



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Eighth Parliament  
First Session**

**Thursday 23 November 2023**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Thursday 23 November 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.

## *Motions*

### **CANTERBURY BANKSTOWN CHAMBER OF COMMERCE**

**The Hon. RACHEL MERTON (10:01):** I move:

- (1) That this House notes that:
  - (a) on 18 November 2023, the Canterbury Bankstown Chamber of Commerce held its 2023 Annual Gala Dinner, and the Hon. Rachel Merton was delighted to attend alongside the following guests:
    - (i) Her Excellency the Hon. Margaret Beazley, AC, KC;
    - (ii) the Hon. Chris Minns, MP, Premier of New South Wales;
    - (iii) the Hon. Mark Speakman, MP, Opposition Leader;
    - (iv) the Hon. Jason Clare, MP, Federal member for Blaxland;
    - (v) the Hon. Tony Burke, MP, Federal member for Watson;
    - (vi) the Hon. David Coleman, MP, Federal member for Banks;
    - (vii) the Hon. Mark Coure, MP, member for Oatley;
    - (viii) the Hon. Damien Tudehope, MLC;
    - (ix) the Hon. Jihad Dib, MP, member for Bankstown;
    - (x) Lynda Voltz, MP, member for Auburn;
    - (xi) Kylie Wilkinson, MP, member for East Hills;
    - (xii) Nathan Hagarty, MP, member for Leppington;
    - (xiii) David Saliba, MP, member for Fairfield;
    - (xiv) Charishma Kaliyanda, MP, member for Liverpool;
    - (xv) Tina Ayyad, MP, member for Holsworthy;
    - (xvi) councillor Bilal El-Hayek, Mayor of Canterbury-Bankstown;
    - (xvii) councillor John Faker, Mayor of Burwood;
    - (xviii) councillor Frank Carbone, Mayor of Fairfield;
    - (xix) councillor Karen Pensabene, Mayor of Strathfield;
    - (xx) Superintendent Adam Johnson, commander, Bankstown Police Area Command;
    - (xxi) Professor Barney Glover, AO, vice-chancellor and president, Western Sydney University;
    - (xxii) Reverend Father Assad Lahhoud, Father Superior of St Charbel's Monastery;
    - (xxiii) Peter Rophail, general manager, Bankstown Lidcombe Hospital;
    - (xxiv) John Khoury, chairman, Canterbury Bankstown Bulldogs Rugby League Club;
    - (xxv) Aaron Warburton, CEO, Canterbury Bankstown Bulldogs Rugby League Club; and
    - (xxvi) Anthony Rahayel, founder of NoGarlicNoOnions, international food blogger.
  - (b) approximately 500 people were in attendance representing many small businesses and community organisations.
- (2) That this House commends Canterbury Bankstown Chamber of Commerce, including CEO Wally Mehanna, for hosting a successful event and its role building a prosperous business community in Canterbury-Bankstown.

**Motion agreed to.**

## GUJARAT DELEGATION

**The Hon. RACHEL MERTON (10:02):** I move:

- (1) That this House notes that:
  - (a) on 31 October 2023, a delegation from Gujarat led by Dr Anju Sharma visited New South Wales Parliament House and was hosted by the Australian India Business Council, Ms Julia Finn, MP, and the Hon. Scott Farlow, MLC;
  - (b) the delegation was visiting Australia ahead of the tenth Vibrant Gujarat Global Summit 2024;
  - (c) Gujarat is the fourth largest Indian state economy and a sister State of New South Wales since 2015;
  - (d) in the 2021 census, 350,770 people in New South Wales nominated Indian ancestry, with significant and growing populations in Western Sydney; and
  - (e) India is Australia's fourth largest trading partner and is one of the fastest growing economies in the world.
- (2) That this House commends Mr Irfan Malik, President of Australian India Business Council New South Wales Chapter, and Dr Anju Sharma, and expresses its wishes for a successful tenth Vibrant Gujarat Global Summit.

**Motion agreed to.**

## INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

**The Hon. AILEEN MacDONALD (10:02):** I move:

- (1) That this House notes that:
  - (a) United Nations International Day for the Elimination of Violence Against Women is 22 November 2023;
  - (b) there will be 16 days of activism against gender-based violence, which commences on 25 November 2023 and ends on International Human Rights Day, 10 December 2023;
  - (c) the global theme for this year is "UNITE! Invest to prevent violence against women and girls"; and
  - (d) on 22 November 2023, a dinner will be held in Parliament House to raise funds for elimination of violence against women, which will go towards many regional and metro centres throughout New South Wales.
- (2) That this House further notes that:
  - (a) in New South Wales there are approximately 2,500 reports of domestic violence to the police every month, but this is likely to only represent 40 per cent of actual incidents due to under-reporting;
  - (b) so far in 2023, a woman has been murdered every five days;
  - (c) violence against women has a corrosive impact on the whole of society and it is a national crisis; and
  - (d) violence against women and children in any form is unacceptable.
- (3) That this House notes that every day we read about someone who has suffered or, worse, died as a result of domestic violence, and this has to end.

**Motion agreed to.**

## DURGA PUJA

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

- (1) That this House notes that:
  - (a) on 21 and 22 October 2023, the Australian Bengali Hindu Association held a Durga Puja event in Toongabbie, and the Hon. Mark Buttigieg, MLC, was honoured to attend on 22 October and make a speech representing the Minister for Multiculturalism, the Hon. Stephen Kamper, MP;
  - (b) the two-day Durga Puja festival celebrated the goddess Durga's victory over the demon Mahishasura, representing the strength of good against evil and light against darkness;
  - (c) over the two-day festival the following guests attended:
    - (i) Ms Julia Finn, MP;
    - (ii) Mr Manish Gupta, Consul-General of India in New South Wales;
    - (iii) councillor Suman Saha, Cumberland City Council;
    - (iv) Mr Sai Paravastu, director of community services at the Hindu Council of Australia NSW;
    - (v) the Hon. Laurie Ferguson, OAM, former member for Granville and former Federal member for Reid; and
    - (vi) Mr Prabir Maitra, former councillor at Parramatta City Council.
- (2) That this House congratulates the Australian Bengali Hindu Association, including its president, Dr Samir Sarkar, on administering such a lively and enjoyable event.

**Motion agreed to.**

**KWAN YIN TEMPLE VEGAN HOUSE**

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

- (1) That this House notes that:
  - (a) on 29 October 2023 the Hon. Mark Buttigieg, MLC, was honoured to represent the Minister for Multiculturalism, the Hon. Stephen Kamper, MP, at the grand opening of the Kwan Yin Temple Vegan House with the Australian Chin Lien Chinese Association in Canley Vale;
  - (b) the following people attended:
    - (i) Mr Tri Vo, MP;
    - (ii) Mayor Frank Carbone of Fairfield City Council; and
    - (iii) Ms Dai Le, MP.
  - (c) the Kwan Yin Temple was founded in 1993 by Chinese-Vietnamese refugees, named after the Chinese goddess of mercy, Kwan Yin; and
  - (d) for years, the Kwan Yin Temple has done important work organising fundraising and supporting educational services and initiatives for the benefit of the local community, and the new vegan house will assist in funding future projects.
- (2) That this House congratulates the Kwan Yin Temple and the Australian Chin Lien Chinese Association, including the President Wai Kau Chan and the executive office team, on the historic event of the opening of the vegan house.

**Motion agreed to.**

*Notices***PRESENTATION**

*[During the giving of notices of motions]*

**Ms ABIGAIL BOYD:** Mr President, while I am giving notice of my motion in relation to violence against women, I am being harassed from the crossbench. I ask you to call the member to order.

**The PRESIDENT:** Order! It has become a tendency for members to interject during the giving of notices of motions. That behaviour will cease from here on in. Every member has the right to be heard in silence and to have their notice of motion heard respectfully.

**The Hon. Mark Latham:** Point of order: My point of order relates to the abuse of standing orders. These notices of motion are the equivalent of members' statements. They are all repetitive and go on and on like *Blue Hills*. Members are making speeches to post on Facebook. I ask that the Procedure Committee do something about it because it is torture for those of us who do not abuse the standing orders.

**The PRESIDENT:** I thank the member for his contribution. The standing orders do not preclude members from reading lengthy notices of motions. However, it is within the remit of the House to refer the issue to the Procedure Committee for consideration if the House is of a mind to do so.

**The Hon. Mark Latham:** I will move that way.

**The PRESIDENT:** The member will not move his motion during the giving of notices of motions. I suggest the member confer with the Clerk about the best way to proceed.

*Business of the House***POSTPONEMENT OF BUSINESS**

**The Hon. PENNY SHARPE:** I move:

That Government business notice of motion No. 1 be postponed until the next sitting day.

**Motion agreed to.**

**SUSPENSION OF STANDING AND SESSIONAL ORDERS**

**The Hon. NATALIE WARD (10:40):** I move:

That standing and sessional orders be suspended to allow private member's business item No. 647, relating to the tabling of documents containing personal information regarding department liaison officers in the office of the Minister for Transport, to be called on forthwith.

It is extraordinary that today we saw moves from the Government to cover up documents that the independent arbiter has said in a ruling should be published. In the last four years of the former Government, not once was an independent arbiter's report disagreed or quibbled with. It is an order of this House. This is a house of review. Our

job is to call for documents, which was done, and our job is to review those documents. The Government objected to the call for papers under Standing Order 52, then sought to claim personal information over the specific documents and now seeks—

**The Hon. Penny Sharpe:** Point of order: The motion is about whether or not we will debate private member's business item No. 647. It is not about the substance of that motion.

**The Hon. NATALIE WARD:** This is a matter of process where the independent arbiter of this House, the Hon. Keith Mason, AC, KC, has given a report that unequivocally says that this information should be published. I seek to ensure that that is followed. It is a very straightforward matter of the process of this House. Subverting the order, ruling and finding of the independent arbiter seems to me to be an extraordinary method that is worthy of debate in this House and worthy of the consideration of this House. After all, it is the processes of this House that hold us and the Government to account, and that is what we are elected to do. Any objection to personal information is way surpassed. The documents identified by the Government in the production of documents names the individuals in the index, so the individuals have already been named by the department in its own index. Any objection to that information being produced is long gone.

The independent arbiter identifies those documents and those names in his report, so any objection on the basis of personal information is long past. The report set out a very clear basis for publishing the information. I sought to do so by the proper processes of this House by bringing a formal notice of motion before the House. That motion was objected to by the Government, and I seek to utilise the powers of this House to go through the proper processes to produce that information. It is a very straightforward report from the arbiter. It is not grey. I challenge any member of this House who objects to this motion to indicate whether they have read the arbiter's report. Have members read it and seen the words in it? It is very hard to argue with a report that is so straightforward. The independent arbiter has said that those documents should be published.

**The Hon. Penny Sharpe:** Point of order: I appreciate the Opposition feels strongly about this matter. This is a discussion about whether or not debate on the motion is brought on forthwith, not about the substance of the matter. If the motion to suspend standing and sessional orders is passed, the member may debate the matter. I thought we were trying to cooperate in this House in order to debate another bill today, so I ask the member to confine her words to the substance of the motion, which is about whether or not we will debate the matter.

**The PRESIDENT:** I understand and agree with the point of order taken by the Leader of the Government. The member did not stray too far from the leave of the motion; however, I remind her of that point.

