that it is an overreach. It is an attempt by The Greens to redefine tax law that is primarily made in Canberra, to say that profit distributions by consultancy firms are taken to be wages and to reclassify partners, who are not on staff and are not wage earners, as somehow mythically earning wages and being subject to tax accordingly. It would place the New South Wales Government in conflict with the Australian Government and tax law in Canberra and would undoubtedly be ruled out by the High Court.

To that extent, it is a massive overreach. But it also reflects an approach to consultancies that the honourable member talked about at the conclusion of her remarks, and that is that everything they do is bad. The truth is—coming out of her own Public Accountability and Works Committee inquiry—they have been over-commissioned by senior managers in New South Wales to do too much work. The finance Minister should issue very strict guidelines for consultancies and their use in New South Wales. They should be used, basically, on an emergency basis. When the expertise is not there within the public sector, bring the consultancy in on a short-term basis, get the expertise off them and build up the capacity internally.

But the Public Accountability and Works Committee inquiry has clearly shown that there are too many instances where consultants are brought in when there is in-house capacity to do the corporate restructure, to handle the human resources matters or to do the media and communication strategy. It is something that has been around since the Greiner era, that it is somehow acceptable, cool and corporate to need consultants to do the things you are not willing to do yourself.

The saving that was mentioned is probably not \$250 million, but there are savings to be made if the Government issued strict guidelines for the use of consultants. Otherwise, Ms Abigail Boyd and The Greens appear to have an instinctive dislike of anything to do with consultancies. The Greens have gone over the top with this particular amendment, but it is worth noting that the member who moved it used to be a consultant working for big firms that did international takeovers for Santos and the like. There must have been some grievance along the way. It is a case of the greedy turned green and trying to get revenge.

The Hon. COURTNEY HOUSSOS (Minister for Finance, and Minister for Natural Resources) (16:41): The Government is not supporting the amendment at this time, but we look forward to the inquiry that is underway and doing important work considering this issue, among others. I am advised that it may have some Federal tax implications. It may be something that we want to look at more closely, but Labor absolutely took a commitment to the election. The Auditor-General found that, over the past three years, the previous Government had spent about \$1 billion on consultants. We are certainly looking at that work closely. I look forward to the final report of the inquiry into the use of consultants. I commend the work that the Chair is doing. It is really important work to rebuild our public service in New South Wales. I put on record the incredibly important work of Federal Labor Senator Deborah O'Neill, who has been leading on this matter for years.

With the indulgence of the Committee, I mention the Deputy Secretary of Revenue NSW and Chief Commissioner of State Revenue, Scott Johnston, who has also played an important role in delivering this bill. He is going on parental leave for 12 weeks to look after little Lily. For a senior public service leader to be taking this leave sends an incredibly important message to our public servants. I know he is going to have a great time—well, he is going to have an interesting time. I am sure he will look back and treasure it. It sends the important message to our public servants and to dads everywhere that they can take that time to spend with their families.

The Hon. DAMIEN TUDEHOPE (16:43): The Opposition will not be supporting this amendment. It is the height of arrogance to move a tax amendment like this in circumstances where there has been no consultation

on its potential impact. To assert that consultancies are not pulling their weight in relation to the work they do is, quite frankly, insulting to the competency of those consultancies. The Hon. Mark Latham—as I think the Government would probably acknowledge—makes this point: If you want to limit the use of consultancies by government, there are ways to do it. There are guidelines that you can put in place. In fact, I know there are guidelines in relation to the fees that consultants should be paid, the circumstances under which they should be engaged and the processes for approval of their use.

All of those things, potentially, are in place. Governments of whatever colour have the opportunity to have a particular regime for engaging consultants and for the fees that they agree to pay them. All that is open to the Government to do. I think the consultants have called this amendment a punitive tax. That has some merit, I must say, because it is selecting a group of people that we do not like and saying that they have to pay more tax. In many respects, this amendment falls into that category. The Government is quite rightly rejecting it. It has said there may be an opportunity to look at this sort of regime in the future. I would be surprised, but that would be a proper process to go through rather than bringing an amendment like this to the Committee.

Ms ABIGAIL BOYD (16:45): I will respond to those contributions quickly. There are two tactics, regularly trotted out by those engaging in lazy debate in this place, that were used in those responses. The first is declaring that your opponent is saying that something is bad when they are trying to say that it should be reformed. So you might say, "The Government ought to do this," and the response is "You just hate the Government." Or you say that it would be really good if coal companies did not pollute as much, and the response is that you just hate coal. It is a really lazy argument. We hear all the time and we have heard it again today. I never said consulting firms were bad. I never said that they had no use. Anyone who was paying attention would have heard that very clearly. Anyone who has been watching the inquiry into the use of consultants will know that of course there is a place for consulting firms. No-one is saying there is not. But, of course, it is much easier to just say, "She just hates consulting firms," than to actually engage in the nuanced and mature debate we need to have about the use of consulting firms by the New South Wales Government and whether those consulting firms should be reformed.

The second tactic that we are hearing a lot of in this place, and that I am getting a bit sick of, is when you say something and then someone gets up and says, "That's not true, that thing that you didn't actually say." We saw that when it was claimed that it was very upsetting for me to say that consultancy firms were not pulling their weight. Of course, I never said that. I said that they should pay tax like everybody else. I never commented on their work product. So to say that is just another distraction. It is not actually engaging in the debate that we are having here, which is very real and calculated. I was told, "It might be a quarter of a billion dollars over forward estimates. That sounds a bit much to me," by somebody who clearly had not done the calculations. We have done the calculations by number of partner at the big four firms and how much they are earning and what the payroll tax is, and I can tell members that it is at least \$50 million a year, and more likely \$60 million a year. We have had that validated by external accountants. So let's just put that to rest.

I will say two final things. It is absolute hypocrisy to be called arrogant for moving this well-thought-out amendment, on which we have consulted with a number of people, by a party that has just put up a proposal that The Greens objected to on the basis that it was poorly drafted and we had not been consulted with and that we were being asked to suddenly adopt, even though we knew that it was going to have unintended consequences and would apply to the really large health operators when it should not. It is hypocrisy to say that about this amendment. Again, it is lazy debate because we are not actually talking about the issue.

Finally, it was asserted that I used to be a consultant. I was not a consultant, but I am glad that the Hon. Mark Latham finally understands that I have experience in financial regulation. I spent 20 years as a banking regulation expert across Europe, Asia and Australia. I am proud of that experience. I worked for 300 or 400 different companies over that time, as well as about 20 different banking regulators around the world. I have legal and financial experience. I was never invited to be a consultant. I do not know if I would have wanted to be. It is not relevant to the debate, but I wanted to clarify that for the record.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2023-071C. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

The Hon. COURTNEY HOUSSOS: I move:

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

Motion agreed to.

Adoption of Report

The Hon. COURTNEY HOUSSOS: On behalf of the Hon. Daniel Mookhey: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. COURTNEY HOUSSOS: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

Motion agreed to.

MOTOR DEALERS AND REPAIRERS AMENDMENT BILL 2023**First Reading**

Bill introduced, read a first time and ordered to be published on motion by the Hon. Anthony D'Adam, on behalf of the Hon. Courtney Houssos.

The Hon. ANTHONY D'ADAM: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

Second Reading Speech

The Hon. ANTHONY D'ADAM (16:53): On behalf of the Hon. Courtney Houssos: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Motor Dealers and Repairers Amendment Bill 2023. The bill makes amendments to the Motor Dealers and Repairers Act 2013, most of which are based on a statutory review completed in 2020. The bill will ensure that that legislative scheme can continue to operate as Parliament intended by making amendments that will result in significant but important reforms to the automotive industry in New South Wales.

Those reforms include inserting a new legislative framework to permit and regulate the online sales of motor vehicles by motor dealers; replacing the requirement for motor dealers, recyclers and repairers to maintain separate registers for specified matters, with a more general requirement to keep certain records in relation to their business; making it an offence to possess a device capable of rendering the odometer of a motor vehicle inoperative or inaccurate; making it an offence for a motor vehicle recycler to buy a motor vehicle or motor vehicle part or accessory with cash and to buy or sell an unidentified motor vehicle; extending the period within which a person may make a claim for compensation from the Motor Dealers and Repairers Compensation Fund; enhancing the existing disciplinary provisions; increasing the maximum penalty for various offences; and making other minor and consequential amendments.

The proposed reforms have been informed by consultation with key stakeholders, including industry, the public and other government agencies, such as Transport for NSW and the NSW Police Force. Through the bill, the Government is committed to providing a statutory foundation that will ensure a thriving automotive sector in New South Wales. I note that the industry has been calling for legislative change to reflect the modernisation of the sector for years. I am pleased that the Minns Government is delivering that much-needed reform.

The automotive sector is a vital component of the New South Wales economy and critical to the lives of our fellow citizens. The automotive sector is worth over \$37 billion to the Australian economy, with New South Wales being the largest jurisdiction in terms of the number of vehicles registered, individuals employed and enterprises registered. From Casula to Coffs Harbour and Campbelltown to Cobar, the bill before us today will benefit employees and business operators in the industry along with consumers, drivers and passengers.

The global automotive industry is undergoing a period of rapid change and innovation, unprecedented in the past 100 years. Shifting consumer preferences towards digital sales, the acceleration in the uptake of new technologies and new manufacturers entering the marketplace all require a statute that is fit for purpose. New South Wales must not be left behind in that crucial sector. New South Wales needs to have the right legislative settings to meet consumer demands for online sales and companies progressing to new online business models. Previous consultation found that close to half of the responses from the public said that they would consider purchasing a motor vehicle online in the future. Some 71 per cent of existing motor dealers said that they would look to provide an online sales option to consumers in the future. That is what the bill will do. The bill sets

up the whole framework for online sales, addressing consumer preferences and adapting to the rapidly evolving industry.

The bill not only provides an updated legislative framework for the benefit of consumers, dealers and repairers but also ensures that New South Wales remains a leader in vehicle sales, that repairers are appropriately skilled and that consumers benefit from those technological innovations while enjoying fit-for-purpose protections. New South Wales is known as the premier State. This Government is intent on making it the premier State for the automotive sector with this future-focused bill.

I turn firstly to the amendments in the bill that will create efficiencies and futureproof the legislative framework. This Government is committed to providing statutory tools that will help this highly significant and dynamic industry thrive in New South Wales. Currently, section 100 (3) of the Act says that prescribed parts are listed in the regulations. The bill proposes an amendment to that section to move the list to a register approved by the secretary and updated on the NSW Fair Trading website. As new technologies enter the marketplace, such as new model electric vehicles, that amendment will provide industry with increased certainty and enable faster changes in an evolving marketplace. The amendment will help to identify parts that need to be tracked and recorded. It will also enable the Government to better work with industry—both repairers and recyclers—to ensure that the list is up to date as new parts and technologies enter the marketplace. To prepare for that dynamic future, we need to ensure that the training packages provided to our apprentice mechanics align with the technological shifts seen across the sector.

