



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Eighth Parliament
First Session**

Wednesday 11 October 2023

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 11 October 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.

Announcements

LEGISLATIVE COUNCIL BICENTENARY CONCERT SERIES

The PRESIDENT (10:02): I remind members that from 12.45 p.m. to 1.30 p.m. today the talented woodwind trio from Sydney Youth Orchestras will be performing in the Fountain Court as part of our special bicentenary concert series. The series is open to everyone in the New South Wales Parliament and invites us to reflect on our past, celebrate our progress and imagine our future. Today we will hear pieces by Mozart, Brahms, Tchaikovsky and more as we are encouraged to reflect on the theme of working together in the spirit of democracy. I hope we will see you there.

Motions

ROSH HASHANAH

The Hon. NATALIE WARD (10:03): I move:

- (1) That this House notes that:
 - (a) the Jewish New Year, Rosh Hashanah, will be celebrated from the evening of Friday 15 September 2023 until Sunday 17 September 2023;
 - (b) Rosh Hashanah is a special time in the Jewish calendar to reflect on the lessons of the year that has passed, as well as an opportunity to look forward to the year ahead;
 - (c) leading up to Rosh Hashanah, many from the Jewish community take part in Selichot, which are prayers for divine forgiveness; and
 - (d) as the Kiddush blessing is recited to welcome the New Year, it is customary to share symbolic foods, including pomegranate, kosher animal head and apple dipped in honey for a sweet new year.
- (2) That this House wishes the New South Wales Jewish community a Shana Tova Umetukah which means a good and sweet year.

Motion agreed to.

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

The Hon. SARAH MITCHELL (10:03): I move:

- (1) That this House notes that Wednesday 11 October 2023 marks the beginning of the final stage of a significant journey for thousands of year 12 students across New South Wales as they commence their Higher School Certificate written examinations.
- (2) That this House acknowledges and commends the remarkable commitment demonstrated by these students as well as the invaluable contributions of their dedicated teachers, supportive parents and the broader school community.
- (3) That this House encourages all year 12 students to recognise the importance of seeking support when needed during stressful exam periods.
- (4) That this House congratulates all year 12 students as they embark on this journey and extends our best wishes for their upcoming examinations and future endeavours.

Motion agreed to.

CULTURAL TRANSITIONS PROJECT

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

- (1) That this House notes that:
 - (a) on 8 September 2023, HOST International and Western Sydney University held an event launching their Cultural Transitions Project, and the Hon. Mark Buttigieg, MLC, was honoured to attend and make a speech representing the Premier, the Hon. Chris Minns;

- (b) the launch celebrated the release of a report named *Cultural Transitions: Migrant Youth and Family Stories of Belonging and Cultural Wellbeing*, attributed to Kuwthar Aumarah, Hayat Akbari, Karin Louise and David Keegan;
 - (c) HOST International and Western Sydney University in partnership created the report and the Department of Communities and Justice funded the project;
 - (d) the youth-led research provides insight into the difficult settlement journeys for many young refugees, asylum seekers and migrants in New South Wales, including the complex role that belonging, family dynamics, community and wellbeing play in the process;
 - (e) HOST International's headquarters are here in Sydney and the organisation has projects around Australia and other countries in the Asia-Pacific, working to support new settlers and create social cohesion in communities;
 - (f) the launch event included a video message from Ms Charishma Kaliyanda, MP, who congratulated HOST International and Western Sydney University on releasing the report; and
 - (g) Councillor Sameer Pandey also attended in his capacity as the then Lord Mayor of Parramatta and gave a speech commending HOST International and Western Sydney University for their contribution to the community.
- (2) That this House congratulates HOST International and Western Sydney University on conducting such an informative event.
- (3) That this House recognises the ongoing work of HOST International in supporting new settlers.

Motion agreed to.

SAFE WORK MONTH

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

That this House notes that:

- (a) October is Safe Work Month, a time for raising awareness of the importance of workplace health and safety for businesses, employers and workers alike;
- (b) Safe Work Month is a reminder that health and safety must always be a priority at work, and deaths, injuries and illnesses in the workplace are never okay;
- (c) the theme set by SafeWork NSW for this year's Safe Work Month is "Know safety, work safely"; and
- (d) workplaces and workers can honour this theme and get involved in Safe Work Month by organising a "SafeTea" chat to start conversations about health and safety.

Motion agreed to.

ARTSAKH REFUGEES

The Hon. SUSAN CARTER (10:04): I move:

- (1) That this House notes with sadness that:
 - (a) in the past two weeks in excess of 100,000 refugees have fled from their homes in Artsakh and entered Armenia;
 - (b) these refugees are often arriving with little more than the clothes on their backs; and
 - (c) this represents a major humanitarian crisis.
- (2) That this House notes with concern:
 - (a) the reports and vision of torture, and the significant mistreatment of those remaining in Artsakh; and
 - (b) that family and friends have significant fears for the safety of those who are unable to flee.
- (3) That this House further notes with concern that because of fuel and food shortages resulting from the blockade of the Lachin corridor, many do not have the means to flee to safety.
- (4) That this House calls for world recognition of this crisis, which requires an urgent humanitarian response.

Motion agreed to.

Committees

SELECT COMMITTEE ON THE FEASIBILITY OF UNDERGROUNDING THE TRANSMISSION INFRASTRUCTURE FOR RENEWABLE ENERGY PROJECTS

Documents

Ms CATE FAEHRMANN: I move:

That copies of the minutes of proceedings, transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions received by the Standing Committee on State Development during its 2023 inquiry into the feasibility of undergrounding the transmission infrastructure for renewable energy projects be referred to the Select Committee on the Feasibility of Undergrounding the Transmission Infrastructure for Renewable Energy Projects.

Motion agreed to.

*Motions***NSW RURAL FIRE SERVICE**

The Hon. RACHEL MERTON (10:05): I move:

- (1) That this House notes that the NSW Rural Fire Service [RFS] has responded to more than 2,000 bushfires and grassfires in September this year alone.
- (2) That this House notes that there is a significant risk of large and destructive grass fires this season because of extensive grass growth across New South Wales.
- (3) That this House commends the work of RFS volunteers and emergency service personnel for their community outreach initiatives that help people understand how to best protect lives, property, pets and livestock.
- (4) That this House recognises the outstanding commitment of RFS volunteers, many of whom are longstanding, and supports the RFS's call for new volunteers across New South Wales to help build its capacity and strength in the community.

Motion agreed to.

*Budget***BUDGET ESTIMATES 2023-2024 TIMETABLE**

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:06): I move:

That the resolution of the House of Tuesday 12 September 2023 referring Budget Estimates 2023-2024 to the portfolio committees for inquiry and report be amended as follows:

- (1) In paragraph (2):
 - (a) omit ", Skills, TAFE and Tertiary Education";
 - (b) insert "PC 3 Skills, TAFE and Tertiary Education" after "PC 6 Regional Transport and Roads"; and
 - (c) insert "Domestic Manufacturing and Government Procurement," after "PC 1 Finance,".
- (2) Omit paragraph (4) (b).

Motion agreed to.

*Committees***PORTFOLIO COMMITTEES****Establishment**

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:06): I move:

That the resolution of the House of Wednesday 10 May 2023 establishing the portfolio committees, as amended on 24 May 2023 and 23 August 2023, be further amended by inserting in paragraph (1) (a) "Domestic Manufacturing and Government Procurement," after "Finance".

Motion agreed to.

*Senate***SENATE VACANCY**

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

The Legislative Assembly, having resolved to meet with the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Marise Payne, requests the Legislative Council to fix a time and place for the joint sitting.

Legislative Assembly
10 October 2023

GREG PIPER
Speaker

The Hon. PENNY SHARPE: I move:

That consideration of the Legislative Assembly's message stand as an order of the day for the next sitting day.

Motion agreed to.

*Announcements***MEMBERS' PROFESSIONAL DEVELOPMENT**

The PRESIDENT (10:07): I draw the attention of members to the seventh in our members development seminar series being run from 1.00 p.m. to 2.00 p.m. Today's session will be presented by the Hon. John Hatzistergos, AM, Chief Commissioner of the ICAC. The session will focus on the obligations of those in public office, what corrupt conduct is in New South Wales and the particular corruption risks experienced by members of Parliament. It will also cover previous commissioners' investigations involving elected officials. The session is being run in the Macquarie Room and is open to all members and their staff. A light lunch will be provided. I encourage members to attend today's session on this important topic. For those unable to attend, the session will be recorded and live streamed.

*Documents***UNPROCLAIMED LEGISLATION**

The Hon. PENNY SHARPE: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 10 October 2023.

*Bills***SURVEILLANCE DEVICES AMENDMENT (PUBLIC INTEREST EXEMPTIONS) BILL 2023****First Reading**

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

Second Reading Speech

The Hon. EMMA HURST (10:17): I move:

That this bill be now read a second time.

On behalf of the Animal Justice Party, I introduce the Surveillance Devices Amendment (Public Interest Exemptions) Bill 2023. From every angle, this bill serves the public. It is about transparency and accountability. It is about media rights and public interest journalism. It is about protecting our freedom to political communication. Right now New South Wales is one of the only States in Australia that does not have a public interest exemption to its surveillance devices legislation, which is having a chilling effect on transparency and accountability in our State.

To provide some background, the Surveillance Devices Act 2007 regulates the installation, use, maintenance and retrieval of undercover surveillance devices in New South Wales, such as audio and video recording devices. It is a far-reaching piece of legislation. It criminalises not only the installation and use of surveillance devices, which of course is important to ensure people's privacy, but also the communication, publication and possession of undercover recordings obtained in breach of the Act, with harsh penalties of up to 500 penalty units and five years' imprisonment.

That is where the problem arises, because there are certain times when, even though information has been unlawfully obtained, it is still in the public interest for that information to be made public via the media or passed on to an authority like the police. That is why almost every other State and Territory in Australia includes a public interest exemption in their legislation, to ensure that matters of public importance can be communicated, despite the privacy protections and offences contained in the surveillance devices legislation. Those other States have recognised that a balance must be struck between privacy and the public interest, and in New South Wales we remain an outlier.

A 2018 upper House inquiry recommended that the New South Wales Government review the Surveillance Devices Act 2007 to consider whether to insert a public interest exemption for unauthorised filming or surveillance. A public interest exemption was supported by a broad range of stakeholders at that inquiry, from media groups such as Free TV and the ABC, to the RSPCA and other animal protection organisations, to the Australian Privacy Foundation. But despite the inquiry's recommendation, neither the former Liberal-Nationals Government nor the Labor Government has acted with reform to the Surveillance Devices Act, which is why I am introducing this bill today.

We rely on responsible journalism and freedom of communication to make sure the public is properly informed. In fact, New South Wales can only function as an effective democracy if that is the case. Overseas, similar restrictive laws have been struck down as unconstitutional for infringing First Amendment speech rights. We may not have a bill of rights in Australia or in New South Wales, but we certainly have a well established legal and social culture of upholding basic freedoms. We rely on open and independent media. Our Constitution

also gives us an implied right to freedom of political communication. That is why this kind of censorship has been heavily criticised domestically and internationally by groups representing consumer protection, animal protection, environmental interests, media rights and civil liberties—each of which recognises that such laws violate free speech, freedom of the press and the right for the public to be appropriately informed of matters of public interest.

Before I go into more detail about what this bill does, I want to be very clear on what it does not do. This bill will not make it legal to obtain undercover footage. Section 7 and section 8 of the Surveillance Devices Act currently prohibit the installation, use and maintenance of a listening device or optical surveillance device to record, overhear or observe private conversations or activities. This is an offence punishable by up to five years imprisonment. It is a serious offence and it will remain unchanged under this bill. This means that anyone who chooses to take the risk of using an undercover surveillance device will still be liable for an offence under the Surveillance Devices Act.

No component of this bill seeks to change the existing offences for illegally taking undercover footage; likewise, trespass onto private property is a well established offence in New South Wales and this bill does not seek to change that. This bill will not encourage trespass or undercover filming of any kind as the tough laws in that space remain completely unchanged. As I noted at the outset, almost every other State and Territory has a public interest exemption and this has not led to any onslaught of trespass or undercover recording in those States, or inappropriate exposés in the media. The exemption is working effectively in other States, which is why I am seeking to introduce a similar exemption in New South Wales.

I will now turn to what this bill will do. This bill will create a public interest exemption to both section 11 and section 12 of the Surveillance Devices Act. I will go through each section in turn. Section 11 currently prohibits the communication or publication of unlawful recordings of private conversations or activities. The maximum available penalty ranges from 100 to 500 penalty units and five years' imprisonment. Section 11 is a far-reaching provision that does not just apply to an individual who was involved in unlawfully using a surveillance device; it also applies to any third party individual or organisation who receives an undercover recording and wishes to publish that recording, or report on the contents of that recording—even to the authorities.

On top of that, section 12 makes it an offence for anyone to knowingly possess a record of a private conversation or activity that has been obtained in contravention of the Surveillance Devices Act. The most obvious impact of these two offences is on the media, and the harsh restrictions it places on their ability to publish or report on undercover footage or recordings that are in the public interest. However, they are not the only ones adversely affected by these laws—far from it.

We recently saw how dangerously restrictive these laws are when it was highlighted that ICAC could potentially be in breach of the Surveillance Devices Act simply by having received or listened to secret recordings it received unsolicited. The New South Wales Government had to create a specific regulation to allow ICAC to use the recordings to undertake its anti-corruption investigations. That is because our surveillance devices laws are currently so restrictive that they do not even enable members of the public in most circumstances to pass on undercover recordings to the authorities like the police. This is absurd.

If a recording has been made that shows illegal conduct is occurring, it should be able to be passed onto the authorities without risk of jail time. It is clear something needs to change to ensure matters in the public interest are not being stifled and buried in New South Wales. Of course, media organisations in New South Wales are being forced to assume extraordinary legal risk and it is stifling their ability to report on matters of public importance. To give an example, if someone approaches a journalist and gives them a recording from an unlawful surveillance device, the journalist is immediately in breach of the section 12 of the Surveillance Devices Act. Even if the footage is provided anonymously, or the journalist does not even listen to or even request the recording, they are in breach.

Under section 12, mere possession of footage that is known to be unlawfully obtained by a surveillance device is punishable with up to five years imprisonment, so if an email comes through letting a journalist know that undercover footage is attached to the email, the journalist is facing five years in prison, even if they did not request or know that that email was coming in. On top of that, if the journalist decides to listen to the unlawful recording and determines it is in the public interest to investigate and publish because it relates to national security, public health and safety, serious animal cruelty, corruption, mistreatment of vulnerable citizens in aged care facilities or people in detention centres, or any other matter of public importance, that journalist now faces the risk of breaching section 11 of the Surveillance Devices Act, which also carries serious fines and a maximum imprisonment of five years.

If the journalist decides not to report on it, but to instead send the footage to the police or another authority because of illegal behaviour in the footage, they are still facing serious fines and jail time for communicating the evidence to the authorities. That is how extreme the current restrictions are under the Surveillance Devices Act

and that is a maximum of up to 10 years imprisonment for that journalist, simply for trying to report on matters in the public interest, or for handing footage of illegal activities on to the authorities. It is no wonder that, in the 2018 upper House inquiry, a representative from the ABC said:

... far and away the biggest practical impediment that we face in this area in doing good quality, well-researched stories in the public interest is the lack of a public interest defence in the Surveillance Devices Act in New South Wales, which sets New South Wales legislation apart and makes it more onerous than any other jurisdiction I am aware of in the English-speaking democracies.

I see this chilling effect on public interest journalism all the time when it comes to animal cruelty. It is no secret that the Surveillance Devices Act has acted as a gag on reporting and exposure of serious animal cruelty in New South Wales, particularly given that much institutionalised animal cruelty occurs in intensive animal agribusinesses and slaughterhouses outside of public view and with very limited enforcement or oversight from the authorities. The result is that systemic animal cruelty issues are often not uncovered unless employee whistleblowers or animal activists take steps to record undercover footage of these facilities and provide it to journalists.

A perfect example is two stories published by the *7.30 Report* this year showing undercover footage of pigs being killed in gas chambers in Victoria. This footage was horrific. It showed pigs forced into gondolas and, as they are lowered into the gas chamber, we could hear their screams. We could see the pigs at the bottom of the shaft, violently thrashing and frothing at the mouth. Their bodies are shaking violently. The pigs are still alive up to 30 to 60 seconds after the first signs of suffering were heard. This footage rightly shocked the nation. It has led to significant public and parliamentary debate about the ethics of gassing pigs and Victoria even announced an inquiry into the gassing of pigs and pig welfare. Of course, this is not an issue unique to Victoria. Five million pigs are slaughtered each year in Australia, around 85 per cent of whom are stunned and killed using gas. We know this is happening in New South Wales too, but it is illegal for media to publish this footage in New South Wales. It is a sad state to be in when the penalties for exposing animal cruelty outweigh the penalties for those who actually inflict animal cruelty.

Regardless of our views on animal protection or animal activism, any laws that obstruct responsible journalism and have a chilling effect on exposing misconduct should be cause for alarm. Of course, these laws impact all areas of public interest. They curtail the right to expose or communicate to authorities about major human rights abuses. Imagine a situation where vulnerable people are—a detention centre, a childcare centre or a nursing home—and where people are experiencing some sort of major human rights abuse or violation that was filmed undercover by a worker in a desperate attempt to protect people from further abuse; when another worker was repeatedly breaking the law through physical violence that was hard to prove through a witness statement alone; or when that is not being taken seriously by authorities, as evidence was lacking; and the vulnerable person being abused was not able to advocate for themselves. We know situations like that have occurred and do occur in New South Wales.

Exposing undercover recordings of abuse as a means to make it stop or to show what is happening behind closed doors, and even being able to send that footage to authorities to have it investigated, is currently against the law in New South Wales. In any other State that footage can be reviewed and published by media. In any other State it can be handed to authorities. In New South Wales if someone covertly filmed someone in a detention centre who was mistreating detainees, if an aged care worker filmed verbal abuse towards patients with dementia that was not being investigated or stopped, or if a slaughterhouse worker filmed the illegal abuse of animals by another staff member, that could never be exposed or sent to authorities. That is not okay. We have a duty of care to those individuals, not to protect those who are breaking laws or acting in ways that society has a public interest in being informed about.

In so many situations it is clearly in the public interest for the truth to be exposed, regardless of how that knowledge was obtained. That kind of exemption would even assist with the requirement to disclose serious wrongdoings made by a public official in line with the Public Interest Disclosures Act. The public deserves to be informed about things that directly impact their interests and lives. We need to be able to publish and communicate about those things without fear of prosecution. The Hon. Michael Kirby said:

Parliamentary democracies, such as Australia, operate effectively when they are stimulated by debate promoted by community groups. To be successful, such debate often requires media attention. ... The form of government created by the Constitution is not confined to debates about popular or congenial topics, reflecting majority or party wisdom. Experience teaches that such topics change over time. In part, they do so because of general discussion in the mass media.

The bill will resolve those longstanding issues by creating public interest exemptions to sections 11 and 12 of the Surveillance Devices Act, based on the Victorian model. Specifically, the bill creates a new exemption to section 11 in new section 11 (2) (c) that provides that a person will not be in breach for communicating or publishing an unlawful recording of a private conversation or a recording of activities "if the communication or

publication is made in the public interest". It also creates an exemption to the section 12 possession offence if the possession is "for the purposes of making a communication or publication in the public interest".

We cannot undermine the importance of responsible media in New South Wales. For example, the ABC has publicly highlighted its internal policy that secret recordings must not be used except where "justified in the public interest and the material cannot reasonably be obtained by any other means". I want to be very clear that the exemptions are very narrow and will only be enlivened if the publication or communication can legally be established to be in the public interest. If it is determined that a publication or communication of unlawful material was not genuinely in the public interest, a journalist or anyone else who puts that material into the public domain will remain at risk of prosecution for breaches of sections 11 and 12 of the Surveillance Devices Act.

The notion of public interest is a well-known and well-understood legal concept. The bill refers to a specific legal understanding of public interest, and not just anything is in the public interest. For footage to be communicated without prosecution, the communication must be in the public interest in the legal sense and not just something that might make a good headline. The bill would not suddenly justify the media publishing frivolous footage of celebrities in their backyards or recordings of gossip, for instance. The bill is about upholding the public interest and ensuring that we as a society are fully informed on matters of public importance. When almost every other State and Territory has a public interest exemption, one has to ask: What has New South Wales got to hide? It is time for New South Wales to catch up to the rest of the country and take action to protect our rights to political communication and transparency. I commend the bill to the House.

Debate adjourned.

Motions

ISRAEL-HAMAS CONFLICT

The Hon. BOB NANVA (10:34): I move:

- (1) That this House condemns the horrific and coordinated attack by Hamas on Israel.
- (2) That this House denounces the killing of civilians, the firing of rockets into cities and the taking of hostages.
- (3) That this House extends its sympathy to the loved ones of those who have died.
- (4) That this House calls for an end to the attacks and the immediate release of all hostages.
- (5) That this House recognises Israel's right to defend itself.

I express my profound sorrow. Saturday's brutal attack by Hamas is the bloodiest day for the Jewish people since the Holocaust. While bodies are still being retrieved and figures are still being tallied, the scale and nature of civilian deaths is beyond distressing. Over the coming days, weeks and months, countless more innocent Israeli and Palestinian civilians will no doubt be killed as the brutal violence escalates. Simply put, it is nothing short of an awful tragedy, caused by a terrible act, which is quickly escalating into a humanitarian crisis. The coordinated attacks by Hamas are utterly indefensible. No matter one's perspective on complex and intractable issues, those attacks are only worthy of our condemnation, not explanation. In response, Israel has the right to defend itself in a measured and proportionate way that minimises the risk of injury and death to civilians. That is the position of the Prime Minister and the Premier, and I support that position.

This tragedy must be answered not just through international expressions of self-defence but also through the collective empathy of communities and leaders around the world. It is through that lens that I extend my deepest sympathies to the loved ones of the innocent people who have died in recent days, a sentiment I know everyone in this place shares. Many members in both this place and the other place represent communities affected by the violence or belong to those communities themselves. I have spoken to a number of those members, and I will continue to extend my hand of friendship and support to them. I also ask everyone in this place and the other place to treat each other with civility and to afford our communities a measure of kindness and generosity. This is an extremely difficult time for so many in our community, sitting breathlessly as they are, waiting to hear back from loved ones in the region. I can only imagine how the feelings of anxiety gnaw at the stomachs of those family members. As days and weeks pass, it seems inevitable that their numbers will grow. We should have them in our thoughts throughout.

The coming days and weeks will also see significant pressure brought to bear on those in our Australian Jewish and Australian Arab communities. Some of that pressure will be a by-product of debate over legitimate questions that arise from such complex matters. I do not doubt that much of it will arise from a place of good faith and sincere conviction. But where it takes the form of guileless political opportunism or the pursuit of ideological gain, we must call it out, because it should never be at the cost of wedging or dividing vulnerable communities in the most sensitive of moments. This horrendous act is anguishing enough without the language of division—however expressed, subtly or overtly—being poured onto the fire.

The greatest tragedy of these events is undoubtedly the loss of life in Israel and in Gaza, but what is also unforgivable is the destruction that the events have inevitably wrought on the progress towards a long-lasting and peaceful two-state solution. The destruction was wrought by Hamas when it launched indiscriminate attacks on civilians—children, survivors of the Holocaust, attendees at a music festival. I am on record as supporting the establishment of a two-state solution that upholds the rights of both peoples. But Hamas' brutality will not aid the cause of the Palestinian people, who yearn for peace, for an end to the bloodshed and for statehood.

It is crucial that members in this House and all those in positions of influence separate acts of inhumanity and those who perpetrate them from people seeking the right to self-determination. Self-determination is an inherently hopeful act, not one that should induce fear, as extremists always find a way to do. That this hopeful act has been so damaged by such inhumanity is a great tragedy, and I pray it does not extinguish those aspirations. I also pray it does not extinguish the hope of Jewish people to have a homeland safe at last from discrimination and violence. I end with the hope that we can find a way to look at the issue through a lens of what could be, rather than what it currently is, and to beseech a peaceful future that remains possible—a future that does not result in an event like this ever occurring again.

The Hon. DAMIEN TUDEHOPE (10:39): At 6.30 a.m. on Saturday 7 October, a Sabbath and a public holiday for the Jewish feast of Simchat Torah, or Rejoicing in the Law, Hamas terrorists launched a mass surprise attack on the people of Israel by land, sea and air. The result of this mass terrorist attack is the death of over 900 people and over 2,000 people were wounded. Hamas gunmen massacred young people participating in the Supernova dance festival and at least 260 bodies recovered from the site. Issued in 1988, Article 7 of the Hamas covenant states:

The Day of Judgment will not come about until Moslems fight Jews and kill them. Then, the Jews will hide behind rocks and trees, and the rocks and trees will cry out: 'O Moslem, there is a Jew hiding behind me, come and kill him.'

On Saturday Hamas terrorists acted out this brutal article in the actions it took at the site of the music festival. Gili Yoskovich survived the massacre. He told the BBC:

I saw the place with many pomelo trees ... and I was lying on the floor, so it was the second hiding [place] that I found, and they were just all around me. They were going tree by tree and shooting—pha, pha, pha—everywhere from two sides. And I saw many people dying all around.

Terrorists also kidnapped over 130 people, including children and elderly women, during the raids in Israel. As President Netanyahu stated in response to the attack:

Hamas has started a brutal and evil war ... Hamas wants to murder us all.

Since its independence was declared 75 years ago, the State of Israel has been under attack by those who essentially deny its right to exist and want to obliterate it. In the face of this murderous, barbaric attack on Israel, all of us should stand in solidarity with the State of Israel and its people. Our prayers and thoughts are with the hostages and their families, the wounded, and the families of the dead. Israel has the unequivocal right to defend itself against further attacks by doing whatever is necessary to disarm and cripple Hamas so it can never again repeat these atrocities.

The Hon. Chris Rath: Mr President—

The Hon. Penny Sharpe: Point of order: Given that we have only a short time, I thought the order for this debate was Government, Opposition and then crossbench.

The PRESIDENT: But no crossbench member was seeking the call.

The Hon. Penny Sharpe: I think they are.

The PRESIDENT: Members have to seek the call. I take this opportunity to remind all members seeking the call to stand and say, "Mr President."

The Hon. Chris Rath: I am happy to wait.

Dr AMANDA COHN (10:43): I know that we all agree that the events of this week have been horrific. We are all feeling the profound impact of violence, trauma and loss on the communities that we represent. Today could be a unifying moment for this House and all of us to transcend politics. We can make a statement against violence by calling out that the targeting of civilians is never justified, and by extending our sympathy and support to those impacted. Peace and nonviolence are key pillars of The Greens' values. We reject and condemn all forms of violence, especially against civilians, but I cannot support the motion as it was moved by the Government. In particular I draw attention to paragraph (5), which states, "That this House recognises Israel's right to defend itself," and what that means. In speaking to this motion, the Hon. Bob Nanva used the words "measured and proportionate".

The Israeli defence Minister declared that Israel is "imposing a complete siege on Gaza ... no electricity, no water, no gas, everything is closed". In the days since the horrific attack by Hamas, Israel has bombed the Beit Hanoun Hospital, rendering it inoperative. Doctors in Gaza have reported that medical supplies, including oxygen tanks, are critically low and that they are facing an electricity and water crisis. Warnings have declared that if fuel is supplied to the power plant by Egypt—an act of humanitarian aid—it will be bombed. As a medical professional and, frankly, a human being, I do not and cannot ever recognise anyone's right to take actions like this for any reason. The right to resist occupation must be in accordance with international law. The premeditated targeting of civilians by Hamas violates those laws. The bombing of Palestinian civilians in response by the State of Israel violates those laws.

I comment on the language used by the Israeli defence Minister because it is really important. The comment that Israel is "fighting human animals" is, frankly, genocidal. That is the kind of language that was used to describe the Jews leading up to the Holocaust, which members know from my inaugural speech to this Parliament, enormously impacted my own family. The fight for Palestinian liberation is not inherently antisemitic. My family's experiences of the Holocaust taught me the importance of standing up for all persecuted people and not just people like us. Jewish people have an important place in the movement for peace and justice for Palestinian people. I understand that my colleague Ms Abigail Boyd will be moving amendments to this motion, including the removal of paragraph (5). I urge my colleagues to consider what we could do today by working together to craft a motion that we can all support and what this would mean for impacted communities.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:45): On behalf of the Government, I support the motion moved by the Hon. Bob Nanva. This Government condemns, in the strongest possible terms, the horrific attack by Hamas terrorists on Israel and the taking of civilian hostages. There is no justification or excuse for the indiscriminate murders, taking of hostages or the firing of rockets into cities that Hamas has engaged in. This Government also condemns protests or gatherings which celebrate those barbaric actions. The New South Wales Government stands with Israel and the Jewish people at this time. International solidarity is important at the time of such a horrific event, which is why we lit up the Sydney Opera House in the colours of the Israeli flag. The Government will always stand alongside the Jewish community, here and abroad.

There is no excuse for the scenes we saw in front of the Opera House on Monday night, and we note that the Premier has made comments about that today and will ensure that it does not happen again. The actions of those protesters only incite violence and create division. I acknowledge that the escalation of the conflict in Israel and Gaza is being felt by communities in New South Wales and presents an elevated risk for community harmony in this State. Multicultural NSW is engaging with community leaders and has been doing so since Sunday, extending its sympathies to impacted communities, listening to community perspectives and keeping lines of communication open between communities and government. Multicultural NSW has activated the NSW Community Resilience and Response Plan [COMPLAN]. The plan draws together New South Wales agency capabilities and details a coordinated, whole-of-government approach to managing risks to community harmony. What is called a COMPLAN notification was issued, calling on member agencies to monitor the situation and to share any information that might impact community harmony.

Let me be very clear. I have spoken to members of the Jewish community in recent days. No-one should feel unsafe in their community. All of us have the right to be safe where we live. The Jewish community should not feel unsafe in their own city—not ever and especially not now. We condemn Hamas and those who seek to justify its horrific actions. We will work every day to provide support and leadership within our community as there are very difficult and dark days ahead for those living in Israel and Gaza.

The Hon. CHRIS RATH (10:48): Fifty years ago Israeli Prime Minister Golda Meir famously said, "If the Arabs put down their weapons today, there would be no more violence. If the Jews put down their weapons today, there would be no more Israel." What the world has witnessed over the past week has been an utterly wicked display of evil. The ongoing massacres, kidnappings and rapes of innocent Israelis are among the most disgraceful lows of humanity that I have ever had the displeasure of learning about. This is not a matter of Palestine versus Israel. It is not a matter of Jews versus Muslims. It is not a matter of one competing ideology over another. Plainly and simply, this is barbaric and genocidal antisemitism. It is a display of the darkest depravity known to humankind.

I have come to learn of group beheadings and of children being mocked, violently threatened and then beaten or killed. One terrorist broke into a Jewish grandmother's home, stole her phone, and then used it to post her murder to her Facebook page, to be later viewed by that grandmother's family. As of this speech, Hamas has 1,000 Israeli lives to answer for. It has set back peace efforts in the region by decades and is the worst attack on Israel since the 1973 Yom Kippur War. Distressingly, Saturday's attacks marked the largest number of Jewish people killed in a single day since the Holocaust. How anyone can defend such attacks on innocent civilians going

about their lives is beyond my comprehension. Equally, how that attack can be justified in the name of peace is beyond my comprehension.

I strongly condemn anyone who supports Hamas or who attended the Hamas-sympathising rally on Monday night. It is one thing to support an independent Palestine as part of a two-state solution, which is not an unreasonable position. It is quite another to attend a rally featuring antisemitic chants mere days after evil massacres in Israel. Basic human decency demands an end to any organisation, whatever its origin, that intentionally fires rockets at civilian targets, takes civilian hostages and murders innocent festivalgoers. Israel has a right to defend itself, and it is more than reasonable to exercise that right under current circumstances. May the memory of those Israelis killed by Hamas's heinous terrorism be a blessing and may the Israel Defence Forces not stop their military operation until Hamas has been utterly and finally annihilated. I stand with the Israelis and with Australia's Jewish community.

The Hon. JOHN RUDDICK (10:51): I pay tribute to the Jewish contribution to mankind. For 4,000 years the Jewish family has been at the forefront of human achievement. Today 25 per cent of the Nobel Prize recipients in history have been of Jewish descent. It all started 4,000 years ago with Abraham. A couple of generations ago most secular scholars would have said Abraham was a myth, but the recent historical scholarship and the archaeology is now of the view that Abraham was very likely a historical figure. The Jewish people are really a family. There are more Australians in the world than there are Jews, so there is not a huge number of them. While they have done so much for humanity, they have also been subject to the most acute and malicious persecution.

We all know about the Holocaust. But the pharaohs of Egypt were very cruel, and the Babylonians. On repeated occasions the Romans were more cruel to the Jews than to any other peoples that were conquered. The Inquisition—endless blood and malice—was largely an anti-Jewish pogrom. In eastern Europe, under tsarist Russia, the Jews were repeatedly treated in a shocking manner. In the 1880s some Jewish people returned to their homeland. There had always been a Jewish presence in that part of the world, but in the 1880s, particularly because of persecution in Europe, the Jews began returning to their homeland. They started buying land and building productive farms. In World War I, the British and the French teamed up with the Arabs across the Middle East and formed an alliance to free that part of the world from Ottoman control. That is what was shown in the movie *Lawrence of Arabia*. The Arabs were very happy to be fighting to be free of the Ottomans and to be teaming up with the British and the French.

By the 1930s, 30 per cent of what we call Israel today was Jewish. In 1947 the United Nations, in one of its first decisions, agreed to partition that part of the world into Israel and Palestine. Very sadly, the new State of Israel was invaded immediately after. It defended itself, as it did in 1967 and 1973. The peace process began in 1979 with Anwar el-Sadat in Egypt, the leading power of the Arab-Islamic world. That peace treaty has held. Jordan had a peace treaty in 1995. Under President Trump, the Abraham Accords brought about peace treaties. The events of the past week have been shocking. The truth is that over the past 70 years, the long-term trend line is toward peace. I very much hope that will continue to be the case.

The Hon. DANIEL MOOKHEY (Treasurer) (10:54): I support the motion. The Government condemns the appalling attack on the people of Israel from the Gaza Strip over the weekend. The images and reports are haunting. The number of victims is appalling. The circumstances in which they were attacked are horrifying. As parents, as citizens, as freedom-loving people, it is distressing in the extreme to learn of these attacks and the calculated and callous way they were planned and carried out. The Government extends its solidarity to the people of Israel, especially the victims and their families, particularly those who have been taken hostage and those who remain missing. Overnight we learned the first news of an Australian death. It brought home the close connections between our Jewish community and the communities in Israel that are affected by this. It is important for us to point out to the family that is in mourning right now in our State, and their friends, that they have our solidarity and our support at this particularly horrifying time.

What we saw on the weekend was an act of terror. It was a calculated attempt at violence in pursuit of a political objective that has no part in any discourse, political or otherwise. It does not matter the cause. Terror is not a tactic that is endorsed or capable of endorsement. Equally, it has been led by an extremist group. Hamas is a world-recognised terrorist organisation that has done nothing to support the cause of the Palestinian people—particularly for those who, like me, support a two-state solution and an independent Palestine against an independent Israel. Incidentally, those were also the words offered overnight by the leader of the British Labour Party at their conference. Regardless of political partisanship, it is important that we recall that all across the world we are standing together as a united community in saying that the terrorism is unacceptable, and it has no place in the way in which we undertake our democracies, be it here, in Europe, Asia, the United States or the Americas.

The leadership of the Jewish community in New South Wales has been exemplary. Over the course of yesterday and over the weekend I had the opportunity to speak to many of the leaders. I spoke to leaders from the Jewish Board of Deputies and leaders of congregations, particularly Rabbi Ben Elton of the Great Synagogue, and

others who are working right now with communities that are in deep mourning. I place on record the Government's appreciation for the leadership they have displayed in the past 48 to 72 hours, and the leadership they continue to display as their community goes through this horrific period of mourning in response to a terrible act of terror that should never have taken place.

The Hon. NATALIE WARD (10:57): I support the motion. The media reports of what has taken place because of the terrorist organisation Hamas and its supporters are horrific. Picture a scene in which a gunman marches up to the front door of a home, blasts their way in and cold-bloodedly executes all the civilians they find inside by firing point blank at their heads—women, men, the elderly and newborn babies. Picture an idyllic outdoor music festival attended by several hundred young adults with their entire lives stretching before them. The gunmen approach from both sides. They are armed with rocket launchers and machine guns. They open fire and 260 young adults are massacred then and there at point-blank range. The carnage is so brutal and bloody that some family members struggle to identify their own sons and daughters, having to bring items from their children's clothing to match the DNA. Many of those who are not massacred are seized, stripped naked and forced onto open trucks and abducted over the border.

Many are mutilated and killed, their bodies driven through the streets in open trucks. This is unimaginable and it has happened this week. The media reports are terrifying, and the carnage is so brutal and bloody that we cannot fathom it in Australia in 2023. It was committed on these victims for one reason and one reason only: because they were Israeli and Jewish. All this and so much worse occurred this week across a range of working-class towns and villages in southern Israel. As far as we know, almost 1,000 Israelis, mainly civilians, were murdered in cold blood. Another 2,000—mainly civilians—were injured, and approximately 130 or more Israelis were abducted into Gaza, including children as young as three, to be tortured, abused and used as human shields. Commentators describe this as Israel's 9/11.

I support this motion and similar motions today because we must call out these atrocities and we must not tolerate this behaviour in Australia. In January 2020 I had the great privilege of travelling to Sderot with former members of this place, the Hon. Walt Secord, the Hon. Trevor Khan, Dr Marjorie O'Neill and other members of Parliament. We visited the very areas where these atrocities have occurred. We met with the Sderot Media Center, a non-profit organisation committed to educating the world about the residents of Sderot and western Negev, people who are living every day under the threat of Kassam rocket attacks.

We must call out this behaviour. We cannot tolerate this genocide. I support this motion. I also support every step being taken to ensure that law and order is retained in New South Wales so that we can honour those who are suffering these tragedies. I thank the NSW Jewish Board of Deputies and members of the community who have been in touch and who so diligently and thoroughly work closely with all of us in this place. It is incumbent upon us to recognise this terror and to call it out for what it is. I am reluctant to draw analogies to historical murder and genocide, but we know this is exactly that. We know that more Jews were killed last Saturday than at any time since the Holocaust. We must call this out. It is murder, it is ISIS-style terrorism, and it is not acceptable.

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

Questions Without Notice

HOME BUILDING COMPENSATION FUND

The Hon. DAMIEN TUDEHOPE (11:01): My question is directed to the Minister for Finance. The August communiqué from the State Insurance Regulatory Authority [SIRA] board states:

The Board was informed that the Government's approach on the election commitment to review the Home Building Compensation Fund currently remains under consideration. SIRA has provided the Minister further information on the key risks involving the scheme.

What steps is the Minister taking to review the Home Building Compensation Fund [HBCF]?

The Hon. Daniel Mookhey: Point of order: Questions have to pertain to matters for which Ministers have portfolio or administrative responsibility. As a result of recent administrative changes by the Government, this question should not be directed to the Minister for Finance. It should be directed to the Leader of the Government, representing the Minister for Better Regulation and Fair Trading.

The Hon. DAMIEN TUDEHOPE: To the point of order: I take it that this is an acknowledgement that the Minister is no longer responsible for SIRA. In those circumstances, she ought to be able to answer the question about what steps she took in relation to the six months while she was the Minister.

The Hon. Penny Sharpe: To the point of order: It is very clear this Minister does not have portfolio responsibility for SIRA. If the Leader of the Opposition has a view about it, he should be asking me to answer on behalf of Minister Anoulack Chanthivong.

The Hon. Bronnie Taylor: To the point of order: There is precedent in this House from the last term of Government of Ministers frequently being asked about things that were immediately outside their portfolio and they were ruled in order. Again, this question goes to the point that SIRA was recently within the Minister's remit. Respectfully, I ask that the question be ruled in order.

The PRESIDENT: Before I call the Treasurer, it would be helpful if I could have a copy of the question.

The Hon. Daniel Mookhey: I am not aware of any precedent in which a Minister has been allowed to generally provide an opinion about matters that they are not directly responsible for. The question is framed "What steps are you taking to review the HBCF" not "What steps did you take to review the HBCF?" You cannot ask a Minister what steps they are taking when they are not responsible for the area in general. If the question was about the Minister's conduct when she did have responsibility for that portfolio then, arguably, you could exercise a discretion.

The PRESIDENT: Thank you.

The Hon. Wes Fang: Did they ask George first?

The Hon. Courtney Houssos: Point of order: I ask that the member withdraw that deeply offensive remark.

The PRESIDENT: For the benefit of the House, will the Hon. Wes Fang withdraw the comment?

The Hon. Wes Fang: I don't know what was offensive.

The PRESIDENT: For the benefit of the House, will the member withdraw the comment?

The Hon. Greg Donnelly: Just get up and be a man and withdraw it.

The PRESIDENT: The Hon. Greg Donnelly is not helping. Will the member withdraw the remark?

The Hon. Wes Fang: No.

The PRESIDENT: Order! The Hon. Courtney Houssos has taken offence to a remark that I heard the Hon. Wes Fang make. I am now instructing him to withdraw it.

The Hon. Wes Fang: I will withdraw the comment on the instruction of the President, although I do not believe it was offensive.

The PRESIDENT: The Hon. Wes Fang will not withdraw with any qualification. Thank you very much. We will now move on to the substantive issue. There has been no contest that the issue does not currently fall within the remit of the Minister for Finance. The question is framed, "What steps is the Minister taking to review the HBCF?" That issue does not fall within the gamut of responsibilities of this Minister. I am comfortable for the Leader of the Opposition to reframe the question and to ask it to the Leader of the Government, if he would like to do so.

The Hon. DAMIEN TUDEHOPE: I take the suggestion by the Treasurer regarding the framing of the question. With your leave, I seek to amend it to "What steps did the Minister take to review the HBCF?"

The PRESIDENT: I am happy for the question that was asked, but for it to be redirected to the Leader of the Government.

The Hon. DAMIEN TUDEHOPE: In those circumstances, I put the question to the Leader of the Government.

The PRESIDENT: The member is welcome to ask the question he has just foreshadowed on another occasion.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:06): I thank the Leader of the Opposition for the question. It is an important question. I will take it on notice and get an answer from the Minister.

ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY

The Hon. PETER PRIMROSE (11:06): My question is addressed to the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, representing the Minister for

Families and Communities, and Minister for Disability Inclusion. Will the Minister please the House on the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:07): I thank the member for this very important question. On Thursday 28 September, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability handed its final report to the Governor-General, marking the end of a four-year journey to give a voice to people with disability and their loved ones. The royal commission heard from roughly 10,000 people from across the country. There were 8,000 submissions, 1,800 private sessions, more than 800 witnesses, 32 public hearings and seven commissioners. It was a significant body of work which produced a final report with 12 volumes, 5,000 pages and 222 recommendations for governments to consider carefully and to respond to.