**The Hon. NATALIE WARD:** Certainly. I will return to the substance of the motion. We would not be in this position if the Government had not objected to the motion. It is extraordinary that the Government has taken these steps. That is why we need to bring on the motion and have that discussion now. We may well get to other items of Government business, but the Government has chosen this course. It is by its own choice and its own decision that we are in this position where we now need to ensure that the proper processes of this House are defended and upheld by members. That is our job. It is very clear. There is strong precedent over many years for us to follow the independent arbiter's report, yet the Government seeks to subvert those processes now. The Hon. Keith Mason, AC, KC, has produced a report, he has been asked to make a ruling and he has done so. He is the independent arbiter. Why on earth would we go to that trouble if the Government seeks to circumvent his ruling?

Any objection taken on the basis of personal information is long surpassed. The principles that were articulated are very clear. Previous matters have gone to the High Court. If we have to go to those lengths to protect three documents, that would be an extraordinary development in this House. I commend the motion to bring this matter on forthwith so that we can clear up the matter and get on with the business of the House. [*Time expired.*]

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:45):** The Government is happy to bring on the motion forthwith.

**Ms ABIGAIL BOYD (10:45):** I note that The Greens are happy to bring on the matter forthwith. An extraordinary event happened this morning in the Chamber.

**The Hon. MARK LATHAM (10:46):** I lend my support to the motion and remind the Government of its solemn election promise to have higher standards than the previous Government. We are going backwards. We are at the point where the arbiter's report was disregarded and there has been no publication. This has not happened before in my experience here. We are going backwards. That is why there should be a suspension of standing and sessional orders.

**The Hon. Penny Sharpe:** We have conceded.

**The Hon. MARK LATHAM:** You have conceded?

**The Hon. Penny Sharpe:** We have conceded. That is what I have just said.

**The Hon. MARK LATHAM:** Well, you should concede, you should not do it again and you should live up to your election promise.

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

**Motion agreed to.**

*Documents*

**MINISTER FOR TRANSPORT OFFICE STAFFING**

**Tabling of Documents Reported not to Contain Personal Information**

**The Hon. NATALIE WARD (10:47):** I move:

- (1) That, in view of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, KC, dated 13 November 2023, on the disputed claim of personal information regarding department liaison officers in the office of the Minister for Transport, this House orders that the following documents in the return received by the Clerk on 4 October 2023, considered by the Independent Legal Arbitrator not to contain personal information, be laid upon the table by the Clerk:
  - (a) document number 694 (SO52001:00000915);
  - (b) document number 695 (SO52001:00001948); and
  - (c) document number 696 (SO52001:00001949).
- (2) That, on tabling, the documents are authorised to be published.

I am hopeful that the Government will be persuaded, but it has chosen this course of action. The arbitrator's report is very clear. The arbitrator has looked at the documents and identified that these matters are critical to the inquiry that is underway through the other proper process of this House: the Public Accountability and Works Committee. He has looked at the description of those documents, which were tabled, and said that they are patently relevant to the matters of current interest to the House. He does not equivocate in his report. He does not say that there is a basis to not produce them or that there is a personal information claim. In fact, he says that there is no personal information claim over these documents. He does not uphold that.

There is no privilege asserted and there is no personal information that should not be published. All I seek to do is prosecute the open, transparent and accountable information that should be made available if the Government is going to stand by what it said to the electorate before March 2023. It is unclear why the Government would take this extraordinary step, but it is telling that the Government would seek to cover up documents that have already been produced.

**The Hon. Penny Sharpe:** We are not doing that.

**The Hon. NATALIE WARD:** You are doing that. Any argument on the basis of personal information is long gone.

**The Hon. Penny Sharpe:** We are trying to fix this.

**The Hon. NATALIE WARD:** The opportunity to fix it is also long gone. There was an opportunity to work with us, which we invited. There was an opportunity for the Minister to come to the inquiry; we invited her. There was an opportunity to be open, transparent and accountable in this process, but the Government has objected to producing these documents. It has continued the cover-up. Government members have said that this is appalling and outrageous, and how dare we ask for information of the Government about its appointment of mates and people with clear Labor connections.

The index of documents makes clear the secondary employment of Kieren Ash. There is document 0000915, entitled "Kieren Ash secondary employment", and a document entitled "Curriculum Vitae". They are very clear demonstrations of principles that are important—in fact, critical—to the inquiry. We have gone through the proper processes of the House. All members know what our job is in this House; it is a house of review. Those processes are being absolutely blatantly disregarded by the Government, which now says, "That's okay; that applied to you but it doesn't apply to us."

We then went to the Independent Legal Arbitrator, Keith Mason, AC, KC. He said unequivocally that there is no basis for redaction and no basis for the information to not be disclosed. Transport has submitted that the documents cannot possibly be redacted because it would have to redact the entire document. I wondered why and now we know—because the documents demonstrate the secondary employment undertaken by Mr Kieren Ash, a departmental liaison officer in Jo Haylen's office, to do political work. That is absolutely clear.

The time for this House to be subjected to a government that says that it is not prepared to abide by the processes put in place, which its members utilised time and again when they were in opposition, is over. Seven months into government, they cannot turn around and say, "No, we don't want the documents brought out. In fact, we'll go to the point of objecting to your formal motion. We'll go to the point of covering these documents up so that no-one can see what we've done."

It is incumbent on every member in this House to do their job and abide by the processes of this personal information ruling—the report by Keith Mason that says that the documents should be produced. He goes so far as to say that there is no basis of privilege, and he states:

Mr Ash's secondary employment disclosure document is patently relevant to the matters of current interest to the House.

It is patently relevant, and yet the Government says that there is nothing to see here. The standing orders give examples of information that is considered to be personal information, but the Government and Transport for NSW have sought to invent their very own categories. They will go outside of the standing orders and decide what they think is personal information. This House cannot have that, and certainly not in such an early part of the Government's term. We must ensure that we have the highest levels of integrity and that the Government is held to account. I would have thought they would welcome the opportunity to clear this up. I commend the motion to the House.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:52):** The Government understands that there was an issue with the objection to the motion being taken as formal business. The Government is happy to allow the motion to pass today, which I have indicated to members opposite.

**The PRESIDENT:** Order! I understand that this is a heated issue. This House will be well served if members speak one at a time at the lectern, in the appropriate way.

**Ms ABIGAIL BOYD (10:53):** I understand that members have different time pressures and agendas today, but this motion is absolutely critical to how democracy runs in New South Wales. I absolutely, 100 per cent agree with the Hon. Natalie Ward that Government members have done this to themselves. They did not have to object to the motion being taken as formal business. By doing so, they have shown a willingness to go back on the customs, understandings and procedures of this House that have been set in place for many years.

It feels a little like whiplash for Labor members to do this. Crossbench members worked so collaboratively with them in this House when they were in opposition on a transparency and accountability agenda. In relation to the issues with the Minister for Transport and the departmental liaison officers, Government members are doing everything they possibly can to go against the customs and agreed protocols between members. This is not a small matter; it is incredibly concerning. It shows a disrespect for this House, and I am not just disappointed but quite alarmed that this is the route that we are going down.

We have here a very clear situation where we have finally managed to get documents, after the most enormous amount of time was spent negotiating to get the papers in the first place, and they have been inaccurately labelled privileged. We have gone to the expense of paying an Independent Legal Arbiter, the same arbiter who has previously done this for many previous orders under Standing Order 52, who has said very clearly that the documents should not be privileged. The motion should have gone through the House as formal business, like they always have.

I said yesterday about this matter that often we say that the cover-up is worse than the crime. This cover-up is so bad that it makes me think the crime is a lot worse than I originally thought. Why is the Labor Government going to such extremes to stop transparency and accountability over the issue of staffing in the office of the Minister for Transport? If there is nothing going on, why are Government members going to such lengths to go against all of the customs and procedures of this House and really thumb their nose at the democratic procedures we have established in this place? It is extraordinary and it is incredibly serious. If the Labor Government wants to— *[Time expired.]*

**The Hon. NATALIE WARD (10:56):** In reply: It is very clear that this is an extraordinary development. I clarify that I was asked to speak quickly so that the Government could bring on its net zero bill. This matter has been created by Government members, who not so long ago sat on this side of the House and upheld report after report from the Independent Legal Arbiter. Plus, we have been put to the expense of obtaining the report, as Ms Abigail Boyd has pointed out. It is a telling development. Why are members opposite going to so much trouble to try to ensure the documents are not produced? The processes in place in this House are well established.

**The PRESIDENT:** The Hon. Wes Fang and the Hon. Penny Sharpe will cease interjecting. The Hon. Natalie Ward has the call.

**The Hon. NATALIE WARD:** We are all a little bit tired. Having sat on the Government benches and heard then Opposition members arguing time after time for transparency, promising that to the electorate, it is an extraordinary development to see them changing their stripes overnight—covering up documents and running cover for the office of the Minister for Transport about what exactly happened here. We have gone through process after process, order for papers after order for papers, whittling them down. We have had tranches with no attachments; we have had a sample of the documents. We have worked with the Government on all of those things, every single time. It seems to me that the Government's behaviour right now is very telling, saying, "No, we don't want these documents here." The three documents were already identified, and the Independent Legal Arbitrator states:

Mr Ash's secondary employment disclosure document is patently relevant to the matters of current interest in the House.

It is very clear that this House has to do its job and wants to do its job. I commend to all members the opportunity to be transparent and accountable and to hold the Government to account.

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

**Motion agreed to.**

### **MINISTER FOR TRANSPORT OFFICE STAFFING**

#### **Tabling of Documents Reported not to Contain Personal Information**

**The CLERK:** According to the resolution of the House this day, I table the documents considered not to contain personal information by the Independent Legal Arbitrator, the Hon. Keith Mason, AC, KC, dated 23 November 2023, relating to the disputed claim of personal information on the following papers relating to Department Liaison Officers in the office of the Minister for Transport:

- (a) document number 694 (SO52001:00000915);
- (b) document number 695 (SO52001:00001948); and
- (c) document number 696 (SO52001:00001949).

#### *Visitors*

### **VISITORS**

**The PRESIDENT:** I take a moment to welcome and acknowledge guests present in the gallery today. Raphael Cheung is a year 10 student at Redfield College who will be undertaking work experience in the office of the Hon. Damien Tudehope, starting this week. Hamish May is a year 10 student at North Sydney Boys High School who is undertaking work experience in the office of the Hon. Dominic Perrottet, MP. Raphael and Hamish, you are both very welcome. I also take this opportunity to welcome guests of the Asbestos Diseases Foundation of Australia. You are all extremely welcome here today.

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

#### *Questions Without Notice*

### **DP WORLD PORT PROTESTS**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Leader of the Government, representing the Premier. Noting the Premier's statement, "You cannot have a situation where our ports are blocked for commerce. That would be hugely damaging to our economy," what steps has the Government taken to support Shipping Australia's request to the Commonwealth Minister for Employment and Workplace Relations to exercise his powers under the Fair Work Act to terminate the industrial action at DP World terminals in Australia, including in Sydney, that is projected to cost the Australian economy \$23 million per day, with a devastating impact on supply chains in New South Wales?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:01):** I thank the honourable member for his question. It is quite a detailed question and is outside of my portfolio area. He will be unsurprised to learn that I will take it on notice and get the information for him.