The bill proposes amendments to sections 25 and 26 of the Act to remove qualification requirements for the issue of a licence or tradesperson certificate from the regulations. Instead, qualifications will be approved by the secretary and published online on the NSW legislation website. This will mean it is easier and faster to update prescribed courses as they become available or are modified. This reform will ensure our legal requirements can quickly recognise the latest skills and best practice as new world-class courses are offered. For future apprentices and those seeking to update their skill set, this will ensure they can meet the challenges of an ever-changing marketplace.

As part of the Government's commitment to futureproof the automotive industry and streamline administrative work for dealers, the bill proposes an amendment to the wording of section 100 of the Act to remove the requirement to keep certain registers. Industry has advised us that compliant systems are already in use, and the removal of these requirements in favour of a more flexible approach could result in significant financial savings for repairers and recyclers, removing unnecessary red tape. This amendment opens the possibility of expanding the way dealers carry out their business by catering for the digital world and automation, while still providing the consumer protections akin to those of the traditional sales model. The amendment would enable the Act to be more flexible in its compliance requirements and enable information to be obtained and provided electronically.

The bill seeks to amend section 11 to insert a new provision to allow for the secretary to declare that a trade show is a declared trade show. A declared trade show allows interstate motor dealers to display their vehicles at New South Wales motor shows without requiring them to hold a New South Wales motor dealer licence. Currently, the Minister is required to declare trade shows through a ministerial order that is gazetted. It is proposed that an amendment be made to the Act to allow the secretary to temporarily exempt interstate dealers from the requirement to hold a licence for the purposes of participating in a New South Wales trade show. This will improve efficient processing of trade show declaration applications and reduce the administrative burden on the department and Minister while maintaining a proper process to ensure that trade shows are properly declared. Instead of being gazetted, it is proposed that the declarations be made by the secretary and published on the NSW Fair Trading website.

The bill also introduces new amendments focused on shifting consumer preferences and online car dealing trends. The COVID-19 pandemic accelerated consumer preference towards online retail and sales in the broader economy. This trend is affecting the automotive industry and dealer franchise model. Developing effective statutes that assist consumers and the automotive industry during this period of transition forms a key component of the bill before us today. The bill will include a new provision, new section 19A, that will allow motor dealers to include their licence number on advertising material distributed and displayed by the motor dealer as well as on the website of the motor dealer. This amendment will also make it an offence for those who fail to display this information on those platforms. These changes will help dealers throughout the State who use online platforms to engage with consumers and also provide assurance to customers that they are dealing with licensed businesses when buying online.

Amendments to section 20B will require an applicant for a motor dealer licence who plans to sell online to provide an Australian URL address of the website they intend to use to carry on their business. Under new section 20B (4A), online dealers will also be required to provide the addresses of premises used to store motor

vehicles and records, the premises intended to be used as an office and premises of a kind prescribed in the regulations. These measures will support compliance work prescribed by the relevant legislation and uphold consumer protection across the sector. Part 4, division 3A inserts new definitions for "online motor dealer" and "online purchaser". An online motor dealer means a motor dealer who carries on the business of a motor dealer wholly using a website through which the online motor dealer offers for sale and sells motor vehicles. In order to protect consumers, it is important that the same protections that apply to dealers selling out of a physical premises also apply to those who sell online.

Section 66B will stipulate that an online motor dealer must, before entering into a contract for sale of a motor vehicle with an online purchaser, provide the prospective purchaser with a disclosure document in the approved form. Disclosure documents refer to inspection reports, dealer's notices and other documents attached to the vehicle. These provisions would be considered satisfied under the proposed amendment if the documents are available to be viewed on the website used by the online motor dealer. New section 66C will require an online motor dealer to give a prospective online purchaser the opportunity to carry out inspections of a motor vehicle at certain points in an online sales transaction and at certain places. Finally, new section 66D places a cap on the deposit that an online purchaser may be required to pay to an online motor dealer before the online purchaser takes possession of a motor vehicle.

As I have previously noted, the past two years have led to significant shifts in consumer preferences in the automotive sector. As a result of shipping delays and a shortage of key components for new cars, New South Wales has seen an increase in consumers purchasing second-hand vehicles. Unfortunately, this has also led to a rise in cases of odometer tampering. In 2021-2022 there were \$112,200 worth of fines and 76 penalty notices issued for odometer fraud, compared with just 45 penalty notices issued in 2020-2021 for a total of \$53,900. A further 35 penalty notices were issued in 2022-2023, for a total of \$35,000. New consumers not only lose large sums of money by inaccurate mileage readings but are also at risk of serious harm, as mileage is used to determine timing of safety checks and repairs to their vehicles. This abhorrent act of fleecing consumers with substandard motor vehicles is behaviour this Government will not tolerate. The proposed amendments are intended to give pause to any individual or business who thinks they can get away with this behaviour.

I emphasise that some of the most vulnerable consumers in New South Wales—including from our culturally and linguistically diverse [CALD] and Indigenous communities—are at the greatest risk of this illegal act. Members of these communities are often unaware of their consumer rights under legislation or do not have the skill or means to make complaints to NSW Fair Trading. I am proud to say that the department will continue to prioritise outreach and engagement initiatives for the CALD community to support consumers when purchasing a used car. For many households confronting the challenges of a cost-of-living crisis, a used vehicle is their only option if they wish to travel to work and send their kids to school.

Stamping out this behaviour to protect at-risk households, particularly in vulnerable communities, is the Government's priority. The Government is intent on imposing significant financial penalties on these actions to protect consumers. Section 53 (1) will make it an offence for a person to possess a device capable of rendering the odometer of a motor vehicle inoperative or inaccurate. However, the proposed amendment will make allowances if the defendant holds a motor vehicle repair licence and is repairing and/or replacing an odometer in the course of carrying out their business as a motor vehicle repairer.

The Government also supports proposed amendments that will insert elements of the Scrap Metal Industry Act 2016 into the Act to address inconsistencies between the scrap metal laws and the vehicle recycling provisions in the Act. As part of the consultation process for the bill, the NSW Police Force recommended the introduction of cashless transactions for recyclers in line with the requirements of the Scrap Metal Act. I thank the NSW Police Force for its valuable contribution to the consultation process. Section 99A will make it an offence for motor vehicle recyclers to buy a motor vehicle or motor vehicle parts with cash, by cheque payable to cash, or in kind with goods or services.

The inclusion of cashless transactions would allow for greater enforcement and auditability of scrap metal dealers to prevent the theft and disposal of stolen vehicles and other parts. New section 99B (1) will also make it an offence for motor vehicle recyclers, unless they have police permission, to buy a motor vehicle if the unique identifier has been altered, defaced or removed. Finally, new section 99B (2) will make it an offence to sell or dispose of an unidentified vehicle, unless with express police permission. These offences will also include significant financial penalties for businesses and individuals caught breaching these provisions.

The bill seeks to enhance existing disciplinary provisions in the Act to provide the secretary with additional legislative tools to crack down on illegal conduct and further protect consumers. These amendments were informed by intelligence collected by NSW Fair Trading investigators, who are tireless in their work to weed out misconduct in this industry. The amendments will enhance disciplinary provisions in the Act. They will allow the secretary to issue monetary penalties for certain offences, extend the time frame for disciplinary action against

former licence holders and prevent certain individuals from holding licences. They will also enhance the ability of the secretary to take disciplinary action against certain licence holders.

A new provision, new section 45 (1) (d), will also enable the secretary to issue monetary penalties as disciplinary action. Section 45 of the Act lists the disciplinary actions that the secretary can take if a ground is established under sections 38 or 39 of the Act. At present, the secretary does not have the ability to impose a monetary penalty. The ability to impose a monetary penalty would bring the Act into alignment with other legislative instruments administered by Fair Trading where this action is available. It would also allow the department to have access to a full array of disciplinary options.

A monetary penalty would be a disciplinary instrument that strikes a balance between existing measures that in some scenarios may be considered too harsh, such as cancelling a licence, or too lenient, such as issuing a penalty notice. It should be noted that this new suite of monetary penalties would not lead to cases of double punishment or double jeopardy. It is the department's established practice not to impose a monetary penalty where a fine or penalty notice has already been issued for the conduct in question. Disciplinary measures will also be enhanced by amending section 38 (2) to allow for disciplinary action to be taken against former licence holders five years after they last ceased to hold a licence. Currently, disciplinary action must not commence more than 12 months after the individual ceased to hold a licence.

The department has encountered scenarios where it has received information concerning the conduct of a former licence holder under the Act. However, because of the limitation in section 38 (2) of the Act, disciplinary action against the individual could not be considered due to the 12-month time frame. To further enhance disciplinary action, section 186 (2) (f) of the Act will be amended to allow the secretary to prohibit certain persons working at a licensed business. The Act currently requires that a person must be convicted of an offence before they can be prohibited. This is to be expanded to include persons charged or found guilty, as well as convicted. In situations where a person is found not guilty, or a conviction is overturned, this prohibition would be lifted.

It is also proposed to expand the list of prohibited persons to include a person who has been refused a licence or who is a director or officer of a body corporate that has been refused a licence; a person whose licence has been suspended, cancelled or revoked; or a person who is disqualified from holding a licence or being involved in the direction, management or conduct of a business for which a licence is required. These regulatory actions, such as cancelling a licence, are not done lightly and are a punishment for serious offences where a person is not fit to carry on their business. Finally, section 39A will be inserted to allow for disciplinary action to be taken against an individual responsible for misconduct by a licensed body corporate. Currently, in situations where a licence is held by a body corporate, disciplinary action can be taken only against the licensed body corporate. This means that individuals responsible for the misconduct of the body corporate can simply re-establish a new body corporate with a new licence and continue operating.

This behaviour, known in the industry as phoenixing, allows a person to continue their misconduct under the protection of multiple corporate structures. The new provision will enable the secretary to take disciplinary action against a person who is a member of a partnership or officer of a body corporate. This would prevent them from being able to obtain future licences to operate as motor dealers, repairers or recyclers. This is a pressing matter given that a significant number of motor dealers' licences, motor vehicle repairers' licences and motor vehicle recyclers' licences are held by corporations. The bill before us marks a significant development in the automotive industry in New South Wales and implements the key reforms recommended in the statutory review of the Act. Industry and consumers will benefit from legislating online, end-to-end sales of motor vehicles; reduced red tape through more flexible recordkeeping requirements; increased transparency and traceability of end-of-life vehicles by introducing cashless transactions; and enhanced penalty amounts to ensure that the deterrent effect is maintained.