The royal commission has opened the nation's eyes to the entrenched challenges facing people with disability every day of their lives. It has brought the nation's attention to their stories of violence, abuse, neglect and exploitation, too often at the hands of the people who are meant to help. Witnesses shared harrowing stories of sexual abuse, neglect, poverty, discrimination and exclusion, and of individuals and families being left to suffer in silence. All of those stories and experiences have been heard. They have been heard by the royal commission and they have been heard by this Government. We are grateful to every person with disability, their families and communities, who shared their stories and added their voices to this important report. For many, it would not have been easy, but only through their courage and determination were we able to hear their experiences and understand their challenges. This is a seminal point in the history of our State and our nation.

Now we must begin the work of not only hearing but acting to ensure that our communities are inclusive, accessible, safe and supportive for everyone and to ensure that the voices of people with disability are ingrained in everything we do. The Minns Government will be honouring every contribution to the royal commission by carefully and methodically considering each of the 222 recommendations. Of course, that will take some time, but there is no time to waste. Next week the country's disability ministers will meet in Canberra to discuss the findings of the commission and to set out a path for governments to work together in the future.

The Minister for Disability Inclusion will convene a forum for disability stakeholders on Monday 23 October. This will bring together peak organisations, advocacy groups, support groups, government agencies, disability service providers and, most importantly, people with disability to discuss their initial thoughts on the final report. The Government has created a taskforce, led by the Department of Communities and Justice and including the Ministry of Health and the Department of Education, that will help develop our formal response to the commission's recommendations.

We are working constructively with the Commonwealth Government, and we were happy to host the Federal Minister for the NDIS, Bill Shorten, in Parliament last night, celebrating Down Syndrome Awareness Month, alongside the Premier. All levels of government will be required to step up to ensure that our communities are inclusive for all. The Government takes that task seriously. The commission has unveiled thousands of untold stories and set a road map for change in this country. As a government, we will harness those contributions to help guide us along a path towards a more inclusive society for all.

PUBLIC SCHOOLS PHONICS CHECK

The Hon. SARAH MITCHELL (11:10): My question is directed to the Minister for Finance, representing the Minister for Education and Early Learning. Will the Minister confirm that all year 1 students at New South Wales public schools took part in the Phonics Screening Check this year and advise the House of when the results of that check will be made public?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:11): I welcome the question from the shadow education Minister and former education Minister about the Year 1 Phonics Screening Check. We discussed it in this place at length in the previous Parliament and I passionately support it. It is important that this check and information is provided to teachers at a crucial point in a child's learning. There is no doubt that evidence shows that teaching phonics is the best way to ensure that children learn to read, which is a fundamentally important function of our education system. Under the previous Government, almost a third of year 9 boys were unable to reach the minimum standard, so this will be an important check going forward.

The shadow Minister asked me a specific question. I am happy to take the specifics of that question on notice and come back to the shadow Minister with an answer, but I make this point: The best way the Government can ensure that children learn to read and write and have an excellent education in New South Wales is by ensuring that they have teachers in front of them. When we came to government, there were more than 2,200 vacancies in New South Wales schools, and that number will start to decrease only when we change the policy settings, which

is what the Deputy Premier has started to do. We have taken New South Wales teachers from being the worst paid in the country, by removing—

The Hon. Sarah Mitchell: Point of order: I asked a specific question relating to the phonics check and when its results will be made public. The shadow Minister has said she will take that on notice. Talking about teacher vacancies is not relevant to the question. If she wants to speak about that, she can have a Dixer.

The Hon. Penny Sharpe: To the point of order: The answer must be directly relevant. The Minister was directly relevant, and she now has additional comments within the time frame of the question asked, which I believe is in order.

The PRESIDENT: The Minister is beginning to stray outside the gamut of the question. I understand the point the Leader of the Government makes, but I do not want to set that as a precedent, because that would allow members to be relevant for the first three seconds of their answer and then talk for the next two minutes and 57 seconds on whatever they want. That will not happen. The Minister has the call but will come back to the question.

The Hon. COURTNEY HOUSSOS: The point I make about phonics in year 1 classrooms and the fundamental importance of children being taught that in year 1 classrooms is that they need teachers to teach them, which the Government is absolutely firmly committed to. We understand the vital importance of ensuring first and foremost that we have a teacher in the classroom, and the way to address the vacancies in our schools is by lifting the wages cap and by taking our teachers from being the worst paid in the country to being the best paid in the country. Those opposite spent millions of dollars on conducting a worldwide search to try to recruit teachers and bring them here. From memory, I think we got three. I am reflecting on the extensive questions I asked at budget estimates hearings. We spent millions of dollars, and we had three teachers come. I am happy to be corrected. It may have got to 10. We may have spent millions of dollars to do a worldwide search and got maybe 10. *[Time expired.]*

ISRAEL-PALESTINE PROTESTS

Ms SUE HIGGINSON (11:14): My question is directed to the Minister for Agriculture, representing the Minister for Police and Counter-terrorism. Considering that the Government yesterday said that the job for the police is to manage crowds and ensure everyone's safety and that members of the Sydney community should not feel unsafe in their own city, will the Government act to ensure that future gatherings and demonstrations about the tragic situation in Gaza will not be restricted and will be protected?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:15): I thank the member for the question. All protest activity must be done in accordance with the law in New South Wales. We, of course, support the right of people to gather and protest, but it must be done lawfully, and it must be done in accordance with the proper procedures, engaging with police through the usual course of events. What happened this week was not in line with those rules, and it was not a lawful or proper gathering of people, regardless of what the issue was.

But the topic of the gathering this week is relevant, because it is important to be clear that members of the community in Sydney should feel safe, and that, particularly this week, refers to members of the Jewish community, who are entitled to feel safe in the city in which they live. Any protest activity or gatherings that any community or group of people in New South Wales wish to have in the future must be done in accordance with the law. I also refer the member and the House to the comments made by the Premier on 2GB this morning relating to activities of this week. Particularly given the sensitive nature of what is happening this week, I refer people to what the Premier had to say. But, in answer to the specific question, in general terms, any gatherings need to be conducted in accordance with the law.

Ms SUE HIGGINSON (11:17): I ask a supplementary question. Will the Minister representing the police Minister elucidate that part of her answer referring to lawful protests and explain how any peaceful gathering of members of the community on public land is not lawful?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:17): There are very clear rules and laws in place for protest activity in the State of New South Wales. If people want to gather on an issue, they need to follow the proper procedures so that the police can be involved in making sure that there are resources to keep the community broadly safe and to keep the people who are engaged in the protest activity safe. What happened this week was not lawful activity. It was not a peaceful gathering in a public place. People gathered in one part of the city and then decided that they would take over part of the city and march to another part of the city. That is not lawful activity, regardless of the issue. That is not something that can happen in this city. People are entitled to raise

issues and gather, but they must do it through the proper channels so that we can ensure broad community safety and so that we can ensure the proper functioning of the city.

In terms of future activities, people should follow the proper process. But, in relation to the specifics of the supplementary question, that is not what happened this week. People did not gather in one spot. They marched through the streets to a different part of the city and caused a significant amount of angst and safety concerns. It is the role of police to make sure that the city is safe. That is why we have rules and laws around how these activities are conducted, and they must be followed.

FIRST HOME BUYERS

The Hon. Dr SARAH KAINE (11:19): My question is addressed to the Treasurer. Will the Treasurer outline how the New South Wales Government is helping with stamp duty reform as a cost-of-living issue? Is the Treasurer aware of any alternative policies that would not free up appropriate housing supply?

The PRESIDENT: Order! The Treasurer will resume his seat. I ask the member to repeat the question because I could not hear the second half of it.

The Hon. Dr SARAH KAINE: My question is addressed to the Treasurer. Will the Treasurer outline how the New South Wales Government is helping with stamp duty reform as a cost-of-living issue? Is the Treasurer aware of any alternative policies that would not free up appropriate housing supply?

The Hon. DANIEL MOOKHEY (Treasurer) (11:19): I thank the Hon. Dr Sarah Kaine for her excellent question. It provides me with the opportunity to update the House on how the Government's policies to remove stamp duty for first home buyers are faring. Since 1 July this year, a total of 4,402 first home buyers have been helped by a concession or a total exemption from stamp duty when purchasing their first home. Those people have benefited from a program the Government introduced that gives them an advantage when competing with an investor or established buyer for the same home. The Government is proud to be boosting the buying power of people who are looking to buy their first home and have a stable place to call home and raise their family. I also report that 2,789 of those people have paid no stamp duty whatsoever. None of them will have to pay a land tax that lasts forever, and 1,391 of them have saved up to \$30,735 that they would have paid under the former Government's so-called "choice" scheme. A further 1,613 people who have bought their first home since July of this year have received a concession.

The Hon. Damien Tudehope: We are in for a very dark period with you as Treasurer.

The Hon. DANIEL MOOKHEY: You are in for a very long period with me as Treasurer; that is true. Those opposite can look forward to long-term service from me as Treasurer. If those opposite refuse to ask me questions, I will be here for a long time. That is generally the way these things work. I was asked about alternative policies that will not free up appropriate housing supply, and there are two that I will mention. The shadow environment Minister is continuing her campaign against housing, which she labelled as a "punishment" before she was elected. She has now joined other sites to her campaign to not build close to the city. Long may she continue to campaign against new housing. Members on the opposite side of the House do not see a housing development that they cannot oppose.

In addition, in six months we heard a policy from the Leader of the Opposition. He said that he would like to give a tax cut to those with homes in order to encourage them to put their houses on the market. It is fascinating that those opposite are approaching this challenge by offering a tax cut for home owners at the same time that they are promising a forever tax for home buyers on the other end of the spectrum. What is worse is that their policy will not work unless they are prepared to campaign for pension reform. The moment that they say they do not think the home should count for a pension is the only way that policy will work. It is disappointing that is all those opposite came up with. [*Time expired.*]

The PRESIDENT: This is an excellent opportunity to warmly welcome to the Parliament staff from the Department of Customer Service, who are participating in training conducted by the Parliamentary Education team. They are all most welcome today.

MINISTER FOR FINANCE

The Hon. NATALIE WARD (11:23): My question is directed to the Minister for Finance. Given that from 5 April 2023 to 28 September 2023—

The Hon. Daniel Mookhey: Your line-up collapsed.

The Hon. NATALIE WARD: They are very happy to dish it out, but the second that we respond, they take points of order. Let us watch that.

The PRESIDENT: Order! The member is not helping the situation. The House will come to order.

The Hon. NATALIE WARD: I will start again. My question is directed to the Minister for Finance, taking your advice on board, Mr President. Given that from 5 April 2023 to 28 September 2023 the Premier allocated ministerial responsibilities for 11 Acts related to insurance to the Minister, what, if anything, did the Minister achieve in those six months, specifically relating to that part of her work as Minister?

The Hon. Penny Sharpe: Point of order: I believe that, as the Leader of the Government, I am allowed to direct how questions are to be answered. My view remains that the Opposition cannot ask Minister Houssos that question as it is no longer within her portfolio responsibility. I represent Minister Chanthivong in relation to this. I like that those opposite are interested in these matters, but I would rather take the question on notice and get an answer for them.

The Hon. Scott Farlow: To the point of order: With respect to how questions are asked, they are to be asked of Ministers about affairs with which they are connected. It is not necessarily confined to portfolio responsibilities. They are to be put to Ministers relating to public affairs with which the Minister is officially connected. As the honourable member has outlined, the Minister was officially connected to this throughout a period of six months and should be required to answer the question about those matters.

The PRESIDENT: I will not consider the second point of order because it is superseded by the Leader of the Government's point of order contending that she could answer questions directed to any Minister. I refer members to a ruling of President Burgmann in 2003 advising that it is in order for the Leader of the Government to answer any question that is directed to a Minister. Therefore, I uphold the Leader of the Government's point of order.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:26): I am happy to answer the question. I like the Opposition's interest in this matter. It is good that those opposite are showing some interest in policy. We know it is really hard for shadow Ministers. They have no staff anymore; they have to look it up themselves.

The Hon. Natalie Ward: Point of order—

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

The Hon. Natalie Ward: I ask that the Leader of the Government be directed to confine her comments to the question being posed to her. Respectfully, it seems that a practice is emerging where members of the Government fling out allegations and then get a glass jaw when things are said in response. It is not befitting of them as members of this place. If they are going to do so, they should accept that we will be prepared to respond.

The Hon. PENNY SHARPE: This is a debating point.

The PRESIDENT: The Hon. Natalie Ward is now straying into a debating point. However—

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

The PRESIDENT: Order!

The Hon. Natalie Ward: Point of order: I take offence at the member's comments and ask her to withdraw them. I have a job to do.

The Hon. Courtney Houssos: Are you kidding me?

The Hon. Natalie Ward: I take offence at the second comment and ask her to withdraw it. I have a job to do as a member of the Opposition. I am merely doing that job.

The PRESIDENT: I understand.

The Hon. Wes Fang: You made me withdraw it.

The PRESIDENT: Order! Excuse me. The Hon. Natalie Ward will resume her seat. Members will be quiet and let me make my ruling. The shadow Minister has asked the Hon. Courtney Houssos to withdraw her comment. It is in the interest of the House that the member do so.

The Hon. Courtney Houssos: Mr President, in the interest of the House, and after being asked by you, I withdraw my comment.

The PRESIDENT: I remind members once again that it does not assist the House if members stray into debating points when taking points of order. The substantive point of order is upheld. The Minister will confine her remarks to the question.

The Hon. PENNY SHARPE: As I said, I welcome the Opposition's interest in this matter. As the matter falls within the portfolio responsibilities of Mr Anoulack Chanthivong, the Minister for Better Regulation and Fair Trading, I will refer the question to him to give a full response.

The Hon. Bronnie Taylor: Mr President—

The Hon. Anthony D'Adam: Mr President—

The Hon. Natalie Ward: Point of order—

The PRESIDENT: A point of order has been taken. The Hon. Natalie Ward has the call.

The Hon. Natalie Ward: Mr President, you have earlier indicated to the House that members should stand appropriately and seek the call from you before proceeding.

The PRESIDENT: Quite true. If members could seek the call, that would be very helpful. I have been remiss by jumping over the question of the Hon. Emma Hurst.

GIANT CUTTLEFISH PROTECTION

The Hon. EMMA HURST (11:29): My question is directed to the Minister for the Environment. On 1 August I tabled a petition calling for protection of giant cuttlefish in coastal New South Wales. The petition was signed by 15,731 residents calling for a moratorium on spearfishing of giant cuttlefish along the New South Wales coastline. The online petition has since increased by 2,000 people. There is clearly huge public support for the protection of this unique and remarkable animal, which is native to Australia and categorised as near-threatened by the IUCN. Will the Minister for the Environment prohibit the spearfishing of giant cuttlefish to save them from becoming endangered or extinct?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:30): I thank the honourable member for her question and note that cuttlefish are some of the most beautiful creatures in the sea. They are an important source of food to many people as well. The reason I hesitate a little is that I think it might be my colleague the Hon. Tara Moriarty who regulates spearfishing. I will not freestyle; it would be better for me to take the question on notice and get the member some more information. I understand what she is dealing with and the point she is making. I am not sure how we would consider it or under what framework. I will find out.

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

The Hon. ANTHONY D'ADAM (11:31): My question is addressed to the Minister for Finance, representing the Minister for Education and Early Learning. Will the Minister update the House on the HSC exams beginning across the State today?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:31): I thank the honourable member for his question in relation to the HSC, which indeed begins today. All of us in this place—or maybe it is just me—can reflect on that moment as one is about to go into the exam hall for the very first exam.

The Hon. Daniel Mookhey: Taylor's one is next week!

The Hon. COURTNEY HOUSSOS: I acknowledge the interjection. It is a momentous day for almost 70,000 young people across the State as they begin their HSC exams. Along with the Premier and the Deputy Premier, I wish them all the very best. They start today, and they go for the next 18 days. When they come to an end on 3 November, some 68,689 year 12 HSC students will have sat more than 400,000 unique exam sessions. There are some 124 exams scheduled over the next 3½ weeks. In our recent budget, we invested \$45 million to boost the New South Wales Education Standards Authority cyber information security and technology program to ensure that HSC and Australian Tertiary Admissions Rank results will be available on Thursday 14 December.

It is a momentous day in these young people's lives. What happens today can feel like the end of the world. It is an important step, but only one step, on the life journey that they are undertaking. With my colleagues, I emphasise that, while we empathise with what the students are going through and wish them all the best, we encourage them to understand that this is just the next step in their life's journey. I also acknowledge and thank the teachers, who have played an important role in the students' lives, and their parents. There may be some parents in this place who have worked through this nailbiting time with their children. It is certainly ahead of me as a parent and is not a time that I am looking forward to.

We thank our teachers. They go above and beyond to ensure that students are given the best possible opportunity to undertake their exams. We thank those teachers and acknowledge the hard work of parents. This is a difficult time. It has certainly been a difficult past few years in the students' schooling career. When talking

about HSC exams and the work of teachers, it would be remiss of me not to mention the hard work that the Deputy Premier in particular has been doing to ensure that we have the best paid teachers in the country. We are proud of that, and we know that it will benefit our future students who will be undertaking their HSC. I note the comments of the Deputy Leader of the National Party who, in response to that, said, "When you get a pay rise, you normally need to do a bit more." That just shows how out of touch they are. [*Time expired.*]

PAULINE HANSON'S ONE NATION

The Hon. MARK LATHAM (11:35): My question is directed to the Special Minister of State. I refer the Minister to a letter dated 28 September that I have received from George Mladenov stating that he has been engaged by New South Wales One Nation as an independent reviewer of the party's finances, a claim of independence repeated by the Hon. Tania Mihailuk even though, in fact, Mladenov is her right-hand man, personal friend and former staffer in her Bankstown office. Isn't this another case of money for mates at taxpayers' expense—a repeat of the Hanson-Ashby disease inside One Nation? When will the NSW Electoral Commission complete its investigation of the party's finances, including an examination of Mladenov contract and bogus claim of independence?

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) (11:35): I thank the member for his question. It follows on from allegations that were raised publicly and with the Government. It is the obligation of the Government to treat those allegations seriously. I have done that in my role as Special Minister of State. Those allegations have been referred to the NSW Electoral Commission, along with a series of electoral law reform proposals that the member has publicly advocated for, which he feels will tighten up the electoral system. I have referred the allegations to the Electoral Commission for its advice, and to the Joint Standing Committee on Electoral Matters, because they should be looked at seriously.

Whenever there are concerns about public administration or proposals to do things better, we should discuss them as a Parliament. That joint standing committee has been one of the best committees of this Parliament. It has worked well over a long period of time as a serious forum to advocate for what should be bipartisan proposals about how the electoral competition is regulated. It is in that spirit that I have referred the specific suggestions for reform of the member.

I am yet to be advised by the Electoral Commission about the outcome of any of those allegations, but I will be certain to update the member and the House when that is the case. The appropriate place for such allegations to be investigated is by the independent authorities that are charged with dealing with them. That is the obligation of the Government; that is the obligation I have fulfilled. I will be happy to update the member further. I am happy to say I do not feel that this separate investigation is independent in any way. It does not appear that way to me. The party should reflect on that. It is a matter for that party. I will not comment on that further. The appropriate place for these things to be dealt with is through the independent regulators. That process should be taken seriously, and I am very confident that it will be. The member is right to raise those concerns.

WALGETT POOL

The Hon. BRONNIE TAYLOR (11:38): I do not think I will be asked to join the Labor Party; I like to stay loyal. My question is directed to the Minister for Western New South Wales. Given that the Minister was first made aware of the issues at the Walgett pool in July, why did it take her until October to provide financial support? Given the expected summer of severe heat, when will the work at the pool begin and when will it be completed?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:39): I am delighted to receive the question from the Opposition. We have been in government for a couple of months now and we are already fixing issues that were completely ignored by the previous Government. The pool in Walgett is a long-standing and well-known issue in the community, and it was known to the previous Government. We have gotten onto it as a matter of urgency because, although it is not the responsibility of the State Government to fix council swimming pools, in this case it is a significant facility that matters to the community of Walgett. It is a place of community amenity where people can gather and, given the heat of the approaching summer, the Government decided that it was important to step in and provide a one-off, significant amount of financial support to the council—

The Hon. Sarah Mitchell: How much?

The Hon. TARA MORIARTY: I acknowledge the interjection. I think it is \$375,000. It will assist the council to get the pool reopened for the summer. Again, it is a long-running issue that is known to the community. It was known to the previous Government but it failed to act for the people of Walgett. Even though it is not the responsibility of the State Government to fix swimming pools, we stepped in because we felt it was significant

enough to warrant assisting the community of Walgett, through its council, to fix the pool so that people can access it over the summer. We will make sure that community facilities in western New South Wales are available where they are needed. When we have to step in to support councils to do that work, we will assess it based on the needs and requirements—

The Hon. Bronnie Taylor: Point of order: I appreciate the Minister's answer so far, but with just 58 seconds to go, will the Minister tell us when the work will start and when it should be completed?

The PRESIDENT: It is not within my purview to direct the Minister to answer any specific part so long as she is being directly relevant, which she is. The Minister has the call.

The Hon. TARA MORIARTY: Part of the department that I am responsible for, Public Works, has been working with the council for some time—a couple of months, I believe, but I will check—to assess what work needs to be done. In the past week or so it has become clear what work needs to be done in preparation for the summer, and that work is getting underway between Public Works and the local council. We are assisting the council on a one-off occasion to get the pool open for the summer because it is in the interest of the community of Walgett. I am a strong representative for the people of western New South Wales and I will continue to fight for them.

BUSHFIRE READINESS

The Hon. STEPHEN LAWRENCE (11:42): My question without notice is addressed to the Minister for Regional New South Wales. Will the Minister outline the contribution being made by Forestry Corporation staff to assist our Regional Fire Service and communities during bushfires?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:42): I thank the Hon. Stephen Lawrence for his interest in keeping regional communities safe and, in particular, his interest in making sure that western New South Wales has all the resources it needs. Given that there have already been bushfires in our State in the past couple of weeks, it is important to recognise the firefighting agencies operating in New South Wales as we prepare for the summer.

Forestry Corp is one of four fire authorities operating in New South Wales, along with the NSW Rural Fire Service, the NSW National Parks and Wildlife Service and the Fire and Rescue NSW crew. Forestry Corporation and its predecessors have been fighting fires in regional New South Wales for over 100 years, which is part of its vital role in managing forests and forestry stewardship in New South Wales. Ahead of the fire season Forestry Corporation has more than 500 trained firefighters at the ready, along with a fleet of firefighting vehicles, including tankers, light vehicles with slip-on firefighting units and heavy plants or bulldozers.

Earlier this month I visited the Forestry Corporation depot in Sunny Corner near Bathurst as part of my ongoing campaign to visit as much of regional New South Wales as I can. I had the great honour to meet three brave women who are part of Forestry Corporation's team protecting our regional communities ahead of the summer.

The Hon. Sam Faraway: There is a lot more to do yet. Pick the pace up, Minister.

The Hon. TARA MORIARTY: The National Party is not interested in bushfire protection in the communities it purports to represent.

The Hon. Sarah Mitchell: That is just ridiculous.

The Hon. TARA MORIARTY: Tune in and pay attention. We are recognising firefighters. National Party members are not interested, as usual.

The Hon. Bronnie Taylor: Point of order: We are listening to the answer but for the Minister to talk about great regional women is a little bit rich after cancelling the NSW Regional Woman of the Year award.

The Hon. Penny Sharpe: That is a debating point.

The PRESIDENT: The Leader of the Government does not need to assist me with making my rulings. That is the first point. The second point is, however, that she is right. Members will stop making debating points in points of order. The Minister has the call.

The Hon. TARA MORIARTY: I also had the great pleasure of riding in one of the new, state-of-the-art category one fire trucks recently commissioned by Forestry Corporation. Last week I visited a Forestry Corporation depot in Batemans Bay and I met several local team members, who are trained and ready to fight fires. I acknowledge the fires across the South Coast last week and the tragedy of people losing houses. It is terrific that there are local firefighting crews working for Forestry Corporation who are ready to defend their local

community across the South Coast. I was pleased to meet a number of them last week. They are terrifically brave, very talented, highly skilled and ready to protect their community.

This fire season Forestry Corporation has more than 500 trained firefighters available for deployment, along with a fleet of firefighting vehicles. Currently more than 400 light vehicles and tankers and 35 heavy plant or bulldozers are available to be rapidly deployed in response to fires. State forests contain a network of around 60,000 kilometres of roads and bridges, which includes roads that provide strategic access for fire management or containment lines and fire trails. It is essential that there are the resources and the properly skilled crews to be able to protect them, and we do.

ISRAEL-HAMAS CONFLICT AND PUBLIC SERVANTS

The Hon. TANIA MIHAILUK (11:46): My question is directed to the Leader of the Government, representing the Premier. Will the Leader of the Government assure the people of New South Wales that any public servants or ministerial staff glorifying Hamas and participating in any antisemitic action within their respective local communities and/or on social media will be disciplined and sacked?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:46): I thank the member for her question. The point is clear: Everyone has to follow the law. The expectation that public servants follow the law is no different to the expectation that everybody else does. That is how we will deal with public servants—in the usual way. It has been mentioned earlier in the debate today the need for people to behave appropriately when engaging in those issues but that is not what we have seen recently. I refer members to the comments of the Premier earlier today in which he said, "The Government is committed to ensuring that the Jewish community is safe in their own city and we are also absolutely committed to making sure that people follow the law when it comes to the way in which they wish to express their views."

The Hon. TANIA MIHAILUK (11:48): I ask a supplementary question. Will the Leader of the Government elucidate further and state that that same attitude that she has expressed towards public servants is also the same attitude that she and the Premier will have toward Labor Party members that might be found engaging in behaviour that is antisemitic and glorifies Hamas? Will they also be weeded out of the party and expelled?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:48): I think it is a separate question in relation to party members but the point is that everyone should follow the law. We do not tolerate antisemitism in New South Wales or in the Australian Labor Party.

MINISTER FOR FINANCE

The Hon. SCOTT FARLOW (11:48): My question is directed to the Minister for Finance. When the Minister was promoted to her new office, prior to the Premier removing her ministerial responsibility for 11 insurance-related Acts on 28 September 2023, did she discuss the matter with the Premier? If so, when was it discussed and at whose initiative, hers or the Premier's?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:49): I thank the honourable member for his question. I am delighted that the Opposition has started to read the *Government Gazette*. It is something we used to do in Opposition.

The Hon. Daniel Mookhey: They'll get to the budget soon.

The Hon. COURTNEY HOUSSOS: I acknowledge the interjection from the Treasurer. I too look forward to a question to the Treasurer from the shadow Treasurer about the most significant piece of work that the Treasurer has worked on, and indeed the most significant piece of work that I have been working on for the past six months, but instead we will continue to answer the questions that have been provided. As I updated the House yesterday—

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

The Hon. COURTNEY HOUSSOS: Indeed, as the Leader of the Government updated the House yesterday and as I said in answering a Dixer, I am delighted and privileged to be given the opportunity of the new portfolio of Domestic Manufacturing and Government Procurement. Indeed, after 12 years of those opposite being in government and continually sending our precious government procurement money offshore, which saw the demise—

The Hon. Scott Farlow: Point of order: While I do congratulate the Minister on her promotion, the question was very specific as to the information sought regarding the 11 insurance-related Acts that were removed from her ministerial responsibility on 28 September 2023. Was that at her initiative or the Premier's, and when did that discussion take place?

The PRESIDENT: Can I have a copy of the question? The Minister is being relevant. The Minister has the call.

The Hon. COURTNEY HOUSSOS: I am happy to inform the House that, on 28 September, the Premier made changes to the arrangements of my ministry and strengthened the focus on skills, jobs and regions. In doing so, he asked me to take on the significant new portfolio of Domestic Manufacturing and Government Procurement.

The Hon. Natasha Maclaren-Jones: I have a question.

The PRESIDENT: Is it perhaps a point of order?

The Hon. Natasha Maclaren-Jones: No, it is not a point of order. I just noticed that the Minister had stopped talking, so I assumed we were on to the next question.

The PRESIDENT: The member will resume her seat. That is not helpful. The Minister has the call.

The Hon. COURTNEY HOUSSOS: I am delighted to take on this new responsibility and this new focus of the Government. It is indeed an important—

The PRESIDENT: Order! The Minister has the call.

The Hon. COURTNEY HOUSSOS: I am delighted and privileged to take on this new challenge and this new opportunity, and there is no doubt that I will not be disclosing private conversations that I have had with the Premier.

The Hon. SCOTT FARLOW (11:53): I ask a supplementary question. Given the Minister's new responsibility, as outlined in her answer, will she outline to the House how many Acts she is now responsible for compared with her old responsibility?

The Hon. Penny Sharpe: Point of order: It is a nice try, but it is a new question. It is not elucidating an answer.

The Hon. Damien Tudehope: To the point of order: The Minister was specific in talking about the Acts which had been gazetted in relation to her responsibility. In those circumstances, this question arises from her answer.

The PRESIDENT: As I have expressed on numerous occasions in this place, I do provide substantial liberty with regard to supplementary questions. It was close enough and I think the Leader of the Opposition's point is valid. Therefore, I ask the Minister to answer the question.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:54): I am delighted to answer the supplementary question in relation to my responsibilities, but can I direct those opposite to the election commitments that we made in relation to domestic manufacturing—

The Hon. Sarah Mitchell: Point of order: The supplementary question was very specific. It asked the Minister to tell us the Acts she is responsible for. The Minister should answer the question.

The Hon. Daniel Mookhey: To the point of order: The Minister had only just begun her answer and should be given the standard liberty to allow her to introduce the content, which she was doing. The Minister should be afforded that courtesy.

The PRESIDENT: The Minister will come to the question. The Minister has the call.

The Hon. COURTNEY HOUSSOS: I thank the honourable member for the supplementary question in relation to my responsibilities as the Minister for Domestic Manufacturing and Government Procurement. Indeed, the question did ask me how many Acts I am responsible for in relation to that portfolio, but the point I would make to the member and to those opposite is that my absolute focus, as I outlined on the grounds of Government House after I was sworn in as the Minister for Domestic Manufacturing and Government Procurement—

The PRESIDENT: The Deputy Leader of the Opposition will cease interjecting. The Minister has the call.

The Hon. COURTNEY HOUSSOS: Mr President, do you know what would be embarrassing? It would be embarrassing if, as education Minister, you oversaw the fastest falling education outcomes in the world—

The Hon. Sarah Mitchell: Point of order—

The Hon. COURTNEY HOUSSOS: If you oversaw chronic teacher vacancies, if you oversaw—

The PRESIDENT: A point of order has been taken. The Minister will resume her seat.

The Hon. Sarah Mitchell: I have two points of order. The first is that the Minister is not being anywhere near directly relevant to the question about the Acts that she is responsible for, which, frankly, as the Minister, she should know the answer to. Secondly, the Minister is reflecting on me personally and, if she would like to do that, she can do it by substantive motion.

The PRESIDENT: I uphold both points of order. The Minister has the call.

The Hon. Wes Fang: You have 25 seconds, 24, 23—

The PRESIDENT: The clock will go to zero if the Opposition keeps interjecting, frankly, because then the Minister cannot be heard. If members want to hear the answer, the Minister will be heard in silence. The Minister has the call.

The Hon. COURTNEY HOUSSOS: As I said earlier, I am delighted that those opposite have started reading the administrative Acts, and I am responsible for approximately 30.

STATE BUDGET AND LOCAL ROADS

The Hon. MARK BUTTIGIEG (11:57): My question without notice is addressed to the Minister for Roads. Can the Minister advise how the 2023 New South Wales budget will help ease congestion on local roads?

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) (11:57): I thank the member for his question without notice. I am happy to talk about this subject. We said, at the election and before the budget, that we wanted to keep building and that is exactly what we have done. We did say we would have new priorities in the road space. We said we would pivot from some of the mega projects—the toll road projects—to more of the local roads that people use to move around the city, get home, get to work and get the kids to school. I am happy to update the House—

The Hon. Damien Tudehope: We did both.

The Hon. JOHN GRAHAM: We are doing more. I acknowledge the interjection. We said we would keep building. The capital expenditure in the budget—the member should read the figures—has jumped from \$112 billion over the forwards to \$116 billion over the forwards.

The Hon. Natalie Ward: Not in road safety.

The Hon. Sam Farraway: Except in regions.

The Hon. JOHN GRAHAM: I acknowledge that interjection as well from the shadow Minister because road safety funding, contrary to the campaign she is running on social media, is up this year and it is up over the forwards—higher this year than the former Government had planned and higher over the forwards.

The PRESIDENT: The Hon. Sam Farraway and the Hon. Natalie Ward will cease talking at the Minister. The Minister has the call.

The Hon. JOHN GRAHAM: We said we would keep building and we are. We are building more than the former Government. That was the budget that was delivered.

The Hon. Sam Farraway: That is just not true.

The Hon. Natalie Ward: What about metro south-west?

The Hon. JOHN GRAHAM: Read the figures. The figures are clear. These figures have not been contradicted by the Opposition: Some \$112 billion compared with \$116 billion over the forwards.

The Hon. Natalie Ward: Oh!

The Hon. JOHN GRAHAM: I know it comes as a shock to the Opposition because it contradicts their whole attack, but they have not contradicted the figures. I encourage them to come to the table and do that, if they choose to. But I will come to some of the specifics: There are \$2.4 billion for roads in Western Sydney as part of the Connecting Sydney Roads program, \$430 million earmarked in 2023-24 alone; \$41.4 million for the Spring Farm Parkway stage one; \$4 million for planning for the Spring Farm Parkway stage two; Appin Road, Picton bypass, school crossings in Camden—

The Hon. Natalie Ward: Pitt Town?

The Hon. JOHN GRAHAM: The Hon. Natalie Ward interjects to ask about the Pitt Town bypass: \$100 million for the Pitt Town bypass, which is exactly the issue that has been raised in public that we are confirming. We are confirming in public and confirming in this House \$100 million for that Pitt Town bypass. The Richmond Road bridge will be part of a \$500 million upgrade when completed. [*Time expired.*]

The Hon. PENNY SHARPE: I was enjoying the prompting from the shadow Minister in relation to these matters, but alas we have come to the end of question time for today. If members have further questions I suggest they place them on notice.

Supplementary Questions for Written Answers

PUBLIC SCHOOLS PHONICS CHECK

The Hon. SARAH MITCHELL (12:01): My supplementary question for written answer is directed to the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources. Will the Minister please confirm that the Year 1 Phonics Screening Check will continue for all students in public schools under the Minns Labor Government?

PUBLIC SCHOOLS PHONICS CHECK

The Hon. MARK LATHAM (12:01): My supplementary question for written answer is directed to the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources. It is along similar lines to the previous question. Will the Minister seek information from the Minister for Education and Early Learning that students who fail the year 1 phonics check are rechecked in year 2 to ensure that they are making progress, they are sounding out their words, they can use phonics, and they are on their way to actually reading after missing and failing the test in year 1? Unlike the previous Government, can this Government ensure that when the results are available, they are released before the end of this year rather than waiting through to 2024?

ISRAEL-PALESTINE PROTESTS

Ms SUE HIGGINSON (12:02): My supplementary question for written answer is directed to the Minister representing the Minister for Police and Counter-terrorism. Could the Minister please explain, once and clearly, how the matter of the protest on Sunday was in fact unlawful?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DAMIEN TUDEHOPE: I move:

That the House take note of answers to questions.

MINISTER FOR FINANCE

The Hon. DAMIEN TUDEHOPE (12:02): I wish to take note of answers given by the Leader of the Government about the responsibilities of the Minister for Finance. It can only be assumed that the Leader of the Government ran a protection racket for the Minister for Finance. I want to make one thing absolutely clear: The Opposition raised the matter with the Government immediately after the Government assuming responsibility for insurance Acts as part of the Minister's portfolio responsibility. Never was the Opposition asserting that there was any inappropriate behaviour necessarily attributable to the Minister for Finance in carrying out of her responsibilities. I have said on numerous occasions there is no allegation against the Minister about the manner in which she has conducted her portfolio responsibility, but what we have said is that an unavoidable conflict of interest arose with her having responsibilities for those Acts.

That has been rectified by a gazettal last week that removed each of those insurance Acts from the Minister's responsibility. That is an admission that what the Opposition was saying about her conflict of interest—her unavoidable conflict of interest—was true. It is highlighted in many respects because one of the questions asked of the Minister today that the Leader of the Government took on notice on the Minister's behalf related to the 11 Acts related to insurance and what, if anything, had the Minister achieved in those six months, specifically in relation to that part of her work as Minister.

The Minister would have been able to come to the lectern and recite the opportunities that she had had to carry out proper reform work on the Home Building Compensation Fund. She could have told us about all those things, but what that highlighted is that, because of the conflict of interest to which the Minister for Finance was exposed and which those opposite sought to defend and deprecate—"there is no conflict of interest here; it had been properly managed"—it had not been properly managed. The Minister for Finance was unable to achieve

anything. I call on the Minister to come back to the lectern right now—the Minister has left the Chamber—and say, "You were right." [*Time expired.*]

ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

The Hon. CAMERON MURPHY (12:05): I wish to take note of a number of answers to questions during question time, but particularly the very good answer of Minister Sharpe on the important work of the disability royal commission. I have started reading the commission's report. It is a wonderful and invaluable document that comes out of an enormous body of work. The commission heard stories from literally thousands of people who provided evidence about their individual circumstances. The great thing about this report is that it will provide the scaffolding for important reforms through the recommendations that have been made.

I, for one, welcome Minister Sharpe saying today that the Government will seek ways in which to work with the Commonwealth Government to find ways to implement many of those important recommendations, particularly the ones that directly affect residents of New South Wales. Like many members from across all parties in this House, last night I attended an important event that took place with Minister Shorten in the Strangers Dining Room, which was recognising the important work of Down Syndrome NSW. At the Ambassador Ceremony event for Down Syndrome Awareness Month, we had many people with Down syndrome interacting with members of Parliament, their families and other members of the public, all in unified support for that important cause.

I also quickly note the answer by Minister Houssos on the commencement of HSC examinations today. I wish everybody undertaking examinations today and over the course of the next month the best for a good result, but I ask them to not despair if they do not get a good result. There are many, many different pathways to achieving what HSC students want to do in life and in their careers. There are alternatives to university such as TAFE, which this Government supports. I note the important work by this Government of ensuring that our teachers are now the best paid teachers in Australia because the first step in getting a good education is ensuring that we fix the problems of teacher retention that we inherited from the former Government. We were bleeding teachers to Victoria, the Australian Capital Territory and Queensland, and we did not have enough to teach kids in our schools.

ISRAEL-PALESTINE PROTESTS

Ms SUE HIGGINSON (12:08): I take note of the answer provided by the Minister representing the police Minister about lawful and unlawful assemblies and protests. It is really shocking that members in this place do not properly understand the difference between an unlawful assembly and a lawful assembly. Let us just lay down some very simple legal realities. People do not need permission to peacefully protest and assemble in New South Wales on public land at any time or in any place. When we refer to permissions and authorisations for protest—and that is an application to the police under the Summary Offences Act for an authorisation for a gathering—that is to provide certain immunity to certain potential criminal charges like obstruction.

An authorisation is not required to gather and assemble peacefully to voice and display dissent and to protest at any time on public land. There is nothing unlawful about the assembly and the gathering, and it is really important that all members in this place understand what lawful assembly is. Police absolutely have the power to take action against individuals who may engage in unlawful activity, whether that be trespass or obstruction. That does not make the gathering unlawful. It is so fundamental and important that people in this place understand what the laws of this State say, how they operate and when they are applicable.

It is a reality that people can gather peacefully at any time to protest and exercise their rights of dissent on public land at any time without permission. It is also the case that if an individual or a member of the community engages in unlawful behaviour then the police have the powers and the discretion to take action. But by no means should we mix that up, because the idea that it is unlawful for members of the New South Wales community to gather on public land to exercise dissent and to protest is frightening. It is absolutely shocking. Only a draconian State would impose that on its community. Fortunately, in New South Wales, notwithstanding the efforts of the previous Government, we are not in that position and we do not have those laws. I implore and beg every member of this Parliament and this House to please get advice on the legalities.

PUBLIC SCHOOLS PHONICS CHECK

WALGETT POOL

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

The Hon. SARAH MITCHELL (12:12): I take note of a number of answers to questions that were asked today, starting with my question to the Minister representing the education Minister about the phonics check.

Phonics is a really fundamental part of the curriculum and, when I was the education Minister, I was unequivocal in my support for phonics as the absolute best way to teach young people how to read. Under our Government, the phonics check was brought in as a mandatory assessment for every year 1 student so that we could understand who was meeting those benchmarks and, most importantly, which students needed additional support in their reading and early literacy. Obviously that check took place last term, and I am keen to make sure every student was part of it. I am also keen to see the data as soon as possible and to get that confirmation from the Government that it will continue. There have been many views in the reading wars and some people have been quite vocal against phonics in the past, so that confirmation is important.

I also speak briefly about the Walgett pool in my capacity as shadow Minister for Western New South Wales. It should come as no surprise to anybody in this Chamber that in the summer months, particularly, places like Walgett get incredibly hot. In July this year the council voted to decommission the pool. The issue has been on the Government's radar for many months. Initial assessment of the work that needed to be done took place prior to 5 September, yet only a few weeks ago—I think last week, actually—the Minister felt the need to provide that funding. Regarding the comments that the issue was formally raised with the previous Government, I also put on the record that I have spoken to Dugald Saunders, the former Minister for Western New South Wales. He met regularly with Walgett Shire Council, as did his office, and it was not formally raised with him in that capacity.

What is important is that the community of Walgett need a pool this summer. The Minister has said in her public commentary that at least 10 weeks of work needs to be done, and we are already in mid-October. A lot of issues can sometimes arise in construction and works in regional parts of the State, particularly in western New South Wales, so work needs to start pretty quickly if there is to be a pool available to that community over the summer. There are social issues and impacts that pertain to not having that pool as well, so my strong advice to the Minister would be to get her skates on. If work has not started now, it needs to. She needs to give the community a start date and an end date so that people know what is going on.

Lastly, as the shadow education Minister, I place on the record my best wishes to the year 12 students who are undertaking their HSC today. It is a huge task, and so much work has gone into what will be the last three weeks and the culmination of their school careers in those written exams. I also thank the teachers, principals, admin staff and everybody who has supported our year 12 students. I thank the parents and the support people around our year 12 kids as well. Someone said to me a few years ago that it really feels like the whole family does the HSC year, and I think that is certainly the case.

The Hon. Natalie Ward: Hear, hear!

The Hon. SARAH MITCHELL: My colleague the Hon. Natalie Ward would probably attest to that. All the best to the students sitting the exams. If they need extra support, Stay Healthy HSC is a really good website with really good study tips. It is completely normal to be feeling a bit stressed and overwhelmed. Students should talk to their friends, families and teachers and get the support they need. Every single member of this House is wishing them all the very best.

PAULINE HANSON'S ONE NATION

The Hon. TANIA MIHAILUK (12:16): I take note of the answer to the question that the Hon. Mark Latham put to the Special Minister of State about the independent investigation that New South Wales One Nation is undertaking into its governance and compliance structure and ensuring that members and supporters are engaged with it. The allegations that the Hon. Mark Latham and the Hon. Rod Roberts made in this House were made about events that allegedly occurred in 2019 and 2021, when the Hon. Mark Latham was the leader of New South Wales One Nation and the Hon. Rod Roberts was a member of the executive, and I think at one stage a party agent.