### **ENGINEERED STONE**

**The Hon. MARK BUTTIGIEG (11:01):** My question is addressed to the Treasurer, representing the Minister for Work Health and Safety. Would the Treasurer update the House on how the New South Wales Government's advocacy against engineered stone has led to significant changes in the market?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:01):** I thank the honourable member for his question. Firstly, I acknowledge the presence in the gallery of the students from Redfield College. I used to play rugby against the famous Dominic Perrottet when he used to play for Redfield College. I also acknowledge the presence in the gallery of many people who are part of the Asbestos Diseases Foundation of Australia, including its president, Barry Robson. I also pay special tribute to Andrew Klohk, a silicosis advocate and former stonemason of 32 years, who is dealing with that disease right now and has spoken out so eloquently, nationally, for many years, as part of the early inception of this campaign to bring an end to engineered stone. It is very nice to have him in the Parliament, too.

Last time I had the opportunity to inform the House of where we were up to, I pointed out just how disgraceful some of the advertisements by those in the engineered stone sector were, as well as their misinformation campaigns designed to stop action against this deadly disease. Since then there have been a few intervening events which the House should be aware of. First, we now have a report from Safe Work Australia that has made clear that there is no safe level of silicon concentration in engineered stone, and, as a result, there is no way to mitigate the harm. Therefore, there is a need for a national ban. Second, the Minister for Work Health and Safety and the Premier have made it clear that we want national action but, should we not get national action, we will act to protect workers and families from this deadly disease in New South Wales, and we reserve the right to do it unilaterally.

Third, since the Government made that position clear, to their great credit, Bunnings and IKEA have said that they will stop selling engineered stone. That is a terrific decision made by two of the leading sellers of kitchen benchtops in this country, and it is a welcome step forward. Shortly the national workplace health and safety Ministers will have to make a decision about whether to implement a national ban. That brings us to the final piece of the pie that we need in order to pull this off, and that is bipartisanship. It has been bipartisan here in New South Wales, which is a great credit to both sides. For years we have been able to do our work in a cooperative manner. Let us hope that spirit continues nationally. Let us hope that all the States, regardless of whether they are Labor or Liberal States, come together to get rid of those stones that are killing too many people.

#### **PRAWN WHITE SPOT DISEASE**

**The Hon. SARAH MITCHELL (11:04):** My question is directed to the Minister for Agriculture. What is the Minister's response to concerned prawn farmers from the Clarence River who say they are angry about being excluded from financial assistance in relation to white spot infiltration? They are considering leaving the industry due to the lack of clarity from the Government about what will happen if white spot infiltrates their farms again. What assurances can the Minister provide to those prawn farmers that, if further outbreaks occur, they will not be left to wear the costs?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:05):** I thank the honourable member for her question. I have talked about the white spot outbreak in the Clarence region many times as Minister in this Chamber. I know that it has been devastating for prawn farmers who have been impacted by the outbreak of white spot across the Clarence. This was an outbreak that occurred under the previous Government, and one of the first things I did when I became Minister was to go to the Clarence to meet with some of the prawn farmers who were directly affected. I wanted to hear from them about their situation as the Government worked out what support would be needed to get them through the period, to clean up the white spot and to work with the Commonwealth to make sure that we were stopping the spread, which, thankfully, has been the case to date.

I appreciated the meeting with the prawn farmers. It was quite an emotional period, because it was a time when they were making decisions and getting information about the outbreak that was impacting their businesses. Many of those businesses have been held by families for generations. I appreciated them sharing the information directly with me as we formulated a response. As I have outlined a number of times in this place, very early on the Government provided a significant package of over \$20 million to assist prawn farmers who were directly impacted and to provide resources for the clean-up of that issue which had impacted their farms. I praise the Department of Primary Industries for the significant amount of work in making sure that, to date, it has been contained. I certainly hope that continues to be the case.

I will continue to work with prawn farmers who have been impacted. I want to continue the conversations with them if that is what is needed, and they are very welcome to engage with the Government. I know there have been ongoing discussions with the department over some time. Biosecurity is a key issue for us, as a government, and it is a key priority for me, as a Minister. I have outlined that repeatedly in this place. We have to make sure that, when outbreaks occur, we are doing everything we can to keep them contained and under control so they do not impact other businesses around the State and do not spread to the rest of the country. We have certainly committed to doing that in this case, and I will continue to work with anyone who needs assistance going forward.

**The Hon. SARAH MITCHELL (11:08):** I ask a supplementary question. Would the Minister elucidate that part of her answer where she said she is happy to continue to work with prawn farmers and engage with them further by providing some clarity as to who will pay for the costs of clean-ups if there are further outbreaks?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:09):** I appreciate the supplementary question from the honourable member. I outlined in my previous answer that the outbreak in February this year occurred under the previous Government, and no action was taken. When Labor took government and I became the Minister, I made sure that there were resources—

**The Hon. Sarah Mitchell:** It was in caretaker mode. Be honest.

**The Hon. TARA MORIARTY:** If the National Party's answer to the prawn farmers is that they could not do it and they were not bothered because they were waiting for an election, then I hope the prawn farmers affected are paying attention to question time today.

**The Hon. Sarah Mitchell:** They are paying attention to you. I can tell you that much.

**The Hon. TARA MORIARTY:** Well, I am pleased to have met with them and I will continue to do that. I hope they are tuning in to question time today.

**The Hon. Sarah Mitchell:** Point of order: I asked a very specific supplementary question about who will pay to help with the clean-up if there are further outbreaks. I would like the Minister to answer my question.

**The PRESIDENT:** I uphold the point of order. The scope of the question was extremely limited. The Minister may wish to take it on notice. She can answer it in any way she wishes, as long as the answer is directly relevant.

**The Hon. TARA MORIARTY:** As I was saying, the outbreak occurred in February and the previous Government did nothing. When Labor formed government, we engaged in dealing with the issue. I personally engaged in dealing with the issue. The Government engaged directly with farmers to pay for the clean-up, which is the answer I just gave about 30 seconds ago. Part of the package that we provided to the community was about the clean-up—

**The Hon. Sarah Mitchell:** Point of order: I am loath to do this but I take a second point of order, which is the same as the previous one. The Minister is speaking about an earlier outbreak. That is not what I asked about. I asked about who will pay the costs if there are further outbreaks. She is not answering and she is flouting your ruling.

**The PRESIDENT:** I uphold the point of order. The Minister will either answer the question directly or cease speaking and we will move on to the next question.

**The Hon. TARA MORIARTY:** I accept the ruling. We will engage, as I have said, with any issues that occur in the future. We will engage with farmers who are affected, just as we have done in relation to the previous outbreak. We will work through any issues that impact any kind of biosecurity outbreak in New South Wales.

#### CANNABIS LEGISLATION

**The Hon. JEREMY BUCKINGHAM (11:11):** My question without notice is directed to the Hon. Jeremy Buckingham. Will the honourable member please inform the House when he intends to progress the Regulation of Adult Use of Cannabis Bill 2023?

**The Hon. Mark Latham:** Point of order: It is often said that those on cannabis end up talking to themselves. Surely this is quite ridiculous and outside the standing orders.

**The Hon. Jeremy Buckingham:** To the point of order: It is completely within the standing orders to ask a question of oneself. It is quite normal to ask questions of oneself, like "What will I have for lunch today?" or "What is wrong with the Hon. Mark Latham?" It is completely within the standing orders. Standing Order 64 (3) states, "Questions may be put to other members." The "other" refers to "other than Ministers or Parliamentary Secretaries", not "another member". I am an "other member". The question is within order.

**The PRESIDENT:** I thank the member. With the indulgence of the Chamber, I will have a quick discussion with the Clerk. I will say a number of things on this. First, I thank and admire the Hon. Jeremy Buckingham for putting this on the agenda. It is actually not an unreasonable point. Standing Order 64 (3) states:

Questions may be put to other members relating to any matter connected with the business on the Notice Paper of which the member has charge.

The Hon. Jeremy Buckingham has charge of the business on the *Notice Paper* to which he referred. Therefore, we get to the question of what the word "other" means. The Hon. Jeremy Buckingham contends that "other" means "other than a Minister or a Parliamentary Secretary". There is some truth in that, but "other" can mean more than one thing. I contend that it also means, as referred to in the *Oxford English Dictionary*:

Intrinsically different from and alien to oneself.

For that reason and for the reason of longstanding Westminster convention, I rule the question out of order.

### WATER MANAGEMENT

**The Hon. ANTHONY D'ADAM (11:15):** My question without notice is addressed to the Minister for Water. Will the Minister inform the House how the New South Wales Government is ensuring integrity in water management?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:15):** I thank the member for his question. It is a very important one because, as we move into drought and drying conditions, integrity in water management is a critically important issue. We have to ensure that there is trust in the system of allocating that very precious and, unfortunately, increasingly scarce resource. We are taking action to do exactly that.

Water management is something that the former Government absolutely dropped the ball on. It was put on notice not just by this Chamber many times, but also by the ICAC. An ICAC investigation explicitly into water management in New South Wales made a number of recommendations that put the former Government on notice that the way water management was being conducted was not consistent with the principles of the Water Management Act. What did the former Government do about that? Well, it did very little. One key thing that it did not do was the legislatively required section 10 review of the Water Management Act. Those reviews to ensure there is integrity in water management are due every five years. There was one done in 2011. Was there one done in 2016? No, there was not. Was there one done in 2021? No, there was not. Two of the required five-yearly reviews into the integrity of decision-making under the Water Management Act were just not done by the former Government.

I have now completed a section 10 review into the Water Management Act. It was overseen by the Natural Resources Commission, which brought independence to that process. It is publicly available on the website for those who wish to see it. Some of my colleagues on the Government benches will probably be the only ones who read it, other than me. It makes a range of recommendations about how we can improve decision-making and integrity under the Water Management Act. Those recommendations were consistent with recommendations from the chief scientist in his review into the mass fish deaths in Menindee. There is a clear pattern of needing to do better to ensure the hierarchy of use principles in the Water Management Act are adhered to in decision-making in the water division of the Department of Planning and Environment.

In response to that I have asked the department to develop a detailed framework, which will ensure that those recommendations are put into place. That framework will be reported on annually and overseen by the Natural Resources Commission, giving an independent oversight to ensure that those recommendations are not just made but acted upon. That is a robust engagement with a long history of failure to make decisions consistent with the Water Management Act, which was called out not just repeatedly in public and by this Parliament but also by the ICAC. I have immediately taken steps to ensure that we can have trust in the integrity of decision-making in water management. As we move into drought, that is all the more important.

### PRISONER MENTAL HEALTH

**The Hon. Chris Rath:** Mr President—

**The PRESIDENT:** I call Dr Amanda Cohn.

**Dr AMANDA COHN (11:18):** Thank you for allowing a suspenseful pause, Mr President.

**The PRESIDENT:** Before Dr Amanda Cohn asks her question, I note the wry smile on the face of the Leader of the Opposition. I have sympathy with what's in his mind, which is that members have to seek the call. There is a very clear order for questions, which I have explained on numerous occasions. Members will seek the call by saying, "Mr President". That will make my job much easier.