The bill would not be possible without the input of key industry, consumer and other government stakeholders. The bill has been in development for some time, through public consultation, stakeholder round tables and surveys. In particular, I thank the Motor Traders' Association of New South Wales, the Institute of Automotive Mechanical Engineers, the Caravan and Camping Industry Association, the Australian Automotive Dealer Association, the Federal Chamber of Automotive Industries, the Insurance Council of Australia and Legal Aid NSW for their considered input and for ensuring that the motor industry in New South Wales remains a fair and thriving part of our economy. Through the bill, the Government is committed to ensuring that this critical industry is futureproofed for the benefit of dealers, repairers, recyclers and all consumers in New South Wales. I commend the bill to the House.

Debate adjourned.

SYDNEY OLYMPIC PARK AUTHORITY AMENDMENT (HILL ROAD UPGRADE) BILL 2023**First Reading**

Bill introduced, read a first time and ordered to be published on motion by the Hon. John Graham.

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

Statement of public interest tabled.

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:14): I move:

That this bill be now read a second time.

I am pleased to introduce the Sydney Olympic Park Authority (Hill Road Upgrade) Bill 2023. The bill is vital to the delivery of the Carter Street urban renewal precinct. The Carter Street Precinct, located adjacent to Sydney Olympic Park, will enable 6,200 new homes to be built and the delivery of a vibrant new commercial and retail centre. Importantly, the Carter Street Precinct will increase opportunities for much-needed housing supply close to public transport. It will deliver new infrastructure to support a growing population, and provide and improve public open space for the existing and future community. The Carter Street Precinct Master Plan, adopted in 2020 following extensive consultation with the local community, provided for the rezoning of what was industrial land to deliver this new residential and mixed-use precinct.

The Hill Road upgrade project is an essential component of the delivery of the Carter Street Precinct Master Plan vision. Over the coming years, Hill Road will form an increasingly important road link in a growing and developing part of Sydney's Central River City. The Carter Street Precinct is an example of the high-quality planning outcomes that we need to deliver to meet the growing housing and employment needs of Western Sydney. Transport for NSW will be undertaking the Hill Road upgrade works between Parramatta Road and the John Ian Wing Parade intersection. The upgrade works are located in Lidcombe, near Sydney Olympic Park, and are within the Cumberland and City of Parramatta local government areas. The primary purpose of the Hill Road upgrade is to facilitate the new precinct.

In addition, the upgrade will deliver improved connectivity to the Sydney Olympic Park precinct and the residential and commercial centres of Newington and Wentworth Park. Importantly, it will also deliver new and enhanced active transport links, including pedestrian and cycle paths. The specific objectives of the Hill Road upgrade are to support the development growth in the Carter Street Precinct; improve traffic efficiency and accessibility to the Carter Street Precinct and Sydney Olympic Park; enable future transport network flexibility; improve road safety and access for all road users; minimise traffic disruptions on the surrounding road network during construction; and improve active transport links and access to public transport.

The Hill Road upgrade is funded under the Housing Acceleration Fund, which provides funding for critical infrastructure projects designed to accelerate the delivery of much-needed housing. A total of \$140 million will be provided under the fund for this project. I can report to the House that the Hill Road upgrade project has been the subject of a planning assessment process under part 5 of the Environmental Planning and Assessment Act 1979. Transport for NSW invited community feedback on the project dating back to 2017. This included community consultation on the review of environmental factors [REF] in late 2021. During our briefings on the bill, The Greens and Animal Justice Party MLCs raised concerns about vegetation removal on the site. Vegetation loss required as part of the project has been identified as having low vegetation value.

Vegetation was assessed as highly disturbed areas with a mix of exotic and native trees that are not remnant. Landscaping will be provided as part of the project, which will tie in with the existing area and complement the existing Millennium Parklands species and meet Sydney Olympic Park Authority and council requirements. The community engagement included over 17,000 community notifications through mailbox drops, 135 stakeholders being reached via email, 1,800 project webpage views and receipt of 25 formal submissions. The feedback received during the community consultations was considered in determining the final detailed design for the upgrade works. Of the total submissions received as part of the REF, only 4 per cent of people expressed an objection to the project.

The Sydney Olympic Park Authority advises that it received no objections as part of the granting of the short-term licences process to Transport for NSW for access to the land for early works. Following the completion of a tender process later this year, Transport for NSW anticipates construction will commence in early 2024 and take approximately 18 months to complete. On completion of the works, City of Parramatta Council and Cumberland City Council will take on responsibility for the ongoing management and maintenance of the upgraded sections of Hill Road. That is consistent with their responsibilities as the existing roads authorities under

the Roads Act 1993. Hill Road is currently a regional road, with City of Parramatta Council being the roads authority for the section of Hill Road north of the M4 and Cumberland City Council being the roads authority for the section south of the M4.

I now outline the purpose of the bill. The Hill Road upgrade will require the acquisition of a small parcel of land in the Millennium Parklands near the intersection of Hill Road and John Ian Wing Parade. That parcel of land is approximately 1,070 square metres. To put that into perspective, according to the Australian Bureau of Statistics, the average site area for a new house in Greater Sydney in 2021 was 423 square metres. Acquisition of the land will allow for the necessary upgrade of the Hill Road and John Ian Wing Parade intersection, as well as provide for a shared pedestrian and cycle path and associated landscaping. The land needs to be acquired by Transport for NSW for it to finalise the road upgrade. As I mentioned, on completion the land will be vested in City of Parramatta Council as the roads authority for the newly upgraded section of road. In the short term, Transport for NSW will have access to the subject land for preliminary works. That has been obtained under short-term licences that have been granted by the Sydney Olympic Park Authority.

I confirm that various options were considered for the alignment of the widening of John Ian Wing Parade at the intersection with Hill Road. All of the options considered would have required a small portion of the Millennium Parklands to be used. In the final analysis, I am advised the chosen alignment is one which will facilitate construction while also limiting impacts on the community during the completion of the works. Under section 31 of the Sydney Olympic Park Authority Act 2001, the Sydney Olympic Park Authority cannot sell, mortgage or otherwise dispose of land in the Millennium Parklands. Further, section 31 (2) provides that the Millennium Parklands, or any part of the Millennium Parklands, cannot be compulsorily acquired, except by an Act of Parliament, hence the primary reason for this bill. Those are important provisions designed to protect the Millennium Parklands for future public use.

The purpose of the bill is to enable a small parcel of land to be acquired by Transport for NSW and for that land to cease to be part of the Millennium Parklands once acquired. It is necessary to ensure any specific provisions applying to the Millennium Parklands under the Sydney Olympic Park Authority Act 2001 do not prevent the upgrade works from being undertaken and, once completed, that the upgraded road and associated infrastructure can be utilised for their intended purpose. The acquisition of this small parcel of land is justified in this case, having regard to the crucial role the Hill Road upgrade will have in delivering the Carter Street Precinct. In addition, the improved pedestrian and cycle paths that will be provided will serve to increase the community's access to, and enjoyment of, the Millennium Parklands.

I turn now to the specific provisions of the bill. Schedule 1 to the bill inserts a new provision in the Sydney Olympic Park Authority Act 2001. That is new section 37A, which will apply to land identified as the Hill Road upgrade land on the Hill Road upgrade map. New section 37A provides that the prohibition on land disposal or acquisition in section 31 of the Sydney Olympic Park Authority Act 2001 does not apply to the Hill Road upgrade land and, furthermore, that the Hill Road upgrade land ceases to be part of the Millennium Parklands if the land is sold, disposed of or compulsorily acquired. New section 37A (4) provides that any plan of management for the Millennium Parklands does not prevent works for the purposes of upgrading Hill Road and ancillary activities.

Finally, the bill inserts the Hill Road upgrade map in schedule 5 of the Sydney Olympic Park Authority Act 2001. The Hill Road upgrade is an essential part of the new precinct. It will ensure development of the precinct can proceed without delay. The Government considers it is essential to have the necessary infrastructure in place to support the new housing development. Effectively integrating land use and infrastructure planning in this way is what good planning is about. Realising the precinct is an example of the type of development we should be delivering to meet the growing housing, employment and transport needs of Western Sydney. I commend the bill to the House.

Debate adjourned.

DRUG MISUSE AND TRAFFICKING AMENDMENT (APPOINTED PERSONS) BILL 2023

Second Reading Speech

The Hon. ANTHONY D'ADAM (17:24): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

I introduce the Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023. The bill addresses an issue that has been identified by the NSW Police Force, the Department of Regional NSW and the Department of Communities and Justice with the validity of appointments of persons to give evidentiary certificates under section 43 of the Drug Misuse and Trafficking Act 1985. Under section 43 (4) of the Drug Misuse and Trafficking Act 1985, the production in legal proceedings of a certificate purported to be signed by a suitably qualified person appointed under the Act is prima facie evidence of the identity and quantity or mass of cannabis plant or cannabis

leaf. Section 43 (5) of the Act currently confers the function of appointing suitably qualified persons for the purpose of issuing section 43 (4) certificates upon the Secretary of the Department of Industry, Skills and Regional Development.

In 2017 the Department of Industry, Skills and Regional Development was changed to the Department of Industry. In 2019 the Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2019 abolished the Department of Industry and established the Department of Planning, Industry and Environment. The same administrative arrangements order provided, subject to the order, for the transfer of staff from the Department of Industry to the Department of Planning, Industry and Environment and that references to the Department of Industry were to be construed as a reference to the Department of Planning, Industry and Environment.

The issue the bill seeks to address arises following machinery of government changes in 2020. The Administrative Arrangements (Administrative Changes—Regional NSW and Independent Planning Commission) Order 2020, which I will refer to as the 2020 administrative order, created the Department of Regional NSW and transferred certain staff from the Department of Planning, Industry and Environment to the Department of Regional NSW. I am advised that changes were not made to enable the outdated reference to the Secretary of the Department of Industry, Skills and Regional Development in section 43 (5) of the Act to be construed as the Secretary of the Department of Regional NSW. As a result, appointments of persons under section 43 (5) of the Drug Misuse and Trafficking Act 1985 that were made by the Secretary of the Department of Regional NSW are invalid.

I am advised that convictions of persons under the Drug Misuse and Trafficking Act 1985 that rely on certificates of evidence about the identity and quantity or mass of cannabis plant or cannabis leaf given by persons who were invalidly appointed by the Secretary of the Department of Regional NSW may be unsafe and liable to challenge. This situation has arisen not due to any defect in the quality of analysis of plant matter by a person purportedly appointed under section 43 (5) of the Drug Misuse and Trafficking Act 1985 or any defect in their training but because of a technical error following a machinery of government change.

Persons trained by the National Herbarium of New South Wales to botanically identify cannabis plants have been appointed under section 43 (5) of the Drug Misuse and Trafficking Act 1985 as suitable persons to give evidentiary certificates since 1988, when the provision was introduced by the Drug Misuse and Trafficking (Amendment) Act 1988. That is still the case today. A person's training accreditation from the National Herbarium of New South Wales is the key documentation required to make these appointments. All persons who have purportedly been appointed since the making of the 2020 administrative order have been trained by the National Herbarium of New South Wales to botanically identify cannabis and were appointed on that basis.