I welcome any investigation and any inquiry that the Electoral Commission wants to make. It is an open-book policy for me, and it is absolutely critical that New South Wales One Nation is compliant with the Electoral Funding Act. George is a terrific person who I greatly admire and worked closely with in Bankstown when we were fighting corruption together. I have a lot of time for him, and I know a lot of people in this place have a lot of time for him. He is a lawyer; he is sharp. He is a former public servant who I can attest is a terrific individual.

The Hon. Cameron Murphy: He is a real survivor.

The Hon. TANIA MIHAILUK: I know the Hon. Cameron Murphy can also attest that he is a terrific individual. I trust George's judgement. He is undertaking a review to ensure that One Nation is compliant. He is also undertaking a review to ensure that we engage with members and supporters moving forward. George Mladenov met the Hon. Mark Latham in January in my electorate office after I announced that I was becoming a One Nation candidate for the State election. I recall Mark pestering George about being a future contestant

on *Survivor*. He was asking George whether there was any way that George could assist him in becoming a future contestant on *Survivor*. I remember the shock on George's face as Mark asked the question, and I have to say I was in shock too. Here we were preparing for a State election and the Hon. Mark Latham was pestering George to become a contestant.

I say to the Hon. Mark Latham: No matter what skills poor George has—and he has some terrific *Survivor* skills—George's skills cannot reignite the Hon. Mark Latham's mainstream media career. I can assure members of that. I welcome the work that George will do. I remember that after the terrible comment the Hon. Mark Latham made on Twitter, George made it clear to me that he would have nothing to do with Mark Latham. I had to pass that message on to Mark, and he was shocked that George was gay. [*Time expired.*]

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

STATE BUDGET AND LOCAL ROADS

The Hon. NATALIE WARD (12:19): I speak on a number of matters that were raised in question time today, in particular the HSC. I join with my colleague the Hon. Sarah Mitchell to wish the best of luck to all HSC students today. I just got a phone call from my daughter, who has just finished English Advanced. I hear the question was terrible; it was out there. I think she has done all right and she has quoted *The Merchant of Venice*, which is appropriate at this time. I wish all students very well. It is a difficult time for them and their parents. It is a very stressful time for parents; I can attest to that. It is wonderful to see such support for them and I encourage them to talk to their family and friends.

It is telling that we say to our students that they may not plagiarise work. It is important that they are clearly told that they cannot copy someone else's work without giving credit where it is due. In fact, there are severe penalties for doing so. The definition of plagiarism is that we take the work or idea of someone else and pass it off as our own. I wonder if those serious penalties should apply to the Government. It is happy to tell students not to plagiarise, but the Government seems to love to lay all of the blame for its problems on the previous Government. It gives no credit and does not say when the work or an idea is somebody else's. The Government would like to pass off the work of the previous Government as its own.

[*A member interjected.*]

I acknowledge the interjection. I do have some examples. Government members have done so in relation to the Central Station upgrade and the Redfern Station upgrade. Making entry to the museum in New South Wales free is another example. It was already free. I do not know how much less we can charge, unless we are going to pay people to go to the museum. The Wentworth Point high school at Parramatta—the turning of the sod happened in October last year. I do not know how they turn that around in a week, but apparently Prue Car was able to do that with her concrete pour. Today the roads Minister spoke about the Connecting Sydney Roads fund. That is really renaming my homework. I respect that the projects are being done, which is fantastic, but renaming projects under a new fund does not mean that this Government has done the work on each of those road projects. The Government literally cannot name a project it has completely funded that was not already funded and in train. The work had been done and the sods had been turned. It is taking our homework and giving it a new name. The Government should call it out for what it is, be gracious and give credit where it is due.

Another example is WestConnex, which was viscerally opposed by members opposite. Hopefully the Rozelle Interchange will open towards the end of this year. It is a magnificent project and, going forward, I respectfully suggest that the Government considers giving credit to the former Government, along with its various criticisms, and perhaps even invite along those members who worked so hard for that magnificent project. The road safety fund is down 34 per cent. It is a line item in the budget. The budget does not lie, and the road toll is up 26 per cent. [*Time expired.*]

PAULINE HANSON'S ONE NATION

The Hon. MARK LATHAM (12:22): I take note of the answer given by the Special Minister of State, and the argument from a previous speaker was completely self-defeating. At one moment George Mladenov is in her electorate office working with her hand in glove and at the next minute he is supposed at arms-length and doing a review that is totally independent. I have never met this guy. He is in the electorate office—a right-hand person in politics. Clearly, the only independent body that can conduct an investigation into those shonky finances is the NSW Electoral Commission. To assist, I have the receipts and invoices setting out, rot by rot, the theft of New South Wales taxpayer-funded money by James Ashby and the Brisbane One Nation office.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The Hon. Tania Mihailuk will cease interjecting.

The Hon. MARK LATHAM: None of that material was requested by New South Wales One Nation. None of it was ever in the possession or use of the party here. We only became aware of it after complaints by the NSW Electoral Commission. In September 2021, \$5,500 was spent on 200 jigsaw puzzles purchased from a company called Jigsaw Australia in Victoria. Some of them were 1,000 piece puzzles, which would have taken Ashby and Hanson many years to try to complete. Over \$3,000 was spent on 25 table throws from a company called Easy Signs. Over \$1,000 was spent on postcards from Integrated Branding Solutions [IBS]. That company also received \$351 for glass cleaning cloths, \$543 for ceramic mugs and \$465 for mouse pads. None of that had anything to do with politics let alone the administration of New South Wales One Nation. It was part of the Ashby cash economy. Merchandise sitting in a Brisbane warehouse was to be on sold with the money laundered to Ashby and Hanson, and some of it for campaigns in other parts of the country.

On it went for IBS, with Ashby using money to pay \$1,400 for door hangers, \$6,636 for stickers, \$1,760 for flag bunting, \$2,014 for metal pens and \$416 for metal pen pouches, just in case they needed to carry them around. Then there is a company called PromotionsOnly. It was paid over \$9,000 for T-shirts and nearly \$4,000 for pens.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order!

The Hon. MARK LATHAM: To move all of that junk around in Ashby's warehouse in Eagle Farm, MHA Products were paid \$4,000 for an expanding roller conveyor belt. Other invoices, none of them requested or needed in New South Wales, included over \$23,000 for baseball caps and over \$16,000 for sun lotion. I will outline more of the detail later. The Hon. Tania Mihailuk was told about this in April, May, June and July but then wrote to the party membership, saying that she only found out about it in August. That is completely untrue. She knows they are corrupt and she tolerates it every day of the week.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! Members will take their conversation outside.

ISRAEL-PALESTINE PROTESTS

The Hon. SUSAN CARTER (12:25): I take note of a couple of different answers given by Ministers. Regarding the answer given by the Hon. Tara Moriarty representing the Minister for Police and Counter-terrorism to the question from Ms Sue Higginson, I note her statements that the protest that ended with the burning of a flag at the Opera House was not lawful and not proper. If so, why was it allowed to proceed? If the police knew it was not a lawful and proper argument, why was it allowed to disrupt another peaceful gathering of people mourning a great loss? What is happening about enforcing the law? Questions have been raised in this debate about what is lawful and what is not. I draw the attention of the House to section 93Z of the Crimes Act, which notes:

A person who, by a public act,—

perhaps calling out as you are wandering down George Street—

intentionally or recklessly threatens or incites violence—

perhaps by saying "gas the Jews" or "eff the Jews"—

towards another person or a group of persons on any of the following grounds is guilty of an offence—

- (a) the race of the other person or one or more of the members of the group,
- (b) that the other person has, or one or more of the members of the group have, a specific religious belief or affiliation

What we saw was shameful and unlawful behaviour. It cannot be endorsed. If we are to be a civil society that protects all of its members, it is important that we do not just pass such laws but that we actually enforce them and send a really strong message. People should be able to protest and make their point. But they should do it in a civil and respectful way where all voices can be heard and where people are not being incited to hate each other simply because of who they are, their religious belief or where they have come from. It is really important that we take a stand on it and I encourage the police Minister to take a very strong stand on it.

I also take note of the answer given by the Treasurer. I would simply draw his attention to what the dictionary tells us is meant by reform. It is to "make changes in something, especially an institution or practice, in order to improve it". Fiddling with thresholds is not making changes. The actual root and branch reform that we introduced to stamp duty is change and reform. It is a great sadness that this Government has walked away from real reform on stamp duty.

GIANT CUTTLEFISH PROTECTION

The Hon. EMMA HURST (12:28): I take note of the answer given by the Hon. Penny Sharpe, Minister for the Environment, regarding the protection of giant cuttlefish. To be honest, I was horrified to hear the Minister refer to those beautiful, iconic native Australian animals as food. I am sure the many thousands of people who

signed the change.org petition to protect them would be equally horrified. As I noted in my question, the global authority on conservation status, the IUCN, has rated giant cuttlefish as near threatened, meaning that they are at risk of becoming endangered and extinct. The idea that an environment Minister would promote a near threatened native animal as food in this House is shocking. What is next? Will we promote eating koalas? Furthermore, it is incredibly frustrating that the Minister would not engage on this important matter and sought to deflect the issue by referencing the joint responsibility of the Minister for Agriculture.

We see the same deflection of responsibility when it comes to the operation of shark nets. We know the nets are killing and causing immense harm to threatened native marine animals—a matter which falls squarely within the responsibility of the environment Minister—and yet questions or concerns about shark nets are automatically referred to the agriculture Minister, even when we are talking about threatened native animals that fall directly under the purview of the environment Minister. The petition was directed at the environment Minister because she holds responsibility for native animals, and acts that endanger those animals or threaten their extinction clearly sit within her portfolio. Ping-ponging questions between portfolios as a way to avoid ever giving any answer on matters of animal extinction is unacceptable. I hope the Minister is able to properly address the question when she supplies an answer on notice.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:30): I take note of several answers that were provided today and a couple of the topics that were covered. I congratulate my colleague the Hon. Courtney Houssos on the work that she has done in previous roles and also on her new portfolio of Domestic Manufacturing and Government Procurement. Those are key responsibilities within the Government and I know that she will do a terrific job. I do not understand the obsession with the bizarre nature of the repeated questions that were asked in this place about it. It is a weird, bizarre line of questioning. I congratulate the Minister and put on record that I know she will do a terrific job in the role that she has been given within our Government. I look forward to seeing the great work that she will do.

In relation to the questions about protest activity, let us not conflate the issues raised today and this week. This Government supports the right of people to assemble and protest; that is a fundamental right in a democratic society. The Government absolutely supports that right. But that activity needs to be done in accordance with proper processes to ensure that communities are kept safe and can continue to operate. I was asked a question about future protests, and that is the advice that I would give to anyone on any topic. The Government supports the right to protest, but it must be done in a way that does not cause the issues that occurred as a result of the activity this week. Those two things are separate.

The activity that occurred this week was not authorised. It was not a gathering in a particular spot. People made a decision to move through the city. I support the operational decisions made by police to focus on community safety. That is their role and that is what they did this week. The right to gather does not grant permission to incite violence or use speech that is damaging to any member of the community. The two issues are not to be conflated. The right to protest absolutely exists. How one goes about ensuring that everyone in the community is protected is essential and part of the reason why we have processes in place to manage those things.

A number of questions were asked about education. I too acknowledge that the Higher School Certificate exams started today. I wish good luck to all of the students who have begun their exams today, and to all of the parents—including a few in the Chamber who I now know are going through it with their children. I hope that everybody does well. As many people have said today, "If you do, good luck to you; if you do not, there are plenty of other ways to make your way in life that do not hinge on the results." Good luck to all of the students and well done to all of the teachers, who this Government is very committed to supporting and who have gotten our young people to this point in their education. I hope it all goes well. In relation to the question on fishing, that is something that I have responsibility for. I will undertake to provide proper information to the member who raised the question today.

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

Motion agreed to.

Deferred Answers

SCHOOL SWITCHBOARDS

In reply to **The Hon. SARAH MITCHELL** (19 September 2023).

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

The Department of Education has advised that all contracts for ongoing works continue to be honoured and scheduled works are continuing as planned.

NSW POLICE FORCE RECRUITMENT

In reply to **The Hon. ROD ROBERTS** (19 September 2023).

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales)—The Minister provided the following response:

I am advised:

The NSW Police Force is actively seeking ways to source and attract candidates to join the organisation and become our future police officers.

The NSW Police Force acknowledges the competitive labour market across Australia and internationally and has recently implemented a number of strategies, including additional incentives for the new recruits and continues to look at innovative ways to provide further financial and other supports.

RENEWABLE ENERGY AND MODERN SLAVERY

In reply to **The Hon. MARK BANASIAK** (19 September 2023).

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

I am advised:

Modern slavery risks in renewable energy projects and supply-chains in New South Wales are currently being addressed through five arrangements.

First, businesses and entities with \$100 million in annual consolidated revenue must report to the Commonwealth Government under the Modern Slavery Act 2018 (Cth), explaining how they identify and address modern slavery risks.

Second, the New South Wales Anti-slavery Commissioner, Dr James Cockayne, is mandated by section 28 of the Modern Slavery Act 2018 (NSW) to promote public awareness of and provide advice on steps that can be taken by organisations to remediate or monitor risks of modern slavery taking place in their supply chains, including encouraging organisations to develop their capacity to avoid such risks. This includes a power to make information available to organisations and other persons about matters to consider in relation to employing persons to work in supply chains.

Since taking office on 1 August 2022, Dr Cockayne has met with over 30 renewable energy investors, developers, lenders, wholesale buyers, manufacturers, and service firms, to discuss modern slavery risks in the renewable energy value-chain and encourage steps to mitigate and remedy those risks.

Third, since 1 July 2022, over 400 public organisations in New South Wales have had legal obligations to take reasonable steps to ensure they do not procure products of modern slavery, and to report on their due diligence efforts. The NSW Auditor-General is empowered to conduct modern slavery audits of New South Wales government agencies. The NSW Anti-slavery Commissioner, Dr Cockayne, has been working with New South Wales government departments and agencies, local councils, and other stakeholders, to develop Guidance on Reasonable Steps. Publication of this guidance is expected this quarter.

The Anti-slavery Commissioner's Guidance on Reasonable Steps will provide public buyers in New South Wales detailed guidance on how to identify and manage modern slavery risks in operations and supply-chains, including in renewable energy projects. The Commissioner has indicated that in discharging his statutory function to monitor public buyers' reporting on their due diligence efforts, renewable energy value - chains will be one of the three areas on which he focuses over the next year - alongside ICT procurement and procurement of cleaning services.

Fourth, under the NSW Electricity Infrastructure Roadmap [the Roadmap], AEMO Services Limited, as the Consumer Trustee, includes a mandatory eligibility criterion on modern slavery risk for the proponents seeking Long Term Energy Service Agreements [LTESA] and/or Access Rights to connect to renewable energy zones. The criterion requires proponents to have a registered modern slavery statement with the Australian Border Force if the proponent is a "reporting entity" under the Modern Slavery Act 2018 (Cth). These requirements are gazetted under the LTESA and Access Right Tender Rules. The Energy Corporation of NSW, as the Infrastructure Planner for the Roadmap, also includes modern slavery in the Network Operator deeds as events of default requiring remedy, with failure to do so a reason for potential termination.

Fifth, the Anti-slavery Commissioner is additionally using his power under section 27 of the Modern Slavery Act 2018 (NSW) to develop a more detailed Code of Practice on managing modern slavery risks in renewable energy value-chains. Developed in collaboration with the Clean Energy Council [CEC], the Code of Practice is intended as a risk management framework. I am advised that it does not aim to impede the transition to renewable energy, but rather to help secure that transition, by providing investors, renewable energy companies, wholesale buyers and consumers greater certainty about how to effectively manage risks to people.

The consultation process began with a discussion paper, which was released on 17 August. Some key aspects about this process:

- The consultation is being undertaken in close collaboration with the Clean Energy Council [CEC]

- The Anti-slavery Commissioner and CEC will work on a draft, drawing on existing international good practice, until December 2023
- A draft for public comment will be released early in 2024

Release of the Code of Practice in the first half of 2024 will be followed by development of various "implementation guides", setting out how to implement the Code in specific areas of the renewables value-chain.

SCHOOL SWITCHBOARDS

In reply to **The Hon. BRONNIE TAYLOR** (19 September 2023).

The Hon. MARK BUTTIGIEG—The Parliamentary Secretary provided the following response:

The Department of Education has advised that all contracts for ongoing works continue to be honoured and scheduled works are continuing as planned.

SCHOOL SWITCHBOARDS

In reply to **The Hon. BRONNIE TAYLOR** (19 September 2023).

The Hon. MARK BUTTIGIEG—The Parliamentary Secretary provided the following response:

Please refer to the original answer and the answer to Question without Notice number 55.

HUNTING AND PEST CONTROL

In reply to **The Hon. ROBERT BORSAK** (19 September 2023).

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales)—The Minister provided the following response:

I am advised:

- (1) A summary of hectares available as at 30 June each year is provided below:

30 June	ha
2014	1,649,901
2015	1,562,358
2016	1,052,497
2017	1,193,292
2018	1,086,724
2019	1,063,012
2020	1,103,047
2021	1,114,578
2022	1,194,326
2023	1,190,144

Records are not available for 2012 and 2013. The current Forest Declarations were made in 2014. The number of hectares available for hunting changes each quarter.

- (2) Game animals removed from State forests under recreational hunting permits from 2011-12 to 2023 [YTD], please refer to the Parliament's website for an attachment with the full breakdown.

HUNTING AND PEST CONTROL

In reply to **The Hon. ROBERT BORSAK** (19 September 2023).

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales)—The Minister provided the following response:

Hunting in State forests is a recreational activity managed alongside a range of other activities including timber production, forest management and other tourism and recreational activities.

Currently, 358 State forests are declared for recreational hunting by licensed and authorised individuals and the forests or parts of these forests that are open for hunting regularly change for a wide variety of reasons including location of forestry operations and other activities and events, condition of access roads and current fire conditions.

Recreational hunters can view the areas available for hunting by date when using the booking system on the Department of Primary Industries website.

DRUG SUMMIT

In reply to **The Hon. JEREMY BUCKINGHAM** (19 September 2023).

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage)—The Minister provided the following response:

The New South Wales Government has been clear about its intention to host a drug summit in its first term. The Drug Summit will bring together medical experts, police, drug user organisations, families, and other stakeholders to build consensus on the way New South Wales addresses drug use and harms. The cost of hosting the Drug Summit will be funded from the NSW Health budget.

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

Private Members' Statements

STATE BUDGET AND PALLIATIVE CARE FUNDING

The Hon. GREG DONNELLY (14:01): Well before the previous Parliament passed legislation in May 2022 to legalise physician-assisted suicide and euthanasia, it was publicly acknowledged—by the casual observer and the most senior politicians, by palliative care doctors and specialists, and by health bureaucrats and NGOs—that the quality and availability of palliative care and palliative care services across the State was well below par, in particular in regional, rural and remote New South Wales. During the debates in the Parliament regarding the Voluntary Assisted Dying Bill 2021, every—I repeat, every—member who spoke expressed, without qualification, the need to immediately improve the quality and availability of palliative care and palliative care services across New South Wales.

As honourable members are aware, the announcement last year in June to inject \$743 million over a five-year period to boost palliative care and pain management services was greeted with enthusiastic and unanimous support, both inside and outside of the Parliament. There was one question left to answer: Even with the \$743 million boost over five years, in addition to the \$300 million annual expenditure on palliative care, will the citizens of this State have the availability and standard of palliative care they deserve? It is for the reasons I have just outlined, and having been petitioned by many individuals and organisations from around the State, that I report to the House the enormous disappointment and disbelief regarding the 2023-24 State budget cut of \$150 million from the \$743 million funding boost announced last year.

In the 2023-24 *Budget Paper No. 2* at page 2-7 it states the total budgeted revenue for the Ministry of Health is \$32.3 billion—that looks like \$32,344,708,000. No matter how you look at it, it is an enormous amount of money. I could be wrong, but if NSW Health sharpened its pencils and pressed its suppliers on the price of rubber gloves, syringes, tissues, toilet paper, laundering costs and other necessary hospital provisions, I have no doubt that well in excess of \$150 million could be saved. With this achieved, the \$150 million could then be restored to palliative care and the Government able to bank the difference. I urge the Government to look again at this matter to find a way to fully restore the \$150 million to palliative care and palliative care services in this State, without delay. I know that it can be achieved.

STATE BUDGET AND PALLIATIVE CARE FUNDING

The Hon. WES FANG (14:04): It is somewhat fortuitous that the Hon. Gregory Donnelly spoke before me, because we are speaking on the same topic. The \$150 million cut to palliative care by the Minns Government is an absolute disgrace. It is shameful. At a time when so many issues in this State are getting attention, it is a real disappointment that this one was not given the focus that it needed. The Hon. Greg Donnelly has spoken quite well about the failings of the Minns Labor Government in relation to palliative care. The former Liberal-Nationals Government made a commitment to increase palliative care funding. That was incredibly important, particularly for people in rural and regional communities. What we have now is a razor gang, led by the Minister for Finance, slashing palliative care funding by \$150 million.

I recall the debate on the Voluntary Assisted Dying Bill 2021, and on the previous Voluntary Assisted Dying Bill 2017 introduced by the Hon. Trevor Khan. The Hon. Greg Donnelly praised the Coalition Government at the time for its palliative care funding. Certainly, during the most recent debate there was recognition across the Chamber that while voluntary assisted dying would provide support and comfort to those who sought it, palliative care is so important. The Government is now cutting palliative care funding by \$150 million. It is absolutely shameful. Each and every member of the Labor Party should be looking at what they have been signed up to do. They should be absolutely ashamed of themselves.

The Hon. Greg Donnelly: Point of order: I know that it is not convention to interrupt during these debates. It was serendipitous that I spoke first, but to suggest that people are being "signed up" is appalling and really—

The PRESIDENT: The clock is running down. I understand the point of order.

The Hon. Greg Donnelly: I have given him a little bit of leeway, as politics does, but—

The PRESIDENT: I understand. There is an argument to be made, but the Hon. Wes Fang will stay within the confines of the argument.

The Hon. WES FANG: I am certainly not drawing the Hon. Greg Donnelly into this, because I respect his view on the matter. But I think that those opposite should take a long, hard look at themselves, because palliative care was recognised to be a very important issue and this funding cut is one of the cruellest cuts the Government could have made. At a time when this State is looking to be so generous in so many ways, for the Government to do this to vulnerable people is a disgrace.

NEW ZEALAND GENERAL ELECTION

The Hon. JOHN RUDDICK (14:07): This weekend our friends—nay, our family—across the ditch in New Zealand will hold an election. It appears likely the Labour Government will be defeated. That would be a good day for New Zealand. Former Prime Minister Jacinda Ardern calculated she was on track to lose and so in January she retired. Ardern was from the left-wing faction of a left-wing party, just like former Victorian Premier Dan Andrews. While all governments in this part of the world were appalling during the COVID hysteria, a firm pattern appeared; the more left wing a government, the more it relished the COVID hysteria. The Liberal Premiers in this State and South Australia were captured by the COVID hysteria, but at least we can say they appeared somewhat awkward about mindlessly locking us in our homes and all but forcing faulty vaccines on the population. Leaders like Ardern and Andrews, however, thought the whole temporary dictator thing was a hoot. We must never forget the vile words spoken by Ardern:

We [the Government] will continue to be your single source of truth ... unless you hear it from us, it is not the truth.

Few genuine dictators in history have been more conceited or more wrong. But the good news is the polling indicates that while the New Zealand National Party—the equivalent of our Liberal Party—will win the most seats, they will need a coalition party, perhaps two, to form government. The minor party most likely to be the Nationals' coalition partner is the ACT Party. ACT is a purist libertarian party and a sister party of my party. Prior to the last election, ACT had one member of Parliament. But, in that 2020 election, ACT was the only party to take a courageous stand against COVID hysteria and won 10 out of 120 seats. Often when a minor party has a parliamentary breakthrough, it turns into a mess, but those 10 fine ACT MPs have impressed, and ACT may be on track to win around 15 or so seats this weekend.

Libertarian parties consider the ideal to be a junior coalition party in government along with a mainstream centre-right party. We accept that major parties of all stripes have good members, but they are inescapably magnets for conviction-free careerists. Libertarian parties are unashamedly ideological. We seek parliamentary representation to act as a purist party that keeps a major centre-right party in line so that it does not stray from its ideals around small government. We saw in our recent State and Federal Coalition governments endless betrayal of their founding principles. I hope my party can grow all around Australia so that we can act as an ideological check on future Coalition governments. I wish the ACT Party and its impressive leader, David Seymour, all the best for Saturday and very much hope our dear friends across the Tasman can get their fine nation back on track.

HUMAN RIGHTS

The Hon. STEPHEN LAWRENCE (14:10): The events of recent days invite close reflection on the guiding frameworks of human behaviour, which, of course, are many and varied. One framework contributing to a moral world is comprised of human rights and the related international laws that deal with war. This framework tells us many important things about contemporary events here and in Israel and Palestine. Firstly, civilians are never a legitimate target. Secondly, the Hamas actions were illegal, heinous and a breach of international humanitarian law. Thirdly, States have a right of self-defence, but the responses must be proportionate in order to be lawful. Fourthly, it is unlawful to engage in mass reprisals or to collectively punish civilian populations. And, fifthly, it is lawful for States to make acts that incite violence on the grounds of race or religion illegal.

Closer to home, human rights and, indeed, State law tell us that you do not need the permission of police to protest in New South Wales. Such a requirement would be anathema to our liberal democracy. But engaging in protest does not give one permission to engage in criminal acts, and some non-authorised protests might involve immediate individual illegality. It is illegal, during a protest or at any other time, to incite violence on the grounds of race or religion. My view is that, if people chanted the things about the Holocaust that were reported on Sunday in Sydney, they should be investigated for offences under section 93Z of the Crimes Act. I am not convinced previous governments have enforced this law sufficiently.

It is one thing to pass a law, but it is another to provide resources and direction. We tolerate a lot in the cause of human rights. But, when the sacred line is crossed, enforcement of a sanction actually reinforces the importance of human rights and the importance of protected free speech. Some acts are so heinous that to reflect

on why they occurred can almost assume a quality of indecency. Yet ultimately all moral frameworks, I think, require an examination of why things have occurred, why people have done things. The Christian *Bible* tells us:

All the ways of a man are pure in his own eyes, but the Lord weighs the spirit.

I think that is so even for the terrorist. Self-righteousness hardly begins to explain the actions of those who perpetrate mass atrocity. In my work for the Australian Government, I have met and spoken to and, indeed, acted for, in some cases, children, young people and others who have perpetrated mass atrocity in places like the Solomon Islands and Afghanistan. They look and sound like our children. Hannah Arendt said some things about evil that come to mind. We are lucky in this country in that we do not have the twisted and hideous circumstances others do, which systemically help to turn human beings to the darkest acts of mass atrocity. It behoves us all as leaders to respond to events like this with nuance, sympathy and care, not to exploit them in ways that divide. I think that is a small part of how we will keep Australia as the country we all want it to be: free, liberal and peaceful.

ISRAEL-PALESTINE PROTESTS

The Hon. NATASHA MACLAREN-JONES (14:13): On the evening of Monday 9 October 2023 the sails of the iconic Sydney Opera House were bathed in blue and white, the colours of the flag of the State of Israel. That was not a mere lighting spectacle but an act of solidarity with the people of Israel after the heinous acts of murder and kidnapping perpetrated by Hamas terrorists on 7 October 2023. It was a gesture of support for a nation facing a grave threat to its security and its people. However, what transpired on that evening raises serious concerns. Members of the Jewish community were advised by the NSW Police Force to stay at home, effectively preventing them from participating in the act of solidarity. Instead, we witnessed an illegal rally in support of the very Hamas terrorists who have committed these barbaric acts. The flag of Israel was burned, and public acts of incitement against members of the Jewish community took place.

This situation was both alarming and deeply troubling. Furthermore, it has emerged that the police Minister did not engage with the Police Force about responding to the illegal rally, and the Attorney General was unaware of the events at the Opera House until asked about them during a radio interview the next morning. Equally disconcerting is that the Attorney General appeared to endorse a false equivalence between the Jewish community's act of solidarity and public rallies celebrating acts of terror.

This House must condemn the police Minister and the Attorney General. In fact, the entire Labor Government in this State should be condemned for failing the Jewish people and the entire community of New South Wales during this distressing time. Our duty is to ensure that our citizens can exercise their rights to express their support for a nation facing grave challenges, without fear or intimidation. We must express our unreserved condemnation for the killing of civilians, the firing of rockets into cities and the taking of hostages. Those actions led to the loss of innocent lives, immeasurable suffering and further escalation of an already dire situation. We must unequivocally denounce those actions and offer our heartfelt solidarity to the innocent victims and their grieving families. We must also extend our sympathies to those who have tragically lost their lives in this conflict. This small yet significant gesture serves as a reminder of the human cost of violence and the common humanity that binds us all.

Like any sovereign nation, Israel has the right to protect its citizens from threats and violence. This recognition is not an endorsement of any particular course of action but rather an affirmation of a fundamental principle of international law. The Premier must show leadership, and the Government must work closely with the Jewish community to ensure that acts of solidarity with Israel can take place safely. This collaborative approach is essential in safeguarding the rights and safety of all citizens, reaffirming our commitment to principles of justice, compassion and unity in the face of adversity. Our solemn responsibility is to ensure that all citizens, regardless of background or beliefs, can exercise their rights to express support for a nation facing grave challenges, without fear or intimidation.

PAULINE HANSON'S ONE NATION

The Hon. MARK LATHAM (14:16): In the take-note debate, I was outlining the misappropriation of funds by James Ashby and the Brisbane office of One Nation. I was only part way through the long list. You have to ask how this came about. In 2021 the State director of One Nation NSW left, and Ashby took over the finances and, basically, took it as a licence for open slather and was buying merchandise to sell for cash and further distribution, normally to himself, and also for campaign purposes in other parts of the country, which is clearly illegal. How was this prevented? I was brought in at the last moment as the party leader and had to threaten police action to get the \$100,000-plus back into the New South Wales coffers. It was a dramatic time.

These receipts and invoices clearly show the facts of the matter. I mentioned \$16,000 for sunscreen. It is pretty hot, and you get global boiling, but do political parties need to spend \$16,000 on sunscreen? There was

\$320 for a heat press and \$380 for velvet pouches for your pens. If you did not like the normal pens at Ashby's \$2 shop, you could get a velvet pouch there from our equivalent shyster. On it went. There was over \$100,000 of misappropriated money, and the merchandise was stored in an Eagle Farm warehouse. Ashby charged us even for that. Then there was over \$2,500 spent on Facebook advertising for One Nation's Federal campaigning, which is again a gross misuse of taxpayers' funds, which, it bears reminding the House of, were designated for party administration in New South Wales, not for campaigning in Tasmania, Western Australia, the Northern Territory and Queensland.

I very much welcome the NSW Electoral Commission's inquiry into this scam and the broader financial irregularities in New South Wales. Queensland's equivalent of *Minder's* Arthur Daley, James Ashby, needs to be investigated. All these invoices and receipts clearly demonstrate what he was up to, time after time. You will not get much out of the bogus, so-called independent review conducted by a former electorate staffer and right-hand man in the electorate of Bankstown, but we have faith in the Electoral Commission. The rarest commodity in Australian politics is a treasurer's report at a One Nation meeting. The diversion of funds is never revealed unless someone blows the whistle on that particular rort. The Hon. Rod Roberts and I did that by threatening to go to the police. I repeatedly told the Hon. Tania Mihailuk of this problem earlier this year, in April, May, June and July. As members know, particularly members opposite, she is a Tiberius with a telephone—

The Hon. Tania Mihailuk: Point of order—

The Hon. MARK LATHAM: —and, having been told something once, she will make a dozen telephone calls to talk about it.

The PRESIDENT: Order! The member will resume his seat. The Hon. Tania Mihailuk rises on a point of order.

The Hon. Tania Mihailuk: The member is misleading the House. At no stage did he discuss that or make those allegations to me. He should retract the statement. He is misleading the House.

The PRESIDENT: There is no point of order. The member's time has expired.

MINERS' MEMORIAL SERVICE

The Hon. MARK BUTTIGIEG (14:19): For 26 years the Mining and Energy Union [MEU] Northern Mining and New South Wales Energy District has held memorial day services locally to honour those who have died due to coalmining.

The PRESIDENT: Order! The Hon. Tania Mihailuk will take it outside the Chamber if she wants to persist. The Hon. Mark Buttigieg has the call.

The Hon. MARK BUTTIGIEG: Can I recommence my speech?

The PRESIDENT: The Clerk will restart the clock.

The Hon. MARK BUTTIGIEG: As I was saying, for 26 years the Mining and Energy Union Northern Mining and New South Wales Energy District has held memorial day services locally to honour those who have died due to coalmining. On 10 September I had the honour of laying a wreath at the annual memorial day service while representing the Minister for Work Health and Safety, and Minister for Industrial Relations, the Hon. Sophie Cotsis. The MEU Northern Mining and New South Wales Energy District held the service at the Jim Comerford Memorial Wall in Cessnock, which lists the names of over 1,790 people who have died in the northern district coalfields. Each name etched into the memorial represents a life filled with dreams, aspirations and loved ones left behind. Mineworkers, unionists, members of local communities, many State and Federal members of Parliament, local mayors, representatives from Government regulators, industry representatives and, most importantly, many families attended the service to remember loved ones lost.

Dan Repacholi, the Federal member for Hunter, gave a great speech as the keynote speaker. The annual memorial day service followed the 100th anniversary of the Bellbird disaster. On 1 September 1923 catastrophic explosions and fires occurred at the Bellbird mine near Cessnock, leading to the deaths of 21 people. Despite two inquests, the definite cause of the disaster was not discovered, although there is considerable evidence to suggest that it can be attributed to unsafe work practices. Significantly, the disaster prompted, in part, the creation of the Mines Rescue Act 1925 by the Labor Lang Government. The bill established mine rescue stations around New South Wales. I congratulate the Mining and Energy Union Northern Mining and New South Wales Energy District for conducting such a moving service, which assures that we will never forget the lives lost in northern district mines. A section of the Jim Comerford Memorial Wall reads:

The Union's message is very clear: Safety cannot be taken for granted. It cannot be misunderstood. It must never be understated. And it must always be the highest and most important issue in the workplace.

I particularly acknowledge the great work of the union in recognising those fallen people and for raising awareness of safety in the workplace and continuing to pursue safety in the workplace on behalf of its members and workers. It is critical that we are able to participate in our workplace in a safe environment and go home to our families. I particularly congratulate State secretary Grahame Kelly.

ISRAEL-PALESTINE PROTEST

The Hon. NATALIE WARD (14:23): I react to the events of Monday night, and more broadly in recent days, both as a member of this place and as co-chair of the Parliamentary Friends of Israel. Much has been said, but there is much more to say. I stand in solidarity with the Jewish community and with Israel and its right to defend itself. Lighting the Sydney Opera House is an action of solidarity and unity with the Jewish community and Israel. I struggle to find the appropriate words to describe what it turned into. We have seen a debacle in Sydney, in Australia, in 2023. The actions of a few members of our community on Monday night were abhorrent—I think all members agree on that—but they are not representative of the Australian community that I know or the views that we hold. Terrifyingly, this vision of our iconic Sydney Opera House has been beamed around the world. As a former multiculturalism Minister, it is something I took great pride in and still do. It is heartbreaking to see this beamed around the world with violence, antisemitic comments inciting violence, hate speech and the endorsement of the actions of murderers and terrorist organisations.

The actions of terrorist organisation Hamas against innocent Israeli citizens, the elderly and babies is beyond compare and should not be celebrated. Modern Australia's character is built on a foundation of tolerance and multiculturalism. We are the greatest peaceful multicultural community in the world. That community has been and will continue to be enriched by the contribution of our Jewish community. The media reports of antisemitic language and the desecration of the Israeli flag on Monday night are unacceptable, appalling and do not represent the values of the people of New South Wales. There are reports of Jewish students staying home because they are too scared to go to school. Their parents are too scared to let them go to school, at a time when it is stressful enough with HSC exams going on. It is terrifying.

The Sydney Opera House is a beacon to the global community of Australia's character. It is a sad state when, in 2023, the contributions and identity of the Jewish people in our State are yet again framed through a lens of conflict and safety. The Jewish community in this State is diverse and proud. I am saddened to hear that they are fearful for their safety in the community. Their rights, their identity, their humanity and their right to defend themselves will always be recognised in this Chamber and by me. Their right—and, indeed, the right of every New South Wales citizen—to expect safety on our streets is fundamental. When the Attorney General says that the streets are not safe, when the police Minister is unapologetic and will not front the media and when we see the incompetence of the Government to manage the basic, fundamental and critical task of law and order and counterterrorism, I worry for this State. I stand with Israel.

HUNTER REGION WIND FARM ZONE

The Hon. TANIA MIHAILUK (14:26): On Saturday I had the pleasure of attending a rally in Nelson Bay with the Port Stephens One Nation candidate, Mark Watson. It was a terrific and well-attended rally in protest to the Federal Government's decision to declare the pristine Port Stephens coastline as a potential future wind farm location—one that would go from Swansea through to Port Stephens. It would be more than 1,800 square kilometres long and is an environmentally damaging proposal. It is opposed by thousands of local families, the game fish club and tourism operators. The rally was very well attended. I was surprised; there were thousands of people there. I have mentioned the rally a number of times in the House. I acknowledge that a number of parties spoke at the rally, including The Nationals, the Shooters, One Nation and a number of councillors. Sadly, nobody from the Labor Party or The Greens was present, which was noted.

That community relies heavily on the coastline for tourism and for its terrific fishing industry. Families, grandparents, grandchildren and the many people who attended clearly love their coastline. They are desperately trying to send a strong message to Federal Labor and NSW Labor to understand that they should follow South Australian Labor and oppose and stand up to Chris Bowen and Federal Labor by saying, "No, we want to protect our coastline." That is exactly what the South Australian Government is doing. Sadly, it is not what the New South Wales Labor Government is doing, which is backing in Bowen. The local members from that area were nowhere to be seen. It is clear that the community will fight this, and it will take it to Canberra next. There will be another rally in Canberra.

The community is coming together, irrespective of how they vote. The message is that we love our pristine coastline. We want it protected and preserved for the next generation and the generation after that. Setting up a wind factory—which is what it is: a wind factory—that would be taller than the Sydney Harbour Bridge and stretch out for 1,800 square kilometres is absurd. It will destroy the coastline there. It will destroy the tourism and fishing industries but, more importantly, it will destroy the fabric of society and the families of Port Stephens,

Nelson Bay and, indeed, the Central Coast that have lived in that region for years. Those waters are theirs. They are a gift from God, as I said on the weekend. [*Time expired.*]

Motions

ISRAEL-HAMAS CONFLICT

Debate resumed from an earlier hour.

Ms ABIGAIL BOYD (14:30): The events of the past week have been profoundly upsetting. The loss of civilian life is shocking, and the actions that have led to that loss of life are reprehensible. Many of us in Australia have direct connections with people in Israel impacted by this recent escalation of events. My heart goes out to family and friends of everyone injured or killed in Israel and those who will live forever with traumatic memories of what has happened over the past week. Similarly, many of us in Australia have a direct connection with people living in Palestine and have heard news of the atrocities committed by Israel against Palestinian civilians over the past many decades of this conflict. My heart goes out to family and friends of everyone injured or killed in Palestine and those who live with ongoing trauma due to the illegal occupation of Gaza by Israel and Israel's violent attempts to drive Palestinian people out of Gaza.

There is no doubt that recent events are shocking and distressing, but the disproportionate focus on one side of this conflict by media and politicians is irresponsible and can only lead to further violence and take us further away from peace. Where was the outrage and outpouring of sadness every time a Palestinian child was killed by Israeli forces over the past several decades? Those of us paying attention read those stories every day. They cause a real and profound sadness across the globe for Palestinian people. That is not to take away from the sadness of or to excuse the recent atrocities but, unfortunately, there is more to this story than is currently being reported.

Palestinian people are no more the enemy or villain in this story than Israeli people are. However, the actions of the State of Israel, and the root cause of this conflict through actions by Israel as a nation state, cannot be minimised or ignored, nor can the massive power imbalance between the two countries. Israel is a nation with significant economic, military and political resources and, right now, Israel is denying essential services to people in Palestine, with hundreds of Palestinian people being killed. That is not a measured and proportionate response. Today the United Nations human rights chief slammed the response as being in breach of international law.

The Greens' proposed amendments will bring the motion into line with the sentiments expressed in the mover's speech. We have a responsibility in this place to work towards peace, not further division. In that spirit, I move:

That the question be amended as follows:

- (1) Insert after paragraph (1):
 - (2) That this House denounces the air strikes, bombing of Palestinian civilians and taking of hostages by Israel.
- (2) In paragraph (2) insert "the dropping of bombs," after "the killing of civilians,".
- (3) In paragraph (4) omit "calls for an end to the attacks" and insert instead "calls for a ceasefire".
- (4) Omit paragraph (5) and insert instead:
 - (5) That this House acknowledges that to achieve peace the occupation of Palestine must end.

[*Time expired.*]

The Hon. BOB NANVA (14:33): In reply: I thank the Hon. Damien Tudehope, the Hon. Penny Sharpe, the Hon. Chris Rath, the Hon. John Ruddick, the Hon. Daniel Mookhey, the Hon. Natalie Ward, Dr Amanda Cohn and Ms Abigail Boyd for their contributions. More particularly, I thank them for the substance and tone of those contributions, including the amendment moved by Ms Abigail Boyd, which I cannot support. The great many in our communities whose voices are not currently being heard in rallies or on the airwaves, but whose lives will be directly impacted by our voices in the Chamber, deserve nothing less than what they received this morning, particularly those in communities who feel especially vulnerable at this moment.

I ask that members of this place and political leaders across Australia continue to invoke our shared humanity, rather than engage in hostility or opportunism in the face of genuine fear and uncertainty. To use people, whoever they are, as any sort of political or ideological fodder is unacceptable. To apply moderation and restraint during very legitimate domestic and international debates and questions is fair. I also ask that members continue to have faith in the scale of transformation that is possible when the world is viewed through the lens of what could be. We have no choice but to maintain our compassion and ambition when moments like this occur because people demand it of people like us.

The PRESIDENT: The Hon. Bob Nanva has moved a motion, to which Ms Abigail Boyd has moved amendments. The question is that the amendments be agreed to.

The House divided.

Ayes4
Noes36
Majority.....32

AYES

Boyd (teller)
Cohn (teller)

Faehrmann

Higginson

NOES

Banasiak
Borsak
Buckingham
Buttigieg
Carter
D'Adam
Donnelly
Fang
Farlow
Farraway
Graham
Houssos

Jackson
Kaine
Latham
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Mitchell
Mookhey
Moriarty

Munro
Murphy
Nanva (teller)
Primrose
Rath (teller)
Roberts
Ruddick
Sharpe
Suvaal
Taylor
Tudehope
Ward

Amendments negatived.