**Dr AMANDA COHN:** I apologise, Mr President. My question is directed to the Minister for Mental Health. The Australian Institute of Health and Welfare's report on the health of people in prisons states that more than half of inmates had a previous diagnosis of a mental health condition. The Royal Australian College of General Practitioners has highlighted the role of primary health care as key to reducing the State's prison

population and addressing recidivism, and has updated its prison standards to emphasise cultural safety and continuity of care. As the Minns Government brings for-profit prisons back to public operation, what is being done to improve mental health care?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:19):** I thank the honourable member for her question. She is absolutely right that the New South Wales Government is moving along a process of bringing privatised for-profit prisons back into public hands, starting with Junee. I am incredibly proud of that decision, because there is no doubt that the administration of justice in our State should not be run for profit. It should not be given over to private hands. We know that the expiration of the Junee private contract and the decision to bring that prison back into public hands will deliver better outcomes for community safety, a key reason for which is that Justice Health will be back running health care in those prisons.

The outcomes that Justice Health is able to achieve in terms of reducing recidivism and giving people the support they need are far superior to those of the health care service provision in the privately operated prisons. That is important. As the honourable member has acknowledged, the prevalence of mental illness amongst our prisoner population is a real issue. I am not just talking about forensic patients; I am talking about the prevalence of mental illness in the general prison population. The Government is ensuring that Justice Health, through its work in our prisons, is really clear about our goal to ensure that every single prisoner receives the full suite of health care that they need, including mental health care.

The member's question noted the critical role of primary health care in the provision of that support. Primary health care is primarily the responsibility of the Commonwealth, and we are very engaged with the Commonwealth to ensure that the relationship between the primary health care system and our more acute services is as integrated as possible. The reality is that it is quite fragmented at the moment. That is the case for continuity of care, which is a problem. It is also the case for funding—and I assure the House that that is a problem too. The funding arrangements between the Commonwealth and the State are quite fragmented when it comes to mental health services. But we know that the provision of quality mental health services at the primary care level is incredibly important, and we know that extends to the provision of specific mental health care for vulnerable patients within a prison setting.

I have a lot of confidence that Justice Health has a clear line of sight on that challenge. I have met with the leaders of Justice Health and talked to them specifically about that challenge on multiple occasions. I intend to visit the Long Bay prison and forensic facility in the coming weeks to see firsthand the provision of services on the ground. It is something that the Government is clear on. We know that it is important for the prisoners themselves, but it is also important for community safety more broadly.

#### LOCAL SMALL COMMITMENTS ALLOCATION

**The Hon. CHRIS RATH (11:22):** My question is directed to the Special Minister of State. On 17 March 2023, the Labor candidate for Ryde posted an election advertisement on social media authorised by the now Government Whip, the Hon. Bob Nanva, stating "Lyndal and Labor will build a new cultural centre in Eastwood!" and urging voters to "Vote 1 Labor for a new cultural centre in Eastwood!". Yesterday the Leader of the Government indicated that the Special Minister of State was the responsible Minister in relation to that election commitment. Will the Minns Labor Government build a new cultural centre in Eastwood as promised to the electors of Ryde by the failed Labor candidate, and as authorised by the Hon. Bob Nanva? Is it yes or no?

**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) (11:23):** I thank the member for his question and for his interest in what sounds like an important community facility. The Premier has been crystal clear that this Government will carry out its election commitments. The Premier has been very clear about that. As the Minister responsible for administering the Local Small Commitments Allocation grants, I can indicate to the House, having briefly checked the list while the member asked the question, that I do not believe this project has come to me.

I cannot give more specific details on the approvals that come to me from the Premier's Department. For the projects that I have signed off on, I have indicated that I am happy for the approvals for those to come to the House under the earlier call for papers order. The Government has supplied all of that approval paperwork for those grants. I would imagine that there will be another chance to do that, so I encourage the member to look closely at that point. But, at this point, that is where we are up to on that specific grant.

I make a general observation that this program is very much designed to protect from the sort of pork-barrelling that we saw before—the piling in of money to one part of the State but not another. That is why

this program is designed to have exactly the same amount for each electorate—\$400,000. Let me be very specific about the sort of behaviour that the Government is trying to step away from. Here is a quote:

... Well I'm the one that's got to try and get to ERC and explain how I've given \$100 million in an election.

VOICE: Yeah, yeah, yeah, that's right.

[First person]: ... and explain how I've given \$100 million in election commitments. And that's just ticking over, there's still five days to go. Anything could happen.

VOICE: Anything could happen now.

*[Opposition members interjected.]*

**The PRESIDENT:** Order! Members will cease interjecting.

**The Hon. JOHN GRAHAM:** It continues:

... Anything could happen. George put in that "Singleton needs a new fire station." So I think we'll be funding that this week.

**The Hon. Chris Rath:** Point of order: My question was clearly about the Eastwood Cultural Centre. I have no idea what the Minister is going about, but it certainly deviates radically from the Eastwood Cultural Centre as promised by the Labor Party in the last election.

**The Hon. Penny Sharpe:** To the point of order: The Deputy Leader of the Government has been directly addressing the question and he is providing information to the House in relation to how these commitments operate as an addendum to the initial question.

**The Hon. Damien Tudehope:** To the point of order: Addendums to the question appear to me to be taking the licence too far. The member should provide a direct answer to the question—

**The Hon. Penny Sharpe:** Which he has.

**The Hon. Damien Tudehope:** —not deal with it as an addendum. If he has, then he should sit down. The fact of the matter is that the member asked a very specific question about a very specific program: that the Minister confirm the delivery of the Eastwood Cultural Centre. I have a very significant interest in that, since I live in Eastwood and I was present when the commitment was made.

**The PRESIDENT:** The Hon. Damien Tudehope is now straying into a debating point.

**The Hon. Damien Tudehope:** I was present when the commitment was made, and I would suggest that the Minister keep that commitment. I am happy to take the naming rights.

**The Hon. JOHN GRAHAM:** To the point of order: I take my obligations to the House very seriously. I have tried to be as direct as I can in answering the question. I am now moving to one of the specific incidents that caused the program to be designed in this way, and I would like to put these things on the record.

**The PRESIDENT:** I will rule on the point of order. I am quite comfortable with the Deputy Leader of the Government putting whatever he likes on the record, but he will not do it in answering this question because its scope was very limited. I agree with the Hon. Chris Rath. I, too, could not see the relevance of the final part of the Minister's answer to the specific question. Does the Minister have anything else to add?

**The Hon. JOHN GRAHAM:** In honour of your ruling, Mr President, I will conclude my answer at this point.

**The Hon. CHRIS RATH (11:28):** I ask a supplementary question. Will the Minister please elucidate his answer regarding the list he has been given which does not include the Eastwood Cultural Centre as a project? If the centre is not on the list of projects that the Minister has been given, is it indeed funded in the budget?

**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) (11:28):** That is not an unfair question, but it is a misunderstanding of the way the program is working. There is obviously a process of consultation and paperwork going on with these organisations. As projects are ready to come up for approval, they come up and are approved or not approved. I simply indicate that I believe this project has not come to me for approval yet. I do not have a recommendation from the Premier's Department on it. Therefore, I am unable to update the House in much more detail. I can update the House, significantly, about some of the motivators for this program. However, I will not do so at this time.

### SINGLE-USE PLASTIC

**The Hon. STEPHEN LAWRENCE (11:29):** My question is addressed to the Minister for the Environment, and Leader of the House. What is the Government doing to address the problem of single-use plastic items?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:29):** I thank the honourable member for his question. A few weeks ago I was delighted to launch the NSW Government's discussion paper entitled *NSW Plastics: Next Steps*. This Government believes we need to go to the next stage of how we deal with problematic plastic in our environment. We need to understand how difficult and challenging the issue is. New South Wales generates around 800,000 tonnes of plastic waste every year and only 12 per cent of plastic is being recycled. Most plastic that has ever been produced is still in existence as the original product. By 2050, there may be more plastic than fish in our oceans. This is a worldwide problem that is getting worldwide attention and needs ongoing action.

Plastic does not disappear. It sits in the environment for thousands of years. Sometimes it breaks down into microplastics that are now getting into our food chain, into the environment and into our bodies. The amount of plastic now being found in sea birds, not as damage through their gut but just as part of the fish they have been eating, is now a significant issue. Plastic waste is also part of the problem that we have in New South Wales in relation to our recycling targets. We have to be up-front about what is happening here. We are not meeting the recycling targets that we have set. We are not meeting the waste targets that we have set. I know that the community wants to do a lot more about this. I congratulate the recycling industry and other stakeholders who are keen to find and design solutions when it comes to reducing the amount of plastic impacting not just the environment but also human health.

Consultation on the discussion paper is open until early next year. We are asking questions about what needs to be done to combat plastic. We are asking whether we need to design packaging without plastic in the first place—my personal preference—but we are also looking at ways we can better recycle it and what can be phased out. I give credit to the previous Government for putting through the first round of bans and phase-outs that has occurred. Single-use plastic bags have been banned, people now use paper straws and various food items are now packaged without plastic. There is far more that we can do, and this program is about that.

I give a shout-out and thanks to Taronga Zoo for hosting the launch of the discussion paper. We were able to see the real impact of plastic on wildlife. We met Tama the turtle, who was found on Tamarama Beach when she was only very small. She had ingested a tiny piece of plastic. She almost died. I can inform the House that she is now just over half-a-metre long and, under the good care of Taronga Zoo, she is getting ready to be released very soon. Plastic is a real issue. I encourage everyone to have a say in the consultation.

### BOWDENS SILVER PROJECT

**Ms CATE FAEHRMANN (11:32):** My question without notice is directed to the Minister for Agriculture. The Bowdens Silver lead and silver mine, which has been approved to be built at Lue, two kilometres from the local primary school, has acquired dozens of farms in the area and will destroy prime agricultural land. The mine also risks contaminating local creeks, including groundwater, with toxic chemicals from its tailings dam. Bowdens Silver has exploration licences over Kandos, Rylstone, Lue and near Mudgee, and the company has stated that its exploration activities are continuing and will go beyond the current approved project. As Minister for Agriculture, how is the Minister protecting vital agriculture and tourism in this area from the onslaught of open-cut heavy-metal mines?

**The Hon. Emily Suvaal:** Point of order: I am concerned about the quite specific naming of the mine, and those sorts of things, in the question. My understanding is that a legal challenge is currently underway with regard to the mine that was named in the question. I ask that the question be rephrased in more general terms so as to not impact the sub judice convention. I also point out that there has been significant preamble and argument in questions, particularly those from the crossbench, that take up more than half of the question, and they are all facts that are readily available.

**Ms Sue Higginson:** So what?

**The Hon. Emily Suvaal:** So there have been previous rulings to this effect about the nature of questions being asked. I note that former President Harwin made a recent ruling to this effect, about the preamble not being more than half of the question and that facts that are readily available should not be used in terms of—

**The Hon. Mark Latham:** You're reading Harwin? Get a TV.

**The Hon. Emily Suvaal:** I am reading the President's guide to rulings, actually.

**The Hon. Mark Latham:** You need a TV.

**The PRESIDENT:** Order! First, can I have a look at the question, please? Second, it is a valid point of order that questions cannot just be speeches and then have a little question tacked on the end—and we are getting towards that tendency. Obviously, I am allowing significant latitude in terms of questions being asked, but the member is quite right to quote President Harwin—not quite a recent President, but nonetheless—who did make exactly that very correct ruling. While I shall not rule this question out on that basis or ask for it to be changed, I ask all members to be mindful of that ruling and of that convention.

In terms of the second issue, there has been significant discussion on sub judice rulings beforehand. There would need to be a substantially larger degree of discussion and information about that, which I do not propose we delve into at this point. My view has always been that I would prefer latitude in allowing issues to be aired and discussed in this place. For that reason, I rule the question in order. If the member could repeat the question, which was asked some time ago, that would be appreciated.