The suitability of persons purportedly appointed to issue evidentiary certificates since the 2020 machinery of government changes is therefore not in question. Accordingly, the New South Wales Government is introducing the bill to retrospectively validate the appointments of persons under section 43 (5) of the Drug Misuse and Trafficking Act 1985. Given that the issue has arisen due to a technical error, the Government considers that, on this occasion, a retrospective amendment to address the issue is justified. In addition, the bill will take steps to reduce the risk of this issue arising again by vesting the function of appointing persons to issue evidentiary certificates under section 43 (5) of the Drug Misuse and Trafficking Act 1985 in the Executive Director of the Royal Botanic Gardens and Domain Trust or a person prescribed by regulation. The Executive Director of the Royal Botanic Gardens and Domain Trust is an office established under section 13 of the Royal Botanic Gardens and Domain Trust Act 1980.

The National Herbarium of New South Wales is part of the Royal Botanic Gardens and Domain Trust. As the chief executive officer of the agency with responsibility for the training and accreditation of persons with botanical expertise, the executive director of the trust is an appropriate public officer to make such appointments. The trust is also less likely than a department of the public service to be impacted by machinery of government changes. In addition, as a further safeguard, the bill provides a regulation-making power to enable regulations to prescribe a person as a person who may make appointments under section 43 (5) of the Drug Misuse and Trafficking Act to facilitate any future changes that may be necessary to ensure that an appropriate person is able to carry out this important function.

I turn to the detail of the bill. Item [1] of schedule 1 omits section 43 (5) of the Drug Misuse and Trafficking Act and inserts a new provision to vest the appointment function under section 43 (5) in the Executive Director of the Royal Botanic Gardens and Domain Trust or a person prescribed by the regulations. Items [2] to [6] of schedule 1 amend the savings and transitional provisions contained in schedule 3 of the Drug Misuse and Trafficking Act. Item [6] of schedule 1 inserts clause 5 into schedule 3 of the Act. The effect of this amendment

will be to retrospectively validate any appointments made under section 43 (5) of the Drug Misuse and Trafficking Act prior to the passage of the bill. Items [2], [3], [4] and [5] of schedule 1 are technical amendments to insert part headings into schedule 3 of the Drug Misuse and Trafficking Act. Those have been recommended by the Parliamentary Counsel and do not affect the substance of the Act. The bill will resolve the issue of invalid appointments made under section 43 (5) of the Drug Misuse and Trafficking Act since 2020 and reduce the likelihood of the issue arising again following future machinery of government changes. I commend the bill to the House.

Second Reading Debate

The Hon. SUSAN CARTER (17:32): I indicate that the Opposition will be supporting the Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023. It addresses an issue that has arisen due to machinery of government changes and ensures the safety of prior drug convictions. We should always be careful about legislation that has a retrospective effect, but on this occasion it is clear that the bill will not operate to infringe rights in any way. The bill makes a prudent change by conferring the power of appointment of those who can provide certificates in relation to plant matter, particularly cannabis, on the Executive Director of the Royal Botanic Gardens and Domain Trust, a position unlikely to be affected by future machinery of government changes. The bill also represents a necessary but very minor change, exactly the type of change that could have been incorporated into a statute review (miscellaneous provisions) bill of the kind we have already seen and are likely to see again.

The bill is also surprising in that it was needed as standalone legislation at all. An unfortunate metric has developed whereby some governments seek to measure their performance by volume of legislation. We do not need busywork; we do not need laws for the sake of laws. Our society is not strengthened by lots of different little laws. Passing legislation is not a cipher for good government. We have to be careful that the very weight of legislation does not become its own problem. It is sobering to reflect that in 1935 the entire legislative output of the Commonwealth Government was contained in only four volumes of legislation that totalled fewer than 3,000 pages. I shudder to think what the figure for New South Wales legislation would be today. A debate about busywork legislation to pad out a thin legislative agenda may seem trivial—

The Hon. Jeremy Buckingham: Point of order: I know that wide latitude is given to members in second reading debates, but the honourable member is talking about something of which I know not. I do not know what she is talking about. It is nothing to do with cannabis, the bill or other related matters. I ask that she be brought back to the substance of what is an important bill for some constituents in this State.

The Hon. SUSAN CARTER: To the point of order: I am speaking directly on the nature of the bill. I understand that the honourable member does not understand what I am saying. If he listens to the end, he may be enlightened.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I do not uphold the point of order. The member may proceed and continue to be relevant to the bill.

The Hon. SUSAN CARTER: Debate about busywork legislation to pad out a thin legislative agenda may seem like a trivial issue, but it underlines an important aspect of our democracy. Our system is predicated on the rule of law, and one of the basic tenets of the rule of law is that those who submit to that law should reasonably be able to know what that law is. That is why open government and easy access to our legislation is important. That is also why it is important not to drown the electorate in slight bills that could have been dealt with more effectively in other ways and, in doing so, create such a volume of legislation that the average citizen finds it difficult to wade through the morass.

The Hon. JEREMY BUCKINGHAM (17:36): After wading through that morass, I make a contribution to debate on the Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023. I oppose the bill not because there is anything substantially wrong with the detail of who is tasked with appointing qualified people to identify cannabis but because it represents a small detail of a great prohibition regime that is unjust, outdated, unnecessary and hugely expensive. We can no longer afford to continue to stigmatise cannabis use and cultivation for many reasons. We can no longer ignore the cost of prohibition to the fabric of our society and to the enormous economic benefits that are slipping through our grasp.

When thinking about the cost of prohibition, the first issue that comes to mind is the cost of law enforcement—the cost of dealing with the legislation that we are debating right now. According to the Penington Institute, one of the leading Australian organisations calling for an evidence-based drug policy, more than \$1.7 billion was spent in Australia on cannabis-related law enforcement in 2015-16. That included \$1.1 billion on imprisonment, \$475 million on police, \$62 million on courts, \$52 million on legal aid and prosecution, and \$25 million on community corrections.

That does not factor in the subject of the bill: the plant experts who presumably travel around the State identifying cannabis sativa, indica and ruderalis. All this money has been spent year after year, for decades on end, with no end in sight. What has this money bought us? Around one-third of Australians over the age of 14 have admitted to using cannabis, and more and more are doing so proudly. We spend ridiculous amounts of money criminalising one-third of our population—that is 7.6 million people—but for what tangible benefit? I ask members to put their hands up if they have never smoked cannabis. There are two members. I thought I was going to get none.

Even the Police Association of New South Wales is saying that we need to change our approach. Giving evidence to the Federal Parliament's Joint Committee on Law Enforcement, Tony Bear said:

We have already supported a large-scale Cannabis Cautioning Scheme within New South Wales. It works reasonably well, but this is what we say about decriminalisation: we, as the association, see the full legalisation as a much better way of going, because of all the benefits that will be derived from it.

The police union is calling for legalisation. The people that enforce the law in this State are saying that it is broken. But the economic cost goes far beyond the cost of law enforcement. It is costing our economy just where our economy needs the most support: in our regional communities. The CEO of the Penington Institute, John Ryan, says:

The quality of Australian-grown cannabis is world-standard—
and it is—

but our farmers are forced to stand by and watch as producers in North America and elsewhere seize the markets that could be theirs, including our domestic market. Onerous regulations and a lack of government investment are holding the Australian industry back from this significant opportunity.

Honourable members would be aware that the majority of cannabis that they are consuming, that others are consuming and that I am consuming comes from Canada. It makes up 70 per cent of the market. They are stealing the march on us. Last week I met with NSW Farmers President Xavier Martin to discuss the opportunities for cannabis in this State. Next month I will host the roundtable discussion of the State's hemp industry with the Minister for Agriculture to discuss ways that we can enable regional communities to benefit from a hemp bonanza that has already started.

In 2018 global hemp sales hit US\$3.7 billion and are forecast to reach US\$5.7 billion this year. Yet, even though we are ideally placed to become a leading global exporter of hemp, our industry is in its infancy, worth just A\$3 million annually. It is growing, but it is growing glacially slowly because it is hampered by a range of government regulations that stem from the prohibition market. The Liberal Party should be in favour of deregulating a market that is safe and is an economic bonanza. Hemp products can house people, clothe people, feed people, medicate people and employ people in ways that are both sustainable and ethical.

Hemp is a plant that thrives in Australian conditions. Given the massive opportunity facing us, it might be imagined that the Government would be getting behind our hemp farmers and giving them every assistance—and I hope it does so. Yet these passionate farmers find themselves competing with overseas producers, with both hands tied behind their back. For example, current regulations only allow growing plants from seeds, even though taking cuttings from healthy plants gives a high yield with better quality. All cannabis growers know that clones are far superior.

Even transporting the plants from the farm to the processing plant is a bureaucratic headache. Regulations require selecting a specific day to move plant material but, because there is often only one person who can approve the request, the approval too often comes after the date applied for, and all for a plant that has no psychoactive ingredient. We are talking about hemp here. In recent correspondence to me, the Northern Rivers Hemp Growers Co-operative says that it is left to compete with often inferior imported products that do not have to endure the same strict regulations. It tells me:

We are left to compete on an uneven playing field. International manufacturers can use better production facilities and by selling their products online, they can get around a number of regulatory requirements we must adhere to.

While it praises the staff from the Department of Primary Industries on the ground, it calls for a relaxation of the red tape that is strangling the industry. Then, of course, there is the economic opportunity provided by the future legalisation of recreational cannabis that seems to be both desirable and inevitable. At this point, I ask honourable members to consider is Australia going to have legalised cannabis in 10 years' time? Inexorably yes. Of course it is going to be legal in this country. Every jurisdiction of modern democracy in the world is looking to legalise cannabis in the next 10 years or already has done so.

If we are going to legalise cannabis, why do we not start the work now to make sure that this State benefits from it like Victoria? The Victorians have a medical industry cannabis policy, and they are stealing the march on

us. Their trade investment and agriculture representatives are appearing at trade shows in Canada, Berlin and other places and telling massive multinational cannabis companies that Victoria is open for business. Billions of dollars in investment is going to other States and occurring in other jurisdictions, and we are missing out while we have an absolutely medieval approach to cannabis and cannabis legalisation.

I also note that a report in *Forbes*, which I read today, estimates that the cannabis industry is the fastest growing industry in the United States. With double-digit growth annually, the industry in North America will be worth more than \$100 billion a year within two to three years. It is already worth \$35 billion per annum. The alcohol industry is transitioning to a cannabis industry because people are choosing to drink zero-alcohol beer. There are additives to some of those low-alcohol and zero-alcohol drinks that have cannabinoids in them. The cannabis industry will ultimately supplant the alcohol industry.