The PRESIDENT: The question now is that the motion be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes36
Noes4
Majority.....32

AYES

Banasiak
Borsak
Buckingham
Buttigieg
Carter
D'Adam
Donnelly
Fang
Farlow
Farraway
Graham
Houssos

Jackson
Kaine
Latham
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Mitchell
Mookhey
Moriarty

Munro
Murphy
Nanva (teller)
Primrose
Rath (teller)
Roberts
Ruddick
Sharpe
Suvaal
Taylor
Tudehope
Ward

NOES

Boyd
Cohn

Faehrmann (teller)

Higginson (teller)

Motion agreed to.

SENATOR MEHREEN FARUQI DEVELOPMENT APPLICATION

The Hon. MARK BANASIAK (14:47): I move:

- (1) That this House notes that:
 - (a) the previous member of this House, and now Federal Senator and Deputy Leader of The Greens, Mehreen Faruqi lodged a development application with Port Macquarie Hastings Council to bulldoze an existing four-bedroom home on a property at Port Macquarie;
 - (b) Senator Faruqi intends to construct three luxury rental properties in its place;
 - (c) the aforementioned development application was approved by council in May;
 - (d) the proposed development requires clearing of up to 20 native trees on the site, including one hollow-bearing tree, a well-known habitat for native animals;
 - (e) an ecological assessment prepared for the council detected many native bird species including the little wattle bird, grey butcherbird, Lewin's honeyeater, eastern whipbird and rainbow lorikeet;
 - (f) that an eastern blue-tongue lizard was sighted in the front garden;
 - (g) several fresh koala droppings were found near the property boundary;
 - (h) Senator Faruqi has previously been critical of past governments for allowing clearing, notably opposing duplication of the Pacific Highway on the New South Wales North Coast whilst sitting in this House; and
 - (i) Senator Faruqi's justifications for her hypocrisy include identical arguments that are used to support native forest harvesting, despite her party refuting them when they are put to them in that context.
- (2) That this House calls on a representative of The Greens:
 - (a) to acknowledge and explain to this House the hypocrisy of this proposal by their Federal deputy leader; and
 - (b) declare any other land clearing or clear-felling operations unknown to this House by their members, including but not limited to farming operations.

In this place we get to hear a myriad of views on many issues—such is the democratic nature of the Chamber. I am generally prepared to let those views be expressed with minimal heckling from me but some of them may make it into my "Wacky Wednesday" segment. They go unabated nonetheless. The constant barrage of motions moved by The Greens in the mornings like it is story time has breached my threshold of tolerance. Ms Higginson's attempts to morally lecture the Chamber on cutting down trees and her use of emotive mistruths about native forest harvesting in long-winded narratives abuse the generosity and goodwill of the members of this Chamber.

I was prepared to suffer through her pretending to be Captain Planet until I was made aware of an epitome of hypocrisy: a Federal Greens senator who used to be a member of this place, Mehreen Faruqi, adopting a Dutch war strategy of scorched earth and putting in a development application to clear almost every piece of vegetation on her property at Port Macquarie in a koala hotspot. Some might even call it a hub. The Greens will often use emotive phrases such as "land clearing", "native habitat destruction" and "industrial logging" to empower their political ideologies in a quest to destroy things they do not like, yet they turn a blind eye to one of their own doing just that.

I am astounded that a person from The Greens can turn their policy alignment off overnight with the flick of a switch. I hunt because I believe in its sustainability, its contribution to conservation management, and to put food on the table, and I am not ashamed of doing so. You will never see me sneaking out for a cheeky vegan kebab after a late night on the gluten-free beers because, as an elected representative of the Shooters, Fishers and Farmers Party, the party's beliefs and those of myself are very well-aligned. The man you see today is the man that fulfils his party obligations both here and outside of the Chamber. I do not go home of a weekend and adopt an entirely new agenda. However, it seems that some of The Greens are living double lives.

Does Mehreen Faruqi have a secret lumberjack fetish? Clocking off after a long day of morally lecturing Federal Parliament about the environment or about not enough being done regarding social housing, she now wants to drag out the industrial logging machinery from the back shed and go to town on almost 20 native trees in a fit of native habitat destruction, leaning back on an environmental report submitted to council with a "She'll be right, mate" attitude, "Just cut around that tree with the koala scat." I guess the contradiction is acceptable if it is in the name of financial gain because, Madam Deputy President, you will be as shocked as I was to learn that this land clearing was not paving the way for a good cause, it was not to provide relief in the housing crisis gripping Port Macquarie, it was not social housing for our most needy—it was not even emergency housing for Blinky Bill. It was, in fact, for luxury villas. That is hypocrisy manifest. The Shooters, Fishers and Farmers Party is a firm believer in private property rights.

The Hon. Cameron Murphy: Does it come with a succulent Chinese meal?

The Hon. MARK BANASIAK: A succulent Chinese meal. We do believe landowners should have autonomy over what they do on their property. As such, despite the hypocrisy demonstrated here, I did put out a social media video calling for volunteers to assist Mehreen. I was impressed by the CVs received. Even those forestry contractors whose businesses, families and livelihoods Ms Sue Higginson has made it her mission to destroy had their trucks loaded, ready to go. They have never engaged in clear felling as The Greens might try to have you believe, because they selectively harvest, but you know what they say: The customer is always right. They were ready to go. I look forward to the contribution of others in this place. This hypocrisy cannot be allowed to stand. If people are going to come to this place and morally lecture us, they should do so with clean hands. I commend the motion to the House.

Dr AMANDA COHN (14:52): Devastating international conflict, a burning planet, a housing crisis, but hey, let's talk about the development of three townhouses in Port Macquarie. It is not surprising at all that the Shooters, Fishers and Farmers Party would take any and every opportunity to have a go at The Greens. If this motion were not so ridiculous, I would be quite chuffed that they are having a go at a former member because they have clearly found nothing with which to personally attack current Greens members of this House.

Here are the facts about this development application. The proposed project is on a suburban house block that was Mehreen's family home before they moved back to Sydney. The property currently comprises a pole timber cottage on a residential lot in Port Macquarie. The proposal is to replace the existing old house with three sustainably designed townhouses. The proposal includes removal of some trees and shrubs from a suburban residential lot in a developed part of town. This kind of infill development is not land clearing, and if the Shooters think this is what land clearing is, then it probably explains some of our disagreements on more important matters.

None of the trees or shrubs being removed are threatened species or koala food trees, nor does the site qualify as koala habitat. The spotted gum under which koala droppings were found is to be retained, along with a number of other trees. The ecological assessment is clear that the site does not qualify as critical habitat for any species, except maybe renters. I know that Shooters, Fishers and Farmers Party members care about the significant issues impacting their communities, and particularly regional communities like mine, so it is unfortunate that their representatives in Parliament have instead chosen to waste our time with this regurgitation of Murdoch media clickbait. I think this ridiculous debate says far more about the priorities of the Shooters, Fishers and Farmers Party than it does about The Greens.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I ask members to exercise a little more decorum.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:54): This side of the House welcomes the interest of the Shooters, Fishers and Farmers Party in conservation, and in threatened and other species in particular. The Government indicates that it will not oppose the motion of the Hon. Mark Banasiak. We believe it is important that there is transparency in the positions that we hold and what we advocate for. There should also be consistency. No member or political party should escape scrutiny. This motion seeks to shine a light on transparency and consistency, and deal with some of the issues relating to these debates. All of us are frustrated by the way in which these debates are held. The Government will not oppose the motion.

The Hon. WES FANG (14:55): I lead for the Opposition and indicate that we will support the motion. For the record, I congratulate the Hon. Mehreen Faruqi, a former member of this place and somebody whom I worked with on a number of committees, for supporting the forestry industry. It is about time that The Greens recognised that the forestry industry is quite important. In removing the trees from her block, I hope that she is able to see the value of the timber, being a renewable and excellent source of construction material for things like floorboards, furniture and even framing. I hope that that timber is put to good use because at the moment what The Greens are seeking to do is to shut down the timber industry. It could be quite valuable, not only for Ms Faruqi but for the rest of the State, because if timber supply is cut off in this State, we will have to import it from places where there are no Greens senators to build luxury townhouse villas and we will have timber and fibre brought in from overseas where the environmental protections that we have do not exist. So there are some positives in this.

The Hon. Mark Banasiak is right to bring this motion to the House. It shines a spotlight on issues of hypocrisy but also puts a spotlight on the issue of support for our forestry workers and forestry industry, and we need to talk about that more broadly because without a timber industry we will not be producing our own fibre, we will not have the ability to build more houses with framing timber and we will not be able to build more furniture. It is a renewable source and a way of storing carbon and it brings so many benefits to this State. In being able to clear her block and collect some timber, maybe the Hon. Mehreen Faruqi can put it to good use. In so doing, I hope that she recognises the value of forestry and the timber industry to this State, and maybe she can become an advocate for what is a very sustainable and valuable industry for the people of New South Wales. On that basis, I can indicate that the Opposition will support the motion.

The Hon. CAMERON MURPHY (14:58): I was listening to the debate and was moved to get up and make a contribution. I am a member of the Labor Party—the left of the Labor Party—and I stand by my left-wing ideals and principles. The reason I am in the Labor Party is because it has sensible and pragmatic policies about issues. I am often sick and tired of being lectured by The Greens about issues that they see as conviction politics issues when it turns out in the end there really is not any conviction when it comes to people's personal circumstances. If we talk the talk, we also have to walk the walk and do exactly what we say in our personal life.

The Greens have stood in the way of public housing development in this country with their longstanding opposition to the reforms of the Albanese Federal Government and the investment it wants to make in public housing. I have no issue with any person wanting to develop a block of land or wanting to do something in their own space. According to the development application that was approved by council, and what this motion is about, one house will be knocked down and in its place will go three luxury villas. My wish and hope is that they will be available for low cost rent and social and economic housing for the people of Port Macquarie. I doubt that will happen, but it is my sincere hope that they are put up for rent on that basis so at least something good will come out of the knocking down of more than 20 trees and disturbing habitat on that block.

Ms ABIGAIL BOYD (15:00): Wow! If we want to move a motion about how people dislike The Greens, we could do it a little bit more honestly with a statement that outlines, "Labor don't really like The Greens because we try to hold them to account and actually make them credible on the left. The Shooters don't like The Greens because they don't have any other kind of agenda to offer this place." Let us just be honest about why we are here. I do not know how The Nationals or the Hon. Wes Fang feels about The Greens. He just wanted to have a go about forestry. But what we have here is something far more serious and it is why I feel moved to make a contribution to this debate. What we have is an attack against our senator. I am really shocked by the language that was used by the mover of the motion who referred to a fetish with lumberjacks. As my colleague Dr Amanda Cohn was standing at the table, a range of men were sitting behind her having a go.

Mehreen Faruqi is—and I am going to say it—a woman of colour and she has done more for feminism and anti-racism in this country than any of the Labor members in the Chamber. The Hon. Mark Banasiak has decided to use this debate as a blatant attack on an individual who is not even in this Chamber to defend herself. It was a little bit funny to begin with, but the comments that he made were—I know he knows better than this. The Hon. Mark Banasiak was a teacher. He was teaching children. The idea he used that kind of language in this attack by using right-wing media to elevate the issue and make it into something in this House is really disgusting and I will call it out. I am very happy to tell the members of this House everything about my personal circumstances and justify them, if that is what the next motion will be.

The Hon. Mark Banasiak: How many trees have you cut down?

Ms ABIGAIL BOYD: I have no trees, unfortunately, in my small backyard. But this motion about something so ridiculous picks on somebody who is not even here. I will say to the Labor Party that I was driven to speak by the quite outrageous contribution of the Hon. Cameron Murphy. One of the reasons I am so proud to be a member of The Greens is because we are bound by our policy. We do not get to make captain's calls. We do not get to say whatever we like in this Chamber. We are bound by policy, which means it does not matter what our personal circumstances are because, when it comes to the crunch, we vote in line with the policy developed by thousands of Greens members.

The Hon. SCOTT FARLOW (15:03): I support the motion and commend Senator Mehreen Faruqi for addressing the housing crisis in New South Wales by developing more homes in Port Macquarie on the North Coast. Many members of this place are not objecting to what is occurring—I am sure the Hon. Mark Banasiak is not—but the hypocrisy and the lectures we have taken in this House from Senator Mehreen Faruqi when she was a member of this House. I note a couple of the comments she made when she was a member of this place. In 2017 Mehreen Faruqi was The Greens environmental spokesperson. On land clearing she said that the then Coalition Government's policies amounted to "tree killing" and that the proposed codes were "every bit as bad as we feared". She went on to say:

Self-assessable codes don't work and take away key environmental protections. The expansion of the biodiversity offset scheme is a scam and only facilitates the loss of threatened species and endangered ecological communities.

In this instance, we have 20 trees being felled on the senator's property. In 2018, following the Coalition Government's land clearing laws being deemed invalid by the Land and Environment Court, the senator said that if the Berejiklian Government had "any integrity they would tear up these laws permanently and commit to restoring and strengthening native vegetation protections." She went on to say:

They were warned that these laws were a disaster but arrogantly refused to listen in their pursuit to appease vested interests.

This is the senator's vested interest because it is her property. I do not object to that. The senator has the right to develop her property in any way in which she sees fit, as long as it complies with the codes. Port Macquarie

council has found that it does comply with the codes. I note that one tree, which I believe to be a spotted gum where koala droppings are nearby, will be preserved and that is appropriate. But we need housing in this State. The senator is providing it and I commend her on doing that. She may make a profit out of it. There is no problem with that in my book. But it is the hypocrisy that I and many members of this House take objection to. That is partly why the Opposition will support the motion along with the Government.

The Hon. MARK LATHAM (15:06): I join with Deputy President Boyd in giving two cheers for Mehreen Faruqi because there has been commentary on her conversion to land development and the timber industry, but I think the bigger conversion is to capitalism. There is often a debate about The Greens concerning whether they are red Greens, like a watermelon, or they are green Greens. Mehreen Faruqi is a green Green, but it is the money green. It is a bit reminiscent of Rodney Cavalier when he was the New South Wales education Minister at a time when Ministers had to declare their pecuniary interests. He had a list of stock holdings and investments even longer than Damien Tudehope's. It went for page after page, all declared, and people said, "How can someone in the socialist left of the Labor Party own so many financial assets?"

Rodney Cavalier, in a wonderful phrase, said, "Well, in the last stages of capitalism, there's no need to impoverish oneself"—and he did not. I rather suspect this is the attitude of Mehreen Faruqi. In the last stages of capitalism, why not knock down the trees, build some luxury units and get with the program—get with the jazz to make a few dollars. Mehreen Faruqi is a green Green and I welcome that. I have to say that I also agree with the Deputy President in the absolute burning horror of that image of a lumberjack fetish which, once imagined, cannot ever be erased. I had to check myself. I immediately thought of the Broderick review.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! I warn the Hon. Mark Latham about using language that is inappropriate in this House. The Hon. Mark Latham will check himself before continuing.

The Hon. MARK LATHAM: I am checking myself by writing an immediate report to the Independent Complaints Officer about how my sensitivities have been shattered by that particular image. I ask the Hon. Mark Banasiak to withdraw it. If it is a crime against humanity to stare at a beautiful woman for more than unknown seconds or to tell her a sexist joke like, "Three blondes walk into a bar", how do we categorise the comment that was made in that speech? It needs to be withdrawn, or I will be straight off to the Independent Complaints Officer and dobbing the Hon. Mark Banasiak right in, you sex fiend.

The Hon. MARK BANASIAK (15:08): In reply: I thank all members for their contributions to debate on the motion. I apologise for creating that image in the Hon. Mark Latham's mind—

The Hon. Scott Farlow: All of us.

The Hon. MARK BANASIAK: —and in the minds of all members. I moved the motion because it was presented to me during a chance encounter with a constituent. I originally took it up to point out some blatant hypocrisy that many other members have touched on. I note that some members said that that was done through appropriate means and there was a report. I note that the report was done by WolfPeak consulting, which receives regular Federal Government work. One could ask how Ms Faruqi came across that company. It may be a very reputable company; I do not know, but it has done a report. I originally took it upon myself to call out the blatant hypocrisy, but some further questions need to be answered by The Greens. I refer members to an extract from The Greens' constitution that reads:

12.8.1 Elected or appointed representatives to the Legislative Council or Senate shall give 12.5% of their before tax salary and any unexpended allowances treated as salary to The Greens NSW.

I now refer members to the definition of a property developer within section 53 of the New South Wales Electoral Funding Act 2018, which states:

- (1) Each of the following persons is a *property developer* for the purposes of this Division—
 - (a) an individual or a corporation if—
 - (i) the individual or a corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit, and
 - (ii) in the course of that business—
 - (A) 1 relevant planning application has been made by or on behalf of the individual or corporation and is pending ...

Under the New South Wales legislation, a property developer is prohibited from making political donations, so why are the Federal requirements for members and Senators less stringent? If property developers are not allowed to donate politically in New South Wales, they should not be able to do so federally either. That would prevent any Federal member or Senator who wished to circumvent the State legislation from doing so, as appears to be the case here.

Federal members should not be excluded from the rules of the State that they reside or are registered in. Furthermore, it begs the question: Why do The Greens in this place regularly make disparaging comments about property developers—particularly mum-and-dad property developers who only have one or two properties—when according to the NSW Electoral Commission, by definition, they have one in their own ranks? I commend the motion to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the motion be agreed to.

Motion agreed to.

ISRAEL-PALESTINE PROTESTS

The Hon. DAMIEN TUDEHOPE (15:11): I move:

- (1) That this House notes that:
 - (a) on the evening of Monday 9 October 2023 the sails of the Opera House were lit up in blue and white, the colours of the flag of the State of Israel, as an act of solidarity with the people of Israel after the barbaric acts of murder and kidnapping by Hamas terrorists on Saturday 7 October 2023;
 - (b) New South Wales police advised members of the Jewish community to stay at home rather than to come to the Opera House on the evening of Monday 9 October 2023, preventing them from participating in this act of solidarity;
 - (c) New South Wales police shepherded participants in an illegal rally in support of the Hamas terrorist actions to the steps of the Opera House, where they burned the flag of Israel and engaged in public acts of inciting violence against Jews;
 - (d) the Minister for Police and Counter-terrorism did not engage with the NSW Police Force in relation to responding to this illegal rally;
 - (e) the Attorney General was unaware of the events at the Opera House on the evening of Monday 9 October 2023 until asked about them during a radio interview the next morning; and
 - (f) the Attorney General effectively endorsed a false equivalence between the Jewish community engaging in public acts of solidarity with Israel in response to the Hamas terrorist acts and public rallies celebrating those barbaric acts.
- (2) That this House condemns the Minister for Police and Counter-terrorism and the Attorney General for their dereliction of duty during this distressing time for the Jewish people and the whole community of New South Wales.
- (3) That this House calls on the Government to work with the Jewish community to ensure that public acts of solidarity with Israel can take place safely.

To his credit, this morning the Premier has forthrightly expressed his abhorrence of the barbaric acts of the Hamas terrorists in Israel last weekend. His decision to light the Opera House sails in blue and white as an act of solidarity with the State of Israel was appropriate. However, the Premier failed the critical leadership test of following through on those fine words and symbolic actions when he allowed the supporters and justifiers of savage Hamas terrorism to take over the streets of Sydney, engaging in vile hate speech, inciting violence, burning an Israeli flag, letting off illegal flares and damaging the forecourt of the Opera House, while the Jewish community was told to stay at home and a brave Jewish man who did dare come to the CBD was the only person arrested on Monday night. Vision of those pro-terrorist activists outside Sydney's iconic Opera House has been shown around the world, including on Israeli media.

The police Minister has demonstrated her incompetence for that important office. She washed her hands of all responsibility to the people of New South Wales through the pretence that allowing pro-Hamas demonstrators to take over the Opera House forecourt was purely an operational decision for police over which she had no say. The Premier has belatedly taken responsibility for what he rightly now admits to have been a failure and has given the Jewish community and the people of New South Wales an apology for the Government's failure to do its job.

That apology should have been made by the police Minister yesterday. Instead, the Minister today refused to apologise to Mr Mark Spiro for his wrongful arrest on Monday night. Mr Spiro appeared in the gallery of the other place today, so the Minister was given an opportunity to provide him with a direct apology for the manner in which he was treated on Monday night. He was the only person arrested in circumstances where there was a significant anti-Israel protest and where the most horrific of expletives were directed at the Jewish community, including "Gas the Jews", "Fuck the Jews" and expressions of that nature. If the police Minister does not have the capacity to work with the NSW Police Force to ensure that the rally planned by the Palestine Action Group Sydney for Sunday does not go ahead, she should resign so that the Premier can appoint a Minister who can deliver for the people of New South Wales.

The Attorney General's radio interview on Tuesday morning in which he professed his utter obliviousness to the events at the Opera House on Monday evening was simply embarrassing. The Attorney General went on to effectively tell the Jewish community and other members of the community wishing to engage in acts of solidarity

with Israel in this time of grief to do so privately—to stay at home and off the streets of Sydney, which were not safe. Telling the Jewish community to stay at home was a shameful act of shifting responsibility for maintaining the peace to the potential victims of violence. Thankfully, the Premier has distanced himself from those inept and insensitive remarks.

After a woman was injured by an illegal firework in Punchbowl, local Hamas supporters claimed that Punchbowl was not Vacluse and that they had a right to celebrate the attack on Israeli civilians with Palestinian flags and fireworks. The Government needs to make it absolutely clear that illegal public acts will not be tolerated anywhere in New South Wales and that directions to the Jewish community to stay at home were inappropriate and offensive. The Government needs to guarantee that all members of the community, including members of the Jewish community, can freely go about their business anywhere in New South Wales. The Premier has made a first step with his belated apology. He now needs to match his words with action. I commend the motion to the House.

Ms SUE HIGGINSON (15:16): I contribute to debate on that part of the motion that seeks to frame the assembly that took place in solidarity with the people of Palestine in front of the Opera House on Monday night as somehow illegal. Let us make clear here and now that the people in New South Wales have an unfettered right to gather, assemble and peacefully protest together on public land. They do not need permission; they do not need an authorisation from police. The repeated rhetoric from members of Parliament and those in the media, alongside the suite of laws brought in under the previous Government aimed at crushing our fundamental democratic right to assembly and political expression, is very detrimental to the health and functioning of our democracy.

I want to clarify the function of a notice of intention to hold a public assembly—the form 1, as it is commonly known. While they are routinely weaponised by police and the Government to try to mislead the public into believing that people without a form 1 approval cannot gather and protest on public land, that is not true and is wrong at law. All people can gather legally to protest on public land without a form 1 approval whenever they choose. A form 1 simply provides immunity to participants from being charged with obstruction offences during the protest in the event they choose to undertake an activity such as walking along the centre of a road, and it assists the police in their primary role of keeping people safe and coordinating traffic in the event that that is required. If a protest does not obstruct, it can happen legally without a form 1. If individuals commit offences such as obstruction or trespass as part of a protest, even that does not render the protest unlawful. It is simply the actions of those individuals that may or may not be considered unlawful by police in the exercise of their discretion.

The decision to light up the Opera House with the colours of the Israeli flag was an error of judgement by the Minns Government. When the Government should have been calling for peace, it decided to ignore decades of Palestinian pain and suffering, and made a move that would so obviously hurt Palestinian communities in New South Wales and across the country and further inflame a situation that is already so deeply emotionally charged for so many. The people who gathered peacefully on Monday night did so not in celebration of violence but because, across the media and political landscapes, there was outrage and condemnation for the loss of innocent Israeli lives, and rightly so. They have suffered endlessly and their pain has been ignored. Very few people engaged in the deeply disturbing and vile acts, and the Premier should be encouraging the police to investigate those crimes. The Government could have shown genuine maturity and solidarity for peace and projected both the Palestinian and Israeli flags on our Opera House, but it did not. Members of this place should stop characterising genuine lawful protests as unlawful. They must do better.

The Hon. DANIEL MOOKHEY (Treasurer) (15:20): The Government supports solidarity with the people of Israel. We have already discussed the horrific attacks over the weekend. I was glad to see the House resolve in a bipartisan way an expression of solidarity to the Jewish community, especially those mourning the loss of loved ones right now and those who fear for their loved ones who have been taken hostage. But the Government opposes the motion, and I am saddened that such a motion has been moved in this way. The House just passed a motion that condemned the Hamas attacks on Israel and expressed solidarity with the Israeli people. By contrast, this motion seeks to use this international tragedy to politicise and divide the House. Members should reflect on that. It is not an opportunity to play politics.

The Government has caused the Opera House to be lit in the colours of Israel. I note that the Federal Government did the same with the Australian Parliament House. The Victorian Government did so with the MCG and their Treasury buildings. The South Australian Government did so with the Adelaide Oval. The Brandenburg Gate, Empire State Building and many other international landmarks were also lit up. That is consistent with international practice in times of genuine mourning. We did the same thing in New South Wales in the French colours when there was a terror attack on the people of France. We did so in the colours of Lebanon when the people of Beirut were rocked by the explosion that killed hundreds and wounded thousands. Such an act represents the people of New South Wales.

It is regrettable that some people have used this moment to attempt to divide us. It is equally regrettable that we had utterances of hate at that rally. Hate speech is deplorable and has no place in any form of political discourse whatsoever. They do not represent the people of New South Wales and nor does anyone who would use this moment to divide us. I do not intend to elaborate much further on this matter. I stand by the contribution I made in this morning's debate regarding the substantive issue. We will call out the unnecessary partisanship that is being displayed. I also point out that this morning the Premier issued an apology to the Jewish community and has taken direct responsibility for the conduct that took place. The Jewish community has a right to be safe everywhere and at a time of mourning it has a right to congregate. The Premier's apology was sincere. Since then I have spoken to leaders of the Jewish community. I know many people will be with the Jewish community tonight as they hold a vigil. It is important that we arrive there united, in the spirit of solidarity.

I conclude by once more placing on record my appreciation for the leadership that has been displayed by lots of communities in New South Wales, especially the Jewish community. It was remiss of me not to thank the Jewish Board of Deputies and the leadership of David Ossip this morning, but I have been speaking to them regularly. We should be clear about the universal condemnation of evil. We should resolve to condemn those acts of terror and to empathise with the families as we make our way towards peace.

The Hon. SCOTT FARLOW (15:23): I support the motion of the Hon. Damien Tudehope. The Treasurer is right about the symbols of the world being lit up, and I commend the Government on lighting up the Opera House. I became aware of this situation when I was watching television news channels on a plane. I saw the image of thousands of people in Berlin huddled below the Brandenburg Gate projected with the Israeli flag. That was an uplifting moment, particularly in the context of this incident being the greatest loss of Jewish life since the Holocaust. It was a powerful moment with those people huddled in front of the gate in solidarity with Israel. Sadly, we have not seen that image in Sydney. The image of Sydney seen around the world has been one of flares, protests and people saying "gas the Jews" and "fuck the Jews" in front of our Opera House. That is a shame on this city. What has been allowed to occur is a shame. Unfortunately, it is a shame for our Jewish community that that is the image of our State that has gone around the world.

I commend the Government for its honourable intentions. There is no doubt they were honourable. I do not doubt for one second the commitment of the Premier or the Treasurer in leading on this debate. Unfortunately, a protesting mob was allowed to descend on the Opera House when our Jewish community were told to stay home, and the only arrest was of a Jewish man holding the Israeli flag. To this minute the police Minister refuses to apologise to that man, a citizen, for his arrest on the steps of Sydney Town Hall. He was excluded from our city for 24 hours for doing nothing but holding an Israeli flag. That is not only a shame but also a disgrace. Sadly, the Jewish community is hurting and it is bearing that shame. Sadly, the Government's good intentions were not implemented correctly. It is time for us to have a vigil and again light up the Opera House in solidarity to ensure that our Jewish community is safe. We want to project the image that 99.99 per cent of people in this State, no matter their religion or their background, do not stand for that in our city.

The Hon. MARK LATHAM (15:26): In his speech, the Hon. Damien Tudehope condemned the Premier. Thankfully, those words are not actually part of the motion. I think the actions of Chris Minns have been impeccable. He immediately condemned the actions, violence and terrorism of Hamas off the Gaza Strip. He effectively apologised for his police Minister's failure to apologise. That is very welcome. The Premier has done everything he can to mop up a difficult situation. He has ticked off the Attorney General. We can only wonder why someone would go on radio without any knowledge of what they were supposed to talk about. The Premier's actions have been impeccable, but not so the other two Ministers who are condemned in the motion. I am happy to support the motion.

I am known here as a very strong supporter of the State of Israel. We have engaged in those debates in this Chamber over several years, but I have to say that Ms Sue Higgs is correct in her understanding of the law. Seeking a permit, being knocked back and then having a protest is against the law. But it is possible to assemble without blocking roadways to go about protests and activities in New South Wales. Coalition members were in government for 12 years. If they thought it was a problem, they did nothing about it through that lengthy period in government. I suppose the confusion was what the police should have done about those who were on the roadway on Monday night. I am not a lawyer, but I guess they were in breach of the climate change blockade laws. If they were on the footpath, it is a bit of a contradiction and a mess for policing purposes. If they were on the footpath when going to the Opera House, that was probably okay.

It is hard to defend the New South Wales police in these circumstances. They made an operational decision, but obviously it was too tough to take on the protesters. We all understand what would have happened if they had taken them on. There would have been a riot. There would have been extensive violence and perhaps casualties and hospitalisation of people on both sides. So they made a decision that I do not necessarily agree with, but I was not there. I was not the operational commander and neither was anyone in this Chamber. In hindsight, it would

have been better to cordon off Bennelong Point, which is not hard to do, and allow members of the Jewish community to access the precinct and engage in their support for the State of Israel. It is a difficult situation, but the motion is right in saying that, in hindsight, the police and the police Minister got it wrong. But hindsight is a beautiful thing. It is the luxury of this House of lords and landowners and we exercise that today. It is a difficult thing. It is not as clear-cut as some of the speeches that have been made, but we all condemn the violence and terrorism and hope there is some resolution to the terrible circumstances in the Middle East.

The Hon. STEPHEN LAWRENCE (15:29): The motion needs to be understood for what it is: a direct attack on the operational decisions of the NSW Police Force. Those opposite understand perfectly well that the police Minister had absolutely no role in making the operational decisions. Three particular circumstances have been latched onto opportunistically and dishonestly. The first circumstance is that the police at Town Hall did not wade in and engage in mass arrests. How dare those opposite engage in criticism of the NSW Police Force for not doing that? The Hon. Mark Latham made a good point in his contribution about the inevitable consequences of such an action. I do not think that any member opposite has been a police officer. Frankly, I suspect the reaction of the police officers involved to the suggestion that they ought to have engaged in mass arrests would be laughter.

The second circumstance is the decision to arrest the gentleman with the Israeli flag for an apprehended breach of the peace. What are the police to do in circumstances where there are hundreds of people engaged in the Palestinian protest and a person turns up with an Israeli flag? I make no criticism of that man, but what are the police meant to do when they apprehend a breach of the peace in those circumstances? There are people subject to police powers such as move on orders and so forth for no fault of their own. How dare those opposite criticise the operational decisions of the police?

The third circumstance is the fact that police accompanied the protesters from Town Hall to the Opera House. Again, it was an operational decision by police to minimise the risk of harm. It had nothing to do with the police Minister. Those were operational decisions made by hardworking and committed police officers who have taken an oath. Those opposite cannot disguise what they are really doing, which is attacking our police officers by framing the motion with reference to the police Minister, who has absolutely no role in those decisions.

Another issue is the information communicated to the Jewish Board of Deputies about people not attending the Opera House that evening while the protest was occurring. What were the police meant to say in response to that query? Are those opposite seriously suggesting that the police ought to have said to those people that they should attend in those circumstances? Those opposite would not do that if they were in that position of responsibility, yet they come here in an opportunistic and dishonest way at this critical time. Opposition members preach unity and the particular values of tolerance, respect and concern for people; they do the opposite when they sow division and disharmony. It is nothing but rank hypocrisy. Frankly, it is quite disgusting.

The Hon. NATALIE WARD (15:32): I support the motion wholeheartedly. The Hon. Damien Tudehope is quite right to bring the motion to the House. The events of Monday night and the response show a complete lack of accountability by senior Ministers in the Government, and that is a disgrace. The Hon. Damien Tudehope is quite right to call it out. That is the job of the Opposition, and this is the entirely appropriate place to do so. While the Premier made the correct decision to light the Opera House on Monday night and made the correct decision to apologise—he has led in those things—the fact that the Jewish community was told to stay at home while a pro-Palestinian, pro-Hamas terrorist group was told that it was fine to rally through our streets from Town Hall to the Opera House yelling antisemitic abuse is not okay.

What was the response of the Attorney General? He was "not across" what happened. The Opposition is right to call that out. The Attorney General's job as the first law officer is to know what happened and be across it, particularly when he is appearing in the media. His response was that "everyone needs to stay inside; the streets are not safe". I am sorry, but that is his job—and it is the job of the police Minister and the job of the Government and it is the job of the Opposition to call that out. The Attorney General is the first law officer in the State and it is our legal system that enables people to protest and to be protected from mobs and from abuse and discrimination. This is Sydney in 2023. This is not a war zone. This is not a place of conflict. It is a place where the most recognisable landmark in the country was flashed around the world showing hate speech, incitement to violence and endorsement of the murders of innocent people by a known terrorist group.

The police Minister takes no accountability for her Government. She does not care and will not apologise after those actions took place. The group was allowed to chant "Gas the Jews" and "Fuck the Jews"—that is hate speech. That is incitement to violence. It was not a lawful protest. With the greatest respect to Ms Sue Higgins, public assembly may be lawful, but incitement to violence, burning a flag and using hate speech is not.

Ms Sue Higgins: I didn't say it was.

The Hon. NATALIE WARD: I am not critical of your view on protesting and public assembly, but I am critical of what actually happened there, which was endorsed and not managed. The job of the Government is to manage such things. The Government had notice; it knew what was about to take place. The Government talks about transparency but will not answer questions. The Government talks about accountability but criticises the Opposition for even asking questions and is arrogant in its approach in this place while facilitating hate speech at the most iconic location in Australia. The arrogance of the Hon. Stephen Lawrence is breathtaking and bottomless. "How dare the Opposition criticise"—well, that is our job. These were not operational matters. It is about the leadership of the police Minister, who was missing in action, and of this Government, which needs to do better. I have sat in those security meetings. I know the briefings that the Government receives. The Government needs to do better and to keep people safe on our streets at a minimum.

The Hon. ANTHONY D'ADAM (15:35): I wholeheartedly agree with the Hon. Scott Farlow about how disgusting the comments made by some of the protesters were. They were vile, disgusting comments that should be rightfully condemned. I say to those people that they are no allies of Palestine. They have done great damage to the cause of Palestine in this country, and I condemn them for that. I make the point that this is a very emotional time. People are hurting; people are grieving. The Jewish community is grieving. The Palestinian community is also grieving. People in my community in south-western Sydney are worried about their family and friends in Gaza. It is not just the Jewish community that has something to worry about in this circumstance. War is a horrible thing, and it threatens many people and many communities in this State. People are rightfully worried.

People in those communities need an opportunity to express their solidarity as well. I think that is important. It would be problematic if we were to suppress the opportunity for another part of the community to express solidarity with their family and friends at risk in Gaza. That would have the potential to really suppress that grievance, which is a seedbed for further problems for our community—for further disunity and conflict. We need to be very careful when we call for protests. I reject the assertion implied by the shadow Treasurer that to be pro-Palestine is to be pro-Hamas. That is not the case. A pro-Palestine rally in solidarity with those in Gaza should be allowed. To assume that it is going to be a pro-Hamas rally is incorrect and unfair.

That community needs the opportunity to express itself in a free and democratic society, and we need to be able to facilitate that. Our police force needs to be able to manage those conflicts: the competing rights of those who want to express solidarity, whether it is with Israel or Palestine, and those want to be able to just go about their daily business without fear of vilification, harassment or violence. I am confident that our police can do that. Finally, we should avoid a situation where we expect the Minister to make judgement calls that are rightly the role of the NSW Police Force.

The Hon. SUSAN CARTER (15:38): "I pray he got shot before his parents so he didn't have to watch them die." These are the words of 14-year-old Solly Vanunu, grieving the loss of his mate, and his friend's entire family, slaughtered by Hamas terrorists in their own home. Solly said:

It's hard to concentrate on your maths homework when you know he was murdered in cold blood.

Solly is grieving like no 14-year-old should have to, but too many are, together with Jewish Australians and, indeed, all Australians and people throughout the world. They are grieving the terror that was unleashed by Hamas, grieving the news that babies were beheaded, girls and grandmothers torn from their own homes, and 14-year-olds shot dead in their beds. On Monday 9 October the State Government compassionately offered to stand with Israel and its citizens against this terror and lit the Sydney Opera House with the Israeli colours. The sails shone blue and white, in common with landmarks all over the world, to provide a focus for a community expression of grief. We know how this was disrupted, and not just by a demonstration and the burning of an Israeli flag, but by what we would all agree is hate speech outlawed by section 93Z of our Crimes Act.

Chants of "eff the Jews" and "Gas the Jews" rang out through the streets of Sydney. This is not just hate speech; it is shameful speech and used shamelessly to disrupt a peaceful and prayerful gathering. As a civilised society we need to condemn terrorist actions, not celebrate or excuse them. The collective mourning for loss and the celebration of terror are not morally equivalent actions. Advising everyone, mourners and celebrators alike, that they should all stay home—advice unhelpfully offered by the Attorney General this week—suggests that all of those actions are equally flawed, and both mourners and revellers should desist. That advice is wrong. Suffering calls for mourning; loss calls for grieving. Jewish Australians, in common with all Australians, should be able to mourn their great loss collectively, publicly and safely. We have laws to protect all of our people and to protect against hate speech. This is a time when they need to be enforced. It is a test of our civil society, and it is the role of our first law officer, our Attorney General.

Dr AMANDA COHN (15:41): It has been very traumatising to hear the hate speech repeated in this Chamber.

The Hon. DAMIEN TUDEHOPE (15:42): In reply: I thank all members who have contributed to the debate. The context of this event is surrounded by emotion, and I acknowledge the triggering effect of repeating some of the hate speech, which was, in many respects, the objectionable part of the rally. I start by addressing the Treasurer's comments in his contribution. He suggested that the motion was somehow a partisan approach to dealing with particularly emotional circumstances. To seek to quarantine the responsibility of Ministers by asserting that to do so represents a partisan approach is, quite frankly, astonishing.

Ministers have a responsibility to act in accordance with their charter and it is the responsibility of this place to expose Ministers who are not up to carrying out their responsibility. The actions of the Minister demonstrate that she is not capable of being the police Minister. The views of the Attorney General—that if the Jewish community sought to act in solidarity with the people of Israel, they would somehow be contributing to the nature of this demonstration—exacerbated a problem situation. It was an abrogation of the responsibility of Ministers.

To suggest that this is a partisan approach to examining the role of Ministers and that somehow quarantines this debate from taking place is an absolute denial of what we are here to do. In fact, as part of our obligations in this place, we are required to hold Ministers to account. This Minister failed to give any direction to the police. She failed to articulate a position of the Government that the police could operationally act upon to make sure that people acted primarily in accordance with the Premier's articulated wish that this gathering was a show of solidarity with the people of Israel. What we got from this Minister was no leadership whatsoever. We got nothing from this Minister that would demonstrate to those for whom she is responsible that she was on top of her brief. In those circumstances, we have to stand here today and say, "This Minister is not up to the job, and she should resign."

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

The House divided.

Ayes20
Noes21
Majority.....1

AYES

Banasiak	MacDonald	Rath (teller)
Borsak	Maclaren-Jones	Roberts
Carter	Martin	Ruddick
Fang (teller)	Merton	Taylor
Farlow	Mihailuk	Tudehope
Farraway	Mitchell	Ward
Latham	Munro	

NOES

Boyd	Graham	Mookhey
Buckingham	Higginson	Moriarty
Buttigieg	Houssos	Murphy (teller)
Cohn	Hurst	Nanva (teller)
D'Adam	Jackson	Primrose
Donnelly	Kaine	Sharpe
Faehrmann	Lawrence	Suvaal

Motion negatived.

Visitors

VISITORS

The PRESIDENT: I welcome into the public gallery former Premier of Queensland the Hon. Campbell Newman. You are very welcome.

Motions

GENERAL PRACTITIONERS

Dr AMANDA COHN (15:53): I move:

- (1) That this House notes that:
 - (a) on 4 October 2023, Hamish Blake, of the iconic Australian comedy duo Hamish and Andy, on their weekly podcast, stated "I honestly think I could get through one day of being a GP [general practitioner]. I can get through a day because I have enough general medical knowledge. I do a lot of googling medical issues and I have got now 20 years' experience of going to the GP", in addition to alluding that a general practitioner's day is mostly "colds and stuff" and referrals to other practitioners;
 - (b) this statement is as ridiculous as thinking that being a frequent flyer equips you with the skills to fly an aircraft; and
 - (c) Hamish Blake would be as bad as a general practitioner as a State parliamentarian hosting a comedy podcast, but with far worse consequences.
- (2) That this House further notes that:
 - (a) primary care is both the most effective and cost-effective part of the health system;
 - (b) general practitioners are registered specialist medical practitioners with the Australian Health Practitioner Regulation Agency who, following their primary medical degree and internship and residency in a public hospital, have undertaken an additional two to four years of postgraduate training and gruelling exams from the Royal Australian College of General Practitioners or Australian College of Rural and Remote Medicine;
 - (c) insufficient numbers of junior doctors are choosing a career in general practice, in part because general practitioners are underpaid and undervalued relative to other medical specialties;
 - (d) 60 towns across New South Wales have been identified as at risk of critical doctor shortages, as financial pressures have jeopardised the viability of general practice clinics and general practitioners are facing burnout following their service on the front lines of the pandemic, floods and bushfires; and
 - (e) being belittled in mainstream media has further worsened morale.
- (3) That this House:
 - (a) affirms its appreciation of the skills of general practitioners, and the importance and complexity of their work; and
 - (b) commits to improving the sustainability of the primary care workforce, including by removing barriers for junior doctors to choose a career in general practice.

I congratulate Hamish Blake. If he thinks that his GP's job is easy, then he is privileged to have either excellent health or an excellent GP who makes extraordinary work look easy.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): Order! Members will leave the Chamber quietly. I cannot hear the member, and she deserves to be heard in silence. Dr Amanda Cohn has the call.

Dr AMANDA COHN: Thank you, Mr Deputy President. Obviously, the segment was intended as a joke. But this joke was easy to make because the perception of GPs as somehow lesser doctors is widespread, and this is hurting the morale of GPs, discouraging junior doctors from becoming GPs when we are facing a national shortage and, by extension, harms every one of us. It is not okay to punch down on an exhausted, undervalued and essential workforce. The premise of the segment was to ask, with your current skill set, what the highest paying job you could show up to and competently work a day at is.

I warmly invite Hamish Blake to have a go at State politics for his next episode. There are few people who can attest with the certainty I can that it is much easier to be a State parliamentarian than to be a GP. GPs know more about gynaecology than cardiologists, more about cardiology than orthopaedic surgeons and more about orthopaedics than psychiatrists. GPs are responsible for writing referrals to other specialists not because they love paperwork but because they know whom you need to see and when and what information their colleagues need. GPs are experts in diagnosing when symptoms could indicate a number of different conditions across different body systems.