**Ms CATE FAEHRMANN:** The Bowdens Silver lead and silver mine, which has been approved to be built at Lue, two kilometres from the local primary school, has acquired dozens of farms and prime agricultural land in the area. Bowdens Silver has exploration licences over Kandos, Rylstone, Lue and right up to Mudgee, and the company has stated that its exploration activities have continued through the development assessment process for the project and that it expects a long future in this location, beyond the currently approved project. How is the Minister, as agriculture Minister, protecting this vital agricultural and tourism region from the onslaught of open-cut heavy-metal mines in the area?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:38):** I thank Ms Cate Faehrmann for the question. In relation to protecting prime agricultural land and agricultural land in general terms, that is a priority for me as the Minister for Agriculture. It is important that we get the balance right to make sure that we are protecting agricultural land around the State. We are also getting that balance right in terms of our renewable energy program, housing matters that we need to deal with, which is a significant priority for us, and mining—another industry that needs to be able to function and be in place in regional New South Wales. My job is to make sure that we are protecting agricultural land as is required and, in the same context, to make sure that we are dealing with all of those other competing priorities for the Government. That is what we are doing, working across all of government.

My colleague the Minister for mining is also dealing with these things and we work together in relation to examples such as this one where that needs to be occurring. In relation to protecting agricultural land, we also made a significant commitment at the election, which I will be delivering on. Work is well underway to appoint an independent agricultural commissioner, who will be in place to consider issues such as these going forward. That was a significant commitment that we made. Work is well and truly advanced on dealing with that and having that position.

**The Hon. Emily Suvaal:** Point of order: My point of order relates to the interjections.

**The Hon. Wes Fang:** It is meaningless because it does not matter.

**The PRESIDENT:** Order! I uphold the point of order. The Minister will be heard in silence. The Minister has the call. The Hon. Wes Fang is sailing very close to the wind. The Minister has the call.

**The Hon. TARA MORIARTY:** We are committed to implementing the independent agricultural commissioner appointment very soon. Work is well underway and well advanced in preparing for that for exactly these kinds of reasons: That we need to make sure we are balancing competing interests such as these and that is what I will continue to do.

**Ms CATE FAEHRMANN (11:41):** I ask a supplementary question. Could the Minister elucidate on her answer in which she said that her priority is to ensure the protection of prime agricultural land and the establishment of the commissioner. Does that include the consideration of legislating agricultural protection zones and, if so, perhaps considering the Mudgee region as being one of those?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:41):** I thank Ms Cate Faehrmann for the supplementary question. As I previously said, I am focused on making sure that we are protecting agricultural land but we have to work across government and across our priorities to make sure that the balance is right. As I said, we have commitments to deliver housing across regional New South Wales. We have commitments to deliver renewable energy zones across regional New South Wales. These are live discussions in communities where these are topics. The question that has been raised today is another one. I am committed to making sure that we get the balance right and that is what I will continue to do.

**The Hon. SAM FARRAWAY (11:42):** I ask a second supplementary question. Could the Minister elucidate on that part of her answer about appointing the new agricultural commissioner? Will the Hon. Mick Veitch be considered for that role based on his extensive knowledge of regional and rural New South Wales and agriculture?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:42):** It is a significant role that the Government has made a significant commitment to deliver. In accordance with proper governance and process, which was missing from the previous Government, the days of appointing mates to positions are over.

**The PRESIDENT:** Order! The Minister will resume her seat. Members will cease interjecting right now. I call the Hon. Sarah Mitchell to order for the first time. I call the Hon. Greg Donnelly to order for the first time. I call the Hon. Mark Latham to order for the first time. I ask all members to cease interjecting.

**The Hon. Mark Buttigieg:** Point of order: Mr President, the Minister makes a genuine concerted attempt to answer the question. Instead of being heard in silence and seriousness, members opposite continue to interject, particularly the Hon. Wes Fang, who, you have noted on several occasions, attempts to raise the temperature of the Chamber by spurious and childish interjections. I ask you to call the Hon. Wes Fang to order and get this place back in order so we can hear the Minister answer the question.

**The Hon. Natalie Ward:** To the point of order: That would have some substance, if it were not entirely untrue. Pot calling kettle black.

**The PRESIDENT:** I have heard enough on the point of order. Fifty-seven seconds remain for the Minister to finish her answer, and she will be heard in silence. The Minister has the call.

**The Hon. TARA MORIARTY:** We will have a proper process in a very open and transparent way. I look forward to seeing the people who are interested in the role. I look forward to seeing who applies for the role. The appointment will be done in a proper way in accordance with the commitments that we made to the people of New South Wales. All applicants who are skilled and qualified to fulfil such an important role as an agricultural commissioner in New South Wales will be welcome to apply.

**The PRESIDENT:** I welcome and acknowledge guests of the Hon. Natalie Ward present in the gallery today. They are Dr Orli Zahava, President of the Zionist Council of New South Wales; Ms Rebecca Lacey-Ehrlich; Vice-President of the Zionist Council of New South Wales; and, most importantly, Mr Elion Kotler and Miss Ilan Kotler, survivors of the 7 October attacks on the Kfar Aza Kibbutz. You are all very welcome.

#### PORT OF NEWCASTLE PROTESTS

**The Hon. SAM FARRAWAY (11:46):** My question is directed to the Minister for Natural Resources. I note the Premier's statement:

You cannot have a situation where our ports are blocked for commerce ... That would be hugely damaging to our economy ...

Is the Minister concerned that Rising Tide is persisting with its plan to blockade the Port of Newcastle for 30 hours this weekend to stop the coal ships, which would have an impact on more than 100 million of the exports scheduled to leave that port?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:46):** I thank the Hon. Sam Faraway for his question. I am aware of the proposed people's blockade that has been organised. I understand that the Port Authority of NSW is working to facilitate the continued operation of the Port of Newcastle. I make the point that of course we support the right to protest, but we absolutely call on people to do that in accordance with the law. The question is posed to me in my capacity as the Minister for Natural Resources. There is no doubt that this is a crucial part of our State's economy and is a key export terminal. As I have said many times, coal remains the key part of our electricity supply and a key part of our State's economy. There is no doubt we will be debating today—or we have been debating today: I should be aware of this—the Government's clean energy net zero bill.

**The Hon. Penny Sharpe:** No, Tuesday.

**The Hon. COURTNEY HOUSSOS:** I apologise. We have been clear that that is where our Government is headed and that is what we are doing, but we are absolutely committed to ensuring that families, households and businesses have a reliable energy supply. That means that we continue to rely on our coal-fired power stations and that our coal exports remain a crucial part of the State's economy. I understand that the harbourmaster is in close contact with the New South Wales police local area command. I make the point that the safety of maritime workers and the general public is the port authority's and the harbourmaster's first priority. I am advised that the police have worked with organisers for many months in the lead-up to this and that the weekend's protest will be

heavily policed. I call on those who will participate in this to do it lawfully and to do it carefully. These are deeply significant issues that this Government takes seriously, but we will work through this in a careful way. I call on those who are equally exercised about the future of the planet to take the same approach.

**The Hon. SAM FARRAWAY (11:49):** I ask a supplementary question. Would the Minister elucidate on that part of her answer where she referred to being in contact with the New South Wales police and being in accordance with the law? Rising Tide is claiming that police have given approval for it to engage in a 30-hour blockade of the Port of Newcastle this weekend to stop coal ships and circulating a video of the Minister for Police and Counter-terrorism saying, "I applaud people for getting involved", in order to recruit more participants for the planned blockade of coal ships. What steps will the Minister take to ensure that there is no interference with the coal trade?

**The Hon. Daniel Mookhey:** Point of order: Once more we have a new question in the guise of a supplementary question. The tell was that the shadow Minister was reading from what appeared to be quite a prepared statement. While I know the President cannot take such things into account, it is evident that the question does not really seek elucidation. It is an entirely new question, which includes new information that was not referred to in the first question. Therefore, I suggest that you invite the Hon. Sam Farraway to ask it as the next Opposition question.

**The Hon. Damien Tudehope:** To the point of order: The Minister made some play of the fact that in many respects she is encouraging people to, in fact, comply with the law in how they conduct this process so that they do not interfere with trade. I think that the member's supplementary question goes to the behaviour of the police Minister in, potentially, encouraging people to participate in the protest in circumstances where it would interfere with that opportunity for ships to dock and conduct their business.

**Ms Sue Higginson:** To the point of order: What the honourable member referred to was actually incorrect. In the material that he is referring to, the police Minister actually stood up and said that she applauds people engaging in their democratic right to talk about climate. That is what she was referring to.

**The PRESIDENT:** That is not a point of order.

**Ms Sue Higginson:** His material was incorrect.

**The PRESIDENT:** I understand that. Thank you.

**The Hon. Daniel Mookhey:** Further to the point of order: I accept that you have ruled that your view is that we should be expansive in terms of what is allowed in a supplementary question, but the reality still remains that the core principle is that a supplementary question must seek an elucidation of information arising from the answer. The fact that entirely new information has been introduced into the supplementary question just means that the Minister had no capacity to even answer that question in her initial answer, which leads towards perhaps an interpretation that would suggest that it is a new question and not a matter the Leader of the Opposition just described.

**The PRESIDENT:** I make three points. First, just because a supplementary question has an element or component—or indeed its entirety—in writing does not mean that it cannot be a supplementary question. It may well have been able to arise out of an answer to a question, so that point does not stand. Second, entering new information is beginning to push towards the edges, but I do not think that the entry of new information in and of itself necessarily undermines the basis for a supplementary question. I will be watching closely to make sure that that is not abused, but I do not believe that in and of itself that means a supplementary question is not in order. My third point, which refers to the comment the Treasurer just made about my previous rulings, is that I have given licence for there to be relatively wide latitude on supplementary questions. I agree with the Treasurer that this is very close to the line; however, on this occasion it is within the bounds of the previous rulings I have made. Therefore, I rule the supplementary question in order. The Minister has the call.

**The Hon. Courtney Houssos:** May I hear the question again?

**The PRESIDENT:** Yes. That is fair, too.

**The Hon. SAM FARRAWAY:** I would like the Minister to elucidate that part of her answer where she referred to the contact with the New South Wales police and being in accordance with the New South Wales law. Rising Tide is claiming that police have given approval for it to engage in a 30-hour blockade of the Port of Newcastle this weekend to stop coal ships, and is circulating a video of the Minister for Police and Counter-terrorism saying, "I applaud people for getting involved," in order to recruit more participants for the planned blockade of coal ships. What steps will the Minister take to ensure that there is no interference with the coal trade?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:54):** I thank the member for the question. It is important at this point to be really clear. Obviously, as the Minister for Natural Resources, I am aware of the protests, but I make very clear that I have not been briefed by police in relation to the protests, nor do I think that that is appropriate. As the Minister for Natural Resources, I would, of course, defer to the police Minister in relation to those operational matters and to the Minister for Transport, who has responsibility for ports. I am aware of the protests that are planned. I made some general comments about encouraging people to engage lawfully. Everybody is aware that it is the largest export coal terminal in the Southern Hemisphere and of the huge amount of coal that comes out of the Hunter Valley and is exported through the Port of Newcastle. But the specifics around the logistical requirements or permissions for police is a question for the police Minister or for the Minister in this place representing the police Minister.