Australia's medicinal cannabis market is rapidly expanding, and had an estimated revenue of \$230 million in 2021, which is an increase of almost eightfold in just two years. Latest figures show approvals for access to medicinal cannabis exceeding 375,000 for conditions such as pain, anxiety and sleep disorders. Importantly, data garnered from the nation's wastewater by the Australian Criminal Intelligence Commission postulates that the nationwide cannabis industry is worth around \$25 billion a year. That means \$7 billion a year is bypassing the formal economy in New South Wales. That is money on which no tax is being paid—no payroll tax, no fees, no licensing, no regulation—and we are handing quality control of that industry over to the Comancheros and organised crime gangs. It is an absolute no-brainer that we should be legalising and regulating this industry.

We are lining the pockets of organised crime syndicates, which then do other things. What do they do with their hundreds of millions of dollars of cash? They go and start up ice labs. They buy handguns. They get involved in extortion. This is how they generate the capital to run their business model, because they can take a handful of illicit cannabis seeds, turn them into millions of dollars and then do terrible things. That has now been the case in this country for nearly 100 years. When are we going to learn? We can do better.

It is clear that both the opportunity cost of cannabis prohibition is costing New South Wales many millions of dollars a year, probably running into the tens of millions of dollars. It is becoming hard to find anyone who supports the current regime. I note that since I have been elected to this place, no-one has thrown any rocks at me at all. Everyone just seems to be slowly and inexorably getting on the bandwagon. It is quite disappointing; I thought that there would be someone to have a fight with or someone to heckle. I suppose Rod is hanging in there slightly.

The Hon. Rod Roberts: You're on your own, Jeremy.

The Hon. JEREMY BUCKINGHAM: There he is. Even Pauline Hanson in the Senate is calling for down-scheduling of cannabis products, as are the Liberal Democrats and most of the Labor Party. That is disappointing, politically, but it is a great opportunity to solve this problem that has long vexed us. As I say, it is hard to find anyone who is behind the current regime. Hundreds of thousands of medicinal cannabis patients do not like the current regime. Doctors do not like it, pharmacists do not like it, farmers do not like it, and now we find that even police do not like it. Recent surveys show that more than half of all Australians support legalisation or decriminalisation of cannabis.

That is why the Legalise Cannabis Party has introduced a bill that is both achievable and modest as a first step towards full legalisation. Our bill calls for the law to allow for a maximum of six plants per household and the ability to share but not sell cannabis. This will bring much-needed relief to the 7.6 million Australians who have admitted to using cannabis, at the same time creating an economic headache for the crime gangs that flourish under prohibition.

I note the recent Fadden by-election, where the Legalise Cannabis Party—with a budget probably running into the hundreds of dollars—was able to secure 7½ per cent of the vote in a blue-riband Liberal seat where the Liberal National Party achieved 50 per cent of the primary vote. In places like Pacific Pines, which is pretty representative of mainstream suburban Australia, the Legalise Cannabis Party, which has been around for 18 months, attracted 10 per cent of the primary vote. That is not going to go away in the short to medium term while we have State and Federal governments stuck in a 1920s—or even 1620s—approach to cannabis law in this State.

This bill is just another example of this massive waste—all the effort going into legislation and administration, sending people from the herbarium out to train people to identify cannabis plants so that those people can then get on a plane and fly to Grafton, Dubbo or West Wyalong to identify 10 cannabis plants. "Oh my god, 10 cannabis plants! Lock them up!" It is an absolute joke. Future generations will look back and say, "Can you believe that this stuff used to be illegal?" It is an outrage. It reminds me of the attitude that Australians used to have to caffeine. Recently I was driving up the Pacific Highway and stopped at the New Italy Museum.

It is a fantastic museum with great coffee. New Italy is an amazing story. The museum has a photo on display of Australia's first cappuccino and espresso machine. The year is 1950, and there is this fantastic Italian family with this great big machine knocking out cappuccinos.

The Hon. Sarah Mitchell: Point of order: I am loath to do this because I am actually quite enjoying the member's contribution. I have been to New Italy; it is a good place to stop when you're driving up there. My point of order relates to relevance. I know wide latitude is given during second reading debate speeches, but this is a very simple bill. It is a couple of pages long. It is pretty narrow in terms of what it is about. The member should come back to the bill rather than talk about caffeine, as much as I am enjoying his contribution.

The PRESIDENT: I agree with the Hon. Sarah Mitchell on three points. The first is that it is a very enjoyable contribution. The second is that wide latitude is given during second reading debate speeches. The third, though, is that it is a fairly limited bill. If members could try to constrain themselves a little more, that would be appreciated.

The Hon. JEREMY BUCKINGHAM: Thank you, Mr President, for your ruling. I will conclude that element of my speech by saying that once upon a time we tried to ban caffeine; now it is a massive industry, one of the most widely used and appreciated consumables—and drugs—worldwide. How we have grown to appreciate it, from when it was first provided to us in New Italy in the 1950s to being a fundamental part of life in this country. Cannabis will be the same. In fact, cannabis is the same—but it should be on the books. We welcome the Government's drug summit planned for next year, but we do not need a summit to tell us what we already know.

Later this year I will be bringing on the Drug Misuse and Trafficking Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023. I urge members on all sides of the House to support that bill as a modest first step. It is my hope and belief that the role of the executive director of the Royal Botanic Gardens and Domain Trust in appointing cannabis plant inspectors for law enforcement purposes will be brief and uneventful. Ultimately, they will be appointing cannabis inspectors to go out and assure the quality of the product, probably attracting a fee for service that generates massive revenue for this State. That revenue will pay for other drug and alcohol treatments, go into our health system, pay for the roads and the rest. For those reasons—and not because of the minor administrative oversight that has caused this bill to be drafted—the Legalise Cannabis Party will be opposing this bill.

Ms SUE HIGGINSON (17:54): I contribute to debate on the Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023. I will not go too much into the absurdity of the prohibition on cannabis because this House has just had a good case put forward in the contribution of the Hon. Jeremy Buckingham. He was passionate about the position we find ourselves in as a result of the absurd, abject failure of the war on cannabis and how incredibly overdue we are for serious reform. What I find concerning at the moment is the absurdly unfair impact this prohibition is having on people's lives through the legal system. That is where we see the real injustice.

There is the injustice of people having to be careful or being frightened of being caught by a system simply for doing what they safely choose to do in their own homes. But what members are talking about—and what this bill has an impact on—is at the pointy end, when the criminal justice system tortures and harshly punishes people, effectively ruining their lives and those of their families. That is what this bill seeks to do in reverse. Where the previous Government made some administrative failures, we are now going back to fix that. The reality is that any retrospective application of criminal laws is not good legal practice. It is actually a breach of the staunch common-law legal principle of how we make laws. Retrospective effect is a dangerous thing to do, even where it is because Government made a stuff-up. In this case, that is what has happened.

This bill deals with an administrative inconsistency relating to the appointment of persons who provide drug certificates. The Act grants the power to appoint to a department that no longer exists. We have got ourselves into this mess and now we are simply seeking to fix it up. Previously the appointment power fell within the responsibilities of the Secretary of the Department of Industry, Skills and Regional Development; this department was dispersed in 2020. Now those convicted of drug possession offences over the last three years in which the drug certificates were relied upon on as evidence could actually be eligible for appeal. That would take an enormous effort, and only some would probably exercise that option. Nevertheless, that is the law as it applies in this State as a result of the Government not doing what it thought it should have done. The fact is, it did not do it.

Effectively, this bill will remove any right of appeal that these people who are impacted—through government incompetence—may have, and it will do so retrospectively. I indicate that we will move an amendment to remove this part of the bill in the Committee of the Whole to uphold the common law principles of lawmaking, particularly laws that impact criminality. Retrospectivity is not something we should take lightly, even when suggesting it is a simple administrative action. It affects the actual legal rights of citizens of New South Wales and does so unfairly.

I also note that the power of appointment will be transferred to the executive director of the Royal Botanic Gardens and Domain Trust, or other persons under regulation. This allows a person prescribed by the regulation to appoint individuals who may issue a certificate of analysis of a plant or substance. It is important to note that the Legislation Review Digest describes it as an inappropriate delegation of legislative power and says that those powers should be in the legislation, not the regulation.

We often seem to slip into the convenience of regulation and excessive delegation of power by regulation. We provide the justification for doing that by saying, "Well, it's okay. This is a disallowable instrument so we can disallow it." But it goes beyond that. It is about lawmakers making laws with integrity. It is of great significance when we consider that drug certificates can be used as *prima facie* evidence, which removes the need for the appointed certificate issuer to demonstrate their relevant expertise. It is the case that some defendants may face charges that carry a custodial sentence for which this evidence may be used. Allowing the mechanism by regulation to prescribe who can appoint relevant certificate issuers may amount to a wide power of delegation and those convicted of offences that carry prison time may be adversely impacted.

Again, I indicate we will move amendments in the Committee of the Whole to remove that power. We are doing that on the advice of the report of the Legislation Review Committee. The fact that it has been allowed to occur, and remain unrepaired for three years, is a disturbing indictment on the previous Government. It is even more alarming, however, that the new Government does not seek to fix this only going forward but will go back and try to plug the holes created by its predecessors. It can have an impact on the legal rights of people who may be convicted under circumstances that may make them eligible for appeal due to government incompetence. We say that is inappropriate and unnecessary. Like others, we do support the bill and we will seek to move amendments in the Committee of the Whole.

The Hon. ANTHONY D'ADAM (17:59): On behalf of the Hon. Courtney Houssos: In reply: I thank the Hon. Susan Carter, the Hon. Jeremy Buckingham and Ms Sue Higinson for the contributions. I do not propose to deal with the arguments advanced by Ms Sue Higinson in the second reading debate; we will come back to them in the Committee of the Whole. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments, being The Greens amendments Nos 1 and 2 on sheet c2023-068C.

Ms SUE HIGGINSON (18:04): I move The Greens amendment No. 1 on sheet c2023-068C:

No. 1 **Validation of appointments**

Page 3, Schedule 1[1], lines 5–10. Omit all words on the lines. Insert instead—

- (5) The Executive Director under the *Royal Botanic Gardens and Domain Trust Act 1980* may appoint a person to give certificates for this section if the Executive Director considers the person to be suitably qualified.

The amendment simply seeks to do what the Legislation Review Committee suggested in its digest, and that is to omit the power to appoint by regulation and require that power to sit firmly where it ought to in the legislation.

The Hon. JEREMY BUCKINGHAM (18:05): I support The Greens amendment that the legislation should prescribe where that power lies with the Executive Director of the Royal Botanic Gardens and Domain Trust and persons trained by them that they consider to be suitably qualified. We should not have a regulation that allows the appointment of unknown persons with unknown qualifications. It is an important amendment to make sure that there is integrity in a system that I have spent 30 minutes saying is totally broken. For those reasons, the Legalise Cannabis Party supports the amendment.