GPs can work out whether you are tired all the time because of stress, depression or cancer. Some people do understand this. People with chronic illness and older people who are lucky enough to have a regular GP value the relationship they share. Rural communities value their GPs, who are often also running emergency departments, delivering babies, giving anaesthetics, performing minor surgery and caring for patients admitted to the local hospital. One rural GP told me what she would say to Hamish Blake:

You're welcome to come and spend a day with me. Yes, the first 3 patients with a cold do just need reassurance. And sure, we can send the patient with difficulty breathing to the hospital. Except this is a solo doctor rural town and you are also the doctor on call for ED... Better not take too long to make that decision because there's a woman anxiously waiting at the clinic for her biopsy results and you need to tell her that she has breast cancer. She does need a referral to a specialist but she also needs information and support and will continue to need your help for years along her cancer journey. Then there are still 10 more patients to see on this morning's list.

As patients walk through the door, GPs often wish that the consultation really is for a common cold, but often it is far more complicated. I have received more examples than I can possibly fit into a five-minute speech. A patient's back pain was actually metastatic prostate cancer. Another came for reflux tablets but was really having a heart attack. A baby with a fever turned out to have early meningitis. For one in five victims of family and

domestic violence, the first persons they will disclose their abuse to are their GPs. GPs are the sticky tape holding a crumbling health system together, advocating for patients navigating impossible systems like the NDIS or mental health systems.

They are spending unpaid hours on the phone, arguing with hospitals with impossible waitlist rules and other services that refuse to see complex patients in the too-hard basket. Many people do not know that the work GPs do in between appointments, from checking test results to liaising with other specialists or a patient's family members, is not covered by Medicare. Some of the most important work GPs do is invisible. Nobody talks about the cancer that never developed or the infection their children avoided because they were vaccinated. Much of the work of GPs is difficult, but not all of it is. One GP told me in preparation for this debate:

It's a privilege to hold such an intimate space in an otherwise-stranger's life, to celebrate their joys and mourn their losses.

Many of my general practice colleagues have visited their patients in hospital or attended their funerals in their own time. I ask members today not only to thank GPs for their extraordinary and essential work but to remember our responsibility as elected representatives to meaningfully improve primary care and look after this workforce through our decisions in this Parliament.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (15:57): I lead for the Government on this motion. I thank the member for bringing the motion and indicate that the Government will support it. I must confess that I have not listened to this particular podcast, but I have watched a fair bit of Hamish Blake on *Lego Masters*. That is my family's usual method of encountering him. I accept that the podcast segment is a lighthearted take on how many of us think we could be experts on other things but that, after walking a day in their shoes, that might no longer be the case. But I speak to the more serious and substantive issue raised by the member, which she is very passionate about and I am pretty passionate about. She outlined the role of GPs in the early intervention on a range of issues and in supporting so many parts of primary health care.

I have been in awe of my GP, and I know that many others feel that way about their GPs. You can go and talk to them about a cold, a potentially broken foot, a serious mental condition or the latest in vaccinations, and they can give you a considered and careful response across any range of medical issues. That is a huge challenge. They become like part of your extended family, but that also takes an amazing emotional toll as well. The way that GPs go above and beyond is certainly contributing to the shortages that we are seeing.

I put on the record the Government's support for the important work that GPs do in providing primary health care. I note that there is a shortage of GPs as existing GPs retire. Fewer junior doctors are choosing to enter general practice, and that has important implications for the State Government, which has responsibility for funding the emergency health system and hospitals, and the burden that puts on them. GP shortages are particularly felt across rural, regional and remote parts of New South Wales.

The New South Wales Government is working closely with the Commonwealth, as well as with the Rural Doctors' Association NSW and NSW Rural Doctors Network, to address those issues. The Government is delivering ongoing investment to increase the number of rural generalist training positions by an extra 16 over the next four years and boosting the 15 GP procedural training positions currently available by an extra five. There is much more work to do in that space. I commend the work of the Minister for Health, Ryan Park. He is a good friend and an excellent Minister for Health. He understands the important role of GPs, and we have been working closely on that issue and others.

The Hon. DAMIEN TUDEHOPE (16:00): I also support the motion. I have the added benefit of having a father who was a country GP and seeing the workload that he endured while bringing up a large family. I recall a circumstance where he delivered triplets at the local hospital, which I think was a 15-bed hospital. There would not be many circumstances where a local country GP would perform that kind of emergency delivery. I also got to observe that he would attend at level-crossing crashes at two o'clock in the morning. Moss Vale, where we lived, was a railway town. It was a very small town at the time; it is now not so small. He would attend at two o'clock in the morning to drag people away when there had been a level-crossing crash.

To diminish the work that country GPs do, in any respect, is to not understand the relevance that GPs hold in the community and the extent to which they are relied upon by communities, certainly by rural communities, as a first point of contact for dealing with the whole gamut of personal problems that people have, whether it is acting—as the member rightly said—as the local psychologist, orthopaedic surgeon or any other medical capacity that they are required to act in. In many respects, the great challenge for GPs these days is to make sure they get their diagnoses right. There are opportunities where technology can assist the profession no end from where it was in the sixties and seventies, when I was growing up. We ought to walk away from in any way deprecating or diminishing the role that GPs have in our community.

I say to the Government that any opportunity to increase GP availability in rural areas, and increase GP availability to take the pressure off emergency departments in our hospitals, should be warmly embraced by any government. We ought to be ensuring that there are more university places available and offering incentives for GPs so that they can establish themselves in rural communities and not just be fly-in fly-out providers of services. We ought to do that to embed them as part of the community. My father was the president of the local historical society as well as being the local GP. I say to all members that it is an honour to be the son of a GP. It is an honour to be given the opportunity to acknowledge the work that GPs do in the community.

The Hon. EMILY SUVAAL (16:04): I also speak in support of the motion. I commend Dr Amanda Cohn for bringing the motion before the House and for her work more generally as a GP before she came to this place. I also take this opportunity, as outlined by Dr Amanda Cohn, to thank GPs for the work that they do. I look forward to working with the member to meaningfully improve the State's primary care system, as she has also outlined. It is important work to do. I have previously been on the record saying that GPs play a crucial role in our health system, particularly in rural communities. They are the cornerstone of our health system. They are oftentimes the first line of defence. People feel comfortable going to them.

People sometimes have a GP that they follow around. I remember having a good GP that I used to travel an hour to see because she was such a good GP, she knew me well and she was across all of my different needs. I would travel to see her from whatever corner of Sydney I was living in at the time because she was so good and so instrumental in my health and wellbeing. The role of GPs cannot be taken lightly. It is very much a vocation, like so many different aspects of health care. GPs are an important part of our communities. In Cessnock, where I live, a number of local GPs have been working in the community for decades. Indeed, the GP that delivered my husband at Cessnock Hospital is still practising, and we see him in the local emergency department.

We have a GP-run emergency department in Cessnock. They are wonderful. They know our local community, and they are able to have honest conversations with people. They know all of the family members and family histories. Rural areas, in particular, would be lost without GPs. Hospital systems would not run and babies would not be able to be delivered at a number of hospitals that are run by GPs in the regions. They provide so much in regional areas, and I thank them for that. I thank Dr Amanda Cohn for bringing the motion to the House. I look forward to working with her in whatever way I can to make sure that we improve primary health care in a meaningful way in this place.

The Hon. CAMERON MURPHY (16:07): I make a contribution to the debate by also thanking Dr Amanda Cohn for bringing the motion to the House. I particularly speak about the second part of the motion. In relation to the first part of the motion, I did not see the actual segment or listen to the podcast, but I read a transcript of it. I took the view that it was obviously ironic. It is the Dunning-Kruger effect. Nobody could possibly replace the important work that a GP does. That is how I viewed it. But the great thing about the motion is that it gives us the opportunity to talk about the wonderful work that GPs do, particularly in regional areas, in the outer suburbs of Sydney and in rural areas. The GP is the central healthcare provider in those communities. They are the person that most families go to as someone that holds a position of trust and that is often able to deal with issues that go well beyond primary health care. They are the first port of call in dealing with many issues that families face, beyond simple medical matters.

This Government absolutely supports GPs. There are a number of programs, including the program managed by the Rural Doctors Network on behalf of NSW Health which has just expanded the number of cadetships from 16 to 48 to, hopefully, provide new rural GPs in the future. In addition, the Government has done an enormous amount of work supporting health care and essential services across New South Wales more generally. We are going to increase the number of healthcare workers. There has been a lot of talk in this House about the additional 1,200 nurses and midwives. We will also place up to 500 paramedics in rural and regional areas. That will assist GPs by taking a load off them. I would not advocate what Andy from the Hamish and Andy podcast said—"Just google it. And if that doesn't work, go to the emergency room." We need people to go to their GPs for a holistic view of their health care and for proper assistance, rather than people just googling, getting it wrong or overwhelming our emergency rooms. I thank the member for bringing this important motion to the House.

Dr AMANDA COHN (16:11): In reply: I thank Minister Houssos for her comments on behalf of the Minister for Health. I also thank the Hon. Damien Tudehope, the Hon. Emily Suvaal—particularly as a former nurse and member of Portfolio Committee No. 2 - Health—and the Hon. Cameron Murphy for their supportive comments. I hope that that enthusiastic support will continue into the future, as primary care needs our support. The key ask from GPs to the New South Wales Government is for an exemption to payroll tax, and the current Government has agreed to a 12-month pause while that is looked into. I look forward to discussing that issue again at the end of those 12 months. In conclusion, I hope that all members of this House have their own regular GP.

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

Motion agreed to.*Documents***LOCAL AND COMMUNITY PROJECT GRANTS****Production of Documents: Order**

The Hon. CHRIS RATH (16:12): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 25 March 2023 in the possession, custody or control of the Premier, the Deputy Premier, Minister for Education and Early Learning, Minister for Western Sydney, and Minister for Skills, TAFE and Tertiary Education, the 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, the Treasurer, the Minister for Finance and Minister for Natural Resources, the Premier's Department, the Cabinet Office or the Treasury relating to local and community project grants:

- (a) all documents relating to the Local Small Commitments Allocation;
- (b) all documents relating to the Community Building Partnership; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Pork-barrelling is wrong. It is not just economically inefficient; it is also unethical. I will not say that the former Government got everything right, but the present Government has serious questions to answer, given that on 11 May 2023 the Premier said:

Grants approved under my government will adhere to the highest standards ever seen in NSW.

If the Government believes it is adhering to the highest standards ever seen in New South Wales, it should have nothing to hide by supporting the motion. The motion calls for transparency in relation to the Local Small Commitments Allocation program and its administration under section 10.3A (2) of the Government Sector Finance Act 2018. Prior to the 2023 New South Wales election, each Labor candidate had \$400,000 to splash on election promises, regardless of whether they received a mandate from their community, but only if Labor was elected to power. That seems to be a clandestine slush fund to be used by Labor candidates to outspend their opponents. What makes it a prime example of pork-barrelling is a simple test of two questions. The first question is was the fund open to the wider community? The answer is obviously no. The second question is was the fund only open to organisations approached or hand-picked by Labor candidates? The answer to that question is yes.

I expect that the crossbench—The Greens, in particular, who have colleagues in the other place—is concerned by this pork-barrelling fund. In Balmain, which has a Greens representative, Labor candidate Philippa Scott offered \$20,000 to Leichhardt Public School P&C. As explained by a Labor volunteer, who was Ms Scott's campaign manager at the time, the Local Small Commitments Allocation was "internal to the campaign". All other candidates in Balmain and statewide were unaware of this secret slush fund until it was revealed by *The Sydney Morning Herald* 10 days out from the State election. I thank the Leichhardt Public School P&C, who told *The Sydney Morning Herald*:

Our P&C will not participate in accepting grants ahead of an open competitive grant process as we want to be awarded grants on merit.

Thank God for the Leichhardt Public School P&C. They knew what was right by saying they wanted to be part of a competitive, open grants process, even if the Labor candidate and the New South Wales Labor Party did not have that same level of integrity during the election.

Kobi Shetty in the other place has made comments on that exact example. If those sorts of funds are given out in a clandestine way, not in an open and transparent process, how many people may miss out on being elected? How many people who would not have had the same access to funds and did not know that those funds were available did not win? It could change election outcomes, electorate by electorate, if that amount of money was not made available to other candidates. Similarly—and the Hon. Mark Latham has spoken about this—*The Sydney Morning Herald* on 31 August reported that in Camden a Labor MP promised \$75,000 to an organisation she helped establish. That raises serious questions about probity and a potential conflict of interest that needs to be examined. Taxpayer funds that give Labor candidates a war chest to be weaponised against their opponents is not how grants should be fairly and efficiently administered, as previously advocated strongly by the Hon. John Graham and his fellow ministerial colleagues in this Chamber. This program should not have been administered by Australian Labor Party advisers during an election campaign and kept hidden from Labor's opponents until exposed by the media. I commend the motion to the House.

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) (16:17): The Government proposes an amendment to the motion. I move:

That the question be amended by omitting paragraph (a) and inserting instead:

- (a) all documents relating to approvals of projects, including approval of allocations to councils for parks and playgrounds, that have been assessed by the Premier's Department and approved under the Local Small Commitment Allocation guidelines;

The Government is open to supporting the motion if the amendment is agreed to by the House. I understand why the motion is of interest to the House, but I speak up for the good aspects of the program. The program will deliver election commitments of an equal value of \$400,000 to every electorate around the State. The Government believes it is appropriate for parties to make commitments at elections. Forty-eight projects have now been approved, as recommended by the Premier's Department. The amendment would see all those approvals placed before the House, and that is appropriate. I have instructed that local members of Parliament are to be advised of any allocations in their electorate prior to a public announcement being made. I have also asked that the details of approved projects be made publicly available on the grant funding website within 30 days of the execution of a funding agreement. That is earlier than would normally be the case. I have tabled the relevant guidelines in the House so that all members can see what they are.

In 44 electorates, funding has been made available to local councils to upgrade playgrounds and parks. All those approvals will be available to the House if the amendments are agreed to. It is important to note that the funding is equal for every electorate. The commitments have been made. There is no question about that. It does not matter how people voted; if an election commitment was made it will be delivered by the Government. That is an important principle. It is a step away from the cultural pork-barrelling that we have seen. It is a non-competitive, one-off program that will be administered under the grants guidelines. I tabled the guidelines in Parliament several sitting weeks ago so that they could be examined by members, and I am happy to answer any questions about them as they arise. It is an important step forward to let the House know what has already been approved under the guidelines.

Ms ABIGAIL BOYD (16:20): The Greens support the motion as amended. I thank both the Opposition and the Government for the constructive conversations that we have had about the call for papers. Fundamentally—and I have heard a lot and listened carefully to arguments to the contrary—I do not think that the program, on the face of it, passes the sniff test. We need to look at it. As I understand it, candidates of a particular political party are saying, "Here is an amount of money that you will get only if Labor is elected. I'm here campaigning with you." I do not want to say it is buying votes—it is not quite that clear—but it is certainly influencing a vote towards a particular candidate in a way that is not possible for other candidates.

The Greens will not form government any time soon but if we had all our candidates out there saying that if The Greens win government each candidate will spend a certain amount in their electorate, it would just not add up for me. I accept that it is not similar in nature to a lot of the pork-barrelling of the previous Government, but it is a form of a grant scheme that is predetermined. I am interested to see what checks and balances are put in place, but it is not the same as other grants processes where an application is considered on its merits compared to other applications. Rather, it is at the discretion of each candidate to decide based on what they thought was going to get them elected at the time. That is not how the expenditure of public money is supposed to work in a democracy, so I and all The Greens, particularly the member for Balmain, Kobi Shetty, are very interested to see exactly how that has occurred.

We support the amendment because we believe the amended order will still provide sufficient evidence and information ahead of estimates to give us more of an understanding of what we are working with and where the issues may be. We can then grill the relevant Ministers with a view to supporting a further call for papers after estimates if necessary.

The Hon. SARAH MITCHELL (16:23): I speak in support of the call for papers motion moved by the Hon. Chris Rath. I agree with Ms Abigail Boyd, which is not something I say a lot in this Chamber, that something is not quite right. Members on this side of the Chamber can see that. I speak on behalf of a number of my lower House colleagues who have discussed the issue with me. There is no doubt that a slush fund was set up prior to the election so Labor candidates could hand-pick projects in their communities to try to win votes. I am certain of that because there was no application process. People who would have wanted to apply for a cut of that \$400,000, who may have had reputable projects, did not even get a look in or know that it was an option.

The Government says that it is not pork-barrelling because every candidate is getting the same amount but the fact is that taxpayer money is being used to try to buy votes. The Government can sugar-coat it as much as it wants to, but the reality is that there was not a proper process. We know that there were discrepancies in how much was allocated by certain candidates. Some of my lower House colleagues have been made aware of the

parks and playgrounds that the Minister mentioned in his amendment but there is no consistency. There was no clear set of rules and no open application process. There is no information about it anywhere.

I asked a series of questions of the Special Minister of State on notice relating to a number of regional electorates. I asked for the list of projects that have been approved but, frankly, I did not get a good answer—only that it was not pork-barrelling and that every electorate got the same amount. With this amendment the Government now says that it is happy to provide the list of projects that have been approved and those that are being assessed. We asked for that weeks ago but we did not get it. It is only now that there is a call for papers that the Government is offering it as some kind of bridge forward.

But the fact is that something is going on with this program. If it is all open and transparent government under Premier Minns, as the Labor Party promised before the last election, the Government should give us the list and tell us who has applied, who was asked to apply and what was the role of Labor candidates in every lower House seat in putting the projects forward. If there is nothing to hide, why will the Government not support the Hon. Chris Rath's motion as it stands, calling for papers for information about taxpayer money. We would like to know who made the decisions to allocate it, where it is going—which community organisations or councils are getting it—and where that connection is. It is about openness and transparency, and so far the Government is clearly failing that test. I support the call for papers. We need answers and I agree with Ms Abigail Boyd that there are more questions to be asked and that the House will probably come back to the matter.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:26): I was not intending to make a contribution but I must say that it is remarkable that a member of the National Party, with a straight face, accuses the new Minns Labor Government of pork-barrelling and not having a process. I will put a few facts on the record. Of course, I support the approach outlined by the Special Minister of State and the excellent work that he has been doing in this space. It has been deeply informed by the work both of us did as committee members in the grants inquiry.

To be clear, one of the key revelations in that inquiry was that the National Party and the previous Coalition Government politicised emergency bushfire funding for the first time. Instead of choosing to provide bushfire emergency funding to affected areas, like the Blue Mountains and the Central Coast, it funded what can only be described as a pond in Kempsey that had previously failed other grant application processes. The Labor Party took this to the election and said that each electorate would receive an equal share of money. That is not pork-barrelling. That is being clear with the public and saying, "This is what we are committing to the electorate. We will provide every electorate with the same amount of funding and that is—"

The DEPUTY PRESIDENT (The Hon. Rod Roberts): Order! I am reluctant to cut into the Minister's time. I have watched the debate closely. As tempted as the Minister may have been to interject during the contribution of the Deputy Leader of the Opposition, she did not do so. I expect the Deputy Leader of the Opposition to show the Minister the same courtesy. The Minister has the call.

The Hon. COURTNEY HOUSSOS: We saw some egregious behaviour from the previous Government. For a member of the National Party, and a member of that previous Government, to lecture us about pork-barrelling is a remarkable development in this place. We stand by the fact that we took the project grants to the electorate. We won the election and that is what we are delivering for the people of New South Wales.

The Hon. WES FANG (16:29): Like the previous speaker, I was not going to speak to this motion, but I felt compelled to make a contribution after hearing the hypocrisy of the Minister talking about the contribution of my good colleague the Hon. Sarah Mitchell and trying to paint what is, I guess, a bit of a rort by the Labor Party as something that is not a rort. By all accounts, this was a rort because it was not announced. It was not open. Labor candidates were using a slush fund to make promises to get Labor elected. It was administered by Labor head office and, Mr Deputy President, you know you cannot trust Labor head office.

The Hon. Courtney Houssos: Point of order: The member is now misleading the House. This was not administered by Labor head office. We have been very clear, and indeed the Special Minister of State and the Treasurer have explained this publicly. I do not agree with the characterisation of what the member said previously, and I did not take a point of order, but on this point he is misleading the House.

The Hon. WES FANG: I do not believe there is a point of order.

The Hon. Courtney Houssos: You are not the Chair.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): Order! I am the Chair in this premises; no-one else. I will make the decisions. The Hon. Wes Fang, of all people, should know better.

The Hon. WES FANG: Probably.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): One more interjection and the Hon. Wes Fang will be on another call to order. I note the time. I will allow the member to continue, but he should be very cautious about what he says.

The Hon. WES FANG: I move:

That the amendment of the Hon. John Graham be amended as follows:

- (1) Insert "or rejections" after "relating to approvals".
- (2) Insert "or rejection" after "including approval".
- (3) Insert "or rejected" after "and approved".

While I have 26 seconds left, I will continue my contribution and say that, if this was so transparent and honest, we would not be moving this motion. If it was transparent and honest, Labor would have been honest about it during the election campaign. We know what Labor is like. It is not transparent or honest. Not until it is dragged, kicking and screaming into this Chamber with an SO52 do we see a little bit of transparency from this Labor Government.

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) (16:32): The amendment is acceptable to the Government. It is a sensible addition, and we would be happy to agree to it.

The Hon. CHRIS RATH (16:32): In reply: In relation to the amendment, I think the one thing we wanted to ensure in this SO52 request is that all of the documents relating to projects were included, whether they were approved projects or whether they were considered and rejected, and by having the Hon. John Graham's amendment, without further amendment, those types of documents should be included. I thank everyone who contributed to the debate. If we look at where we have come from in terms of the last few years, a lot of positive steps have been taken in cracking down on pork-barrelling by the previous Government and, in its early days, by this Government.

If we look at the bill that the Deputy Leader of the Government put forward only a few months ago, grants in the future need to be efficient, effective, economical and ethical. Our concern is that these grants do not meet that threshold. We do not believe that, in the process put forward through the State election, they were efficient, effective, economical or ethical. We think that, by having access to these documents about the process behind which projects were approved and which were rejected, we will be able to assess whether the higher threshold that has recently been put forward by this Parliament has been met. I did look at the definition of "pork-barrelling" and it is the utilisation of government funds for projects designed to please voters or legislators and win votes. I think that this is a pretty clear example of that exact definition: Government funds designed to please voters or legislators and win votes.

My good friend in the other place the member for Davidson, Matt Cross, did put in a Government Information (Public Access) Act [GIPAA] application and the information that did come back was a little concerning. It was reported in *The Sydney Morning Herald* on 26 August that, of Labor's 45 seats, almost half received the full allocation, while 33 per cent were partially funded. However, comparatively, only 22 per cent of Coalition seats were fully funded, while 36 per cent received no funding at all. Furthermore, of the electorates receiving no eligible funding, 68 per cent are non-Labor electorates. The projects allocated for funding in non-Labor seats were identified by Labor candidates, and I know he has been quoted a lot yesterday and today, but the Director of the Centre for Public Integrity, Geoffrey Watson, has called this program pork-barrelling, pure and simple. This is buying votes with public money. We do want to look at the decision-making behind this process and we look forward to receiving those documents in due course.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The Hon. Chris Rath has moved a motion, to which the Hon. John Graham has moved an amendment, to which the Hon. Wes Fang has moved an amendment. The question is that the amendment of the Hon. Wes Fang to the amendment of the Hon. John Graham be agreed to.

Amendment of the Hon. Wes Fang to the amendment of the Hon. John Graham agreed to.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The question now is that the amendment of the Hon. John Graham as amended be agreed to.

Amendment of the Hon. John Graham as amended agreed to.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The question now is that the motion as amended be agreed to.

Motion as amended agreed to.

*Members***REPRESENTATION OF THE GOVERNMENT IN THE LEGISLATIVE COUNCIL**

The PRESIDENT (16:37): I advise members of an amendment to the *Minutes of Proceedings* published by the Clerk for yesterday's sitting—that is, Tuesday 10 October. This change will also be made to *Hansard*. On 28 September 2023, changes were gazetted regarding the ministerial responsibilities of the Hon. Courtney Houssos. The ministerial representation of a Minister—that is, which Ministers in the Assembly are represented by a Minister in the Legislative Council—is not part of this gazettal; rather, the House is advised by the Leader of the Government. While this may happen in the Chamber, it is usually preceded by written advice from the Leader of the Government to either the Procedure Office or the Clerk's office.

On 3 October the Procedure Office received an updated ministerial representation list. A new version of this ministerial representation list dated 10 October was sent to the Procedure Office late on 9 October. Unfortunately, the draft minutes and *Hansard* published last night contained the 3 October version, but not the updated 10 October list. This has now been corrected with both versions reported. I also advise the House that in the period between 28 September and 9 October a number of questions on notice were submitted to Minister Houssos, representing a Legislative Assembly Minister who from 10 October is now represented by the Leader of the Government. It is, of course, open to the Leader of the Government to answer those questions on behalf of the Assembly Minister.

*Documents***POLICE TASER USE****Production of Documents: Order**

The Hon. ROD ROBERTS (16:38): I seek leave to amend private members' business item No. 492 in the *Notice Paper* as follows:

- (1) Omit "21 days" and insert instead "seven days".
- (2) Insert "or Ministry of Health" after "Minister for the Illawarra and the South Coast".
- (3) Omit "relating to the Cooma Base Hospital or NSW Ambulance and the admission, transportation or treatment of Mrs Clare Nowland" and insert instead "relating to the Cooma Base Hospital or NSW Ambulance patient registration information and patient registration file of Mrs Clare Nowland".

Leave granted.

The Hon. ROD ROBERTS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution all documents created since 17 May 2023 in the possession, custody or control of the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast or Ministry of Health, relating to the Cooma Base Hospital or NSW Ambulance patient registration information and patient registration file of Mrs Clare Nowland at the Cooma Base Hospital, and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I begin my speech by noting that in 4½ years in this Chamber, this is only the third time I have moved a motion under Standing Order 52. That on its own does not mean that this motion should be passed, but I want members to reflect on the judicial approach that I take in relation to the House exercising this particular standing order. I do not do this lightly but with extreme caution. Before I go any further—it is remiss of me not to have mentioned this first—I acknowledge the assistance of Dr Amanda Cohn this afternoon in helping me prepare the amended version of the motion. I will speak to that briefly.

This call for papers relates to the hospital records of Mrs Clare Nowland at Cooma. I want to be perfectly clear—and I implore the Premier's Department, the Cabinet Office and the Minister concerned—that if there are any areas of Mrs Nowland's medical treatment that come back as a result of this order, I want them to claim privilege on that information. I seek no information relating to her treatment. It is not relevant to this matter, it should not be discussed and it should not be brought before the public. In a nutshell what I am after is this: There is a large volume of speculation about what happened at that particular time and this speculation has not been aided or assisted by the actions of the Commissioner of Police.

In May we had a number of press conferences at which the commissioner said the police did not inform the public of the true circumstances surrounding the event because the police needed to inform family members first. The police had to notify next of kin and for that reason the police did not tell the public the truth, but now that the press has them, the police had better tell them. I suggest and allege there is a cover-up in place. I note the medical experience of a number of members of this Chamber: the Hon. Natasha Maclaren-Jones is a former nurse; the Hon. Bronnie Taylor, to whom I spoke this morning, is a former nurse; I acknowledge the presence in the Chamber of the Hon. Emily Suvaal, a welcome newcomer to this Chamber but also a former nurse; and

Dr Amanda Cohn, who has worked in the public health system. I have had experience as a police officer. All honourable members and general members of the public would know that the moment a person arrives at a public hospital, the first thing that hospital staff do is notify the next of kin. That is a given.

I know and I am aware that the next of kin of Mrs Clare Nowland were informed the moment Mrs Nowland arrived at the Cooma Base Hospital because it is obligatory, but the Commissioner of Police said that the next of kin were not informed and therefore they were not obliged to tell the public what was happening because they wanted to let the family know first. This motion is the only way we will find out when the next of kin were notified, hence the call for papers. I again make it perfectly clear that I do not want any medical records. I only want the patient admission forms that show when the next of kin were notified, who notified them and at what time. That will certainly clear up the mystery surrounding why the general public was not informed of the true circumstances of this event. It is a very simple request for papers and one I do not take lightly. In the air of transparency on which the Government swept to power—that it will be completely transparent and accountable—I know the Government will have no hesitation in supporting the motion, which is very defined, narrow and concise, and will certainly clear up the mystery that surrounds this matter.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:44): I indicate at the outset that the Government will support the amended motion but that at this point the Government is unable to support the release of this particular private medical information. I state for the record that I have had several conversations with the Hon. Rod Roberts and we have sought to come to a resolution. I understand that he has done a large range of work and I also accept the point that the member does not use this power of the House lightly. It is a powerful measure exerted by this House and I very much take his declaration in good faith. I know that he does not move the motion in a flippant manner.

I acknowledge that we have sought to work through the issues today to ascertain the information the member is seeking, but as a fundamental principle the Government or a government of the day can allow private medical information to be made public. I accept in good faith the member wants privilege to be claimed over documents when it can be, and the Government would reserve that right. But as a matter of principle the Government cannot support the release because the privacy of patient confidentiality is a sacrosanct principle for the Government. I understand that he has the numbers to support his motion. I indicate the Government supports the amendment to narrow the scope, but that does not change the broader principle that we seek to enunciate. I take on board what the member has said in relation to transparency and openness. The Government has sought to provide that information, but it cannot turn away from the fundamental principle of not releasing privileged and confidential patient information.

I am advised that there are concerns relating to the production of documents that may form evidence in a current legal investigation and that they may be relevant to a related criminal prosecution that is on foot as well as a coronial inquest. I am advised that production of the material sought in the motion may prejudice those proceedings. On their face, the documents sought by the motion may be relevant to issues considered in the prosecution and coronial proceedings. I am advised that their production to the Legislative Council may prejudice the conduct of those proceedings. I reiterate that I understand the member has moved the motion in good faith in seeking transparency and accountability, which this Government takes seriously and will continue to work on, but the principle of patient confidentiality just cannot be breached.

The Hon. CHRIS RATH (16:47): I commend the motion and the work put into it by the Hon. Rod Roberts in his consultation with the Opposition, the Government and the crossbench. On behalf of the Opposition, I indicate that we support the motion.

The Hon. CAMERON MURPHY (16:48): I place on record my concerns about this motion. Standing Order 52 applications relating to the Nowland matter have come up a number of times. My concerns about them remain the same. I accept the Hon. Rod Roberts' position, which is that he is of the view that there is a cover-up or a conspiracy relating to what the police commissioner, the police Minister and other people may have said on the public record about the events at the time.

I make no comment whatsoever about whether that is correct or not. My concern about the motion is that this is just not the time for this House to conduct some sort of review into matters that are currently before the courts. I am deeply concerned that we would be asking for information that, by the honourable member's own admission, will capture medical evidence that would require somebody to make a privilege claim to exclude it from the resolution. It is inherently too broad. I just fear that asking for that information will derail the legal processes that are in place because, inevitably, information that is gleaned through this order for papers will be leaked and will make its way into the public domain.

The Hon. Rod Roberts: Point of order: I am grossly offended at the insinuation that I would leak information obtained under Standing Order 52 to the press. I am on the record here this afternoon urging the Premier's Department, the Cabinet Office and the Minister to claim privilege. To suggest that I would abuse that privilege is an absolute insult. It is a disgrace to the Hon. Cameron Murphy, and I ask him to withdraw it.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): I invite the Hon. Cameron Murphy to withdraw any statement and to clarify his position.

The Hon. CAMERON MURPHY: I will do that: I withdraw. That is not the imputation I am making at all.

The Hon. Rod Roberts: That is what you said. Let us get the *Hansard* record: You said it will be leaked.

The Hon. CAMERON MURPHY: No, I am not saying that this member will leak it.

The Hon. Rod Roberts: That is the inference that I took.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): Order! The Hon. Cameron Murphy has the call.

The Hon. CAMERON MURPHY: For the sake of clarity, I make it absolutely clear that I am not saying that the Hon. Rod Roberts would leak anything.

The Hon. Rod Roberts: Well, which member of this House are you alleging?

The Hon. CAMERON MURPHY: I am not saying that a member of this House may leak it. Invariably, these things—

The Hon. Rod Roberts: No-one else can get access to it.

The Hon. CAMERON MURPHY: I am happy to withdraw that, and I apologise if the Hon. Rod Roberts has made that inference. It was not my intention to impute that whatsoever, and I apologise to the member and to the House if that is the way it was taken. I am just concerned that the legal processes here may be undermined by information that may form evidence in the matter coming to light. [*Time expired.*]

Ms SUE HIGGINSON (16:52): On behalf of The Greens, I indicate that we will support the motion as amended by the Hon. Rod Roberts. I thank him very much for working with my colleague Dr Amanda Cohn to ensure that the call for papers is specifically targeted to the correct documents so there is minimal or no risk of exposing the health records of Ms Nowland or the medical notes that may have been made by the treating health professionals.

The production of those documents is really important and vital to the exercise of understanding police accountability and to assist in establishing how the police response to a 95-year-old grandmother resulted in her being killed and then their response to the public. It is clear that the call for papers is being made with genuine intention and in good faith. It is about transparency and accountability on a very important matter right now, and not simply the case of Clare Nowland. It goes to all wrongful police killings of innocent people and how we respond to them as a State.

Patient confidentiality is absolutely an important aspect of privacy, but the Government seeking to hide behind a blanket application is just not sound in this circumstance—particularly when the Hon. Rod Roberts has worked so clearly and articulately to make sure that there is no breach of it. Standing Order 52 is an important power of the House, and that is because members have a very important role on behalf of all constituents in the process of ensuring transparency, accountability and a check on the arms of government.

Touching on the Hon. Cameron Murphy's comments, the order for papers will not prejudice the criminal proceedings that are on foot. It does not go anywhere near them, and it is a little bit unreasonable to raise them here and now. It is clear this motion is targeted to one specific thing; it does not go to the criminality of the particular police officer and the legal proceedings involved or the civil proceedings that may end up on foot. There is no doubt that given the approach taken in the Standing Order 52 motion, on balance, the public interest in the Hon. Rod Roberts having access to the information in his pursuit of accountability and transparency far outweighs the Government's concerns. That is why we will support it.

The Hon. ROD ROBERTS (16:55): In reply: So much to say and only three minutes in which to say it. I never mentioned the Minister at all in my original contribution, but the Hon. Cameron Murphy has belled the cat. The biggest concern among Government members is the completely embattled, embarrassed and disgraceful police Minister, and they are running cover for her. I never mentioned the police Minister at all, but he brought it up, so let us have a look at that.

Going back to the Hon. Cameron Murphy's allegation that someone in this Chamber will leak the information, I note that he is a new member of this House. But I note that former President the Hon. Peter Primrose, Minister Houssos and Minister Graham are also in the Chamber, and they will recall a particularly delicate matter that I brought to this House about the son of a former member of Parliament. They will remember how delicately I dealt with that. I knew they had concerns and, at the end of the day, I think they were grateful that that member's name was never mentioned. That is the delicacy with which I treat our responsibility here, and those members will recall that.

All of a sudden, I look at the Minister who was given the job of trying to defend the indefensible—who says, "Oh, no, we can't possibly support this because it goes towards medical information", knowing that I said I do not want any medical information. We have amended the motion so medical information is not disclosed. But when those members were in opposition and I moved a similar motion about a particular police officer—not the one we have just talked about, but another one—they fully supported us getting the medical information. They claimed, "Oh, we're the new, transparent Government. We're going to be transparent and accountable." That's right, Minister Graham—keep looking at the ceiling, because there is nowhere else for you to look.

As for the Hon. Cameron Murphy's contribution, the time that Ms Nowland was admitted to the hospital will have absolutely no bearing on any criminal case. Whether the woman was admitted to hospital at 8.00 a.m., 9.00 a.m. or 10.00 a.m. will have absolutely no reflection on whether what happened at the hospital was criminal or not, so you're barking up the wrong tree there, fella. You're just trying to run a cover for your embattled police Minister, who is getting worse and worse by the day. My colleague the Hon. Mark Latham taught me an old saying: When you're in a hole, stop digging. I commend the motion to the House.

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

Motion agreed to.

Bills

WORK HEALTH AND SAFETY AMENDMENT BILL 2023

First Reading

Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. John Graham, on behalf of the Hon. Daniel Mookhey.

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

Statement of public interest tabled.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

Motions

COASTAL HARVESTABLE RIGHTS

The Hon. SARAH MITCHELL (16:59): I move:

(1) That this House notes that:

- (a) the Government has reduced harvestable rights in coastal draining catchments from 30 per cent to 10 per cent;
- (b) the former Government's policy of 30 per cent harvestable rights in coastal areas increased water security for coastal farmers and landholders; and
- (c) under the previous Government's policy, landholders needed to notify the Department of Planning and Environment before taking up the option to expand their harvestable right dam capacity above the previous 10 per cent limit and that this was to keep track of the growth in harvestable rights dams and ensure water was managed appropriately.

(2) That this House calls on the Government to reinstate 30 per cent harvestable rights in coastal areas.

I bring to the House concerns raised by the local communities of various members of the National Party in the other place. The motion is about making sure that the concerns of those farmers, landholders and irrigators is

expressed in this Chamber, because we know the importance of the North Coast, particularly when it comes to agriculture. I am sure members are well aware that the North Coast has some of our richest soil. It is a producer's dream, whether you are talking about dairy, beef cattle, macadamias, tomatoes, blueberries or bananas. They are all being grown or produced in the region.

We know that landholders in that area also contribute billions to the New South Wales GDP. They boost the local economy and provide a variety of employment opportunities for North Coast residents. The issue is about harvestable water rights, because they are crucial to the farming operations of those coastal landholders. It is about giving them the opportunity to capture and store a proportion of rainfall run-off from their landholding in dams without requiring a water access licence, water supply work approval or water use approval. The amount of rainfall run-off that may be captured and how the water can be used depends on where the land is located.

Under the former Liberals-Nationals Government in 2021, there was an increase from 10 per cent to 30 per cent in water harvesting in coastal areas to help coastal producers better prepare for drought and other natural disasters. The increase came after the Government conducted a review that included hydrological modelling and broad community consultation. Under the policy of 30 per cent harvestable rights, farmers had the ability to store vital water during wet periods. That enabled them to sustain the growth of food and provide for their livestock during droughts, ensuring food security and economic stability. However, last month—fairly quietly originally, although it did start to become quite a topic of conversation in media—a decision was made by the Minister for Water to limit coastal farmers to capturing only 10 per cent of run-off from the properties. We are concerned that decision was made in haste, without consulting those most affected.

There are scores of examples in the media of landholders talking about their concerns. The New South Wales Irrigators' Council CEO, Claire Miller, said it was a disappointing decision. Irrigators were absolutely blindsided by the decision of the Minister. That is concerning because it shows a pattern by members opposite of consultation just not happening, particularly when it comes to rural, agricultural and water issues. Key stakeholders are saying that they were blindsided, and I note that the Minister made some public commentary saying, "Well, I let them know about the change." Letting them know about the change is not consultation. The Government needs to speak to people about this. Where has the Minister for Agriculture been on this issue? Farmers are concerned about what it will mean for their productivity and their livelihood. What was her involvement in terms of the decision? Was there any consultation or discussion between the two Ministers about the impact it would have on farmers on the North Coast?

There is also concern because we are coming into a dry period. We already have drought-declared areas of the North Coast. We are on the brink of another bushfire season. Private dams play a critical role in protecting regional communities. The Rural Fire Service relies on water resources on properties to help safeguard our communities when bushfires resurge. So there are multifaceted concerns on this side of the Chamber on this issue. When we were in government, we listened to our coastal communities, and we delivered water security where it was needed. What we are seeing from those opposite is a completely different approach. We know that another drought is coming. The other Minister for Agriculture has told farmers that they need to prepare, but then we see decisions that completely blindside irrigators and do not give them the opportunity to undertake drought preparedness in their communities.

David and Caroline Duff have a farm in Toorooka in the Oxley electorate. I know that the member for Oxley, Michael Kemp, has been a passionate advocate on behalf of his community and his farmers on those issues. They are real-life people who are outraged and are disadvantaged by this decision. When you are in government, you have to make sure that you are talking to the people who your decisions will impact. The Minister for Agriculture should be sticking up for her farmers but, yet again, we see nothing coming from the Minister. We think this is an important issue. We should be backing in our farmers on the North Coast, and we urge the Government to reconsider its position.

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) (17:04): The Government will be opposing the motion. Let's start with a few facts. Most of the industries that the honourable member mentioned in her list of extremely important industries on the North Coast and mid North Coast of New South Wales would be ineligible to access the increased 30 per cent harvestable rights because they are, in fact, intensive agriculture. That is just a really basic fact—up-front. Intensive agriculture like blueberries and the other forms of agriculture that the member mentioned would not even be eligible to access this policy. So, if the member cannot even get the basic facts right, it is difficult not to doubt her credibility on the issue.

When the former Government increased coastal harvestable rights to 30 per cent, Labor did not oppose it, because there is a case to be made that sustainable extraction limits in coastal catchments should vary based on what is sustainable. At that time we had assumed that the Government had done that work. It turns out that they

had not. Not only had they not done the assessments about what sustainable extraction limits are in our coastal catchments, they had barely even started.

Of course, as we enter a drying period, the new Government made a decision to take a more precautionary approach. In fact, it is because we are entering another drought that we must ensure that our use of water in our coastal catchments is sustainable. That is a critically important principle. The reality is that when you hand extra water to some landowners, other landowners are impacted. Downstream users in aquaculture, fisheries and oyster farms all rely on water flowing down our rivers, and when you hand water to some users—as the member said—without a water licence and without a water supply works it has consequences for others. And it has consequences not just for other agricultural users but for the coastal towns that rely on that water—the critical human need.

We are entering a drying period. We need to be careful about how we are sharing our water, and a precautionary principle based on ensuring that our use of water in coastal catchments is sustainable is an incredibly important principle for the Government. In future we may be able to amend these things but, right now, we have to be careful. I make no apologies for that.

Ms CATE FAEHRMANN (17:08): I oppose the motion by the Opposition. From the outset, this exemplifies how Coalition members do water and how they did policy for the 12 years they were in government. They see water falling, hear what their mates are asking for and put in place measures to please those mates. That is basically what the coastal harvestable rights policy was. It rained quite a bit one year and there was a lot of water after the drought on the east coast. Some National Party figures like the member for Coffs Harbour, Gurmesh Singh, or Chris Gulaptis saw all of the water that would usually go to beautiful coastal wetlands, fish nurseries and the beautiful rivers in a period of drought.

They said, "No, let us capture more of that." As the Minister said, they did that without any proper assessment or review. They said, "Let us just put the limit up to 30 per cent because blueberry farmer Gurmesh Singh wants it at 30 per cent." That is essentially what happened. Read the media releases—read the local news about that time. He delivered for the mid North Coast. I also understand—and this is interesting—that when the decision was made by former Minister Melinda Pavey for Gurmesh Singh, it was implemented by former Minister Kevin Anderson.