#### **WILD DOG FENCE EXTENSION PROJECT**

**The Hon. EMILY SUVAAL (11:55):** My question without notice is addressed to the Minister for Western New South Wales. What action is the Minister taking to protect pastoral properties in far western New South Wales? Is she aware of any alternative approaches?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:56):** I thank the honourable member for the fantastic question. The question should have actually been, "Who let the dogs in?" Guess who it was? It was the leader of the National Party, Dugald Saunders. The Wild Dog Fence Extension project is vital to protect livestock in western New South Wales from wild dogs.

**The PRESIDENT:** Order! Members will cease interjecting. Hansard must be able to do its job. The Minister has the call. I call the Hon. Bronnie Taylor to order for the first time.

**The Hon. TARA MORIARTY:** This fence will be a physical barrier between the wild dog populations of Central Australia and producers in New South Wales, and it will humanely control dog populations across farms in western New South Wales. Those opposite—

**The Hon. Emily Suvaal:** Point of order: I am keenly interested to hear about pastoral properties in western New South Wales. I cannot hear the answer the Minister is giving over the wall of noise coming from members opposite. Obviously, interjections are disorderly at all times, but sometimes interjections by those opposite are offensive. I find that particularly unnerving.

**The Hon. Natalie Ward:** You weren't in this place last year.

**The Hon. Emily Suvaal:** I was not. I am glad I was not in this place last year. I ask that those opposite be reminded that interjections are not only disorderly but also at times straying into offensive terms.

**The Hon. Mark Buttigieg:** Come on, Fes, enlighten us.

**The Hon. Wes Fang:** To the point of order: The Minister in her comedy hour routine was so hilariously funny that we were laughing. I am sorry. The interjections were just because of the humour of the Minister's answer. So it was really on the Minister. I am sorry if the member took offence.

**The Hon. Emily Suvaal:** Further to the point of order—

**The PRESIDENT:** The member will resume her seat. I do not need to hear further on the point of order. I have made it clear on previous occasions that spurious points of order will not be accepted and, therefore, I call the Hon. Wes Fang to order for the first time. I uphold the point of order taken by the Hon. Emily Suvaal. I also uphold the point she made about interjections not only being disorderly at all times but also straying into territory that is becoming offensive. Even though they are disorderly, if members interject they will consider those interjections. The Minister has the call.

**The Hon. Wes Fang:** Point of order: As I made my way to the table to take my last point of order, the Parliamentary Secretary for Multiculturalism made a racial comment towards me that I took offence to. I ask him to withdraw the comment.

**The Hon. Mark Buttigieg:** To the point of order: I made an attempt at humour. I withdraw the comment unreservedly if it caused offence.

**The PRESIDENT:** I thank the member. That is much appreciated.

**The Hon. TARA MORIARTY:** The National Party could not be more irrelevant to farmers if it tried. This is a very significant issue for farmers and graziers across western New South Wales. Members opposite left—

**The PRESIDENT:** Order! There is one minute of question time remaining. Members will come to order.

**The Hon. TARA MORIARTY:** Members opposite left a 32-kilometre gap in the fence between western New South Wales and South Australia despite promising for four years to do the work on that project. It was all talk and no action. All of the previous agriculture Ministers, including the current Leader of the National Party, did nothing for four years. Wild dogs were able to cross the border and savage livestock. If members were to see pictures of the cruel attacks that have occurred to livestock on those farms in western New South Wales, they would take the matter a lot more seriously. Graziers and farmers—

**The Hon. Jeremy Buckingham:** Point of order: This is a very good question and the Minister is providing an incredibly important response. The constant interjections from members of the Opposition, especially the National Party, including the Hon. Wes Fang and the Hon. Sam Faraway, particularly towards this Minister, stray into bullying and intimidation, and are unparliamentary. They do not do it to the Treasurer. It is a disgrace. Those members should be called to order and thrown out if they continue to do it.

**The Hon. Bronnie Taylor:** If you guys want to start talking about bullying—

**The Hon. Jeremy Buckingham:** Shoosh!

**The PRESIDENT:** Order! The Minister will be heard in silence. The Hon. Natasha Maclaren-Jones will come to order.

**The Hon. Jeremy Buckingham:** It is unparliamentary. Opposition members are being bullies. It is disgraceful.

**The Hon. Natalie Ward:** To the point of order—

**The PRESIDENT:** The member will resume his seat. I suspect I do not need to hear further on the point of order, but I will. The Hon. Natalie Ward has the call.

**The Hon. Natalie Ward:** The Minister threw out some barbs to Opposition members. She cannot expect that Opposition members will not react but sit passively in silence when she has opted to proactively throw out insults. There is no point of order because Opposition members were merely reacting to the Minister's invitation to be offended.

**The Hon. Emily Suvaal:** To the point of order—

**The PRESIDENT:** I do not need to hear further on the point of order. I agree with the Hon. Jeremy Buckingham that there are far too many interjections and some of them cross the line. That having been said, I also agree with the Hon. Natalie Ward that if the Minister throws out red meat it will be chomped on. Let us try to get through the final 52 seconds so that we can all go and have a nice bite of lunch.

**The Hon. TARA MORIARTY:** The graziers and farmers of western New South Wales take the issue extremely seriously. They have been engaging with me since I became the Minister, because they got nowhere with the previous Government for four years. Minister after Minister and leader after leader of the National Party talked such a big game about putting in a fence to deal with wild dogs, which horrifically attack livestock around the border. Again, if anyone had seen the photos over the past few years—which I am sure they have—they would act. I have taken action to support the farmers of western New South Wales. Work has commenced on the fence. Now, as we speak, there is work underway to make sure the fence is delivered, unlike the useless lot opposite, who did nothing for four years.

**The Hon. PENNY SHARPE:** The time for questions has expired. If members have further questions, I suggest they place them on notice. I suggest that the Hon. Wes Fang does not have any Red Bull over lunch.

**The Hon. Wes Fang:** Point of order: Those sorts of comments from the Leader of the Government are exactly what the Hon. Natalie Ward talked about when responding to an earlier point of order. The Leader of the Government made a disgraceful observation about me. I ask that she either withdraw her remarks or accept the consequences.

**The Hon. Courtney Houssos:** Accept the consequences?

**The Hon. Wes Fang:** Yes, that there will be retorts.

**The PRESIDENT:** Order! The Hon. Wes Fang has said that the consequences will be retorts. A retort has just been given. I will leave it at that.

*Supplementary Questions for Written Answers***BOWDENS SILVER PROJECT**

**Ms CATE FAEHRMANN (12:04):** My supplementary question for written answer is directed to the Minister for Agriculture regarding the Minister's priority to ensure the Government gets the balance right between agriculture, mining and energy. Will the Minister meet with the Mudgee Region Action Group, whose financial members have stewardship over 20,000 hectares of productive agricultural land around the mine site?

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. SARAH MITCHELL:** I move:

That the House take note of answers to questions.

**PRAWN WHITE SPOT DISEASE****WILD DOG FENCE EXTENSION PROJECT**

**The Hon. SARAH MITCHELL (12:05):** I take note of the answer to my question from the Minister for Agriculture in relation to the white spot outbreak in the Clarence. I brought that issue to the attention of the Chamber and the Minister largely thanks to some excellent work that was done by my good friend and colleague the member for Clarence, Richie Williamson. He is the local member representing that part of the State and he is very well across the concerns and issues of the industry in relation to the biosecurity order and the impact of the outbreak on businesses. My question to the Minister was very specific. It was about what further supports would be available should there be another outbreak. I was disappointed—with a capital D—by the Minister's answer because we have heard concerns loud and clear from prawn farmers in the region that there is so much uncertainty about what will happen should a further outbreak occur.

As the Minister indicated in her answer, there was support for the clean-up during the initial outbreaks. That is a very costly exercise. Prawn farmers are literally trying to make decisions about their future—about whether or not it is worth restocking when they have the opportunity to do so, or if they will be left to foot the bill should another outbreak occur. That is beyond the realm of what they can manage financially. The Minister gave the National Party answers that were purely critical. She had a crack at us, while we are trying to stand up for regional New South Wales because that is where we live and those are the communities we represent. Generations of prawn farmers are trying to make very difficult decisions about their future livelihoods. The Minister has not given clear answers.

The Minister referred to Opposition members as useless in answer to a dixer. Well, it is of no use to this industry for the Minister to remain silent. In answer to any question that is asked of her of any substance, she seems to say only, "I am happy to consult", "I am happy to talk" or "I am happy to socialise", but there is never any clarity. People want to know what will happen should a further outbreak infiltrate their farms. These are serious issues. Those farmers require a serious Minister who will back them in. Today the Minister indicated that she has been to the area and sat down with farmers. She said she knew that it was an emotive issue and that it was difficult for them. I implore the Minister to make a decision and provide some clarity. She must tell those farmers that if there are further outbreaks, the Government will be there to provide the financial support and assistance that they need and that they will not be left to foot the bill should further outbreaks occur. What we saw from the Minister today was nothing short of a disgrace.

**ENGINEERED STONE**

**The Hon. JEREMY BUCKINGHAM (12:08):** I take note of the answer given to my question by the Treasurer, the Hon. Daniel Mookhey, regarding the move to ban engineered stone in this country and the moves of Bunnings and IKEA, amongst other retailers and wholesalers, to discontinue selling that product. That is very welcome news indeed, as a former stonemason who has experienced the terror of having to go through a screening for silicosis. I inform the House of just what that means. Recently I went to the fantastic icare facility in Kent Street for dust diseases screening. It was absolutely terrifying to line up with the other tradies to go into a pressurised box to have our lungs tested for their capacity, to have an X-ray and then a CT scan, and to wait some weeks to find out whether we were going to die. It was a very traumatic experience.

Men, especially, can have a bit of bravado about those things. But faced with their own mortality and contemplating the fact that they may be about to die, just because they went to work, they can certainly become angered by that. Thousands of families of former stonemasons across the country, and workers in other sectors too, are facing that reality. A ban on that material cannot come soon enough. The maxim is often said that as goes New South Wales, so goes the country.

I congratulate the Treasurer on taking the lead in this place in calling out the industry and highlighting the report of SafeWork, and also the Minister for Work Health and Safety in the other place, the Hon. Sophie Cotsis, who has done great work in leading on behalf of New South Wales. We cannot get rid of that material soon enough. The legacy issues will be enormous, but the damage that is being done now is enormous. I was identified as high risk for two weeks. I did not know whether I would face a crippling, debilitating and deadly disease—and a horrible death, by all accounts. At this stage I have been cleared of that, but so many other workers will not be. The sooner the material can be banned in this country, the better.

### ENGINEERED STONE

**The Hon. MARK BUTTIGIEG (12:11):** I take note of the answers given by the Treasurer about the issue that the Hon. Jeremy Buckingham just canvassed. This Parliament and this Government are having a material effect on that extremely important issue. It was front-run by Labor in Opposition at the urging of two unions, in particular the Construction, Forestry, Maritime, Mining and Energy Union, which has coverage over the installers of that insidious material; and the Australian Workers' Union, which largely covers the tunnelling aspects of it.