The Hon. ANTHONY D'ADAM (18:06): The Government opposes the amendment. The Greens argue that due to the shift in burden to a defendant to contest the evidence in a certificate, allowing regulations to prescribe who can appoint relevant certificate issuers may amount to a wide power of delegation that is inappropriate. Persons trained by the National Herbarium of NSW to botanically identify cannabis plants have been appointed under section 43 (5) of the Drug Misuse and Trafficking Act 1985 as suitable persons to give evidentiary certificates since 1988, when the provision was introduced by the Drug Misuse and Trafficking Amendment Act 1988. That is still the case today.

A person's training accreditation from the National Herbarium of NSW is the key documentation required to make these appointments. The evidentiary value of a certificate under section 43 (4) of the Drug Misuse and

Trafficking Act 1985 by an appointed person ultimately stems from the person's accreditation to identify cannabis, not from the identity of the public official who is satisfied the person holds such an accreditation before appointing them under section 43 (5). A regulation-making power that allows the prescription of additional persons to make an exception under section 43 (5) therefore has no material impact on the rights of accused persons. Evidentiary certificates are used by the justice system to reduce delays and impacts on resources by providing for evidence of certain factual matters to be tendered in certificate form as prima facie evidence instead of requiring a witness to be called to give evidences of those factual matters in court.

Evidentiary certificates are frequently used in other criminal matters, such as in proceedings for offences under the Road Transport Act 2013. An evidentiary certificate is prima facie evidence, not conclusive evidence, of the matters contained within it. It does not shift the burden to disprove any matter to the defendant. The burden still rests with the prosecution to prove its case beyond reasonable doubt. Rather, the purpose of an evidentiary certificate is to allow uncontested evidence of a technical nature to be presented in a way that does not require witnesses to attend court unnecessarily without compromising the reliability or integrity of their evidence.

Like oral evidence given by a witness in court, if the certificate evidence is not challenged by the defendant the court may accept that evidence. A defendant may ask the court to require the prosecution to make a person who wishes the certificate to be available for cross-examination in court if the defendant wishes to contest the person's evidence as to the identity, mass or quantity of the plant analysed. The regulation-making power in the bill is an appropriate safeguard to ensure that there is no gap in capacity to make appointments under section 43 (5) in the unlikely event that the Executive Director of the Botanic Gardens and Domain Trust is not in a position to do so. It will reduce the risk that a future bill will have to be introduced into Parliament to deal with an appointments issue under the Act.

The use of regulations to prescribe a person who may make appointments promotes transparency and parliamentary oversight. Currently, the identity of a person who makes appointments under section 43 (5) is subject to administrative arrangement orders that facilitate machinery of government changes. A person may have to read a number of complex administrative arrangements orders to identify which Minister or public servant is currently responsible for a function under an Act. A regulation that prescribes a person to make appointments under section 43 (5) will clearly state who is authorised to do so and will be tabled in each House of Parliament. Either House may disallow such a regulation under section 41 of the Interpretation Act 1987 if it considers that a person prescribed by the regulation is not an appropriate person to make such appointments.

The regulations under the Drug Misuse and Trafficking Act 1985 are subject to the staged repeal provisions of the Subordinate Legislation Act 1989, which provides for regulations to be repealed after five years and requires public consultation to be undertaken on new regulations by way of regulatory impact statement. This gives members of the community an opportunity to comment on any draft regulation that seeks to prescribe a person to make appointments, promotes transparency of such persons and gives each House of Parliament the opportunity to review a remade regulation and consider its disallowance under section 41 of the Interpretation Act 1987. For these reasons, we oppose The Greens amendment.

The Hon. SUSAN CARTER (18:10): The Opposition will oppose the amendment for the reasons so well outlined by the Government.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2023-068C. The question is that the amendment be agreed to.

The Committee divided.

Ayes7
Noes31
Majority.....24

AYES

Boyd
Buckingham
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst
Ruddick

NOES

Banasiak
Borsak
Buttigieg
Carter

Jackson
Kaïne
MacDonald
Maclaren-Jones

Munro
Murphy
Nanva (teller)
Primrose

NOES

D'Adam
Donnelly
Fang
Farlow
Farraway
Franklin
Houssos

Martin
Merton
Mihailuk
Mitchell
Mookhey
Moriarty

Rath (teller)
Sharpe
Suvaal
Taylor
Tudehope
Ward

Amendment negatived.

Ms SUE HIGGINSON (18:19): I move The Greens amendment No. 2 on sheet c2023-068C:

No. 2 **Validation of appointments**

Pages 3 and 4, Schedule 1[6], line 25 on page 3 to line 4 on page 4. Omit all words on the lines.

The CHAIR (The Hon. Rod Roberts): Order! Members will cease conversations. We are trying to proceed through this quickly, which is to the advantage of all members.

Ms SUE HIGGINSON: I simply say that, as lawmakers, it is important that we stick to the strong principles of common law—that is, that retrospective laws that have a criminal implication are bad practice, even if the need arises because of government failure. That is where we are today.

The Hon. ANTHONY D'ADAM (18:20): The Government opposes the amendment moved by The Greens, which seeks to remove the retrospective validation of previous appointments of persons under section 43 (5) on the ground that persons whose convictions are supported by those evidentiary certificates should retain their right of appeal. The bill is an example of where retrospective amendments are justified. The suitability of persons who have been purportedly appointed under section 43 (5) to give evidentiary certificates since 2020 is not in question. Those persons were trained by the National Herbarium of NSW to identify cannabis for the purposes of the Act, as has been the case since 1988 and will continue to be the case going forward.

The appointments were made in good faith on the understanding that the Secretary of the Department of Regional NSW was responsible for making appointments rather than a different departmental secretary. That issue has arisen due to a technical error following a machinery-of-government change and does not result in substantial unfairness to persons convicted of a drug offence where one of those certificates has formed part of the evidence against them. Without a retrospective amendment, the courts could have to review a large number of cases where the challenge is based on the fact that the person who issued the certificate was appointed by the Secretary of the Department of Regional NSW, rather than based on a substantive question about whether the defendant committed the offence. That would not be a reasonable use of court time and resources.

The Hon. JEREMY BUCKINGHAM (18:22): I oppose the amendment. In common law, it is not good principle to retrospectively validate prosecutions. The Legalise Cannabis Party believes that these matters should not be subject to criminal prosecution at all, but, after consultation with some of our constituents—some of whom may be in Long Bay jail—we would not want to give them false hope that this could see them appeal and overturn their convictions. That will clearly not be the case. For those reasons, the Legalise Cannabis Party will be opposing the amendment.

The Hon. SUSAN CARTER (18:23): I indicate that the Opposition will be opposing the amendment for the reasons I outlined earlier and outlined by the Government.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 2 on sheet c2023-068C. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes6
Noes32
Majority.....26

AYES

Boyd

Faehrmann

Hurst

| | | |
|---------------|--------------------|----------------|
| AYES | | |
| Cohn (teller) | Higginson (teller) | Ruddick |
| NOES | | |
| Banasiak | Houssos | Munro |
| Borsak | Jackson | Murphy |
| Buckingham | Kaine | Nanva (teller) |
| Buttigieg | MacDonald | Primrose |
| Carter | Maclaren-Jones | Rath (teller) |
| D'Adam | Martin | Sharpe |
| Donnelly | Merton | Suvaal |
| Fang | Mihailuk | Taylor |
| Farlow | Mitchell | Tudehope |
| Farraway | Mookhey | Ward |
| Franklin | Moriarty | |

Amendment negatived.

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

The Committee divided.

Ayes31
 Noes7
 Majority.....24

| | | |
|-----------|----------------|----------------|
| AYES | | |
| Banasiak | Jackson | Munro |
| Borsak | Kaine | Murphy |
| Buttigieg | MacDonald | Nanva (teller) |
| Carter | Maclaren-Jones | Primrose |
| D'Adam | Martin | Rath (teller) |
| Donnelly | Merton | Sharpe |
| Fang | Mihailuk | Suvaal |
| Farlow | Mitchell | Taylor |
| Farraway | Mookhey | Tudehope |
| Franklin | Moriarty | Ward |
| Houssos | | |

| | | |
|------------|--------------------|---------|
| NOES | | |
| Boyd | Faehrmann (teller) | Hurst |
| Buckingham | Higginson (teller) | Ruddick |
| Cohn | | |

Motion agreed to.

The Hon. ANTHONY D'ADAM: I move:

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

Motion agreed to.

Adoption of Report

The Hon. ANTHONY D'ADAM: On behalf of the Hon. Courtney Houssos: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. ANTHONY D'ADAM: On behalf of the Hon. Courtney Houssos: I move:

That this bill be now read a third time.

Motion agreed to.

REVENUE, FINES AND OTHER LEGISLATION AMENDMENT BILL 2023

Messages

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendment to the bill.

Documents

TABLING OF PAPERS

The Hon. PENNY SHARPE: I table the following papers:

- (1) Report of the Trustees of the Museum of Applied Arts and Sciences entitled *Collection Report: Catalina Flying Boat "Frigate Bird II" Object B1495: Powerhouse*, dated 17 August 2023.
- (2) Document entitled *Attachment B—Answers to Submitted Queries*, relating to the Powerhouse Museum.

Committees

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Reference

Ms SUE HIGGINSON: I inform the House that in accordance with paragraph (6) of the resolution of the House establishing the portfolio committees, Portfolio Committee No. 7 - Planning and Environment resolved on 24 August 2023 to adopt the following terms of reference:

Inquiry into the planning system and the impacts of climate change on the environment and communities

- (1) That Portfolio Committee No. 7 - Planning and Environment inquire into and report on how the planning system can best ensure that people and the natural and built environment are protected from climate change impacts and changing landscapes, and in particular:
 - (a) developments proposed or approved:
 - (i) in flood and fire prone areas or areas that have become more exposed to natural disasters as a result of climate change;
 - (ii) in areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change; and
 - (iii) in areas that are threatened ecological communities or habitat for threatened species.
 - (b) the adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:
 - (i) the cumulative impacts of development;
 - (ii) climate change and natural disasters;
 - (iii) biodiversity loss; and
 - (iv) rapidly changing social, economic and environmental circumstances.
 - (c) short-, medium- and long-term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure;
 - (d) alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change; and
 - (e) any other related matter.
- (2) The terms of reference for the inquiry were self-referred by the committee on 24 August 2023.

Adjournment Debate

ADJOURNMENT

The Hon. PENNY SHARPE: I move:

That this House do now adjourn.