The Hon. Wes Fang: Point of order: The member has made an imputation against a member in the other place. If she is going to do so, I ask that she do so by way of substantive motion. The former Minister did not do something in relation to a former member. I ask that Ms Cate Faehrmann withdraw that assertion.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): Does the member wish to respond to the point of order?

Ms CATE FAEHRMANN: I withdraw the assertion that former Minister Melinda Pavey did that specifically for Gurmesh Singh—although he was very happy about it at the time. Landholders were informed that if they increased their harvestable rights above the previous 10 per cent limit, they would be required to resize, remove or obtain a licence for their dam if the 30 per cent limit was determined to be unsustainable following assessment. Only 12 landholders have notified the Department of Planning and Environment of their intention to increase their dams to 30 per cent. There are only 12 of them. I support what the Government is doing. Good on the Minister for bringing the limit back to 10 per cent. The Greens oppose the motion.

The Hon. WES FANG (17:11): I support the motion brought by my friend and colleague the Hon. Sarah Mitchell on this very important issue. I note that the water Minister talked about getting the basics right. In relation to that contribution, I suggest that the basics were not done by the Minister. The Minister failed to consult with anybody before the decision was made. Then, when she was caught out for not having consulted, she tried to claim that she had consulted because she told people of the decision. The whole point of consultation is to engage and get input from stakeholders and discuss the decision before it is made. One does not make a decision and then tell the people who are affected and then suggest that that is consultation. Yet that is exactly what has happened. If the Minister wants to come to this place and talk about the basics, I suggest that the basics should be done by the Minister first. That has clearly not happened in this instance.

I also address some of the contributions made by other members. Once again, farmers are being treated like criminals. They are not criminals; farmers are the people who deliver food and fibre for us so that we can feed and clothe ourselves. If we do not deliver such things locally, we have to import them from elsewhere. Other places do not have the environmental controls that we have in this State. They do not have our rigorous environmental protections. Members opposite talk about the food and fibre producers of this State taking water, but it is not as though they are doing anything other than producing food and fibre for us. We should be supporting our farmers. We should be providing our farmers with every tool they need to do their job. Those opposite are anti-agriculture. Anti-farmer attitudes are being progressed in this House. To that point, where is the agriculture

Minister on this issue? She should be the one fighting for the farmers. She should be here telling her colleague to stop taking water from our farmers. Instead there is silence. It is people like the Hon. Sarah Mitchell who are fighting for farmers. The Nationals will always stand up for farmers.

Ms SUE HIGGINSON (17:14): I speak in support of the fantastic comments made by my colleague Ms Cate Faehrmann. I commend the actions of the water Minister and her contribution to the discussion. Frankly, the management of water under the former Government was a disgrace, with successive attempts to allow agribusiness unfettered and unlimited access to water—a shared resource. Let us not forget that does not actually help real farmers.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): Order!

Ms SUE HIGGINSON: The policy initiative was pre-emptive and absurd. It was a change to settings that had been in practice and at play in New South Wales for decades. The 10 per cent rule has been in place for a long time. It is a water harvesting right that applies to my community and the communities along the coast, particularly around the Richmond River. Right now the river health in my community is the worst in the State. The absurd policy of the former Government did not accord with the science or the evidence. I have looked at the stream health river reports that the policy and the review were based on. The figure of 30 per cent is actually contrary to the health of the rivers that we hope will continue to improve.

The health of the rivers is what helps farmers in the long term—not just the taking of water, but the water quality as well as water quantity. The former Government made the decision to increase the percentage too early. The review was still being undertaken. It is entirely responsible for this Government to maintain the status quo as we enter a period of dryness. The increase was a reckless move by the former Government and a terrible signal to reckless water management.

In the Northern Rivers right now, our rivers are in incredibly poor health. Our flood plains are suffering after the floods. Many of us are looking at further crop failure. The Opposition's signalling to some of its mates is not helping any of our agricultural communities up and down the coast—particularly mine, from the mid North Coast to the far North Coast. I commend the courage that the Hon. Rose Jackson has displayed and the steps that she has taken as a responsible Minister in working with the science and expertise and looking at the data on river health, river flows and stream flows. It is good to see the Government doing what it is doing.

The Hon. SARAH MITCHELL (17:17): In reply: I thank members for their contributions. With utmost respect to Ms Sue Higginson, I am keen to know what her definition of a real farmer is. These are real farmers. These are real people who live on the North Coast and who have contacted a number of Nationals MPs in the lower House about their concerns. As the Minister for Water is in the upper House and we are upper House members, the debate is taking place here. I make a couple of points of clarification, particularly about my comments when I spoke about the abundance of different agricultural industries on the North Coast. I was not suggesting that they are all eligible for this. I am just setting the scene for the Minister for the North Coast about how lovely it is up there and the importance of agriculture. To be clear, I was not implying that those industries were all part of this particular initiative.

The Nationals members bring these motions for debate because these are real issues that matter to our people in regional New South Wales. They matter to key stakeholders. I particularly call out the NSW Farmers. We know that those opposite will come here and move motions saying, "Aren't the NSW Farmers wonderful? We went to their conference, and the Premier came, and we spoke to them and we care about the bush." But then they make decisions like this without consultation—without talking to those key groups. The fact that somebody like Phil Ryan, the chair of the NSW Farmers Dairy Committee, has said that the decision was a kick in the guts and has nothing to do with the drying conditions that we are seeing should tell us that key stakeholders do not support the position that the Government is taking on the agriculture industry or the way it is dealing with water.

I know that water policy is incredibly complex. When I first started as a Federal staffer, my former boss used to work in it and someone said, "It's not rocket science; it's much harder." It is complex—I put that on the record. But we need to be sticking up for those people who are being unfairly and negatively impacted by decisions that are being made by this Government. That is exactly what this motion is about, and I urge members to support it.

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

The House divided.

Ayes 16

Noes 20

Majority.....4

AYES

Carter
Fang (teller)
Farlow
Farraway
Latham
MacDonald

Maclaren-Jones
Martin
Merton
Mihailuk
Mitchell

Munro
Rath (teller)
Roberts
Taylor
Tudehope

NOES

Boyd
Buckingham
Buttigieg
Cohn
D'Adam
Donnelly
Faehrmann

Graham
Higginson
Hurst
Jackson
Kaine
Lawrence
Mookhey

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

PAIRS

Ward

Houssos

Motion negatived.

DRUG LAWS

The Hon. JEREMY BUCKINGHAM (17:27): I seek leave to amend private members' business item No. 499 for today of which I have given notice as follows:

- (1) In paragraph (3), insert "consider the following at its upcoming drug summit:" after "calls on the Government to".
- (2) In paragraph (3) (a) omit the word "end".
- (3) Omit paragraph (3) (b) and insert instead:
 - (b) pill testing at all festivals.
- (4) In paragraph (3) (c) omit "decriminalise" and insert instead "the decriminalisation of".

Leave granted.

The Hon. JEREMY BUCKINGHAM: Accordingly, I move:

- (1) That this House sends its condolences to the families and friends of the two young men who died of suspected drug overdoses at the Sydney Knockout music festival held in Western Sydney on Saturday 30 September 2023.
- (2) That this House notes that:
 - (a) since 2014, the death toll due to unintended drug overdoses has overtaken the road toll every year;
 - (b) before these tragic deaths, NSW Health issued an urgent warning about high-dose ecstasy tablets which the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast, Ryan Park, called "particularly harmful";
 - (c) at the conclusion of an inquest in 2019 that investigated the drug-related deaths of six young people at New South Wales music festivals, the Deputy State Coroner, Harriet Grahame, said there was a compelling case for pill testing and urged a trial as soon as possible;
 - (d) the Deputy State Coroner called for an end to the use of drug detection dogs, saying punitive policing operations has inherent dangers and few if any benefits; and
 - (e) these recommendations by the Deputy State Coroner are also contained in the 109 recommendations of the Special Commission of Inquiry into the Drug "Ice" which reported in March 2020 after 47 days of hearings and at a cost of \$10.85 million.
- (3) That this House calls on the Government to consider the following at its upcoming drug summit:
 - (a) the use of drug dogs and other punitive policing measures at music festivals;
 - (b) pill testing at all festivals; and
 - (c) the decriminalisation of the use and possession of small quantities of prohibited drugs.

Music festivals are popular with young adults. The reality is that people will use and experiment with drugs, including when they attend festivals, and these unregulated drugs can harm or kill. Two men in their early twenties

died of suspected drug overdoses after attending the recent Knockout music festival. It was one of three festivals in Sydney on the same weekend. Police made 80 drug-related arrests and 20 people were taken to hospital, five of whom were admitted to the intensive care unit.

Importantly, a key part of this motion is for the House to send its condolences to the family and friends of those tragically deceased young men. The key issue and why the motion is before the House is that there was no pill testing at those festivals. Chemical analysis of pills helps people make informed decisions about whether they still want to take the drugs. That is the evidence. Makers of illicit drugs often cut pills with other substances or include riskier drugs. Drug-checking facilities have been effectively used internationally since the 1990s and are currently available in 20 countries within Europe and the Americas, as well as New Zealand. Since the introduction of pill testing, Portugal has had zero deaths at music festivals. The Australian Capital Territory Government launched Australia's first fixed-site health- and drug-checking service as a six-month pilot in July 2022, and the service has now been extended to December 2024. It has been a success. The Queensland Government will allow pill testing as part of its commitment to reduce risks and harms associated with the use of illicit drugs. Importantly, with those reforms in those Territories and States there has been no moral panic.

As we saw yesterday with the great reforms courageously brought forward by the Minns Government, through the Attorney General and the health Minister, there has been no moral panic here. Reasonable people—and even *The Daily Telegraph* and 2GB—accept them as responsible reforms in a difficult policy area. The Groovin the Moo festival in Canberra in 2018 proved the merits of pill testing. Of the 128 festivalgoers who had their drugs tested, five threw their pills in the amnesty bin provided after receiving the test results, and 42 per cent of those who had their drugs tested said that their drug-taking behaviour would change as a result of the testing. Drugs belonging to two festival attendees were found to contain n-ethylpentylone, an often lethal substance, and both pills were discarded. In Canberra in April 2019 the second pill-testing trial in Australia was also conducted at the Groovin the Moo festival, and again it highlighted the benefits of pill testing. Seven pills containing n-ethylpentylone were identified during the testing, with all patrons immediately discarding the pills in the amnesty bins.

Currently police officers have the power to stripsearch anyone they suspect to have illicit drugs, including following a positive indication by sniffer dogs. A Coroner's report into the deaths of six festivalgoers between December 2017 and January 2019 recommended scrapping the use of sniffer dogs at festivals. Do we want to treat young people to such distressing experiences for no health benefit or societal gain? Is the aim to catch young people with drugs, strip them and get them a criminal record? Or is the aim for them to quickly swallow all the drugs they are carrying when they see the police officer and sniffer dog approaching? That may not be the intention, but it is still the outcome.

Drug checking is a simple, proven step to take to prevent drug-related health emergencies, including deaths from overdoses, which are killing more people than the road toll. I encourage the Minns Government to maintain the courage it showed yesterday and to maintain the commitment to drug law reform through the process of the drug summit and through legislated reforms that make sure that we treat illicit drugs—and in the future decriminalised and legalised drugs—as a health issue. It is a tragedy that we are losing young people to overdoses. We can act to reduce that toll. I commend the motion to the House.

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) (17:34): I support the motion as amended by the Hon. Jeremy Buckingham and share his concern at the recent deaths at music festivals. They are tragic, and we extend our condolences to the families who have lost loved ones in those circumstances. But it is not only words. The Government is taking immediate action to ramp up our health interventions and harm minimisation efforts at music festivals. From next weekend, signs will be more prominent, more consistent and more frequent, alerting people to the dangers and giving them practical advice about how they can stay safe, by staying hydrated, supporting their friends and seeking help early. We recognise that government bureaucrats writing harm minimisation messages to cut through to young people at music festivals may not be the best way to communicate effectively, so we are designing the messages with festivalgoers. We are training 600 young people—peers—in first aid to ensure that they are on the ground at music festivals to support people who may run into trouble.

Despite the good intentions of the mover, it is important to recognise that drug checking is not a silver bullet. We have committed to putting it on the agenda for the drug summit. Even if we had drug-checking regimes in place, those harmful substances can still be dangerous, depending on someone's pre-existing medical conditions and the other circumstances around them. Even if drug checking were in place, it would still be dangerous to take substances when we do not know the reaction we might have. So measures around hydration, supporting your friends and first aid training remain important, and the Government is immediately looking to ensure that they are rolled out.

As I said and as the member acknowledged, the questions for the longer term are to be answered at the drug summit. We have committed to holding it in our first term and to it being a comprehensive look at those questions. The longer term reform process around drug checking and some of those questions will be talked through with experts, users, police officers, health practitioners and parliamentarians from all sides. One fantastic thing about the drug summit is we are all coming together with the experts and the community to talk this through. I look forward to that conversation and hope that it will set a longer term agenda, but people should know right now that they should stay safe, stay hydrated, look out for their friends and seek help early.

The Hon. NATASHA MACLAREN-JONES (17:37): I extend the Opposition's condolences to the families and friends of the two young men who passed away at the Knockout festival in Sydney. It would be a difficult time for all of them. All members in this Chamber want to ensure that young people and anyone attending festivals and major events do so in a safe way. But we may not necessarily agree on how we get there, which is why I will amend the motion. I move:

That paragraphs (2) and (3) be deleted.

The Opposition does not support the taking of illicit drugs and pill testing. At the end of the day there is no safe way to take illicit drugs. The Minister said the same thing: taking drugs is not safe. We need to send a clear message and pill testing is not part of that message. Major festivals are supported by the community and it is important that people be able to attend them. The Coalition Government put forward a range of measures to ensure there is effective management, which meant health experts were put in place with security and basic amenities on site. But we made clear that there is no safe level of taking illicit drugs.

When it comes to the summit, it is not surprising that the Government supports that pill testing and other things be referred, because at the end of the day it avoids having to make that tough decision. We have had a number of inquiries. The research has been done and the evidence has shown that, even with pill testing, young people have still taken illicit drugs and died. The evidence and information is there; it is just a matter of the Government making a decision and taking a stance on this.

The Opposition's stance on drug detection dogs is clear: It supports the Police Force and the role that dogs play in fighting drug crime, whether it is at festivals, on the streets or on public transport. The key thing is that when police use detection dogs, they do so based on evidence, intelligence that a drug crime is occurring and, furthermore, that it is a strong deterrent. Added to that, those dogs also provide an opportunity to detect drugs, particularly at events where people have dumped their drugs, which then run the risk of being picked up and taken by a child. Dogs are able to detect those drugs and the police are able to confiscate them. The Opposition supports the Police Force and drug detection dogs. It does not support taking illicit drugs or pill testing and cannot support the motion.

Ms CATE FAEHRMANN (17:40): I speak on behalf of The Greens to support the motion as amended. I say from the outset that the extraordinary contribution from the Coalition continues its failed war on drugs and head-in-the-sand approach. It completely ignores the fact that many millions of people in this country take illegal drugs every year. As long as the Coalition continues to lie about the nature and extent of drug use in this country, people will continue to die. The kids who do this on the weekend listen to those statements about there being no safe level of illicit drug use and say, "That is not true. We are not going to listen to you, because our experience is different." That is the issue.

We have to acknowledge the nature and extent of drug use, as well as what happens with drug dogs. I support the motion. Let us hope that at the upcoming drug summit we have a good, detailed conversation about the evidence around drug dogs. The evidence from the Deputy State Coroner that looked into those six deaths found that at least one of those deaths was a result of drug dogs at the gate. That kid, Alex Ross-King, who was going to take the drugs anyway, saw the dog and took all of her drugs at once. Her mother, Jen Ross-King, wants drug dogs gone. That is the evidence from the Deputy State Coroner.

The ice inquiry commissioner said that young people see dogs and take all of their drugs at once. They don't not take the drugs. That is the issue. Or they go into the festival to buy drugs to avoid dogs. The police presence at festivals like Knockout Outdoor and Defqon.1 is outrageous. There are dogs all through them. There are lines of police harassing young people. People are in the toilets taking four or five pills at once. Young people are getting into trouble because they cannot talk about the fact that they should not take that much MDMA at once—that it is really dangerous and will potentially kill them. They cannot do it safely. The head-in-the-sand approach of the Coalition is literally killing people. I look forward to the drug summit and the evidence. Let us end the war on drugs.

The Hon. Dr SARAH KAINE (17:43): I speak in support of the amended motion and express my thanks to all who work towards drug harm minimisation, including the mover of the motion and the Uniting Church, which is very active in this space. The first event that I attended after being sworn in was a medical service the

Uniting Church organised around keeping people safe. A recent report from the Penington Institute found that a fatal drug overdose occurs every four hours. That is 2,231 lives lost in a single year. That is a lot of people and a lot of families touched by the impacts of drug overdose. My extended family is one of those families. Those people and those families come from all walks of life. We must remember that people who use drugs come from a diversity of occupations, ages and social statuses. Where drug use turns into drug dependency is often an outcome of other life challenges.

As we enter the music festival season, and following the tragic loss of two young men, it is important that we handle this complex issue with the compassion and common sense that it requires and that we listen to the voices of those with lived experience who were there and understand this, as well as other experts. It is a complex issue. There is no one-size-fits-all solution or silver bullet, but it is incumbent on us to do what we can. I hear from the Opposition that we do not want to send a message to young people to take drugs. The message we send by initiating any of the things that come out of the drug summit—which is the sensible way to approach this—is not to take drugs. The message we will send is that their life is valued. We do not necessarily endorse what they are doing, but we want them safe. They are our children, they are our citizens, and we want them safe.

It is not enough for us to pass some moral judgement. We need to make sure that we come up with concrete policies and actions to keep people safe. This Government has mandated that harm reduction messages be shown more prominently and consistently at music festivals from this weekend. That is important. It is also important to recognise that there is a vast amount of research, which we have already heard about today, about harm minimisation strategies that do not lead to an increase in drug use but reduce the negative outcomes that we are talking about. I look forward to the drug summit. I know that all Ministers responsible for this issue understand the necessity for it to be held at the soonest possible opportunity because lives are at stake. I support the amended motion.

The Hon. RACHEL MERTON (17:46): I oppose the motion moved by the Hon. Jeremy Buckingham. My concerns with the motion relate to the Hon. Jeremy Buckingham's demands that the Government implement a range of extreme, dangerous and corrosive reforms relating to decriminalising prohibited drugs and the introduction of pill testing at music festivals. Members on this side of the Chamber take the threat of drugs in our society very seriously. We established the Special Commission of Inquiry into the Drug "Ice" when in government so we could investigate and advise on how to best tackle the growing issue of ice.

We did not support, and I do not support, some of the irresponsible suggestions put forward in the motion. The motion also calls on the Government to end the use of drug dogs and other policing measures at music festivals. That would be a retrograde step in addressing the problem of illicit drug use and should, quite simply, be shut down. Drug use at music festivals is a concern in the community, especially for parents whose children attend those events. The answer to protecting the health of the community in such circumstances is not to facilitate further illicit and unlawful drug taking through government-sponsored pill testing; instead, it is to treat this as both a health and law-and-order issue, and facilitate the increased use of police drug detection dogs.

The use of pill testing is not safe. The idea that we should promote the myth that it is through government testing is wrong. Drugs like ice and other methamphetamines that are consumed on those sites are illegal. They are unlawful. They are the result of criminal activity. They wreck families and destroy lives. How can we tell children not to take drugs when the Government takes the role as a facilitator underneath the thin veneer and disingenuous argument of "harm minimisation"? To decriminalise the use and possession of prohibited drugs, to introduce pill testing at all music festivals and to end the use of drug dogs and other policing measures at festivals is nothing short of dangerous and irresponsible. My concern is that the reforms advocated for in the motion lead to the next steps of open-slasher illicit drug legalisation. We have seen the catastrophic impact that has had in many jurisdictions, like in Seattle and Philadelphia. Is that the future we want for our State? I am unashamedly anti-drugs. The motion advocates that we continue down a pathway that will ultimately lead more of our young and vulnerable into illicit drug use. I cannot support that. I oppose the motion.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I reiterate what the President continues to say: Members will stand in their places and seek the call. I do not care what they call out, but they will call out. The Hon. Cameron Murphy has the call.

The Hon. CAMERON MURPHY (17:49): I thank the Hon. Jeremy Buckingham for bringing the motion to the House. I cannot wait until the drug summit so we can have a proper debate about the issues and formulate some sensible policy around harm minimisation and illicit drugs. I have been on the public record for many years, as the President of the Council for Civil Liberties, opposing the use of drug sniffer dogs. I can remember way back when Bruce Barbour was the NSW Ombudsman, and he had an independent investigation into the use of drug sniffer dogs that found they got it wrong most of the time. They were not even picking up drugs on people. People were being subjected to humiliating searches in public, what most people in the community would consider strip search: being stripped down to their underwear, patted down and lined up in train stations and at music

festivals. All that does is drive somebody who is going to use an illicit drug to do so before they get to the dog operation. That is what causes the overdoses.

In response to the last speakers from the Opposition, we have tried it their way. We have had a war on drugs for more than 50 years, and it has not worked. In most cases, they are a bigger scourge on the community than they have ever been. The only way it is going to change is to do things differently. That is what the drug summit is about: looking at the evidence and exploring sensible options that result in harm minimisation. Anybody who thinks that passing a law that says a drug is illegal means that people are not going to use it has had their head in the sand for the past 50 years.

That approach is not working and will never work, because people are going to ignore the law and use drugs anyway. It facilitates organised crime. Our police's resources should be directed towards other serious crimes that need to be investigated and solved, rather than on policing people who have quantities of drugs for personal use in their possession. That is my view. It is not necessarily the view of the Labor Party, but I have been on the record about it for many years, and I want to make that clear. I welcome the motion. I reject the amendment by the Opposition, and I thank the honourable member for his great work. I give a shout-out to Dr Alex Wodak for all his great work over the years on these issues. [*Time expired.*]

The Hon. JACQUI MUNRO (17:52): I oppose the motion because it is another example of the abdication of responsibility that this Government has demonstrated in so many policy areas so far. The motion seeks to kick the can down the road for reform. There was no money in the budget that we can see to undertake the so-called drug summit. Where are the details? Where is the money? The special inquiry on the drug ice was an incredibly detailed and in-depth process led by an expert: Professor Dan Howard, SC. He is the former president of the Mental Health Review Tribunal of New South Wales, a former acting judge of the District Court of New South Wales and a senior counsel at the New South Wales bar. He has been a visiting professorial fellow with the School of Law at the University of Wollongong. He has incredible experience and is obviously a person with a great level of expertise in the area.

Over a year, Professor Howard and other experts undertook the inquiry into the drug ice, and 109 recommendations came out of that inquiry. The Coalition Government addressed many of them. Some \$500 million was invested into responses to support a number of recommendations. At the moment the other place is discussing drug law reform. The Coalition announced that policy in September last year. Why have an additional drug summit if the recommendations are already there and drug law reform can be enacted without that summit? The courage of the Government will be—

The Hon. Wes Fang: Point of order—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! The member's time is ticking. The Hon. Wes Fang will make his point of order succinctly.

The Hon. Wes Fang: The Minister should hear the contribution in silence and be respectful.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I uphold the point of order. The member has the call.

The Hon. JACQUI MUNRO: The Government could act now. The recommendations are there. It is very unclear how an additional drug summit will come up with any different recommendations. How long will it take? Who will conduct it? Where is the money for it? I oppose the motion because it absolutely abdicates the Government's responsibility now that they are in power.

The Hon. STEPHEN LAWRENCE (17:55): I speak in support of the motion, and I thank the mover for bringing it before the House. It is an entirely positive thing that the issue is to be considered at the drug summit. My thoughts were provoked by the previous speaker's suggestion that there would not be a need or reason to send it to a drug summit. I personally support pill testing, and I hope that a trial comes out of the drug summit. Pill testing raises quite profound issues. It is very complicated, and a number of issues will need to be considered in detail. There are issues, for example, around amendments to the criminal law to allow, in effect, people to supply drugs in circumstances where they take them from the person, scrape them for testing and then return them. Amendments might well be needed to the criminal law. Issues probably arise in relation to the civil law and questions will be raised about whether a duty of care might arise in circumstances where you take an illicit drug from someone and then return it to them.

So the real reason the issue needs to go to the drug summit is that it is imperative, when profound ethical and moral issues are raised by policy, that there be widespread discussion about it and careful policy consideration, but also that community support is won for that thing. Similar things came out of the previous drug summit, where safe injecting rooms were ultimately supported by that summit and then passed into law. That raised similar issues

of duties of care and the legal, ethical and moral issues that arise when you allow a particular practice to occur and the State is involved in it.

As in that matter, the merit of the drug summit—and, again, I personally support the policy—is that it is key that community support is won, that understanding is developed in the community and, not least, that those such as members opposite who oppose the policy, and who have put forward some of their arguments about it in this debate, will have a chance to be heard too. The issues will be thrashed out, as I understand it, in a public forum. There might be legislation developed as a consequence of that, and that is an entirely positive thing, because you cannot enact profound changes that raise ethical and moral issues in a shortcut way. A drug summit is the perfect crucible for the consideration of those sorts of things. I support the motion. I support a trial of pill testing, and I support the drug summit. I hope a trial arises from it.

The Hon. WES FANG (17:58): Minister Jackson is a hypocrite. She supports pill testing and yet she lectures us.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Pursuant to standing orders debate is interrupted to allow the mover of the motion to speak in reply.

The Hon. JEREMY BUCKINGHAM (17:59): In reply: I thank all members for their contributions. I particularly thank the Government members for making thoughtful, erudite and important points. I acknowledge the contribution of the Minister that pill testing is not a silver bullet. I acknowledge the contributions of the Hon. Cameron Murphy, the Hon. Dr Sarah Kaine and the Hon. Stephen Lawrence that pilling testing is complex and it raises the difficult issue of a duty of care that we have to grapple with when the State gets involved. The fundamental premise of what we put forward is to take a risky, and potentially dangerous activity, and make it safer. We are not saying it is safe. That applies to so much of our life. Lots of things we do as individuals and as a society are not safe, but we make them safer. We say, "Wear a helmet on a motorbike." We say do a particular activity in a particular way and if people do not, then we ban it. We do it with paintball and we do it with sports. We do it on our roads and in all different—

The Hon. Rose Jackson: Alcohol.

The Hon. JEREMY BUCKINGHAM: We do it with alcohol and the regulation of other drugs. The Nancy Reagan-esque attitude is disappointing to hear. The "Just say no, kids" message has been dusted off from the 1980s. It does not cut the mustard in this age. The Government knows that. All sensible people know that. We only have to look at the people who have joined the campaign and written to the Government recently. I acknowledge the work of Ms Cate Faehrmann and The Greens, including Senator Shoebridge, with the Sniff Off! campaign and drug law reform campaign, which was a very good campaign.

I also acknowledge the letter contributed by Unharm's Will Tregoning and Sam Kidd, which I urge members to read. It was signed by such radicals as the Royal Australian College of General Practitioners, Uniting, the Network of Alcohol and other Drugs Agencies, NSW Users and AIDS Association, Drug and Alcohol Nurses Australasia and the Penington Institute. So many groups have looked at the evidence and how we can reduce the harm to make illicit drug use safer. That is the key measure that will reduce the toll on our society and save lives. I commend the motion to the House.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The Hon. Jeremy Buckingham has moved a motion, to which the Hon. Natasha Maclaren-Jones has moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

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

The House divided.

Ayes 17
Noes 13
Majority..... 4

AYES

Boyd
Buckingham
Buttigieg
Cohn
D'Adam

Faehrmann
Graham
Higginson
Hurst
Jackson

Lawrence
Murphy (teller)
Nanva (teller)
Primrose
Suvaal

AYES

Donnelly

Kaine

NOES

Carter
Fang (teller)
Farraway
Latham
MacDonald

Maclaren-Jones
Martin
Merton
Mihailuk

Mitchell
Munro
Rath (teller)
Roberts

PAIRS

Houssos
Mookhey
Moriarty
Sharpe

Taylor
Tudehope
Ward
Farlow

Motion agreed to.

DAM FUNDING

The Hon. SARAH MITCHELL (18:11): I move:

- (1) That this House notes that:
 - (a) the Government has scrapped plans to construct a new Dungowan Dam, as well as plans to increase the Wyangala Dam wall and Warragamba Dam wall; and
 - (b) increasingly dry conditions are being experienced across New South Wales, with the Bureau of Meteorology predicting reduced rainfall in the months ahead.
- (2) That this House acknowledges that you cannot put a price on food and water security for our towns and cities.
- (3) That this House urges the Government to work with the Commonwealth Government to allocate additional resources and funding for dams in New South Wales.

This issue is of key importance to people who live in regional New South Wales when it comes to water security and preparedness for drought and other disaster issues. Water security, particularly for regional communities in New South Wales, is essential. Members on this side of the Chamber know that dams play a crucial role in the management of water resources, making them a fundamental component in ensuring water security. During our time in government, we ensured that there were plans in place for communities and we actively considered proposals around dam building projects. The water does not flow, and neither does the money for dams, in the New South Wales budget because what we have seen from Labor is scrapped plans for all of these projects. There was no money allocated for any of the projects, in this budget or in the forward budget, to investigate future options, planning or infrastructure.

The Hon. Rose Jackson: There was no money. No money was allocated.

The Hon. SARAH MITCHELL: I note the interjection by the Minister referencing decisions that were made by the previous Government. I am sure she will make her contribution, but the Minister is responsible for the budget that was handed down a couple of weeks ago. The Government made the decisions about investments that it would make and those that it would not make. We did not see significant investment in water security and water infrastructure projects in regional communities.

The Dungowan Dam project was set to boost water capacity in the Tamworth area, close to where I live in Gunnedah, and the New England region in order to provide water security for the community. What we saw for Tamworth in the budget was \$6 million for planning of an industrial water reuse plant for the abattoirs. We are not saying that that is not a worthwhile project, but broader water security is still a big issue in that community and we know that there was not investment in those particular dam projects. The Minister has called the Dungowan Dam policy a waste of time.

The Wyangala Dam project looked to raise the wall and airspace to increase water security for primary producers in the region. The important thing about Wyangala Dam in particular is that it was not just about having water security in times of drought, which is obviously very important, but also about increasing capacity to protect our communities during times of heavy rainfall and flooding. We have seen the devastation of floods across the

Central West. It is important to make sure we have options during heavy rainfall and flooding when we have dams.

Last year we saw flooding of the Hawkesbury-Nepean region because the Warragamba Dam was at capacity. A lot of vocal members of that community have called on the Government. Most recently I saw the mayor on national television asking the Government to consider raising the wall, making sure the communities out there were not forgotten, but it is just crickets from those opposite. We spend 97¢ of the dollar on recovery from natural disaster. The remaining 3¢ is spent on preparedness.

We should be investing more money into projects for flood mitigation and for drought resilience. The cuts to these projects, walking away from dam projects, are just proof that the Labor Government is not prepared for natural disasters in our communities. It does not understand the importance of water security, particularly for key agricultural sectors. This is a common theme that we are seeing from those opposite. I raised it in an earlier motion related to the flood plain issues on the North Coast.

The fact is that those on this side of the House remain increasingly concerned about the capacity of Ministers opposite who have responsibility for water and agriculture. We are not seeing investment. We asked many questions of the Minister earlier this year in relation to particular catchment areas and support and she said, "Oh, wait for the budget", and, "We're not doing the dam, but we'll be doing all of these wonderful things to support communities". It did not come through in practice. There is nothing to support these communities.

In finishing, I point out the second part of my motion, which says that the House acknowledges that you cannot put a price on food and water security for our towns and cities. We need to make sure that we have a thriving agricultural community so we can provide the food and fibre that we need to survive. We need to make sure that we have water security for our regional communities and for our metropolitan areas. These are serious issues in which we believe the Government is not making enough investment. What we are hearing from our communities, day in and day out, is disappointment in the decisions those opposite make, particularly around water and agriculture.

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) (18:16): The Government will be opposing this motion. We all know that the National Party is obsessed with dams. They think that these water infrastructure projects are the solution to our water problems. Let me be clear: Dams do not create more water. They are incredibly expensive. They involve a huge investment of public money—billions of dollars of our money—often for a very small private benefit. They can cause significant environmental impacts, they take years and years to plan and, more often than not, they never proceed to construction.

Just to refresh everyone on the facts, the former New South Wales and Commonwealth governments announced in 2019 that they would invest \$1 billion towards major dam projects in New South Wales, claiming that the bulldozers would be on the ground the following year. It is 2023. There are no bulldozers, no dams and not even any money for dams. The former Commonwealth and New South Wales governments announced that they would invest \$650 million to upgrade Wyangala Dam, \$480 million for the new Dungowan Dam and \$24 million for the Mole River Dam near the Queensland border.

In 2022 the former Government scrapped the proposed Mole River Dam after it became clear that the cost-benefit ratio did not stack up and the project was not supported by the community. Last year, when the Coalition was still in government, Infrastructure NSW called on them to consider the timing and the need for the new Dungowan Dam as it was clear that that project also did not stack up. Needless to say, it was abundantly clear that the Commonwealth had no intention of funding its half of the project.

Whilst those in opposition might make a song and dance about this Government's decision, based on expert evidence from Infrastructure NSW, not to proceed with raising the Wyangala Dam wall or building the Dungowan Dam, I assure you that they would have made exactly the same decision had they returned to government. The costs announced for those two projects alone had blown out to \$4 billion. I have read the final business cases. The cost-benefit ratios resemble blood alcohol levels. There was no way that there was going to be an investment decision to support these dams. They never were funded. They never stacked up. We have released real water-sharing plans and regional water strategies, including \$6 million warmly welcomed by Mayor Russell Webb in Tamworth and the local member, Kevin Anderson, who both personally acknowledged that that was an actual contribution to Tamworth's water security.

The Hon. JEREMY BUCKINGHAM (18:19): The National Party has so much form when it comes to stupid infrastructure projects, it is hard to know where to begin. Never get between The Nationals and a massive hole in the ground that they can fill up with—

The Hon. Rose Jackson: There wasn't even a hole. They've taken the hole!

The Hon. JEREMY BUCKINGHAM: They have taken it. They did not even dig the hole. They are going to fill it up with billions of dollars. Before they were raising the Wyangala Dam—for the record, the dam has been raised twice before but that has never really stopped any of the major floods because the dam cannot deal with the incredible volume of water that falls during a flood event. Before they had flown the fantasy kite of the Wyangala Dam, The Nationals put forward another project in the Lachlan Valley, which they cancelled. Do members remember what that was? No. It was Cranky Rock dam. Do members remember Cranky Rock dam and John Cobb out there announcing flood mitigation and jobs for the area?

Cranky Rock dam was going to cost \$650 million to begin with—just \$650 million—but then blew out to a billion dollars. Niall Blair cancelled it in 2018 and there was that embarrassing press conference with John Cobb being asked by a reporter from the *Central Western Daily*, "Who's going to use the water from this dam?" John Cobb said, "Well, we're not sure. We don't know." They did not have a single user. They were flooding the Upper Lachlan, flooding the Cliefden Caves and flooding some of the best cattle country and wine-growing country in the State, and they did not have a single user. They said, "Maybe the mine will", and the mine backed out and said, "We have got no plans for this whatsoever."

There are alternatives. I note the interjection by the Hon. Sam Faraway when he mentioned Suma Park Dam. In Orange, I was proud to champion the stormwater recycling project. What a clever, pioneering project of council working with the State Government to do something smart, technical and value for money with a business case that stacked up. What has it done? It has supplied water to that town and made sure it is drought resilient. They did it at low cost. It was low-hanging fruit. The Government is doing that and is not flying kites. Do members remember Barnaby Joyce's bid to build a dam in the Oxley Wild Rivers National Park? Ten schooners at the Walcha pub, build a dam, \$14 billion, who cares? It will get them through another election cycle—stupid ideas from the National Party. Never get between The Nationals and a bucket of money or a hole in the ground.

The Hon. SAM FARRAWAY (18:22): I support this motion because it is a good one. We are hearing about a business case. Business cases are important but we all know in the bush that if we put a business case on everything, we will not build anything. Members talk about the cost. What is the cost of not building it? What is the cost for the communities of the Central West if there is no plan? The Labor Party's plan is to not have a plan. The Hon. Jeremy Buckingham talks about stormwater harvesting and I agree with him on that. The Orange City Council has done a fantastic job with stormwater harvesting. Does it provide enough water long term for one of the fastest growing regional cities in New South Wales? No, it does not. What about the Ben Chifley Dam in Bathurst—a great extension by the former mayor and an initiative of that council many years ago. What about Burrendong? If we are focusing on the Central West, the reality is that the large regional cities of Bathurst, Orange and Dubbo almost ran out of water during the last drought—a population of up to 200,000 in just one part of the State. What is the Minns Labor Government's plan for the Central West? What is their vision for water storage and security in that region?

The Hon. Wes Fang: They don't have one.

The Hon. SAM FARRAWAY: Exactly. My colleague is spot-on; they do not have one. Stormwater harvesting is great, but it is not going to deliver the volume of water storage and security that is needed for one of the fastest growing areas in this State. Again I ask: What is the Government's plan? It does not have one. The former Coalition Government had some great projects, some of which were smaller projects.

The Hon. Jeremy Buckingham: Name them.

The Hon. SAM FARRAWAY: The Hon. Jeremy Buckingham says, "Name one." Lake Rowlands is a project that the Federal Government should be interested in. This Government should lobby its Federal counterparts to make sure that we can raise that dam wall to get additional water storage and security for Central Tablelands Water, which would feed into Blayney. It would feed into Orange with the pipeline infrastructure. It would feed into Cabonne, Molong, Cudal, Cumnock—communities that need better water storage. What is the cost of not having a plan? What is the cost of not building key water infrastructure that will allow those communities to prosper and to be sustainable? If we are talking about the housing crisis, we cannot have more housing, more population and more jobs in the Central West without water. It is a no-brainer.

Ms CATE FAEHRMANN (18:25): I oppose the motion moved by the Hon. Sarah Mitchell about building dams. The policy that the Coalition, particularly the National Party, has put forward every single year for 12 years and longer all through the country is to build more dams. But in 2019 the National Party at both the State and Federal levels announced in Tamworth \$1 billion for multiple new dam projects. The Hon. Sam Faraway talks about having a plan and about getting on with water plans. The Nationals announced dams in 2019 worth \$1 billion. The Hon. Sam Faraway says, "Business cases? Who cares about business cases for \$1 billion for dams?" In the last term of Parliament in this House I think we made five orders for papers to try to uncover that elusive business case—a draft or just some kind of business case—for the Dungowan Dam, a new \$460 million

dam that went up to \$1.2 billion, according to the papers. The original cost of raising the Wyangala Dam wall was \$640 million. It rose to more than \$2 billion, but still there were no business cases.

The Hon. Sam Faraway seems to think that there is no need for a business case and that \$1 billion can be wheeled out for those dams—dams that were never built because they were ridiculous, too expensive, not worthwhile for communities and environmentally disastrous. I flew over the Lower Lachlan flood plain to see the impact that raising the Wyangala Dam wall would have on the incredible internationally listed wetlands, the graziers on the Lower Lachlan flood plain and the Wiradjuri cultural heritage sites, which would be flooded. It was just ridiculous. Tonight the National Party is bringing forward its solution that was sitting on the table for the entire last term. At budget estimates I asked the Liberal Party Treasurer what he thought about those dam projects. He was embarrassed because he realised there was no business case. He was shaking his head because what was he going to do about the National Party? He could not control the National Party, which just throws a billion dollars towards the most ridiculous proposals that are not solutions—dams.

The Hon. WES FANG (18:28): I support the motion moved by my good friend the Hon. Sarah Mitchell because members on this side of the House understand the importance of dams to our communities. As my other colleague the Hon. Sam Faraway said, we understand the importance of dams because they provide water security for our communities. It is not just for farmers and for flood and water management; it is for the growth of our regions. That is why the question that the Hon. Sam Faraway asked is so important: What is the Government's plan for a growing rural and regional New South Wales? We hear nothing from Government members about the plan, about water security or about how they will deliver for our communities in those growing regional centres. That is why it is important that we build dams, not for now but for the future.

When the Minister talks about the cost blowouts, members should ask her why the costs are blowing out. It is because of the ridiculous environmental offset costs those projects bring, because we are trying to secure more water for our areas. If that is the limiting factor then we will never see those dams built by the Labor Party because, in reality, it does not want them built. The Minister belled the cat when she said that they create environmental issues. That is the biggest problem that Labor members have with them.

At the end of the day, we are trying to secure a water supply for the Central West into the future. We need to build things and building things sometimes creates issues. The question is, what do Labor members support? Who do they prioritise more? Do they prioritise the metropolitan areas or are they looking to the future of rural and regional communities and their water needs, now and into the future? The answer is pretty clear in the projects cancelled by the Minister opposite. She does not care about our communities, their water security, the growth and sustainability of their populations or the great lifestyle that people can have in rural and regional communities. A city Minister controlling water does not work. We need the Nats back in government.

The Hon. SARAH MITCHELL (18:31): In reply: I thank members for their contributions to the debate, particularly my National Party colleagues. Members on the other side were saying that the Nats are obsessed with dams. Well, damn right we are, and we do not apologise for that because we understand the importance of making sure that we have both food and water security for our regional communities. We will continue to be vocal in support of our communities, particularly when it comes to crucial issues like water infrastructure and food and water security. I commend the motion to the House and thank members for their contributions.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that the motion be agreed to.

Motion negatived.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): I shall now leave the chair. The House will resume at 8.00 p.m.

ABORIGINAL AND TORRES STRAIT ISLANDER VOICE

The Hon. BOB NANVA (20:01): I move:

- (1) That this House notes that Aboriginal and Torres Strait Islander peoples have an ongoing and unique connection to land and country.
- (2) That this House recognises that on 14 October 2023, the Australian people have an important opportunity to answer Aboriginal and Torres Strait Islander peoples' generous call for constitutional recognition through a "Voice to Parliament".
- (3) That this House calls for a "Yes" vote in the upcoming referendum.

There are only three more sleeps until Australians vote on the first referendum of this century. It is a rare privilege and one that places us at the crossroads of history—to vote for recognition, listening and better results by supporting the gracious call from Aboriginal and Torres Strait Islander people for constitutional recognition through an Indigenous Voice to Parliament. Every morning in this place, we rightly acknowledge the traditional custodians of the land on which we meet and pay our respects to their Elders past and present. Those words, which

are both necessary and yet, on their own, insufficient, embrace three concepts: acknowledgement, respect and custodianship—acknowledgement that the culture of our First Nations existed many thousands of years before European colonisation, respect for their descendants who continue to practice that culture to this day, and recognition of their custodianship of land, the sovereignty of which was never ceded. The words and concepts are not lofty but a bare recognition of simple facts.

The next step is to move beyond these words that are repeated in this place and others and demonstrate that we are prepared to listen and act. The referendum on Saturday is a substantive opportunity for that. It is a chance for the majority of Australians, who are not Indigenous, to back words with deeds and to build a bridge between acknowledgment and respect, between words and deeds. We can never completely say that we acknowledge our First Nations if we do not commit to the deeds that back our words. It is not before time that acknowledgement moves beyond that.