It is important to observe the behaviour and actions of SafeWork since this Government has taken office. Qantas was convicted over the Theo Seremetidis issue, and SafeWork convened a national meeting and said that there was no acceptable safe level of silicosis. That has now engendered what will hopefully be a statewide clamour to ban the substance. I am very buoyed by the fact that Minister Sophie Cotsis, the Premier and the Treasurer have said that if we cannot get a national agreement on a ban then our State will strike out and front-run it and take the lead.

That is really important because we do not want a repeat of mesothelioma, which was latent in industry and people's homes for 30 or 40 years before we finally got a hold of it. Silicosis is more pernicious in a lot of ways because the gestation period for contraction is a lot shorter and people are dying a lot younger. In the Hon. Jeremy Buckingham, we have a living, breathing example—thank God—of someone who is surviving this. It is a strength of this place that members from those sorts of diverse backgrounds can come in here and advocate.

I reiterate what my colleague the Hon. Jeremy Buckingham has said, because I have had several conversations with him about it. The ban of engineered stone is only the tip of the iceberg. There is also a legacy issue with all of the engineered stone out there in kitchens and bathrooms. It is one thing to ban it, but we also have to make the installers and manufacturers safe by instituting a licensing regime. That will make it a formal qualification and a licence, so that we avoid things like dry cutting that cause the issue in the first place. I am buoyed, but there is a lot of work to do. I am pleased to say that the Government is committed to solving the problem because we could literally save thousands upon thousands of lives. What more important work could we do? I congratulate Jeremy, the Minister and the Treasurer. The Government will not let this go; it will pursue the licensing regime as well.

### ENGINEERED STONE

### PRAWN WHITE SPOT DISEASE

### BOWDENS SILVER PROJECT

### WILD DOG FENCE EXTENSION PROJECT

**The Hon. BRONNIE TAYLOR (12:14):** I acknowledge the contribution made by the Hon. Mark Buttigieg and commend him. He is known in this place to really take up those sorts of issues, as he did with the gas, which was really commendable. To have those people here today was very important for all members to see. As a health professional, I am also very concerned. I will not comment on what the Government will do or how I feel about that, but it was really important to have them here today. I commend him for his advocacy.

I take note of the answers given by the Minister for Agriculture today and a lot of the debate that was going on in the Chamber. Having stood on the other side and been the Minister for four years, I understand that it is hard and challenging. I understand that more than most, and the new members would not have seen what I was subjected to many times in this Chamber. But that was the past; this is the future. The worst thing is when the questions become very political and personal, because that opens up a whole barrage of things and cover is run.

The Minister for Agriculture was recently the only Minister to be called back to budget estimates, supported by this Chamber, because questions were not answered appropriately. No other Ministers were called back, regardless of how we all feel about their performance or what they did. It is really important that Ministers answer the questions, do it appropriately and do it in the manner that is respected by this House. Sometimes, when members attempt to help them, it actually hinders that process for them.

Questions must be answered. Our job in opposition is to ask those questions and for them to be answered. To make personal and derogatory comments about The Nationals—the reality is The Nationals hold most of those regional seats, whether members opposite like us or not. That is what people have chosen, so Ministers should respect that choice, answer the questions that are important and say the things that they have to say. If they have to say that things were not done, that is fine. But the expectation is that they will answer the questions appropriately and respect the rules of this House. Members opposite should allow Ministers to do that and help them to do that, because it is just being made worse.

### PORT OF NEWCASTLE PROTESTS

**Ms SUE HIGGINSON (12:16):** I take note of the answer given by the Minister for Natural Resources to the question about this weekend's fantastic planned event by Rising Tide, the People's Blockade of the World's Largest Coal Port. It is such a significant event, where people from all around the country get to come together and exercise their hope, rather than sit at home in despair about the climate crisis. They get to come together at the forefront of where the State is currently responsible for exporting the climate crisis—out of the world's largest coal port.

The community is wonderful, young, vibrant, alive and incredibly organised. Community members have been working with the police for weeks and weeks, as members opposite expect them to do. They have managed to get a form 1 and will therefore have an authorised protest. Many things will be happening this weekend. There will be many intelligence-sharing exercises by scientists, economists, young people, members of the community and international visitors. They will all be talking about how to address the climate crisis.

One incidental thing that will be happening is that they will also be blockading the movement of coal ships through the port for 30 hours straight. That is 30 hours out of the thousands of hours each year when all the coal barons and coal corporates get to ship coal out of the coal port. It is just a breath for the people, and it is unbelievable that members opposite cannot see how fundamental it is. People are organised, and for once the police Minister in a government is willing to hear those young people—to stand up and say, "We will support you in this very small, not necessarily particularly disruptive blockade that communicates, including to our international neighbours in the Pacific, that we care."

We care that we are causing the climate crisis that will make your lands unliveable in the not too distant future. That is what this is about. The Philistines opposite need to get on board. In their despair, the people will smile, they will sing, they will dance, they will swim, they will row and, together, they will exercise their hope. That is what this weekend is about. Let them have it. Let the police Minister do her job, let the police on the front line do their job and let the people blockade the world's largest coal port.

### PORT OF NEWCASTLE PROTESTS

#### BOWDENS SILVER PROJECT

**The Hon. EMILY SUVAAL (12:20):** I take note of answers provided today by my colleague the Minister for Natural Resources in talking about the Port of Newcastle, which is, of course, the largest port on the nation's east coast. The Port of Newcastle also houses a large clean energy precinct, which some may not know about. It has been a recent initiative to support hydrogen and clean energy projects in the Hunter, which we all know are key to our area moving forward. The clean energy precinct will generate over 5,800 jobs that are needed in the Hunter. The port has trade worth \$71 billion to the nation's economy per year. It also has other important exports, such as grain and vegetable oils, which people may not know about. Plenty of grain and canola oil goes out of that port. It also houses cruise ships. It is a vital part of the Hunter's infrastructure.

Events like this have a number of flow-on impacts, including on everything from the Port Waratah coal loader to the coal trains and the workers in the mines in the valley. That should not be taken lightly. I urge anyone who might be thinking about taking action in this way to think of families in the region that I call home and in many of my duty electorate areas who work in those industries to put food on the table. These are hardworking people who go about their business every day and who deserve better. My frustration is palpable. I find it galling that the port's large clean energy precinct is conveniently not canvassed in any of The Greens' rhetoric about those activities. I also take note of answers provided by my colleague the Minister for Agriculture regarding Bowdens. That is a crucial part of our renewable energy landscape. Silver and critical minerals are crucial, and I commend the project.

#### SILICOSIS

**The Hon. WES FANG (12:23):** I take note of the answer given by the Treasurer in relation to engineered stone. I note the advocacy of the Treasurer, the Hon. Mark Buttigieg and, certainly, the Hon. Jeremy Buckingham, who have been strong contributors on this issue over a number of years. I had the good fortune to chair the Standing

Committee on Law and Justice in March 2020, when we reviewed the Dust Diseases Scheme. In that inquiry we were able to do a deep dive into engineered stone, and the issue of silicosis that was emerging at the time. I remember the concerns in relation to the screening of workers, the dry cutting of the stone and the emergence of silicosis, which had exponentially increased in workers. That was of great concern not only because of the age of the people who were getting the disease but because of the speed of onset, debilitation and death. It was quite frightening.

I was the chair, and we were in government, but there was no doubt we needed to do more. At the time, the idea of banning engineered stone was in its infancy. We were looking to take strong and effective steps to make sure that workers were protected. I was very proud of the report we delivered. The Hon. Mark Buttigieg and the Treasurer participated in that inquiry, and the advocacy to protect workers led to a suite of recommendations that the Government accepted or accepted in principle. The one I was most proud of was trying to have the workplace exposure standard reduced from 0.05 milligrams to 0.02 milligrams per square metre. The problem with that was measuring it. Perhaps, in the intervening years, we have not been able to achieve what we wanted to, and perhaps a ban is imminent, but I like to think that all members have tried to work together to see workers protected.

### **WILD DOG FENCE EXTENSION PROJECT PORT OF NEWCASTLE PROTESTS**

**The Hon. STEPHEN LAWRENCE (12:26):** I take note of answers given by the Minister for Agriculture in relation to the wild dog fence. I have taken a bit of an interest in the fence, particularly the work that Local Land Services is doing. Members can go to the Local Land Services website if they want more information about the project. It was a little hard to hear some of the answers from the Minister; the President had to intervene and reiterate things he said previously about the treatment of her. This obviously shades into discussions yesterday about recalling the Minister for a budget estimates hearing. I thought it was extremely timely and important for the President to say the things that he said.

The way that the Minister for Agriculture has been treated has been inappropriate, to say the least. It is really a product of the behaviour of four members of the National Party, who have been unrelenting in their sledging and sniping. I am reminded of things that the Hon. Mark Latham said much earlier in the year, when he observed that there had been a targeting of the Hon. Tara Moriarty and that the targeting had failed. What comes to mind is that those opposite who are engaging in the behaviour are not smart enough to realise that it is not working.

Things were said yesterday in relation to that estimates hearing, which I was involved in, that I think shade into this issue. For example, it was said that there were 104 points of order. That was a phrase search on the PDF. In fact, there were 45 points of order in the Minister's evidence, and all but six were successful. What we have seen over the course of this year in the treatment of the Minister—I am not going to speculate about why it is occurring; people can draw their own conclusions—is what happened at estimates. Things were said yesterday about the recall of the Minister being necessary because certain new members who may not know the ways of this place engaged in points of order.

There are different ways to look at the presence of new members, and I have noticed it in various institutions that I have been involved with. New people sometimes bring a new perspective on behaviour. I think, when I was sitting in budget estimates, I probably did bring a new perspective on behaviour. I probably continued to have the view that I have formed throughout the course of this year, which is that the targeting of the Minister is quite disgraceful.

It is important to say that the Minister deals with it effortlessly and with grace. She continues to do a good job and the targeting just speaks to the political stupidity of those who engage in it. Lastly, regarding the answers from the Minister for Finance on behalf of the police Minister, this year the New South Wales police, under constant political pressure and interference, have handled their responsibilities under the Summary Offences Act in respect of protest so well. Despite the efforts of the Opposition to interfere and pressure, the police have continued to act independently. That is a very good thing.

### **PORT OF NEWCASTLE PROTESTS**

**The Hon. DAMIEN TUDEHOPE (12:29):** I take note of answers given to questions about Newcastle port. I share the sentiments of the Hon. Emily Suvaal. One of the things that those who seek to disrupt the activities of a port never seem to take into account is the impact on families and people trying to get to work and people doing their work. Under the guise of potential protest, they take the view that it is all right to disrupt those people's lives. I notice that the Hon. Stephen Lawrence was prepared to back the police Minister in calling on people to participate—

**The Hon. Stephen Lawrence:** I did not say that.

**The Hon. DAMIEN TUDEHOPE:** Well, that is how it has been contributed by—

**The Hon. Stephen Lawrence:** Point of order: That is so obviously and grossly misleading that it is unparliamentary. I did not talk about the things that the police Minister said, which were mischaracterised in the Hon. Sam Faraway's question and are now being mischaracterised by the Hon. Damien Tudehope. I did not even touch on them.

**The Hon. DAMIEN TUDEHOPE:** I maintain the position.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** There is no point of order, but the Hon. Stephen Lawrence has put his position on record.