TEACHER WAGES

Ms ABIGAIL BOYD (18:38): The Minns Government must honour its election promise to address the uncompetitive salaries and unsustainable workloads of teachers. Following negotiations in good faith on 31 May, and reinforced on 22 June, the New South Wales Teachers Federation reached agreement with the Deputy Premier and Minister for Education and Early Learning, and the Treasurer on a heads of agreement to vary the existing award. In an act of betrayal, the Minns Government has now walked away from that deal and offered an inferior four-year award that would introduce a 2½ per cent cap on pay increases. The State Government must rule out a 2½ per cent wage cap or risk a worsening teacher shortage. I cannot begin to tell members how many times I have been driven to make this same, simple statement in this place.

If you cannot afford to pay public servants what they deserve, you do not deserve to be in government. What right does a government have to impose this austerity on those who had faith in it? This Government was delivered to power on the backs of working people, many of them teachers, nurses, midwives, paramedics, firefighters and other highly skilled and highly specialised public sector workers. I have gone back through the parliamentary record and I do not think there has been a single sitting day since the New South Wales Labor Government has come to power that I have not been pleading with them to do more to raise revenue in New South Wales. Cutting wasteful spending is all well and good, but what happened to taking on the big end of town and fighting for the people Labor was elected to represent?

So members can imagine my delight to see reported today that the Minns Labor Government has been reading The Greens' election policy platform, specifically our revenue-raising measures. The Greens have been advocating for a developer rezoning uplift levy and a progressive coal royalty rate for a long time now, and it is heartening to see the Labor Government is considering those extremely modest and sensible proposals. But, inexplicably, it does not seem to be moving with any urgency to deliver those vital revenue measures—and they are urgent. What could possibly be more urgent than stemming the torrent of departing teachers, nurses, midwives and paramedics who are leaving their professions in droves in the face of woefully inadequate wages and conditions?

Earlier today, The Greens proposed a very sensible amendment to payroll tax that would have clawed back at least a quarter of a billion dollars into the State's coffers directly from those big consultancy firms that have shown themselves to be treating the public purse as an extension of their own. Unfortunately, the New South Wales Labor Government was not willing to support that reasonable proposition, apparently preferring to maintain a hugely lucrative tax loophole for the big end of town instead of honouring the deal they made with the public school teachers of this State. The Premier has sought to defend imposing a 2½ per cent salary cap on the wages of teachers. A 2½ per cent salary offer is shockingly out of touch with the lived reality of teachers in New South Wales. A 2½ per cent salary offer is exactly what The Greens have campaigned against for years and years, since it was last imposed by the cruel and miserly Coalition Government. To seek to impose this cap, after promising to scrap the cap, is an insult and a slap in the face.

The Minns Labor Government claims it is scrapping the pay cap, but it is almost worse to be actively choosing to impose a pay rate at the same rate as the cap. There is no excuse. This woefully inadequate pay offer is so far below what is acceptable and what was promised, and it is an active decision by this New South Wales Labor Government, which really should know better. The Greens back the demands of teachers and we back the demands of paramedics and health workers for a fair pay rise, for better working conditions and for a fair go from a government that seems more than happy to use them up in their pursuit of power only to then discard them as soon as it becomes convenient. It is, frankly, reprehensible. I know I am not alone in condemning this betrayal by the Chris Minns Labor Government.

COST OF LIVING

The Hon. ANTHONY D'ADAM (18:42): The Australian economy faces an unprecedented contradiction between corporate excess and public neglect. Mining companies made \$235 billion in annual profits to March 2023, the big four banks are reporting \$16 billion in half-year profits and the margins earned by Coles and Woolworths have hit record highs. At the same time, poverty, housing stress and homelessness are rising on the back of a collapse in rental market affordability. Soaring rents and an extraordinary lack of rental vacancies are intensifying housing stress in Sydney and across the State of New South Wales sixfold. All the while, real wages continue to decline and nearly a quarter of property investments across the country are owned by just 1 per cent of Australian taxpayers.

Recent polling *The Guardian* indicates that over 40 per cent of Australian households find all of the following essentials a bit difficult to afford and over 20 per cent are really struggling to afford them: rent and mortgage payments; child care and early childhood education; school fees, uniforms, excursions and other school expenses; insurance; electricity, gas and water; petrol; and groceries and food. If these trends worsen, Sydney and

Australia will become more unliveable for the majority of workers, while wealth becomes increasingly concentrated among a privileged few. We are not just facing a temporary housing crisis or cost-of-living crisis; we are a generation deep into an ongoing structural crisis of inequality. Oxford Economics Australia has calculated an estimated gap of 750,700 social and affordable dwellings in 2023. The total gap has grown by 114,000, or 18 per cent, since 2014 and is expected to grow by another 196,200, or 26 per cent, by 2041.

Australia's State and Territory governments have announced an estimated 30,000 new social dwellings earmarked for completion over the next five years. The current Federal Government's proposed Housing Australia Future Fund aims to provide 20,000 social houses and 10,000 affordable houses. These policy aims are still well shy of the number of dwellings needed to fill the current housing gap. The Construction, Forestry, Maritime, Mining and Energy Union [CFMEU] wants the Government to implement a super profits tax to raise billions to build new social and affordable homes. It says Labor must be much more ambitious in addressing the housing crisis. CFMEU secretary Zach Smith said:

Our economy is meant to serve our society. But it is failing on a fundamental level. Millions of Australians are worried about their capacity to afford the most basic of human needs. And this failure is not one of wealth. Australia has plenty of money. But we do need to move more boldly than we've done for a while. We need big structural reform aimed at a serious long-term fix.

An economy-wide super profits tax could fund the \$28 billion per annum required to close the housing gap in social and affordable housing by 2041, while still only taxing 0.3 per cent of all companies. A super profits tax levied solely on mining projects could fully fund the \$93 billion that would be required to close the gap in social housing by 2033, as well as 12 per cent of the affordable housing gap. By only taxing the super profits of major companies, earned through windfalls from commodity booms and profiteering by oligopolies, a super profits tax would not preclude companies in Australia from earning a normal rate of return on investment.

We need solutions that correct the imbalance of economic power between housing profiteers on the one hand, and workers, renters and struggling home owners on the other. The Federal Labor Government has the means and the popular mandate to tackle this imbalance head-on. Doing so involves a choice between perpetuating an economic climate in which the housing market is an arena driven by runaway profit-making at the expense of workers and the poor, or otherwise fostering an environment in which we all have a right to affordable and secure housing. I know which side I am on.

WESTERN NEW SOUTH WALES SERVICES

The Hon. SARAH MITCHELL (18:46): Last week I made some visits to western New South Wales in my capacity as shadow Minister for Western NSW and as the duty MLC for the seat of Barwon. I begin with a great event that occurred last Monday in Dubbo at the Charles Sturt University campus, which launched the international nursing degree. That is due to start at the Dubbo campus from next year. I acknowledge my parliamentary colleagues who were there, including Leader of the Nationals and member for Dubbo, Dugald Saunders; shadow tertiary education Minister Justin Clancy; the Hon. Stephen Lawrence; and the Parliamentary Secretary to the Premier, Julia Finn. Many local government representatives were also there, including the Mayor of Parkes Shire Council, Ken Keith.

What is exciting about the initiative is that it is a really great chance for the Dubbo campus to bring international nursing students into the western area of New South Wales. I congratulate CSU vice-chancellor Renée Leon and the team who work on the program. They will link particularly closely with the local community, local government, educators and international stakeholders to ensure a strong foundation for students who come to the Dubbo campus. They intend to start with relatively small numbers next year, but they already have quite a high degree of interest. This is a critical way to help address the workforce challenges in health, particularly in regional communities, so it was great to be invited to take part in that event.

It was great to head back out to Gulargambone to visit its preschool. A few years ago, when I was early childhood education Minister, I visited that preschool. It was operating its preschool service out of an old church hall. It had to pack up and pack down on weekends. The staff did an amazing job but clearly it was not the best set-up for kids or staff. I am happy to say that the preschool received a capital grant from the former Liberal-Nationals Government, and I saw what it did with the grant. There is an entirely purpose-built preschool for the small community. There is a small waiting list, but a place is available for every kid in the community who needs it. I give a shout-out to the previous director, Amii Marchant, who has moved to Parkes. She worked hard on the design of the centre. It is honestly one of the best preschools I have ever seen. It makes very clever use of the space. The kids absolutely loved the learning that was taking place. Congratulations also go to the new director, Crystal Mudford, to Sharon Tindall and to the rest of the educators and parents who made that such a success.

While I was out that way, I visited Coonamble and caught up with Gai Gilmour, who is the principal at St Brigid's school. I thank Gai for reaching out. We had a great conversation around things that we can do to better support teachers coming out to regional communities, particularly early-career teachers. I know that Gai does a

good job in engaging with universities and final-year students to give them placements and to provide support to people when they come to the community. She told me about reaching out to some former students whom she had taught, who she knew were studying teaching, and getting them back to the school. The great thing about regional communities is that you have the connections and you know your people. I thank Gai for her time and for providing some insights into things that we can continue to champion in that space.

I also caught up with some of the local councils, including Narromine, Gilgandra and Coonamble. Many issues were raised, but two that were very prominent across all of the communities were access to housing and access to child care. That is why we will continue to push the child care fund. It is about making places available for families who need them and unlocking the economic opportunities in those western communities. If we do not have places available, we will not get the frontline staff we need or get business to invest. That is why we take that commitment very seriously. That legislation was passed for a reason. It is there to help those communities, who need support when it comes to child care. I will certainly continue to push that as the shadow Minister for early learning. I also went to Gilgandra preschool. Again, they received a grant from the previous Government. I thank the team for the work that they do. It was good to see that new space in action.

Finally, we had a chance to visit a couple of the local businesses. I give a little plug to The Meating Place, a new cafe in Gilgandra, in the old butcher shop. They are doing a great job. If you go to Gilgandra and want to stop somewhere for a good coffee, I highly recommend it. I also give a shout-out to Two Birds Cafe in Coonamble. It does a great lunch and is conveniently located in the same venue as the wonderful shop Mink and Me. It is very good for some retail therapy. #buyfromthebush—I certainly did when I was out there. I encourage anyone else who might be travelling out that way to pop in.

INTERGENERATIONAL REPORT 2023

The Hon. JEREMY BUCKINGHAM (18:51): I note the publication today of the sixth intergenerational report and the prediction that we are facing a poorer, hotter and less productive future. The report predicts that rising temperatures will cost the national economy up to \$423 billion over the next four decades. Every part of our lives and livelihoods will be impacted. Tourism will reduce, food production will suffer, extreme weather events will become more common and even our beaches will start to be washed away as sea levels rise.