Our Constitution is a breathing, not a static, document, one that by its nature must evolve and has evolved with time. A vote to amend it is part of its natural evolution. I can think of no better way for our modern Commonwealth's founding document to evolve than by recognising, respecting and providing a voice to this continent's original inhabitants, who have been custodians of these lands for tens of thousands of years, enshrining that recognition and voice in a way that transcends day-to-day politics and the whims of individuals. A modern document respecting an ancient culture—I could not think of a fairer and more balanced evolution of the Constitution than that.

It will be an evolution, not an undefined revolution as some would suggest, which will not create new powers, will not create a new branch of government and will not be a mechanism that usurps our elected parliamentarians. It is the next step in recognition. It is about advice and about Parliament continuing as decision-maker. Surely, we can envisage a circumstance in which the wisdom of one of the world's great living cultures has a place in our Constitution and a say over its own future.

There is much we should be proud of in this country. But referendums often give us the opportunity to reflect more deeply on it for the first time. As Noel Pearson recently told the nation, the referendum question is a mirror. It asks voters to look at themselves as much as at the text on the ballot paper. Such is the manner of constitutional referendums. They ask us to consider something bigger than a party, a candidate or a platform. In this case, it is asking us to listen.

The entrenched disadvantages Indigenous Australians continue to face, including a shorter life expectancy, a lower level of education and employment, and a higher incarceration rate, have not been fixed with current methods, and they will not change through good intentions alone. Too many years of lived experience informs us of this. But we know that outcomes are improved when people directly affected by decisions have a seat at the table and a say, and there is extensive evidence showing that Aboriginal-led policy and service delivery approaches deliver greater benefits than government-led approaches. I hope that, in three days' time, we will seize the opportunity in front of us to move forward in tackling this gap in outcomes that has persisted for generations. I call on all members of this place to join me in supporting a yes vote in the upcoming referendum—yes to the next step of reconciliation, yes to moving from talking to listening, yes to turning words into deeds, and yes to making our next deeds better, and better still.

The Hon. MARK LATHAM (20:06): This motion is unusual in a couple of respects. It is a dead horse copping another flogging. This thing is going down on Saturday, I have to report to you, unless these polls are wrong by 10, 15 or 20 per cent—and public sentiment too, of course. Referenda are very hard to be carried in Australia, in the Commonwealth Parliament, because you need a majority of votes in a majority of States, and it is doubly hard for a Labor government to get this sort of thing through. So the first thing you have to do is provide detail and not ask the voters to sign a blank cheque.

Quite frankly, the detail has been hopelessly confusing. Sometimes the Prime Minister will say, "This is an advisory committee." He can set those up without legislation—let alone changing the entire Australian Constitution to set up a committee. Committees are a dime a dozen. Look at this place. We will put up a committee at any time you want, on any subject. If it is just a committee, why do you need to change the Constitution? At the other end of Albanese's rhetoric, if it is something big and important, give us the detail of how it operates. What will the Parliament do? What legislation will empower the Voice? Is it about rewriting Australian history, reparations, compensation or land rights? The latest provision of the legislation that has gone through for the referendum, which is totally open-ended, means that it could be about anything.

This debate is novel in that we are reflecting on something the Australian people will decide. Obviously, the people of New South Wales will have a big say in this, come Saturday evening. The Coalition front bench is entirely absent. The Hon. Rachel Merton here is the acting leader of the Liberal Party for this particular debate, which is a massive and well-deserved promotion. But I rather suspect that the Coalition has adopted an even more

unusual position of saying, on a big national question, "We will have no position." They have an open vote. It is not a life-or-death conscience vote; it is just one where they are scared to take a party position that would be binding on their members. I suppose that the Hon. Bob Nanva, ever the strategist, has worked out that, if some helpful soul here calls a division, he will have the novelty of some Coalition people on one side and some on the other, and he will flush them out. Politics is in part about flushing them out.

More substantially, the Voice referendum has little prospect of being carried. That seems self-evident. In any case, for these Indigenous issues, we have had committees in the past. I remember being part of the abolition of the Aboriginal and Torres Strait Islander Commission [ATSIC], which was the bold attempt of the Hawke and Keating governments to listen and learn. It ended up as a hotbed of nepotism and corruption. It just did not work at any level, and just about everyone in the Labor Party and everyone in the Coalition were committed to its abolition. If the Voice is the son or daughter of ATSIC, it will be a lemon. But we will never really get to find out unless someone is foolish enough to go against the wishes of the Australian people and try to legislate it. [*Time expired.*]

The Hon. RACHEL MERTON (20:09): I speak in opposition to the Hon. Bob Nanva's motion concerning this Saturday's referendum on the Voice. There is little doubt that the vote is one of the most consequential in Australia's history. In recent weeks the yes campaign has tried to conceal that the Voice, as outlined in the Uluru statement, is the first step in a process, followed by treaty and truth-telling. The Prime Minister has said some 34 times that he would implement the Uluru statement in full. He even wore the T-shirt saying "Voice, Treaty, Truth". The Prime Minister and the yes campaign claim that the Voice is simply an advisory body, that the vote is simply about recognition and that the Australian people have nothing to worry about. That is disingenuous nonsense.

Any review of what is being proposed suggests that the Australian people are being asked this Saturday to change our democracy, both fundamentally and permanently. We are being asked to dismantle the basis of our liberal democracy, which has been built on the basis that whether you are First Fleet, First Nations or one of our most recent citizens, you are an Australian and an equal before the law, with the same rights and the same liberties. Bob Hawke, a man revered on the other side of the Chamber, famously said during Australia's bicentenary:

In Australia there is no hierarchy of descent; there must be no privilege of origin. The commitment is all. The commitment to Australia is the one thing needful to be a true Australian.

I agree with Bob. I believe that we should aspire to a country where race is irrelevant and is not entrenched in the Constitution forever, which is what the Voice will do. I cannot support a reform that will constitutionalise racial privilege and undermine the principles of equality and non-discrimination. I also cannot support a reform with section 129, which will potentially radically alter the division of Commonwealth and State powers in our Constitution by centralising more power to Canberra. I am a proud no voter. I have campaigned for a no vote across the State over many months.

I have seen the division this proposal has caused in our society. The debate has been characterised by an often condescending yes campaign that appears agitated and dismissive when Australians have the temerity to ask legitimate questions about the Voice. I acknowledge the courage of the many thousands of Australians, led by the outstanding Jacinta Price and Warren Mundine, who have said "no". The Voice is divisive, risky and unknown. It is no modest change to the Constitution. The Voice has already divided Australia. I will be voting no to the Voice this Saturday, and I urge members to similarly reject the motion.

The Hon. CAMERON MURPHY (20:12): I speak in support of the Hon. Bob Nanva's motion and the Voice. There is absolutely nothing to fear here. I reject completely the assertions made by the previous speaker, the Hon. Rachel Merton. The Voice is a once-in-a-lifetime opportunity for our nation to unify. It is an opportunity for us to come together. It is an opportunity for our nation to honour the original custodians of our land, who deserve special recognition and a special place in the Constitution because of their unique position as the original people of the land. That is how nations in a similar situation to ours have dealt with this across the world. Australia is the last nation to have an honest conversation with its First Nations people about the way it gives them a voice and involves them in its legal, constitutional and governmental arrangements. New Zealand, Canada, Norway and other nations have come to terms with this.

In 2019 I was lucky enough to be at the tenth international human rights conference in Tromsø in Norway. As part of the Australian delegation, I had the opportunity to meet with the Sami people, who have an indigenous Parliament. They meet with other Sami indigenous members from multiple nations, not just Norway. The voice has given them the opportunity to have a say on government policy that affects them through their Parliament. That is the opportunity that we have here in Australia. Frankly, we have tried all sorts of other things, and none of them have worked. They have resulted in everything from massacres, the Stolen Generations and policy

failures. Bodies like the Aboriginal and Torres Strait Islander Commission that did work were abolished when there was a change of government.

Indigenous Australians are entitled to constitutional recognition that is permanent. It is utter rubbish to hear the Opposition say that, on the one hand, there is not enough detail and then, on the other hand, complain that it is going to be constitutionally entrenched. How do I even respond to that? It is a ridiculous argument; it makes no sense. It is such a shame that the Opposition cannot get on board with this initiative. In generations, people will be looking back at this and think, "Why on earth did they have that position?" [*Time expired.*]

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Members in the Chamber are quiet and listening to the debate. I ask people in the President's gallery to do so as well.

The Hon. TANIA MIHAILUK (20:15): I speak in opposition to the Hon Bob Nanva's motion. I listened intently to the Hon. Cameron Murphy just now and thought to myself, "He speaks so well." If only he was in the advisory box with Anthony Albanese in the Federal Parliament, there might be a better spokesperson for the Voice than good old Albo. Part of the problem is that the chief marketing officer, or the chief person who should be selling the Voice to Parliament, Anthony Albanese, has failed to convince Australians that it is a proposal worthy of support. Whether it is the Essential poll or the Roy Morgan survey, the latest polling makes it clear that there is no way that the referendum will get up.

It is beyond belief that the New South Wales upper House would move a motion that proposes we support the yes vote and suggests that everybody in New South Wales should vote yes, when it is clear that the people of New South Wales are most likely going to vote no come this Saturday. There are 3.5 million people who have already voted in pre-poll to date. There have been two million applications for postal votes. I have been out in south-west Sydney, and I am proud of the community that I once represented because so many people, particularly Labor voters, are telling me that they will not be voting in support of this come Saturday. They will not be hoodwinked by the Federal Labor Government. They will not be hoodwinked by their Federal Labor MPs, who are relatively silent on this issue.

There has been very little campaigning for the yes vote by local Federal members of Parliament in south-west Sydney because they know that the referendum is going to lose this Saturday. They are just waiting for Albanese to lose to potentially roll him down the track. That is what will happen in a couple of months. For the people of New South Wales, 14 October will be a significant day in history. It is a day when Australians can stop the virtue signalling and stop a two-tier race system from happening in Australia. They can come down to their polling station and vote no. That is exactly what will happen this Saturday. I have been to a number of rallies around New South Wales, whether it is in Taree, Wagga Wagga or Sydney. Everywhere I go, people are telling me that they will confidently vote no. That is exactly what will happen.

Ms Cate Faehrmann: Because you're at the no rallies.

The Hon. TANIA MIHAILUK: When The Greens call out people for being racist and stupid, you wonder why everyone has had a gutful. People are tired of name-calling. I have no doubt that Australians will come out and confidently vote no, particularly in areas like south-west Sydney. [*Time expired.*]

The Hon. AILEEN MacDONALD (20:18): I support the Hon Bob Nanva's motion on the Voice to Parliament. People would already know that if they read "The Sauce" in *The Daily Telegraph* on Sunday. Respected Anaiwan Elder Steve Widders recently appealed for people to vote yes, saying that things are not working the way they are. He went further saying, "The Voice is about recognising that the Aboriginal people have been here for a long time, and we need to hear from them." I was particularly inspired by his words, "Nothing about us without us." Recently in Tamworth, Councillor Marc Sutherland, the first Gomeroi person elected to Tamworth Regional Council, held a respectful forum about the yes case. When he is not a councillor, Marc runs the Gomeroi Culture Academy, a culturally focused leadership experience supporting young people living in Tamworth and helping them to learn their culture. But it is not enough.

I am voting yes not because of the debates that have taken place recently or the advertisements I have seen but because in my role as a community corrections officer based in Armidale, I have seen the disadvantage of my First Nations community and the over-representation of our First Nations brothers in the criminal justice system. First Nations people do not have a good relationship with police, health services, housing and other such services because they are genuinely afraid that they will be punished in some way, either by having their father taken away to jail or having their children taken to out-of-home care. It is not right that our First Nations brothers are more likely to end up in the criminal justice system than go to university. We talk a lot about Closing the Gap and yet here we are, still implementing measures to close the gap and nothing seems to change. As Elder Steve Widders said, "Nothing about us without us."

The Hon. STEPHEN LAWRENCE (20:20): I speak in support of the motion, and I commend the Hon. Bob Nanva for bringing it to the House. I well remember his inaugural speech in which he spoke so eloquently and passionately on the issue of the Voice. I support a representative body and constitutional recognition of Aboriginal and Torres Strait Islander people. So does the Liberal Party and, I think, the National Party, too. The official position, as I understand it, of the conservative parties is that we should recognise Aboriginal and Torres Strait Islander people in the Constitution. The official position of the conservative parties is also, as I understand it, that there should be an advisory body, though there is some difference in terms of the version.

That invites the question: What is the difference between the major parties on this question? As I can discern it, the difference seems to be that members opposite, by and large, with exceptions, do not seem to support the creation of the advisory body through constitutional recognition. In order to make good their argument, in what is a slim difference between the parties of government on this, a number of quite misleading arguments have been advanced. An argument, for example, has been advanced that the Voice will be permanent and will not be able to be changed. If the referendum passes, the day after there will be no Voice. There will simply be a provision in the Constitution. It will not be until the Parliament legislates that there will be a Voice. It is a bit like tax law. You do not put tax law in the Constitution. You just put a head of power in the Constitution to allow the Parliament to legislate for tax. That means that any Voice that is created by legislation will be able to be amended by legislation. So the spectre that is being put, that this will create some sort of Frankenstein's monster that cannot be changed, is just not true.

It has also been said that the Voice changes our system of government and has uncertain powers. Again, the only substantive legal effect of the proposed amendment to the Constitution is to give the Parliament the power to create the Voice. There is no uncertainty and, while there has been some divergence of opinion in this area, the predominant and clear view of the large majority of legal experts, respected lawyers and people like retired High Court justice Robert French is that all the arguments being put are some variants of disinformation and misinformation. I will be voting yes with confidence.

Ms SUE HIGGINSON (20:24): I speak for The Greens in support of the motion calling for a yes vote in the referendum on Saturday. Whatever the outcome of the referendum—and my heart is full of hope—we must consider this a new dawn and a circuit breaker in the way governments approach issues and policies relating to First Nations people. Eighty per cent of First Nations people support the Voice to Parliament, so regardless of the outcome of the referendum, we must ensure that every measure is taken to listen to the voices of First Nations people when making decisions that will impact the lives of First Nations people and their communities. Doing that is not contingent on the outcome of the referendum. It has become clear through the campaign, and it has always been clear to those paying attention, that First Nations communities are best placed to make decisions about First Nations communities. We must empower First Nations people and listen to their voices, first and always.

On the yes campaign, I have had the enormous privilege of hearing many incredible First Nations voices, particularly women, on why they want and need the referendum to deliver a yes for them and their communities. As Dharawal and Gumbaynggirr woman and cultural heritage practitioner Rowena Welsh-Jarrett said in recent days, "We grew up seeing what we can achieve as communities when we are given the opportunity to come up with localised solutions and have the autonomy over decision-making for our people. So we just want the support from the Australian people to vote yes and give us that opportunity ... to give the people on the ground the autonomy to make the decisions to better our lives for a better country."

Cobble Cobble woman Professor Megan Davis has worked on constitutional recognition for 20 years and authored the groundbreaking *Family is Culture* report that has informed this Parliament, exposing the broad failure of our child protection system. She said recently:

Flying our flags don't make a difference if we're not substantively recognised. Australia as a country is very good at symbolism but not good at substance. We usually balk at doing something that will make a difference – but not this time.

We've tried so many things in this country, but we've never tried this. We've never tried the empowerment of First Nations people in the Constitution.

...

Twelve years of closing the gap, and it's not working. Most Australians can see that.

...

Nobody actually talks to communities about what's needed to make change on the ground. And it's communities, who live in these situations, who on a day-to-day basis experience all the issues that impact communities, who know best what's needed.

Now is our time to make a difference. Now is our time to be good in substance. Now is the time for all members to vote yes.

The Hon. SAM FARRAWAY (20:27): I cannot support the motion. We need a bit of perspective. Firstly, the Prime Minister and Minister Burney will only have themselves to blame for the failure of the referendum on Saturday. The referendum is not simply about recognition; the Voice proposal goes much further than that. Everyone in this Chamber, I suspect, including myself, and everyone in the Federal Parliament supports recognising Indigenous Australians in our Constitution. But recent polling and polling over the past three months show that the majority of Australians are not going to support this Voice proposal. They are not going to support more bureaucracy. They are not going to support essentially another Chamber. It is more than just an advisory body. It is legally risky. There are unknown consequences about which the Prime Minister cannot provide an answer. It would be divisive, and it is permanent. It is in our Constitution. It is more than an advisory body. What sort of advisory body gets put into a constitution? It becomes permanent. You cannot just undo it. Surely the Hon. Stephen Lawrence, with his experience, knows that.

Enshrining a Voice in the Constitution for only one group of Australians will permanently divide our country. It creates classes of citizenship through an unknown body that has the full force of the Constitution behind it. I live in Bathurst; everyone knows it. I have consulted with the Wiradjuri traditional Elders and the Bathurst Local Aboriginal Land Council. In Bathurst they do not support the Voice proposal. They are voting no this Saturday. Up the road, different land councils have different views, but there are huge numbers of traditional owners and Elders throughout regional New South Wales who do not support it. The Prime Minister bandies about that 80 per cent of Indigenous Australians support it, but that is just not the case. It is incredibly divisive and it creates so many negative consequences. You have got to bring a country together but all the Voice is doing is dividing it. It is dividing this country. It is clear. You can see it in recent polling. Even in the most recent poll held in the Federal electorate I live in, 72.3 per cent of people polled are going to vote no. The Voice is not what it seems. We do not need more bureaucracy. [*Time expired.*]

[*Business interrupted.*]

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: CONDUCT OF BUSINESS

The Hon. JEREMY BUCKINGHAM: According to Standing Order 94, I move:

- (a) that the time for debate on this motion be extended for 10 minutes; and
- (b) that each subsequent speaker may speak for not more than two minutes.

Motion agreed to.

Motions

ABORIGINAL AND TORRES STRAIT ISLANDER VOICE

[*Business resumed.*]

The Hon. JEREMY BUCKINGHAM (20:30): I thank the House for agreeing to extending the time for debate on what is an important issue for the Chamber and the country. I thank the Hon. Bob Nanva for bringing the motion before the House and the Albanese Government for bringing the referendum before the Australian people, because it is a massive task and it is a hard row to hoe. Referenda are very difficult to get up but they are very easy to shoot down. We saw that with the republic debate—ask Malcolm Turnbull about it. The same false arguments were trotted out against that. The campaign used the exact same line: If you don't know, just say no. Menzies could not get the abolition of the Communist Party up.

The Hon. Jacqui Munro: Shame.

The Hon. JEREMY BUCKINGHAM: Yes, there you go. Where would we be? There would probably be no Greens.

Ms Cate Faehrmann: I would be here.

The Hon. JEREMY BUCKINGHAM: Yes. Ms Cate Faehrmann would be here, for sure. I will say in the 46 seconds I have left that my personal position, as I said in my inaugural speech, is that I support the Voice. I support the generosity of Aboriginal Australia in bringing forward the Uluru Statement from the Heart and the courage of the Albanese Government to put it forward. It takes a lot of ticker to do that, knowing well that it could be shot down. If it does not get up the issue for us will be truth. We can look to South Africa and the truth and reconciliation process that occurred there. We will have a similar issue to deal with, such as how we colonised this country and the dispossession it caused. The truth of our history will remain for us to interrogate in future months, but I hope the Voice gets up.

The Hon. Dr SARAH KAINE (20:32): I thank the Hon. Bob Nanva for bringing the motion before the House. In the short time available to me I want to draw the contrast between the approaches of the yes and no campaigns. The yes campaign is about providing an optimistic future and a vision for what we can do as a nation to progress the appropriate recognition of Indigenous Australians as well as provide a mechanism for listening to their historically marginalised voices. That is incredibly important, and it is an appropriate and timely thing for us to do. It is the right thing to do. A positive outcome will put Australia on the right path. I want to contrast that with what I can only term as the advocacy of ignorance from the "Vote No" campaign. Suggesting, "If you don't know, vote no," is an embarrassing indictment on that campaign. It is also an insult to the intelligence of Australians. Anyone who has been on that side and promoted that slogan—

The Hon. Tania Mihailuk: Again, Australians must be stupid to vote no.

The Hon. Dr SARAH KAINE: No, I am not saying that Australians are stupid. I am saying that Australians are capable and willing to understand issues of importance and significance to this country. The organisers of the "Vote No" campaign should be ashamed that they have infantilised the participants in the debate.

The Hon. SCOTT FARLOW (20:34): I speak in opposition to the motion. I have outlined my position with respect to the Voice in this Chamber before and I will not go into that any further. The motion is about the Australian people making a decision at the polling booth this Saturday, if they have not done so already. The motion is a waste of time for this House, because whatever members may say here will have no bearing on changing the Constitution. It is up to the Australian people to determine their position on the Voice. I am voting no. Picking up on the terms of the campaigns, there is hardly a "Vote No" campaign because it is a poorly funded campaign. The "Vote Yes" campaign has squillions of dollars behind it, but the only thing it can provide is the word "yes". That is why the Australian people are objecting to it, because there is absolutely no detail behind it. The word "yes" is not enough to change the Constitution, and the people of Australia will make that decision this Saturday.

The Hon. MARK BUTTIGIEG (20:35): First, I thank the Hon. Jeremy Buckingham for the extension of time. It is good that we have the debate. I make special mention that the Liberal Party and The Nationals have allowed their members to contribute. I particularly point out the courage of those opposite who advocated for the "Vote Yes" campaign against the majority of their conservative party, who are running a negative and inward-looking campaign. I acknowledge that courage because it is gratifying to see that happen.

The Voice is like any issue of a progressive nation coming into adulthood. The choice before us will happen sooner or later. Those opposite arrogantly proclaim that the polls are correct and that the Voice will definitely go down. We might get a pleasant surprise on Saturday, or maybe we will not. I want to see their faces if the yes vote gets up, because after the last couple of years' experience that we have had I am surprised at the arrogance with which they proclaim that the polls are correct that the yes vote is going to go down.

The Indigenous people of the nation are telling us that what has been instituted hitherto has not worked. They want the Voice set up so that we will listen to them about what is going on in their communities and try to fix what has gone wrong to date. It is not that big an ask. It will be a tragedy for this nation if it cannot be charitable enough to change the Constitution to recognise that First Nations people existed before anyone else set foot on this land. We need to institute a body to give an ear to those people who were here for such a long time before us. It will be a tragedy if it does not happen, but sooner or later it will happen because the progressive side of politics will keep pushing it until the Australian people agree with us.

Ms CATE FAEHRMANN (20:38): I support the motion moved by the Hon. Bob Nanva and I thank him for bringing it before the House. A few days are left in the campaign for a First Nations Voice to be enshrined in our Constitution. If there is not one better reason as to why we need it, it is Dutton's "Vote No" campaign and the fact that the Liberal Party and The Nationals have campaigned so viciously and have spread so much misinformation. One member talked about the collapse of liberal democracy if we enshrined a First Nations Voice in the Constitution. I have spoken with Elders as I have travelled across this State campaigning on the Voice, and they are urging us to listen to them.

They have gone through so much trauma, despite what Jacinta Price may say; there is such an ongoing weight of trauma as a result of colonisation. I spoke to Elders on Saturday night at a Kurdish community event, and they were urging everybody to say yes. They were members of the Stolen Generation and spoke about the pain and trauma they had been through. They said that they do not know how their hearts are going to handle a no vote on Sunday because they have been through so much. All they want is acceptance. They said also that they want to have a say, because Aboriginal people in this country have not had a say about their own circumstances for so long. Let us hope we all write "Yes" on Saturday. I thank all the incredible volunteers who have worked so hard for yes.

[*Business interrupted.*]

Business of the House

CONDUCT OF BUSINESS

The Hon. ANTHONY D'ADAM: According to Standing Order 94, I move:

- (a) that the time for debate on this motion be extended for 10 minutes; and
- (b) that each subsequent speaker may speak for not more than two minutes.

Motion agreed to.

Motions

ABORIGINAL AND TORRES STRAIT ISLANDER VOICE

[*Business resumed.*]

The Hon. ANTHONY D'ADAM (20:40): I make a brief contribution to the debate. I wanted to observe the approach taken by the no campaign, particularly by the Liberal and National parties. It seems that the case for no put by the Coalition at a Federal level is really a rationale masquerading as a reason. In fact, this is about political opportunism. It sees an opportunity to destabilise the Albanese Government, and the Coalition is using Indigenous politics as a mechanism. It is the most cynical form of politics because the Indigenous people of this country have made a very modest request, something that was not in the hearts of the Federal Opposition Leader and the Leader of The Nationals to embrace; rather, they have chosen this moment to engage in the most opportunistic of all politics, and I think it is disgraceful. When I was sitting at a pre-poll booth, someone came up to me and I said, "Are you going to vote yes", and he said, "If you know just a little bit about the history of the country, how could you not vote yes in this referendum?" Dispossession, genocide, assimilation, the Stolen Generation—

Ms Sue Higginson: Incarceration.

The Hon. ANTHONY D'ADAM: Incarceration levels. We know that our Indigenous people are disadvantaged beyond what is acceptable in this country. We have an aspiration for all Australians to be equal, but the reality is that we are not all equal. Indigenous people in this country are very disadvantaged and they have asked of us this very moderate proposal. We should open our hearts, embrace it and vote yes.

The Hon. TAYLOR MARTIN (20:42): The question, as proposed, that Australians will answer on Saturday goes too far in that the advisory body known as the Voice will be inserted into our nation's Constitution permanently. It will be there, elevated alongside our parliaments. This is a real missed opportunity. Australians are amenable to constitutional change when the time comes or, dare I say, when it is overdue, but this concept is a novel one. Australians do not change their Constitution lightly. I say it is a missed opportunity because the time has certainly come for recognition via a preamble, at the very least. I dare say such a proposal would have the overwhelming support of Australians and across major political parties as outlined by the Hon. Stephen Lawrence earlier. The conservative side does support such a thing. The time for a preamble has come. It is overdue. The Voice is still too novel an idea, especially to be inserted in our Constitution.

In regard to the other aspect of the choice Australians face, there are many other ways to have an advisory body. In fact, Federal Labor could have set up such a body to advise the Government within months of its election win in May 2022. It did not. Anthony Albanese brought a divisive referendum that had no certainty at the time. Any Voice to be inserted in the Constitution would, at the very least, symbolically entrench a quasi two-body system where Indigenous Australians would go to the Voice to have their voices heard and ventilated, and all other Australians go to their parliamentary representatives. By its nature, it would codify division in Australia. What could be more un-Australian than such a thing?

The Hon. JACQUI MUNRO (20:44): I support the motion. I have already put on the record my support for the Voice in an adjournment speech. I have spoken very publicly about my support. I note the Liberal record of Indigenous progress and achievements in Australia, the biggest being under Harold Holt. The 1967 referendum to count Indigenous people in the census was delivered under a Liberal Government. The Liberals also had Australia's first Indigenous senator in Neville Bonner and the first Indigenous Minister in Ken Wyatt. In the last term of government, the Liberals and The Nationals took steps to ensure not just that kind of practical inclusion and representation but also symbolic inclusion at a Federal level. It was about ensuring that the flag was owned by all Australians, not just a single individual who could profit from the flag that we know as the Aboriginal flag. It was also to update the lyrics of our national anthem, "We are one and free."

I believe that the Voice seeks to bridge the vast divide that already exists between Indigenous and non-Indigenous people in Australia. The Voice is about responsibility, a fundamentally Liberal principle. It is asking for the responsibility to overcome the torment of powerlessness that so many Indigenous people face. I believe that that is a worthy cause. I believe that it is a proper action and a proper response to the problems that have been attempted to be overcome for so many decades without much success. I absolutely endorse the motion and I urge my fellow Australians to vote yes on 14 October.

The Hon. BOB NANVA (20:46): In reply: Given that we have had two extensions of time, I will keep my reply brief. I thank all honourable members for their contributions, particularly those members of the Coalition for their strength and conviction in supporting this motion this evening. The Hon. Rachel Merton made a contribution, which I thought was compelling, about the unhelpful nature of some of the contributions during the course of this debate. The only extension I make to that point is the unhelpful nature of some of the contributions on both sides of this debate.

With that in mind, and as we head to the polls on Saturday, I hope that we do not forget that this vote allows us to say yes to an invitation that came directly from Aboriginal and Torres Strait islander people. It was a request for a government structure that will make a positive difference to their lives and to their future. That is a point that has not received sufficient attention throughout this debate over the course of the last few months, and it is a point on which it would be appropriate for me to end this debate. I quote from a not nearly often enough cited section of the Uluru Statement from the Heart which clearly sets out why the change is needed:

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

It is gracious and warm hearted. What could be more worthy a goal than that? Heavens above.

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

The House divided.

Ayes24
Noes 11
Majority..... 13

AYES

Boyd	Higginson	Moriarty
Buckingham	Houssos	Munro
Buttigieg	Hurst	Murphy
Cohn	Jackson	Nanva (teller)
D'Adam	Kaine	Primrose
Donnelly	Lawrence	Sharpe
Faehrmann	MacDonald	Suvaal
Graham	Mookhey	Ward (teller)

NOES

Carter	Maclaren-Jones	Roberts
Farlow	Martin	Ruddick
Farraway	Merton	Tudehope (teller)
Latham	Mihailuk (teller)	

Motion agreed to.

Bills

PAINTBALL AMENDMENT BILL 2023

Messages

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

MOTOR DEALERS AND REPAIRERS AMENDMENT BILL 2023
RADIATION CONTROL AMENDMENT BILL 2023
MINING AMENDMENT (MINERAL CLAIMS—OPAL) BILL 2023

Returned

The PRESIDENT: I report receipt of messages from the Legislative Assembly returning the bills without amendment.

Documents

SYDNEY METRO

Production of Documents: Order

Ms CATE FAEHRMANN (20:57): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2018 in the possession, custody or control of the Minister for Transport, Transport for NSW or Sydney Metro relating to Sydney Metro governance:

- (a) Sydney Metro's gifts and benefits register for the following years:
 - (i) 2018;
 - (ii) 2019;
 - (iii) 2020;
 - (iv) 2021;
 - (v) 2022; and
 - (vi) 2023.
- (b) Sydney Metro's conflict of interest declarations by employees and professional services contractors for the following years:
 - (i) 2018;
 - (ii) 2019;
 - (iii) 2020;
 - (iv) 2021;
 - (v) 2022; and
 - (vi) 2023.
- (c) Sydney Metro's general schedule of delegations as at:
 - (i) September 2020;
 - (ii) February 2021;
 - (iii) September 2021;
 - (iv) September 2022; and
 - (v) the current schedule.
- (d) all documents relating to reports or reviews of Sydney Metro consultants and contractors undertaken by an external law firm;
- (e) all documents relating to investigations, audits, or reviews undertaken by or for Sydney Metro into professional services contractors, single source contracts, or limited tender contracts;
- (f) all documents relating to the participation or involvement of Barry McGrattan, Paul Rogers, or James Heyward on a recruitment or tender assessment panel;
- (g) all briefing notes which include Barry McGrattan, Paul Rogers, or James Heyward in the signature chain;
- (h) all documents relating to the recruitment of any employees of Bellgrove Advisory and PRO Consultants to Sydney Metro; and
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

On 6 September *The Sydney Morning Herald* published an investigation into the contractor arrangements entered into by Sydney Metro. The investigation alleged that Sydney Metro, a New South Wales statutory authority, allowed senior managers to run private companies that recruit contractors to the agency on salaries well over \$500,000 a year. It further alleged that the same senior managers were in a position to tender for major project contracts. Those contracts were supposedly conducted under limited tender conditions where the agency

approaches a supplier or suppliers directly for services. Those allegations were also raised a day earlier in a hearing before the Public Accountability and Works Committee.

Appearing on behalf of Sydney Metro, the agency's chief finance and commercial officer could not provide a valid reason or explanation as to why contractors being paid upwards of \$500,000 were retained as contractors for nearly a decade, nor could the chief finance and commercial officer explain how those obvious conflicts of interest are being adequately addressed. During the Public Accountability and Works Committee hearing she said:

Firstly, what I would like to say is, in terms of professional services contractors, skill hires and the like, they do not have any delegated authority. They are not in a decision-making authority role, and they all report, ultimately, to government employees. The ability to hire and recruit people is not an authority that they have. Those decision-making authorities sit with government employees, within our delegation.

However, according to the role description of one of the Sydney Metro contractors named in the Herald investigation, the individual is expected to provide assurance relative to the consistency of third-party agreement project tender documentation and contribute to the evaluation of tenders. The Standing Order 52 motion calling for documents before the Chamber goes into that, trying to find out multiple things that are listed in great detail in the motion. I will not go through it, as members have that list.

Taxpayer money should never be taken for a free ride. It comes at a time when the cost for the Sydney Metro City and Southwest rail line between Chatswood and Bankstown is almost double the original forecast, at about \$21.6 billion. The Premier has accordingly announced a review into the cost of the Metro West, casting doubt over its completion because of how expensive it is. Given the seriousness of the allegations made and the lack of clarity in the evidence provided during the Public Accountability and Works Committee hearings, it is in the public interest to make this order for papers.

The Greens suspect that there is much more to uncover here, from what we are hearing, and I hope I have the support of members for this very important motion so that our metro projects and other transport projects can be built with the most efficient use of the taxpayer dollar. It sounds like a lot of people in this State and in this city are making a hell of a lot of money skimming off a lot of contracts for those metro projects. The scale of the spending is absolutely outrageous—it is astronomical—and we are hoping that the call for papers can shed some light on that.

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) (21:01): I lead for the Government in debate on the motion. I thank Ms Cate Faehrmann for bringing the motion before the House and indicate that the Government will not oppose the call for papers. The member has summarised the challenges the incoming Government has been left with in the big metro projects and also some of the specific challenges when it comes to the widespread usage of consultants and contractors. That has been a key focus for the incoming Minister for Transport, Minister Haylen.

There are major challenges in the Sydney Metro build. Those sorts of mega projects have come under scrutiny for major cost blowouts, and that was certainly the case as the Government came in. That is why there has been the careful work on the Sydney Metro City and Southwest and the review of Sydney Metro West that the member referred to. That is the serious work to deal with those very big projects that should be undergone as the Government comes in. We will be building them for a generation, and it is very important that we are confident we have pressure-tested the projects we are left with. I congratulate the Minister on doing that.

The issues around what I would describe as an over-reliance on consultants and contractors at Sydney Metro are among the challenges that have been faced by the incoming Minister. I am pleased to be able to update the House about a range of actions that she has taken. The first was directing Sydney Metro to look at its use of consultants to ensure that it is indeed an effective use of what are limited resources, even in a very big budget. The Government has directed Sydney Metro to tighten up its hiring of contractors. Any professional services contractor or labour hire engagement or variation worth between \$50,000 and \$250,000 will now need endorsement from Sydney Metro's executive director people and culture and chief finance and commercial officer. Engagements or variations worth more than \$250,000 will need to be endorsed by the CEO, the executive director people and culture and the chief finance and commercial officer. That interim endorsement measure will apply initially while the review of contractor engagements is underway.

Sydney Metro is delivering Australia's biggest public transport projects, altogether delivering and operating works worth more than \$60 billion. It started out much smaller. Concerns have been raised publicly, as Ms Cate Faehrmann has clearly articulated, about the scale of the engagement of contractors. They are sensible interim measures but, as I have indicated, the Government does not oppose the call for papers seeking the information that the member has outlined.

The Hon. NATALIE WARD (21:04): I thank Ms Cate Faehrmann for bringing the call for papers under Standing Order 52. The Opposition will support the motion, after having spoken to the honourable member, but I will briefly place a few items on the record. First, I understand the Government is not opposing the motion, but I highlight—and I have raised this with the member—that the motion specifically names current and former public servants and their participation or involvement in recruitment and other related duties. Members opposite have raised concerns about that before but, nonetheless, they are there. It is interesting that a different view has been taken on this motion, and I place that on the record.

In other matters concerning staffing and the public service, I highlight the selective outrage of those opposite—only when it concerns their ministerial colleagues' questionable political appointments and process. That is very much a problem when it is their colleagues, but it is certainly not a problem when it is former Government colleagues. I find that an interesting backflip, but I put that on the record. It is what it is, but I find it a very strange set of circumstances nonetheless.

I also highlight that while I am aware of the media articles that have influenced the need for the motion, my understanding is that those matters would have been handled below the ministerial office level. Very often the appointments are made under delegation by departmental members. As the motion references, senior executives make delegations in order to ensure effective governance and process in managing a department. In my experience as a former Minister, the Executive and Ministers typically do not have a role in the recruitment of external consultants for much of the work undertaken by the department or other contracting arrangements within those delegations.

I quickly address the issue raised by Ms Cate Faehrmann regarding Sydney Metro West and Sydney Metro City and Southwest and the so-called need for a review. I place on the record my concern that that was not once raised in the election campaign. Not once was there talk of a review, and in fact the project was unequivocally supported. Will Labor build Metro West? Yes. Will Labor continue it? Yes. So it is interesting to me that we now seem to need all of those reviews, which cost an enormous amount of money, and that the Government is very happy to cut ribbons on our projects and plagiarise the work of the former Liberal-Nationals Government to build those big projects. They make a difference to people's lives and they take a lot of work. But we will see what comes out of the documents—cut, cut!—and I commend the work on those big projects. Many consultants have been appointed, but it seems Government members do not really need a consultant; they just appoint their mate Josh Murray. That said, the Opposition supports the motion. [*Time expired.*]

Ms ABIGAIL BOYD (21:07): I support the motion brought by my colleague Ms Cate Faehrmann and thank her for continuing the investigation that was begun as part of the Public Accountability and Works Committee work that my office has been doing, with the very useful assistance of some fantastic investigative journalists. I thank the fourth pillar of our democracy for its services. We cannot just hide behind a review on this issue. A lot of the decisions to hire contractors, some of whom have been with Sydney Metro or Transport for NSW for as long as 12 years on rolling contracts at rates of pay of \$300 every hour, represent an extraordinary expense.

We have seen during our consulting inquiry that the bigger the expenditure—the bigger the budget for particular departments and for particular projects—the more wasteful the department or agency has been when it comes to expenditure on consultants and contractors. In this particular case it was highlighted in our inquiry, which is primarily into the use of contractors, that the decisions were made by the upper management of Sydney Metro, who are largely still in place. They made the decisions to effectively gut our public sector and to replace it with very highly paid consultants, and now they are apparently the ones who we will rely on to do the review. I say to the Government that this is not an isolated example of this use, and an internal review by the people responsible for it will not get us to where we need to be. We need a huge reduction in the reliance on consultants and contractors and a rebolstering and rebuilding of our public sector.

In our inquiry, we recently received some answers to questions on notice from NSW Health. Health could not actually tell us how many people it has employed as contractors. It cannot tell us that. It does not hold that information, apparently. Contractors are not counted as something distinct from other employees. We asked a number of agencies, from Hunter Water to Sydney Water and throughout a variety of different departments, and we were told by all of them that it is not necessarily the case that contractors are identified as being different to other types of employees. Information is not in any way segregated for those types of contractors, and their ability to then continue to get contracting work has increased. This is absolutely a systemic issue. It will take far more than a review to solve it. [*Time expired.*]

The Hon. TANIA MIHAILUK (21:10): I indicate my support for Ms Cate Faehrmann's motion. When I was member for Bankstown in the other place, I must have asked hundreds of questions on the Sydenham to Bankstown metro. My questions were often about not just consultation or operational matters but also the huge blowout in costs associated with that project. It is clear from the web of consulting and tendering that has entangled

that part of Sydney Metro that this House should call for papers and expose what potentially occurred in the decade that Sydney Metro has been managing these projects. I am pleased that the member has moved quite an extensive motion that will be supported by the Government, the Opposition and, indeed, Pauline Hanson's One Nation. It is important that we get to the bottom of the level of consulting and tendering and how, as a number of members have said in this House, the public service was virtually not involved in this project. Yet this project, particularly the Sydenham to Bankstown component, will have a profound impact on south-west Sydney.

When representing that area as a lower House member—and, indeed, on the local council—it was difficult for me and for many interested residents and community organisations to obtain information from the former Government, mainly because of the way Sydney Metro has been set up. The tangled web of consultants made it almost impossible to decipher the type of information that should ordinarily be available to the public. Local communities and organisations of concern have long been interested in the Sydenham to Bankstown metro. I hope some of the information that we have brought forward will expose what occurred there and why there is such a huge financial blowout on that particular project. It might not stop the project from going ahead, sadly, but it will certainly expose those costs and what the real agenda was around the Sydenham to Bankstown metro. I commend the member for the motion and I support it.

Ms CATE FAEHRMANN (21:13): In reply: I thank all members who contributed to debate and I put on record that I am conscious that people are named in the motion. I thought about that, and it is because they were named in the media. To be honest, the motion needs to be that specific for what we are seeking. I would not have done it if they had not been named already.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SUSAN CARTER: I postpone private members' business item No. 512 until the next sitting day.

Documents

ISRAEL-PALESTINE PROTESTS

Production of Documents: Order

The Hon. ROD ROBERTS (21:15): I seek leave to amend private members' business item No. 491 for today of which I have given notice by inserting in paragraph (a) "including, but not limited to, briefing notes, intelligence reports, text messages, emails and all forms of social media communication" before "relating to the Palestinian protest event".

Leave granted.

The Hon. ROD ROBERTS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents, created since 7 October 2023, in the possession, custody or control of the NSW Police Force or the Minister for Police and Counter-terrorism, and Minister for the Hunter relating to the Palestinian protest event held in Sydney on Monday 9 October 2023:

- (a) all documents including, but not limited to, briefing notes, intelligence reports, text messages, emails and all forms of social media communication relating to the Palestinian protest event held in Sydney on Monday 9 October 2023, including applications to hold a protest gathering, security advice, intelligence advice and decision-making leading up to the event;
- (b) all documents relating to the deployment of police officers at the event;
- (c) all documents relating to information given to the Jewish community in relation to their safety; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I am not a very smart man, but one thing I know is numbers. I understand the Government will not be opposing my motion this evening. I also understand I have the support of the Opposition, so I intend to be relatively brief. We need to get a number of things on record. First, I congratulate Premier Minns on his stand, on his attempt to support the State of Israel and the Jewish people and on his endeavour in lighting the sails of the Opera House on Monday evening. I am sure that his Cabinet colleagues join with him, and I congratulate them too. But, if I was sitting in Chris Minns' dining room, he would be a cranky man and he would be thumping the table, because he

has gone out of his way—and rightly so—to show his support for the attempts of Jewish people and people who support Israel to come together to commemorate the horrific events that have taken place in Israel over the past couple of days. But what happened to his attempts? His parade was rained on by the incompetence of the NSW Police Force.

In a nutshell, as of Sunday night, the NSW Police Force was aware, via social media, that there would be a gathering at Sydney Town Hall. We all know that. It had 24 hours to mobilise enough police to be able to police the area between Sydney Town Hall and Circular Quay. I note that the embattled police Minister said in the other place that this was a bit of a spontaneous event. Well, it was not spontaneous. We have known since Sunday night. But let us reflect on that. We cannot muster enough police to guard the Sydney Town Hall or the Opera House. Let us go back to the COVID pandemic when the government of the day decided to lock this State down. The NSW Police Force was able to mobilise, roster and deploy thousands of police, take them from their normal tasks and relocate them along the northern, western and southern border crossings of New South Wales. It rostered and deployed those police. It transported them, it commandeered hotels, motels and all forms of accommodation to house them and it contracted caterers to feed them. How long did that take? It took 36 hours. Within 36 hours we had mobilised thousands of police, transported them, accommodated them and arranged for them to be fed. We had 24/7 around-the-clock policing.