We do not have to wait 40 years to see the effects of climate change. It is happening now in North America and in Greece, where authorities have discovered 18 bodies incinerated by bushfires. We can only speculate whether they were climate change refugees seeking a better life. With the start of official bushfire season in New South Wales only weeks away, we are being warned to prepare for the worst. The chief executive of the Australasian Fire Authorities Council, Rob Webb, is telling Australians to be alert to the local risks of bushfires over the coming months, regardless of where they live. His organisation has identified high fuel loads in parts of the coast and ranges not affected by the Black Summer fires of 2019 and 2020. Areas of higher risk in New South Wales include the Sydney Basin, parts of the coast and north of the Hunter.

While bushfires may be only one aspect of climate change, they can be seen as the canary in the mine—a warning of how much harder and harsher life will be if we fail to act. Greg Mullins is Australia's longest serving fire commissioner and was the Commissioner of Fire and Rescue NSW for 14 years until January 2017. In 2019 he founded Emergency Leaders for Climate Change, an organisation of more than 30 fire chiefs highlighting the link between extreme weather events and climate change. This is a man who knows what he is talking about. This is what he says about bushfires:

... if we are to have any hope of coping with the increasing bushfire threat, we must deal with the underlying driver – by phasing out fossil fuels, banning new coal, oil, and gas projects, and reaching net zero emissions as fast as possible.

That means staying the course on emission reduction strategies such as closing the Eraring Power Station on time in 2025. It means protecting the farmers and black soil Liverpool Plains from the lateral pipeline planned by gas company Santos. It means supporting the hemp industry in New South Wales as an environmentally sustainable way of housing people, clothing people, feeding livestock and people, medicating people and employing people. It means following the example of the Victorian Government and stopping gas connections to all new homes. We only have one chance at this and we cannot afford to get it wrong. The intergenerational report highlights that.

I urge the Minns Government to stay the course on its plan to move to net zero. I urge the Minns Government to not provide massive subsidies to keep Eraring Power Station open. Today I met with representatives of EnergyAustralia, who told me that Mount Piper is due for a phased close-down and it is on track to do that. It is replacing that power station with a massive new battery and a pumped hydro project. It is moving to net zero. One of Australia's largest energy retailers and producers is using its money to move to net zero and do the right thing. It is incumbent on us to make that transition because we only have to look at ocean temperatures across the globe and what is happening in Greece, North America and Lismore. The evidence is in;

the *Intergenerational Report 2023* highlights it. I urge the Minns Government to become an Australian leader and a global leader in the fight for future generations.

FOSTER CARERS AND GUARDIANS PARENTAL LEAVE ENTITLEMENTS

The Hon. EMILY SUVAAL (18:55): On Sunday 20 August I attended the United Services Union [USU] Women's Conference in the newly opened Western Sydney Conference Centre. The Women's Conference is a yearly event organised by the USU Women's Committee and its convenor Sandie Morthen. The conference gives women the ability to have a voice in an environment where opinions are encouraged and participation in discussions is supported. One of the women who attended the USU Women's Conference this year was Ruth Smallwood. Ruth has been a USU delegate at Essential Energy since 2018. She is an integral part of the make-up of delegates that support Essential Energy members across New South Wales, who extend across 95 per cent of our State. Ruth assists and advocates for USU members in customer service. Ruth also represents all USU members at Essential Energy through her involvement on various committees and working groups and is the branch secretary for the USU Energy Branch Committee of Management. She is a tireless advocate for workers.

On 18 August 2020 Ruth was asked by the Department of Community and Justice to pick up her 23-month-old grandchild from day care. That started the permanent care arrangement where she had to take over the full-time care of her grandchild. Like 55 per cent of all kinship carers, Ruth was female, single and in her fifties. She was also working full time. Ruth knew it would be a huge task, but never for one moment did she hesitate to take this on. With the help of her USU organiser Melissa and her local manager, Ruth was able to negotiate flexibility in her role to accommodate the additional responsibilities, which later was renegotiated to a whole new role for Ruth, providing the flexibility she needed. While her role was eventually sorted, when Ruth applied for parental leave to allow her the time to sort out all of the legal requirements for her grandson, she found that she was not eligible for parental leave. That was a real blow for Ruth as she was then forced to take personal carers leave instead.

In addition, she found the process of being recognised formally as her grandchild's legal guardian to be a very long, arduous and stressful process. That caused her time off to be much longer than she anticipated, which started to financially impact her. The process involved many meetings with the Department of Communities and Justice and other government departments, counselling, court hearings, meetings with out-of-home care, paperwork and numerous other tasks to finally be formally recognised as a foster parent, which eventually came through in April 2021.

During that time, the Essential Energy Enterprise Agreement negotiations had come around. Ruth was determined to make changes to the parental leave clause as she did not want anyone else to go through what she went through and felt that anyone who becomes a foster carer or guardian should be entitled to parental leave to assist in supporting them financially as they navigate the process. Ruth undertook extensive research into what other organisations had in place for employees with regard to parental leave for foster carers and guardians, and found very few organisations extended their parental leave entitlements to that.

The first negotiations occurred in June 2021. Nervous but determined, Ruth composed herself and when the item was brought up for discussion, she opened up and told her story. There was not a dry eye in the room. Essential Energy agreed to the USU claim and agreed not only to foster carers and guardians being entitled to parental leave but also to extending parental leave entitlements to 18 weeks from 14 weeks and to extending secondary care givers' entitlements from two weeks to three weeks. They introduced new clauses to provide leave for stillbirth and miscarriage and for the payment of superannuation on parental leave. Ruth was integral in negotiations for all of those improvements for USU members, even though she knew that she was not entitled to any of it herself. She was just happy that she could use her story to assist others. But it did not stop there.

Ruth has gone on to be a vocal advocate for the recognition of better entitlements for grandparents. This year Ruth was able to reunite her grandchild with the previous carer, and with full custody. Not many are able to achieve that. In fact, of the 70 per cent of carers who are kinship carers, only around 2 per cent are returned. Ruth is a true inspiration to all of us and we were so happy and proud to have her recognised with the USU Betty Spears Award at this year's conference. I can think of no more outstanding female delegate than Ruth. I congratulate her on the award and her achievements, and look forward to supporting her in her ongoing advocacy. I thank all the members of the USU Women's Committee for their work and their general secretary, Graeme Kelly, for his ongoing support of the event.

ST JOHN AMBULANCE

The Hon. NATASHA MACLAREN-JONES (19:01): I pay tribute to St John Ambulance, a charitable organisation built on the foundation of volunteers dedicated to helping and serving their communities. For over

140 years it has been providing support and assistance to our local communities, saving lives, offering youth development programs and providing vital first-aid training to thousands of Australians each year. In fact, St John is the largest first-aid training organisation, and each year it provides practical lifesaving skills to a quarter of a million people. There are over 2,100 St John Ambulance volunteers in New South Wales, including 650 youth volunteers and close to 14,000 volunteers nationally. In the past year alone, those selfless volunteers dedicated an astounding 155,000 hours to support our communities across New South Wales.

I have spoken in this House many times about the economic and social value of volunteers. For every dollar invested in St John Ambulance NSW evidence has shown that over three dollars are returned. Furthermore, it is estimated that over the coming decade St John Ambulance NSW will contribute a net benefit of \$1.4 billion to our community. Without St John volunteers, a cost would be put back on our health system and our Government. These volunteers work alongside the 490 staff and have supported approximately 2,300 events where they have provided critical medical care to thousands of people. The over 70 St John divisions across New South Wales have supported events like the Parkes Elvis Festival, Bathurst 1000, Junior Oztan State Cup, Tamworth Country Music Festival, Sydney Royal Easter Show, Carols in the Domain and New Year's Eve, as well as natural disasters, including bushfires and floods that our State experienced in recent years.

Unfortunately, Australia has one of the lowest rates of first-aid training in the world. Fewer than 5 per cent of Australians have first-aid knowledge and skills to save a life in an emergency. We all know accidents can happen anywhere. Those critical minutes before professional help arrives can make all the difference. It can minimise injury and even keep someone alive. Evidence has shown that treating a burn immediately, compared with waiting for hospital treatment, can reduce the severity of injury by 80 per cent, including pain, secondary scarring, skin grafts and ongoing treatment. As the largest provider of first-aid training, over the past year St John trained over 46,000 people. Through its youth training programs it trained 20,000 primary school students in first aid. St John works with schools to provide a short first-aid course that teaches primary school children lifesaving skills to give them the confidence to act in an emergency. They also run the Little First Aiders eLearning platform, which is a free online tool for schools to provide basic first-aid skills by using a range of videos and activities.

This week the annual bstreetsmart road safety program was held over three days, with 16,000 students participating. The program is an initiative of the trauma services at Westmead Hospital. It aims to reduce the fatality and injury rates of young people by promoting road safety and behaviour while driving and as a passenger. St John is a regular participant in the program, helping to educate young people about the risks and possible consequences of getting a licence and encouraging them to learn first aid. Their junior and cadet programs are offered to young people aged between eight and 18, teaching them first aid, teamwork, leadership and communications skills. Many youth program participants have used it as a stepping stone for careers in paramedicine, nursing, medicine and other emergency services.

St John not only equips students and volunteers with life-saving skills but it also supplies automated external defibrillators [AEDs] and first-aid kits, which are vital resources in an emergency. Research from 2019 showed that in an emergency in which a bystander used an AED, 52 per cent of patients survived until hospital discharge, which is the official term used, compared with 30 per cent of patients on whom an AED was not used. There is no doubt that having first-aid training and access to equipment can save lives, and raising community awareness is vital.

Last month the Parliamentary Friends of St John Ambulance NSW was re-formed, with Dr Hugh McDermott from the other place and me as co-chairs. This group serves as a tribute to St John's 140 years of service, acknowledging its role in fostering community safety, resilience, training and youth development. I look forward to working with St John as we continue to raise awareness of its vital work. I thank all the staff and volunteers from St John Ambulance and its Chief Executive Officer Dominic Teakle for their dedication and commitment to serving our community.

IRELAND REUNIFICATION

The Hon. CAMERON MURPHY (19:05): I congratulate the delegates of the recent National Conference of the Australian Labor Party on passing a resolution that provides for a very important, welcome and long-overdue change in Labor's platform that will hopefully change Australia's foreign policy in future. The conference resolved to support the reunification of Ireland. The resolution states:

Labor resolves that:

- The partition of Ireland has produced a century of division and conflict that has resulted in the loss of thousands of lives. The time has come to end the injustices of partition and for the right of all the people of Ireland to democratically decide their own future. The Good Friday Agreement of 1998 provides for such a democratic resolution; and
- This National Conference of the ALP calls on the British and Irish governments to honour the terms of the Good Friday Agreement to allow all the people of Ireland to democratically decide their future in the spirit of freedom and justice.

This welcome change is very important and has made headlines around the world, from the United States to Northern Ireland to Ireland itself. Nations like ours should ensure that the parties to the Good Friday Agreement honour their obligations and allow the people of Ireland to democratically vote to decide their future.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 19:08 until Tuesday 12 September 2023 at 12:30.