No-one can tell me that we cannot muster enough police officers in 24 hours to police the area between Town Hall and Circular Quay. Everybody says, "This is not a matter for the police Minister—blah, blah, blah." Let me say this. The police Minister does not make decisions on operational matters, but the last time I looked at the Westminster system, what did it show me? The Minister is absolutely responsible for everything in her portfolio. Questions need to be asked. We need to know which documents the police relied on. I was right. I belled the cat in a media interview early on Monday saying there was no Form 1. I was correct.

Part of the motion seeks that information, but it was typed up earlier. Yet again, I was right. You do not need the form, but there wasn't one. I was right. We need to know about the deployment of the police. We need to know about the intelligence that they had gathered. The intelligence they had gathered was that it was going to be—I will be careful with my language—a bunfight. How did we know it would be a bunfight? Members of the Jewish community were warned not to come out. Why would the police give that warning? They gave that warning because they knew what was going to happen. If they knew what was going to happen, why were they not prepared for it? *[Time expired.]*

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (21:21): We extend our deepest sympathy to and stand in solidarity with the Jewish community of Sydney. The New South Wales Government condemns the vicious terrorist attack on innocent Israelis. I, like most people, am sickened by the murderous savagery unleashed on those communities. I am pleased to report that the NSW Police Force has been working closely with the New South Wales Jewish community to ensure their safety. I understand that the Minister for Police and Counter-terrorism has been in regular communication with Acting NSW Police Force Commissioner David Hudson both prior to and since Monday night's protest.

I take this opportunity to put on record that today the NSW Police Force announced that Operation Shelter has commenced. The operation will coordinate the response and gathering of available intelligence in relation to community sentiment, potential protest activity and demonstrations that might take place in the future in relation to these international atrocities. The intent of the operation is to ensure community safety. The priority of the NSW Police Force is to ensure that all members of the community feel safe and supported and are free to go about their daily lives without fear of violence or discrimination.

What the Government absolutely does not condone is people committing criminal offences and threatening public safety. There is no place for such behaviour on Sydney streets. I guarantee that the NSW Police Force will continue to put public safety first, as they have been doing all week and as they always do. The Government does not oppose the motion moved by the Hon. Rod Roberts. However, I do commend the work of the Minister for Police and Counter-terrorism, who is of course not involved in police operational matters and who is doing a terrific job.

The Hon. JACQUI MUNRO (21:23): I support this important call for papers by the Hon. Rod Roberts because, in what is yet another example of this Government not doing its job, the Opposition and crossbench members must again call out the abdication of responsibility by senior Ministers in New South Wales. Government Ministers are failing to take responsibility for a very serious situation. Public celebrations of Hamas's barbaric terrorist attacks have been allowed to proceed while Jewish people were asked to stay home to stay safe. These are times that require swift and decisive action. Alas, such action has been decidedly absent.

Yesterday the arts Minister chose not to directly answer my question—a very simple question—on whether the Government would commit to relighting the Opera House sails in blue and white given that Jews and supporters of Israel were told on Monday night that they could not safely gather to witness an important symbolic act of solidarity just hundreds of metres from this Parliament. That is a situation that has gone global, damaging the reputation of New South Wales and Australia—let alone the real damage it does to the security of our valued Jewish community. There are now news reports that a person has yelled, "I will kill you all", to a Jewish man in the eastern suburbs.

The people of New South Wales have been dismayed to see the police Minister abdicating responsibility for the police and for keeping citizens who are acting lawfully safe, while those acting unlawfully were accommodated with a so-called peaceful rally that subsequently marched through the streets of Sydney shooting flares at the Opera House and shouting racist hate speech. The police Minister called that a "successful operation". It is disgusting criminal behaviour that has no place in Australia. If the police Minister cannot work proactively and constructively to take responsibility with the police to uphold law and order in New South Wales, what can she do? The abhorrent behaviour that was allowed to occur resulted in the stunning advice to an ethnic minority group that they would be safer staying at home. The Attorney General has been no better, going on radio only to admit that he was "not really across" one of the most serious collective antisemitic activities our State has seen.

This is a time when our Jewish community—over 40,000 people in New South Wales, making up 0.5 per cent of our population—should feel most supported, not most forgotten. Will the Government light the Opera House sails in blue and white once more? Beyond the words of condemnation, what action is this Government actually taking to do its job to protect minority groups and prevent pro-terrorist rallies in New South Wales? It is entirely appropriate that the Government should provide papers in relation to this matter.

Ms SUE HIGGINSON (21:26): The Greens support the call for papers—of course we do. It is important to recognise that, no matter how much one wants to create a narrative that suits one's own right now, this is actually about the police response to an incredibly tricky position, but one that they have navigated quite well so far. No matter how we look at this, we have seen David Hudson, the Acting Police Commissioner, stand up and take full responsibility for the police's maintenance of peace and order, which is the primary function and role of police when it comes to protest.

There is nothing joyous or fun about what is happening. The environment is incredibly complex and fraught right now. There is pain. There is suffering. There is bloodshed. It is frightening. But to suggest that there is one or another who is entitled to protest when the other is not, and entitled to grieve and mourn together as a community on our land at our Opera House, is absurd. It is just wrong. It is cruel. It is absurd. It is simplistic. It is divisive. The Acting Police Commissioner has stood in front of all of New South Wales and rightly explained what is happening. He has given the responsibility to Deputy Commissioner Mal Lanyon, who is an incredibly responsible person. Mal Lanyon is approachable and well engaged to understand the role of police when it comes to civil society and protest.

Peaceful assembly is a fundamental right and freedom. The one role of the police in New South Wales right now is to facilitate: to enable that gathering and assembly and to make it as safe as possible. To suggest there is one simple and straightforward way of doing that is absurd. It involves complexity. Right now the police appear to be forging an open, transparent, communicative and responsible way forward. In general I am terribly critical of police responses to particular circumstances, particularly to protest and within communities, but right now we are seeing a responsible course of action. I would not necessarily say the same about the direction and the actions of the Premier. We need to understand the complexities. We need to understand that it is not about simply supporting one voice. We need to engage. The Greens support the motion. I think it will return a decent view of what the police did.

The Hon. RACHEL MERTON (21:29): I support the motion of the Hon. Rod Roberts. What we witnessed on the streets of Sydney on Monday night was shameful. I recognise Premier Minns' strong and genuine statement of solidarity with, and support for, the State of Israel after the barbarism, terror and murder that befell the Israeli people upon the invasion by Hamas terrorists. Like the Leader of the Opposition, he is a friend and supporter of Israel. What I do not accept, however, is the abject failure of his Government to uphold the law. What I do not accept is the sheer incompetence we witnessed on Monday night. What I do not accept is the message that was sent to Jewish Australians on Monday night: "It is better for you to go home and lock your doors than to participate in a global act of solidarity with the Israeli people." What does it say about public administration in this State when the police declare we are essentially unable to ensure the safety and security of our citizens?

We need answers as to how such a situation was able to happen and whether the police Minister—with whom the buck stops—obfuscated her duty to protect the Jewish community. The NSW Police Force allowed pro-Palestine demonstrators to march to the Opera House because they believed the protest could be managed rather than blocked. Anyone should have expected that protest to include extreme pro-Hamas elements, as was

the case. The decision to permit the march to the Opera House was clearly wrong. We need to know how the decision was made. We need to know what the Minister's involvement, or lack of involvement, was in that decision. Monday was a fantastic opportunity to show solidarity to the Jewish community. Instead, someone carrying an Israeli flag—the colours of which lit up the Opera House—was dragged away for breaching the peace.

The images of an angry mob at our Opera House celebrating the terrorist thugs, Hamas, and screaming the most repugnant and vile slurs at the Jewish people after over a thousand Israelis have been murdered, kidnapped and maimed in a frenzy of hatred, have been broadcast on news bulletins around the world. I place on the record my support for the Jewish community, both here and abroad, after the unspeakably brutal violence and terror we saw last Saturday. I continue to offer my unwavering friendship and support to the community and affirm my belief in a peaceful and safe future for the State of Israel. I support the motion.

The Hon. CHRIS RATH (21:32): On this motion, I think we should put politics aside. It is an important order for papers; it seeks to answer the question of why the Jewish people of this State were told that the streets of Sydney were not safe for them. The directive was clear: "If you wish to attend the lighting of the Opera House to reflect, commemorate and support the people of Israel, do not. Stay at home instead, as it is not safe for you. If you instead wish to bring flares, antisemitism and un-Australian behaviour to the steps of one of our nation's icons, then you are most welcome in the Sydney CBD."

The Hon. Stephen Lawrence: The police did not say that.

The Hon. CHRIS RATH: I am not saying the police said that. Please listen. What was meant to take place on Monday night was a show of solidarity with the innocent people of Israel, subjected to one of the vilest terrorist attacks in history. Instead, the NSW Police Force and the New South Wales Government allowed it to be hijacked by a Hamas-sympathising protest. The blue and white projected on the Opera House was contrasted with chants of "Gas the Jews" and, using the expletive, "Eff the Jews". An Israeli flag was burnt on the edge of our harbour. Police officers had flares and water bottles thrown at them. This is not the Australia I know. Simply put, our State failed the Jewish community on Monday night. What took place deserves thorough scrutiny. Are we so short on police officers that we could not manage two concurrent gatherings? Or were police resources deployed inadequately?

We cannot again have a scenario where the people who our State is intending to support are bullied off our streets by thuggery and hatred. A serious question must also be asked as to why the NSW Police Force allowed the protesters to move from Sydney Town Hall to Circular Quay and the Opera House. Why was access to the Opera House, which was specifically lit up for those decent human beings looking to stand with the people of Israel, denied to those very people? Why were antisemitic chants allowed to ring out next to the colours of the Israeli flag? Let me clarify, this is not an attack on our police force. They do an excellent job, day in and day out, of keeping us safe. However, the extent to which the Minister for Police and Counter-terrorism was involved in the circumstances of Monday night must be assessed. Similarly, the NSW Police Force leadership's considerations that led to the Jewish community being told to stay at home must be scrutinised. An apolitical, positive review of what occurred on Monday must take place.

The Hon. ROD ROBERTS (21:35): In reply: I intend to be brief. There are just a couple of things I want to touch on. The Hon. Chris Rath just said—and I think I have his words right, I tried to do shorthand—that the NSW Police Force and the New South Wales Government failed the Jewish community. They did not fail just the Jewish community; they failed the whole community of New South Wales. I am not a Jewish person, but I feel our State is an absolute embarrassment as far as the rest of the world is concerned. I saw images broadcast from around the world, including from the Brandenburg Gate in Germany, of all places, where people of the Jewish faith safely congregated. They could not in the city of Sydney. What happened in Sydney did not happen elsewhere in Australia. It happened here and we need to know why, because we do not want it happening again. Whether it is about the Jewish people or some other race or some other religion, I do not care—I am apolitical as far as that is concerned—violence should not be happening on the streets of New South Wales. Questions need to be asked.

Clearly, offences happened the other night. The NSW Police Force stood by and watched it happen. Did offences happen? Yes, because the next morning they said, "This is horrific. We're going to man a taskforce to go after these people." The police must go after them whilst it is happening, when it is happening in front of them. They must deal with it then, not days later, or else it will embolden and empower these people to come back and do it again. All of a sudden, we have heard rhetoric from the Premier, "This won't happen on Sunday, we're going to see a different approach." My motion applauds him for what he tried to achieve on Monday night, but what is the difference between Sunday and last Monday? Why did we not see that zero-tolerance approach on Monday? There are lots of questions—

Ms Sue Higginson: No violence, that's the difference.

The Hon. ROD ROBERTS: I am ignoring those comments. I sit and listen to The Greens contributions in silence, Mr Assistant President. As tempted as I am to interject, I do not, and I would like to see the same courtesy extended to me. Why was this allowed to happen? Why has there been a sudden change? Ms Sue Higginson said if the Palestinian people want to protest, they should be allowed to protest. I agree. We live in a democracy, we have freedom of speech, we have freedom of movement, and I will stand up for that. But who thought it was a good idea to let the Palestinian people go from the Town Hall to the Opera House, where our Premier wanted the Jewish people to gather in safety? Who thought, "We will let the Palestinians go down there. In fact, we'll march beside them." Who thought that was a good idea? My time has expired. I commend the motion to the House.

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

Motion agreed to.

Motions

STATE BUDGET AND AFFORDABLE HOUSING

The Hon. SCOTT FARLOW (21:39): I move:

That this House notes that the Minns Labor Government's 2023-24 budget makes housing less affordable in New South Wales.

With a budget that promised planning and housing policy to be at its core, the people of New South Wales who are desperate for answers from members of this Parliament were left hanging by a government more desperate to get headlines and positive media coverage than to give answers to pressing issues. The Government boasted about \$2.2 billion of funding to support new housing supply in our State, the so-called Essential Housing Package, but what we have seen from this Government is heavy on spin and light on detail and will not actually build more homes for the growing population of New South Wales. Most of the package is one big tax, the Housing and Productivity Contribution, which makes the development of the very housing we need in this State thousands of dollars more expensive in Greater Sydney, Newcastle, Wollongong, the Shoalhaven and the Central Coast. That is where the majority of the State lives and where the majority of new housing will be needed.

The Housing and Productivity Contribution is the vast majority of the funding for this housing package—\$1.5 billion of the \$2.2 billion promised by the Government—and could add up to \$37,000 to the price of a new home in Western Sydney if it attracts both a strategic biodiversity component and a transport project component. There has been no revised feasibility assessment of that charge since 2020. Since that time, interest rates have risen by 400 basis points and construction costs have increased by 30 per cent. It is quite simple: Making the very thing we need more of—homes—more expensive to deliver will deliver fewer homes. This motion is not the last of the argument about Labor's great big housing tax you will hear from members on this side of the Chamber.

The question Labor needs to answer is how it will fund its additional social housing commitments if it takes the private sector out of the question. It is bizarre that the Government would put \$70 million towards accelerating the delivery of social and affordable homes, primarily in regional New South Wales, when, just the week before the budget was published, it cancelled much-needed projects in regional New South Wales, such as the Argyll Estate redevelopment. Put simply, the money needs to come from somewhere. As we have seen in the budget, it just does not exist.

The Treasurer speaks often about budgetary restraint, which he must have learnt from me over the past 8½ years, but he has a housing Minister who clearly wants to build more social housing, with a significant cost attached. But that cost is not attached to the budget. Evidently, there is division in this Government when it comes to funding. In question time on 20 September, I asked Minister Jackson how many additional social homes she is projecting to build over the forward estimates. It is a simple question. Wanting a rough projection of how much the Government intends to build sounds logical when committing funding in a budget. Instead, the Minister answered by talking about the creation of a new agency to deliver new homes, which we are fascinated to scrutinise in budget estimates hearings, without ever talking about a future target for the building of new social homes in the State. We have no outcome statement when it comes to this budget, so we really do not know. Perhaps the Government just does not know how many homes it will build.

The infrastructure spending in the budget makes it quite obvious that the budget for new social housing infrastructure has been cut. Under the Coalition's 2022-23 budget, the Land and Housing Corporation [LAHC], the key deliverer of new social homes, was provided more than \$713 million for new housing. Labor's recent budget provides less than \$336 million across all new supply initiatives in LAHC, outside of the Commonwealth's Social Housing Accelerator agreement, which provides \$95 million in this financial year. As even The Greens outlined in this House, the accelerator was not designed to abrogate the responsibilities of the State Government for social housing delivery. The Minns Government's commitment to new social housing through LAHC is about

half of the Coalition's commitment in its last budget. With regard to capital works and maintenance, the last total capital works budget in 2022-23 for LAHC was a drop of 33 per cent, much of which was just a reallocation of funding from the former Coalition Government. I am glad we could be so helpful to the incoming Minns Government.

The funding provided in this budget is barely a drop in the ocean. The \$300 million for Landcom to accelerate the construction of thousands of new homes with 30 per cent of affordable housing provides funding out to 2039-40 for the construction of only 1,049 affordable homes and 3,288 private-market homes. That equates to 88 affordable homes per year and 206 private-market homes—fewer than 300 homes per year. As the Government has committed to 30 per cent of properties on government-owned land being for social and affordable housing, it may be breaching its "no privatisation" pledge if it sells those properties to private individuals or community-housing providers. It is our duty to ensure that our residents have ample opportunity to get ahead, and a sizeable part of getting ahead is having secure and desirable housing. I hope the Government will bring more solutions to the table than it brought in the budget. More housing is a mirage under Minns, and answers seem further away than ever.

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) (21:44): I indicate that, unsurprisingly, the Government will not be supporting this motion. We will not be supporting it because it is total nonsense to suggest that the budget we recently delivered will make housing less affordable. Housing affordability is a massive problem in New South Wales. That has come about over 12 years of refusal to engage with and adequately use the levers the Government has to do something about it.

We are undertaking significant work across the housing spectrum to try to get things moving, starting with our work on planning in the private development market. We have already introduced a suite of reforms to try to incentivise the delivery of housing, including affordable housing, and I can assure those opposite that there is more to come. But, as I have said many times, it is simply not good enough to reform planning without a plan to deliver the infrastructure those houses need. I will never shy away from that argument. There is no point in building homes if you cannot flush the toilet and turn the tap on and if there are no roads to connect them to local schools, hospitals, parks and libraries. That infrastructure, which builds our suburbs and our city, is an essential part of housing supply delivery, which is why the core part of the Government's recent budget related to the provision of infrastructure.

It is disappointing, although not surprising, that the Housing and Productivity Contribution scheme, which we passed, opposed by those opposite and once again derided by the shadow Minister, is so opportunistically opposed by them, because this scheme was in essence designed, proposed and promoted by the former Government. I do not know what Rob Stokes thinks about those opposite, but I am sure he is glad to no longer have to stand beside them and hear them talk in such opportunistic and outrageous ways about a scheme that he promoted, championed and knew to be essential to getting housing supply moving and is now, not out of substance but out of pure political opportunism, opposed by those opposite. We know what is happening. We are calling it out. We are just going to keep getting on with the job.

The Hon. JACQUI MUNRO (21:47): We hear a lot of noise from the Government about the desire to create more housing to ensure that more people have access to homes. Unfortunately, the reality seems to be that the delivery does not match the noise. During the election campaign, we saw one of the saddest examples of the Labor Party's approach to politicking in housing reform, particularly in land tax reform. The worst thing that has happened so far under this Government is the repeal of moves towards land tax, and it will be felt for decades to come. The reforms to land tax were groundbreaking and necessary. They were the kind of reforms that have been called for by Treasury officials and experts for years and years, from a Federal level to a State level.

The way that stamp duty works discourages people not only from getting their first home but also from moving house. The mobility issue is part of our housing affordability problem. So, in the first instance, the Liberal Party and the National Party, as a coalition government, implemented land tax reforms that would allow people, first home buyers to begin with, to pay a small annual land tax, which would allow them to even out over many years the tax they pay on a home.

Governments at State and Federal level have been called upon to implement this reform for years, and the Coalition had the courage to implement it. It is part of making housing more affordable and making our whole system more sustainable. Stamp duty is a huge barrier to housing mobility. For example, it means that people who occupy homes with more bedrooms than they need after having a family and perhaps becoming empty-nesters are discouraged from moving house and freeing up stock for new families with young children who need that space. Using the language of a "forever tax on your family home" with regard to a small annual land tax is problematic. Stamp duty means that people will not be able to afford their first home or move out of the homes that they no

longer need. That is a really fundamental problem for housing affordability and is the worst indictment on the Government's attempt so far— [*Time expired.*]

The Hon. CAMERON MURPHY (21:50): I start by thanking the Hon. Scott Farlow for bringing this motion to the House, even though I absolutely oppose it. It takes a lot of guts, considering he is from a party that has presided over the housing crisis that we have at the moment. Those opposite were in government for the past 12 years, and I remember them selling off public housing. The entire public housing community in The Rocks is gone. I do not think there is any public housing left in that area. Where I lived, in Padstow and Revesby, streets of public housing were sold off and privatised by the former Government. The only option available to public housing tenants was to relocate from their community to a new build elsewhere, sometimes to regional New South Wales or somewhere else away from their community in Sydney. The former Government certainly did not replace the housing stock that it sold off. We are in a crisis because of the actions of the previous Government over the past 12 years. We are now being lectured by the Opposition about what it says is the little that has been done in the budget. It takes a lot of guts and courage to move a motion like that in this House.

The Hon. Scott Farlow: Thank you.

The Hon. CAMERON MURPHY: I acknowledge the interjection. I will keep thanking those opposite when they give us free kicks like this one. The difference is that our Government is committed to solving the housing crisis. The Government is committed to building new homes. It is committed to working with the Albanese Federal Government, which is going to invest more than \$20 billion in new home builds around Australia. There will be a fund that will ultimately operate in perpetuity to build houses each year. But it is not going to solve the crisis, because it is an immense problem.

I take issue with the stamp duty matter. All that was ever going to do was impose a forever tax on people, where people would be hit each and every year with a tax on their home. The proposal that our Government has put in place allows people to buy their house free of stamp duty up to a particular limit. That is a better way to get people into houses and to reform the housing space, rather than taxing people forever and a day. We have to do more, and I look forward to the new initiatives that will be announced by the Minister for Housing in due course as we set about fixing this problem— [*Time expired.*]

The Hon. SCOTT FARLOW (21:53): In reply: I thank the Hon. Rose Jackson, the Hon. Jacqui Munro and the Hon. Cameron Murphy for their contributions to the debate and for the good nature with which they have handled the debate this evening. We have limited time, so I will leave my comments there. I commend the motion to the House.

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

Motion negated.

Adjournment Debate

ADJOURNMENT

The Hon. ROSE JACKSON: I move:

That this House do now adjourn.

PAULINE HANSON'S ONE NATION

The Hon. MARK LATHAM (21:54): Earlier today I quoted from the receipts and invoices of the Ashby-Hanson financial rort in New South Wales One Nation. After our State director resigned in 2021, James Ashby and the Brisbane office purchased everything from jigsaw puzzles to sunscreen, conveyor belts to Facebook advertising, metal pens to pouches for pens, and then, for those who needed them, super-deluxe velvet pen pouches, all without a request to or authorisation from New South Wales One Nation. That was supposed to be Government-supplied money for the administration of the New South Wales party. It ended up stored and up for resale in Brisbane warehouses—cash money laundering and the refinancing of Federal election campaigns across the country. It was the equivalent of the theft of over \$100,000.

Ashby said, "Why didn't we go to the Electoral Commission and report it?" Clearly we did not need to, as the Electoral Commission came to us seeking justification for those extraordinary expenditures. Our party office staff and officials knew nothing about it. No-one from New South Wales One Nation could offer any explanation. Ashby also said that none of the documents had his name on them. Of course they do not. There is always a fall guy, like One Nation Treasurer Alex Jones, who was convicted of Queensland electoral fraud. But we can be certain that no-one in that Queensland office scratches their nose without Ashby's approval. Only yes-men work there.

In any case, Ashby's money-hungry antics are hardly a secret. He was captured for hours on film in the highly embarrassing NRA-Koch brothers attempted money grab; he was caught on tape telling Queensland candidates to falsely mark up their invoices to misappropriate electoral funding; then there were the aeroplane and printing scandals; and the debacle of ghost candidates at the last Federal election when Tasmanians ran in Penrith and so forth to gouge out electoral funding. Those were all scams not even Daryl Maguire would have tried. They were Ashby specials. Once I was told of the problem in 2021, I put an end to the New South Wales rort by threatening to go to the police, insisting on repayment of the money and a surrender of Queensland financial control over our State party finances.

Thereafter, Ashby and Hanson were constantly angling for Federal intervention to get their hands back on the New South Wales money. Last year there was a threat of intervention over a preselection farce involving the absurd and sinister Millie Fontana. After the March election, Hanson convened a national and State executive meeting in Sydney while I was overseas. Her puppets from Brisbane each said I had to go. From April onwards there was constant Brisbane party activity along those lines. Of course, the Hon. Tania Mihailuk knew all about it: She was at the meetings. She was walking both sides of the street. She bagged me on the phone to Hanson and bagged Hanson on the phone to me. There were scores of calls—she was Tiberius with a telephone.

Of course, dozens of times she sought my explanation about why this was happening by asking—sensibly enough—"Why are they trying to get rid of you when you have just won an eight-year term?" Dozens of times through April, May, June and July I explained, as the Hon. Rod Roberts will know, "It is all about the money. It is only ever about the money." I told the Hon. Tania Mihailuk about the 2021 attempted rort of the New South Wales administration money and apologised to her for bringing her into a party with crooks north of the border. Imagine my surprise when she said in this Chamber earlier today that she had not been told. As if, over four months, she did not hear my explanation of what was going on in these extraordinary times.

I even gave her an accurate prediction: Any honest people standing in the way of Hanson and Ashby in the money grab would be removed in New South Wales, replaced by crooks like Steve Mav. That is what happened. Only a single One Nation MP is happy enough to accept a New South Wales State executive stacked with Queenslanders and Tasmanians, who have their hands back on the money. It was totally untrue when the Hon. Tania Mihailuk wrote to One Nation members on 23 August and said:

Regarding the allegations raised in Mr Latham's letter to the Special Minister of State, I have only been made aware of the content of these allegations via the media.

The truth is much clearer than that. We did not plan to raise these matters. I did not plan to raise them until I received a letter from Survivor George, the so-called independent reviewer. Obviously his paid report was designed to fit up me and the Hon. Rod Roberts. In the circumstances, we will not allow that to happen. The truth deserves to be known. I have set that out chapter and verse in the Chamber.

ABORIGINAL AND TORRES STRAIT ISLANDER VOICE

The Hon. RACHEL MERTON (21:59): On Saturday the nation will go to the polls to cast its collective judgement on the Voice. No doubt a huge sigh of relief will be heard across Australia at 6.00 p.m., when polls close. The Prime Minister on election night last year sent Australia down the pathway of the most divisive and corrosive referendum campaign this nation has seen in many decades. The damage caused to our national unity will take time to heal. I have discussed my views on the Voice previously. I am voting no and have advocated publicly for a no vote across this State. I cannot support such a radical change to our nation's founding document, whatever the hectoring of corporate Australia, the lecturing of a bunch of celebrities and the advice to "trust us" from the Albanese Government.

I touch upon an issue that regrettably has enjoyed little attention—the impact of the Voice on this place. Members may be aware that last week some very valuable analysis was released by Professor Nicholas Aroney of the University of Queensland and Mr Peter Congdon of Ashurst Lawyers. Their research paper titled *The Voice Referendum and the Federal Division of Powers* found that the Voice has real potential to expand the Commonwealth's powers over areas that have been the responsibility of the States. How many people voting for the Voice would be aware that they are also voting to potentially overturn the longstanding balance of responsibilities between the States and the Commonwealth? I commend the report as required reading for all members.

The report finds that the Voice, with its own standalone chapter of section 129, "would accord the Voice a structural prominence and constitutional status comparable to the Parliament, the Executive and the judiciary". This is hardly a "modest change", as we are endlessly told by the yes campaign. The report notes the broad wording of section 129 (ii), which states that the jurisdiction of the Voice extends beyond matters that relate only to Indigenous affairs and includes any matter that relates to Indigenous peoples. Importantly, the report notes that there is nothing in the drafting to limit the Voice to representations on areas over which the Commonwealth has

powers under sections 51 and 52 of the Constitution. This potentially means, as the authors have discussed, that the Voice, as part of the Constitution, will be a new head of power able to make representations on matters well beyond the Commonwealth's current responsibilities.

Obviously, all this would be ultimately determined by the High Court. But there is real potential for the Voice to make representations to the Commonwealth on matters that are the responsibility of the States. The potential for subsequent Commonwealth takeover of responsibilities of the States due to the representations made by the Voice is real. This report demonstrates that, even at this late stage, Australians are finding out the uncertainties generated by the Voice. We are still discovering the potential consequences of voting yes and unleashing such radical, divisive and unknown changes to our democracy. This vote is not about recognition. It is not a "modest change". It is about radically rewriting our nation's Constitution, which we can now see potentially includes the expansion of the Commonwealth's powers over the States.

It is to the great shame of the Albanese Government that it never demonstrated either the courage or the competence of John Howard in 1998 in holding a Constitutional Convention, voted on by the people, to allow these matters to be discussed. Instead, he delivered the Australian people a hopelessly flawed "take it or leave it" proposition, hoping that a combination of the vibe, endless corporate money and endless moralising would carry the day. The Constitution belongs to all Australians. Our nation's birth document is not something to be rewritten to suit Labor's political interests. The balance of responsibilities between the States and the Commonwealth should not be radically altered by this proposed Constitutional amendment, which is either a grab for power by Canberra or inept drafting. On Saturday all Australians have the opportunity to reject these sweeping and unknown changes. If you want an Australia that is one united, not two divided, vote no.

ABORIGINAL AND TORRES STRAIT ISLANDER VOICE

The Hon. ANTHONY D'ADAM (22:03): On Friday 25 August I attended the Black Parliament alongside many of my colleagues in the upper and lower Houses. This occasion celebrated the 40-year anniversary of the Aboriginal Land Rights Act 1983, which is a piece of landmark legislation introduced by the Wran Labor Government that provided land rights for Aboriginal persons in New South Wales and established representative Aboriginal land councils in the State. Underpinned by the principle of self-determination, the Aboriginal Land Rights Act recognised the traditional ownership and occupation of the land by Aboriginal peoples, and the importance of their connection to land on a spiritual, economic and cultural level. It was the first time this had been done by any Australian government.

The Act also acknowledges that decisions of past governments have progressively reduced the lands set aside for Aboriginal people without compensation. Under the Act, Aboriginal land councils in New South Wales can claim land as compensation for historic dispossession and play an important role in the forward progression of Indigenous rights. On this occasion, it was great to hear from a range of land councillors and Indigenous land rights activists, young and old, in the Legislative Assembly. I thank the Minister for Aboriginal Affairs and Treaty, David Harris, and the shadow Minister, Leslie Williams, for speaking about the Government's imperative to support Indigenous peoples to ensure their rights and to bring about progressive change.

This weekend we have the opportunity once again to change the course of Australian history. Australians will have their say about whether to recognise our First Nations peoples in the Constitution and enable the self-determination of Aboriginal and Torres Strait Islander communities through an advisory body known as the Voice. On Saturday voters will be asked to write yes or no in response to a single question. The question on the ballot paper will be:

A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

Do you approve this proposed alteration?

I have already spoken in this Chamber about the significance of this referendum. In my opinion, this is a very straightforward and modest proposal. Voting yes is about three things: recognition, listening and better results. We need to recognise Aboriginal and Torres Strait Islander people in our Constitution and pay respect to 65,000 years of culture and tradition. We need to listen to advice from Aboriginal and Torres Strait Islander people about matters that affect their lives, so that governments can make better decisions. We also need to make practical progress in Indigenous health, education, employment and housing, so that people can live a better life.

Australia has come a long way since our Constitution came into effect in 1901. At the 1967 referendum, 90 per cent of Australians voted yes to change the Constitution so that Aboriginal and Torres Strait Islander people could be counted in the population in the same way as everyone else. In 1992 the Mabo Native Title Act rejected the notion that Australia was terra nullius at the time of British settlement and recognised that Indigenous rights to land continued after colonisation. In 2008 Prime Minister Kevin Rudd made a formal apology to the Stolen

Generation. In 2023 together we have a chance to take the next step by recognising Aboriginal and Torres Strait Islander people through a Voice.

The idea of a Voice has been decades in the making. It is an ask direct from Indigenous communities. Embedding this in the Constitution would give distinct recognition to Aboriginal and Torres Strait Islander people that cannot be reversed by future governments. We can vote yes to be part of a great unifying moment that will bring about a better future. I thank the thousands of yes vote volunteers across New South Wales who have given up their time to doorknock, phonebank, letterbox and hand out flyers at train stations. I thank also the Yes23 campaign coordinators across our electorates who have handled the logistics; it is no small feat. I look forward to voting yes this Saturday.

STEVEN WISE AND ANIMAL RIGHTS

The Hon. EMMA HURST (22:07): I dedicate my adjournment speech to a person doing groundbreaking work for animals. Steven Wise is an attorney in the United States and is the founder and president of the Nonhuman Rights Project. He has spent over 40 years researching, formulating and fighting a legal case for animals. There is no doubt about it; his approach is powerful. Not only is it grounded in law and sound judgement, but it is also revolutionary. Simply put, Steve is a lawyer fighting for rights. He is applying all the rules, tests and requirements that give rise to the most basic rights. The only difference is that his clients are animals.

Take Tommy, for example. Tommy is a chimpanzee who was living alone in a cage in a trailer park in New York state. He became the first client of the Nonhuman Rights Project, which fought for Tommy's right to be free from arbitrary detention. Then there are Hercules and Leo, who were two chimpanzees being used in experimentation in a university lab. They were the first non-human animals in the world to have a habeas corpus hearing, which required their captors at the university to justify in court the chimps' imprisonment. Hercules and Leo now live in a sanctuary.

The list of clients goes on: Kiko, a chimpanzee held captive in a shopfront and forced to wear a chain and padlock; Beulah, Karen and Minnie, three elephants who were forced to perform for decades in a travelling circus; Amahle, Nolwazi, Mabu, Jambo, Kimba, LouLou, Lucky and Missy, each a wild-born elephant who was caught and forced into a life of captivity; and Happy the elephant, who was taken from her natural herd as a baby and held captive in the Bronx Zoo for almost 50 years, the last 17 years of which have been in complete solitude. Happy was the first elephant to pass the mirror self-recognition test, thus proving that elephants have self-awareness.

In each of those cases, Steve saw the individual for who they were. He saw that in their captivity they were suffering, and that they, like all of us, deserved the right to freedom. When Steve first took the cases to court, people mocked him, and they even barked at him in the courtroom. But he persevered because he knew he was on the right course of history. The cases are still ongoing and being debated before the courts, but we can already see that real change is happening. In a dissenting statement, United States Judge Jenny Rivera wrote about Happy:

Her captivity is inherently unjust and inhumane. It is an affront to a civilized society, and every day she remains captive—a spectacle for humans—we, too, are diminished.

Do not let that message be confused: It is not about giving animals voting rights or a right to education. It is about seeing these animals as sentient, thinking individuals who, at the very least, deserve the right to be free from arbitrary imprisonment and the right to bodily autonomy.

The time has come to finally grant animals the rights they should have always had. The change is inevitable, and represents a future that people like Steven Wise and the Nonhuman Rights Project have set on track to become reality. We are seeing it in effect around the world. Dozens of international cases, inspired by the work of the Nonhuman Rights Project, have been brought on behalf of animals around the globe. It is history in the making. On behalf of the animal protection movement and animals everywhere, I thank Steve for being a formidable advocate for equality, respect and compassion and for being the first person to demand a legal right for a non-human animal in a court of law. His work has started things in motion, and I can already see a more just world coming into focus.

HOUSING SUPPLY

The Hon. CHRIS RATH (22:11): The political calculus has changed, and it has changed very quickly. It used to be politically expedient to be a nimby, but it is now politically popular to be a yimby. The aspiration of home ownership is rapidly deteriorating for young Australians and poses a unique demographic and political challenge for the Liberal Party. That political calculus has changed enormously quickly, probably only in the few months since the State election. Putting the crisis into perspective, in 1984 the average Australian could buy a home that cost 3.3 times their annual income. In 2023 a home is 10 times the average person's annual income.

The Liberal Party fundamentally believes in the aspiration of home ownership, and it needs to reframe the debate from "housing affordability" to "home ownership". Labor and The Greens believe that the Government or big super, through build-to-rent programs, should be the landlord of the people of New South Wales. But as a nation we should never believe in that type of neo-feudalism—a system in which an elite group of people own property and the majority of people are serfs subservient to them. We must reject that archaic and regressive agenda and support home ownership through increasing private supply.

One of the key reasons underpinning the home ownership crisis is the State planning system, which places an extraordinary administrative burden upon developers and favours a select group of rent-seekers, the nimbys, who seek to restrict housing in their area for their own selfish purposes. The Opposition must come to terms with the fact that our previous Government is culpable in this crisis. Of course we did try to overhaul the planning system in 2013 but we were blocked in this Chamber. Regrettably we jettisoned any reform of the planning system to any large extent in our subsequent terms.

The crisis requires a bold policy platform from the Opposition that prioritises sustainable and adequate increases to density and private housing in established communities in Sydney. The NSW Productivity Commission has found that urban sprawl costs \$75,000 more per home compared to established communities in Sydney. Existing train and light rail stations in Sydney provide an excellent opportunity for zoning changes, for R3 and R4 medium- to high-density residential properties well connected to entertainment and employment hubs. That is where the development needs to take place.

Furthermore, whilst the housing affordability crisis is predominantly linked to supply, the New South Wales Government can reform the demand side of the equation by specifically removing stamp duty and transitioning to a broad-based land tax. We know that stamp duty deters the transfer of property and actively increases the costs of buying a home. The previous Government had committed to that objective through the First Home Buyer Choice program, which has sadly been removed by Labor. I do, however, congratulate the Opposition leader, who in his budget reply speech gave in-principle support for a stamp duty exemption for empty-nesters to downsize, which will free up supply for younger families.

The Liberal Party should take inspiration from the Canadian conservative opposition leader, Pierre Poilievre, who is successfully prosecuting a classical liberal cause on home ownership in Canada. That includes offering funding bonuses to local councils that surpass their housing targets and withholding funding from local councils that block housing supply because of egregious opposition from nimbys. The platform is successfully communicating to gen Z and millennial voters in Canada, who are preferencing the conservatives at 40 per cent. Compare that to the Liberal Party, which struggles to attract 20 per cent of gen Z and millennial voters.

I say to Liberal members of Parliament who are a little worried every time they get a phone call, an email or a letter from one of those boomer nimbys in their electorates: The reality is you will not lose your seat because of 10 letters from a few nimbys who do not want a development to go ahead. But you will lose your seat if only one in five gen Z and one in four millennials are voting for the Liberal Party because they cannot afford to buy a home. That is how you are going to lose your seat. My suggestion would be to do more to drastically increase private housing supply in New South Wales and maybe worry a little bit less about the handful of nimby boomers who email and phone your office.

MAPLE LEAF HOUSE

The Hon. GREG DONNELLY (22:17): As I have reported to the House previously, Maple Leaf House [MLH] is a facility established, funded and operated by NSW Health to treat children and adolescents who may be or are gender dysphoric. Since 1 April 2021, when it officially opened, to 24 September 2022, 487 children and adolescents received so-called "treatment" there. Almost 13 months later, who knows how many have now passed through its front door? Honourable members know that, since September last year, I have been raising serious questions both inside and outside the Parliament regarding various treatment practices undertaken at Maple Leaf House.

Such have been my concerns that I have corresponded on both 29 March and 23 May this year with Ms Susan Pearce, AM, Secretary, NSW Health; Dr Kerry Chant, Chief Health Officer, NSW Health; and Dr Murray Wright, Chief Psychiatrist, NSW Health, and outlined my concerns with them. To my surprise and disappointment, I did not receive an acknowledgement letter from any of them, let alone a detailed response to the matters I raised. In an adjournment speech I gave on 22 May I informed the House that I had sought and received, through making a Government Information (Public Access) Act application, pursuing a matter before the NSW Civil and Administrative Tribunal and undertaking discussions with the Crown Solicitor's Office, some limited information about the goings-on within MLH.

Specifically, it has been established that NSW Health does not have a functioning or accessible record-keeping system that details the natal sex of a child and adolescent patient receiving treatment at MLH, hence the inability of NSW Health to provide a breakdown of the total number of MLH patients by natal sex, those receiving puberty blocker treatment by natal sex and those receiving stage two cross-sex hormone treatment by natal sex. NSW Health maintains only a manual register—I repeat "manual register"—of the number of children and adolescents being treated at Maple Leaf House receiving stage one puberty blocker treatment. NSW Health does not have a functioning and accessible record-keeping system regarding children and adolescents receiving stage two cross-sex hormone treatment, even though MLH clinicians prescribe such treatment and make direct referrals to endocrinologists and others who are known to be prescribers of them.

With a growing number of overseas jurisdictions banning, except in very narrow and defined circumstances, the prescription of puberty blockers and cross-sex hormone treatments for children and adolescents, it is unbelievable that Maple Leaf House can get away with such substandard and, I would submit, dangerous record keeping. For any member of the Parliament who believes I have been focusing unduly on this matter, I will outline the following that has been reported to me by highly qualified and experienced clinicians working in both the public hospital system and community practice who have direct knowledge of treatment practices being undertaken at the facility. Firstly, Maple Leaf House has established a reputation for coercing parents with unjustifiable threats about their children's mental health. This unprofessional behaviour of suggesting that a child will commit suicide if they are not allowed to "transition to another sex" has even occurred with a child being present and listening to the conversation.

Maple Leaf House has sought to coerce parents by threatening and commencing legal action to override parental responsibility with respect to their children's medical decisions. Regarding the treatment of children and adolescents at Maple Leaf House, it is not uncommon for the first clinical appointment to be with an endocrinologist who recommends and endorses specific off-label hormone treatment before any psychological or psychiatric evaluation has been conducted. This therefore means that treatment is being recommended before assessment has been conducted. Internal clinical concerns raised by experienced in-house Maple Leaf House psychologists and counsellors about patient suitability have been dismissed in order to expedite off-label hormone treatment and, since opening in April 2021, numerous staff have left working at the facility as a result of their concerns regarding off-label hormone treatment being overridden by certain Maple Leaf House doctors.

I have used my best endeavours for over 12 months to alert the most senior officials of NSW Health to the harmful treatment practices that have been and continue to be undertaken at Maple Leaf House. The fact of the matter is that as early as late 2021 it was becoming an open secret within the Newcastle medical and health community that highly qualified and experienced clinicians were expressing serious concerns about the treatment practices being undertaken at Maple Leaf House. Knowing what we know already, nothing short of a full, open and independent review of the operation of Maple Leaf House—and, in particular, its treatment practices—is urgently required. This must be commenced immediately.

NETBALL COLLECTIVE PLAYER AGREEMENT

The Hon. CAMERON MURPHY (22:22): Tonight I wish to express my solidarity and support for the Australian Netball Players' Association [ANPA] in its efforts to negotiate a fair collective agreement for players that includes fair and affordable minimum pay. The association has also canvassed a model that includes a hybrid profit and revenue share. The ANPA said it believes its players have bent over backwards to try to make significant concessions in arriving at an agreement, but they have not seen similar concessions being made by Netball Australia.

I support the players association's call for mediation as a sensible way to achieve a breakthrough. As an avid follower and lover of women's sport, I think it is very important that the parties come together in good faith and resolve this dispute quickly in a way that will let players get back on the court, promote the sport and do all the things they generally do and ensure there is a sustainable competition going forward. I simply want to express my support for the players association, which I think is negotiating in good faith in its efforts to try to achieve a fair collective agreement in sport.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 22:24 until Thursday 12 October 2023 at 10:00.