**The Hon. DAMIEN TUDEHOPE:** It was probably in a manner he should not have shown. For the police Minister to allow herself to be used by Rising Tide for the purpose of promotional material, encouraging people to attend that demonstration, appears to be well outside the remit of her ministerial responsibilities. The Minister has a role to play in ensuring that the high standing in which the Police Force is held is maintained. In circumstances where the police Minister does not uphold her obligations relating to the police—which was on full display after the Opera House incident and following a number of other demonstrations—she brings the Police Force into disrepute. She should ensure that her directions and the manner in which she looks after those for whom she has ministerial responsibility are done in a way that does not bring the police into disrepute. This Minister is a failure and— [*Time expired.*]

## PORT OF NEWCASTLE PROTESTS

### PRISONER MENTAL HEALTH

**The Hon. Dr SARAH KAINE (12:32):** I was not going to touch on the topic of the police Minister and her responsibilities but I feel compelled, given the contribution by the Hon. Damien Tudehope. I take issue with his comments that suggest that the police Minister does not know her own mind and that she has somehow been manipulated by a third-party group to become its mouthpiece. On behalf of the police Minister, I resent that and it continues the form of the Hon. Damien Tudehope in either not listening to or putting words into the mouths of female Ministers. I, for one, will not stand for that.

What I was going to speak about was the answer given by Minister Jackson about mental health in prisons. I note that, of course, mental health is a complex issue in any circumstances and in any context, but even more so in the context of incarcerated individuals. I note the sensitivity with which the Minister dealt with that. I also note her clear explanation of how our broader policies of bringing prisons back into public hands will benefit the wellbeing of prisoners. It highlights the perverse consequences of policies such as privatisation, where complex and intricate policy decisions for vulnerable individuals are outsourced. I commend the Minister for her intent to explore further, such as visiting the facilities, and also our Government in bringing prisons back into public hands, which is where they should be.

## TAKE NOTE OF ANSWERS TO QUESTIONS

**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) (12:34):** I thank all members for their contributions to the take-note debate. I commend the work of the police Minister and the Minister for Western New South Wales. In particular, I thank the Hon. Stephen Lawrence for his observations and his experience of estimates hearings. It is valuable to share that with the Chamber. There has been significant turnover, so we should be open to new ways of working together and improving that experience over time. I thank him for those comments.

I commend the agriculture Minister for her work. She roamed around the State in giving her answers—from white spot in Clarence to wild dog fencing in the Far West—on top of the detail provided. I commend her work to members, not just her words in the Chamber but the action she has delivered, particularly coming into government and acting on that white spot challenge. It is a significant challenge on the North Coast. The Government should be on top of it and this Minister is, having acted in those early days in office. I commend her for that.

I take note of the comments on engineered stone. Members have reflected well on them so I will not add to those comments but I thank them for their contributions. Finally, in relation to the Local Small Commitments Allocation, I was asked details about the grant program and I have provided additional details. I commit to the Chamber that I will continue to provide further information. It is a carefully designed program and we have seen some terrible examples of previous behaviour. Here is one example:

JB: ... So I think we'll be funding that this week.

VOICE: ... if you win, tell 'em you won. If you didn't win, tell 'em we don't have to pay it.

JB: Yeah! [LAUGHTER]

VOICE: Yeah, well Gladys did that somewhere didn't she?

JB: Orange, Orange ... It backfired.

Yeah, that's right. Coffs Harbour.

VOICE: Yeah, I remember that.

JB: I just went out and said we were announcing the additional - we were going to do tunnels - not the , what was it called the open cut, and that would add, that's half a billion dollars to the tab. We're doing the tunnels! You know why I didn't mind that? You know I didn't mind that? Because the state only had to come up with 20% the others is the feds.

VOICE: I get phone calls from Michael McCormack saying " I gotta go back to ERC on this one!"

JB: They were going to a federal election afterwards and they would've needed it anyway so we saved their arse.

VOICE: But you know what, with all the investment in infrastructure ...

JB: I'm glad you called it investment, not pork-barrelling. I do appreciate that, as of course, Pork Barilaro. Unbelievable. [LAUGHTER]

VOICE: It's all about STEM - The future of every country is about STEM, and what are we doing -

JB: What's that got to do with pork-barrelling?

...

JB: I can smell pork! Is that crackle?

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The time for debate has now expired. The question is that the motion be agreed to.

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**ASSET PRIVATISATION**

In reply to **the Hon. MARK LATHAM** (22 November 2023).

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

The New South Wales Government is still engaging with Origin Energy on its plans for Eraring Power Station. The New South Wales Government will ensure that a public announcement is made at the conclusion of these discussions.

**STATE BUDGET AND MID-WESTERN REGION**

In reply to **the Hon. BRONNIE TAYLOR** (22 November 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:

The member should direct her question to the Special Minister of State.

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

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. JOHN GRAHAM:** On behalf of the Hon. Penny Sharpe: I postpone Government business order of the day No. 1 until a later hour of the sitting.

*Bills*

**24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) BILL 2023**

**24-HOUR ECONOMY COMMISSIONER BILL 2023**

**Second Reading Debate**

**Debate resumed from 21 November 2023.**

**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) (14:03):** In reply:

I will continue my remarks. I was thanking members for the contributions they had made on the bills. I will address the issues in detail. While there is great agreement across the Chamber about the general direction, the detail really does matter in this area. I touch first on sound and noise management, and I will recap the steps we are putting in place with the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill. Liquor and Gaming NSW is now in charge as the lead regulator of entertainment noise, protecting venues and putting artists on stages. It is the Government's belief that this will put an end to the age of a single neighbour shopping around serial noise complaints and shutting down venues. That was one of the key issues we faced.

In response to the contributions of some members, I emphasise that it is the Government's view that everyone is entitled to a good night's sleep. There will be instances where certain neighbours or buildings are affected, some worse than others. That is one issue that members have raised with me. It is important to note that the current system does not work for anyone: not the venues and not the neighbours. As the Hon. Chris Rath noted, the bill places a focus on mediation before complaints are considered. We are driving mediation into the centre of the system as a critical tool to get a reasonable resolution for everyone. We will be encouraging mediation between complainants and venues, and Liquor and Gaming will work with venue managers and licensees to resolve issues before they escalate into complaints. There is a balance here. The Government believes this will strike the balance in a better way.

In exceptional circumstances Liquor and Gaming NSW may accept complaints made by fewer people, depending on the nature or gravity of the complaint. It may give reasonable consideration to proximity. That is one of the options to manage complaints in extreme circumstances. To manage that complex area, Liquor and Gaming will issue guidelines that will outline in more detail the types of matters that it may consider when reviewing a noise complaint. The guidelines will provide certainty for venues, councils and regulators. I note that the Government will strengthen the order of occupancy considerations with the bill. Again, that is another layer of protection for venues. Together, we believe these will have a positive impact on one of the key things that has led to the closure of a range of venues.

Questions were raised about the type of noise that Liquor and Gaming NSW will regulate. Liquor and Gaming will continue to manage the categories of noise complaints it currently manages under the disturbance complaint provisions of the Liquor Act. The practical impact is that Liquor and Gaming will regulate sound and noise primarily related to entertainment sound, such as live music or performance. Liquor and Gaming also currently manages noise from patrons, including those leaving a venue, and it is intended that that will continue.

The second area I touch on, given the comments from members, is the special entertainment precincts. Given the views that were put during debate, I emphasise that these are pro-council changes. Under the reforms, councils, who know their areas best, are given the power to shape the places that those apply to and to change the rules that apply to entertainment in their local areas. We have seen a single success on Enmore Road, but the current legislative regime is too restricted to be rolled out across the State. This is a better balance. We believe that councils will continue to identify precincts. The State Government's role is to act as an enabler to make that happen and to work with councils. We will continue to consult with councils about exactly what rules they would like to control in their local neighbourhoods and exactly where the precincts might be rolled out.

The third area I highlight is activation and outdoor space, including outdoor dining, street festivals and events. That was an agenda item for the former Government and is now for this Government. It was important during COVID. People wanted to be able to use their streets as public spaces, and there were changes during COVID that made that easier. The Government will now permanently relax the rules for outdoor dining to allow that to be possible, which is a good thing.

Fourthly, the Government will make some changes to planning and liquor licensing, which I outlined in the second reading speech. The Government is seeking to reach a balance here. There is a balance to be struck. One member brought an item to our attention in relation to takeaway liquor sales that I understand will be the subject of an amendment. I will speak to that at that point in the debate. I thank members for their engagement on those issues. In relation to the comments from Ms Cate Faehrmann, I thank her for her activity in this area over a long period of time, including on a range of parliamentary committees. I will speak now about the two-stage consultation process that the Government seeks to change with this bill. As I have indicated to the House, we are leaving more contentious items until next year, to give more time to consult with councils and industry. However, I do not regard this item as contentious. In fact, I regard it as a really commonsense step and one that absolutely should be in the bill. I take up the member's invitation to briefly put the case now why it should not be the subject of amendment in the Committee stage.

At the moment, there is an entirely duplicative two-stage consultation process. There is a mandatory pre-application consultation period and then another consultation period after an application is lodged, all for the liquor licence. Community groups, neighbours and stakeholder organisations are required to provide the same feedback multiple times, often after a consultation has already occurred separately on the development application.

For residents and community members, it is not only confusing but also feels very ineffective because the feedback they provide is often filtered through legal firms or consultants hired by the proponent rather than seen directly by the decision-maker. Members of the community find it very confusing. For venues, particularly small venues, it cannot only be costly but it can also delay opening times and having a diverse range of venues. From start to finish this can sometimes be a three- to six-month process for venues, who face thousands of dollars of extra rent costs.

The bill proposes to fold this all into a single-stage consultation. It saves time, costs and provides certainty for venues. The intention of the pre-application consultation changes is to ensure that the community is able to have their say and to make community consultation occur at the point at which the application is lodged, to reduce complexity. The proposed changes were included in the liquor licence discussion paper released for public consultation in late 2022. That feedback has informed the design. One key piece of feedback was that the consultation process should be more transparent and the community should be heard by licensing decision-makers. That is the direction we have now headed in. To ensure this is the case, the bill sets out that anyone who would currently be consulted, whether pre-application or after the application is lodged, will still be consulted.

Throughout the wide consultation on these bills, no significant concerns were raised about this streamlined approach. I believe the amendment presents a meaningful first step to a better planning and licensing system. The member raised sensible issues about the impact of the development application process on small bars. That is one of the issues that will be examined next year as part of broader changes. However, there is a chance now to assist those venues by simplifying the liquor licensing process. I encourage members to take that opportunity.

I turn now to the 24-hour commissioner and members' comments in relation to that. The 24-hour commissioner's policy and advocacy remit applies statewide. As I have indicated previously to the House, the Government believes that is very important. In practice we are rolling out this role from Greater Sydney to Newcastle, Wollongong and the Central Coast, but its functions are already statewide. I recognise members' comments that they would like to ensure that is the case. They have indicated that will be the subject of amendment. We are open to that to put beyond doubt the fact that this is a statewide role.

I have already placed on the record, in the second reading speech, my thanks to a range of people. I reiterate my thanks to them, and also thank all parties who have engaged in constructive discussions on this bill. I thank the Opposition, The Greens, the Legalise Cannabis Party and, in particular, Mr Kevin Anderson, the Hon. Damien Tudehope, the Hon. Jacqui Munro, the Hon. Chris Rath, the Hon. Scott Farlow, Mr Gurmeh Singh, Mr Alex Greenwich, the Hon. Jeremy Buckingham and Ms Cate Faehrmann for their detailed engagement. The Government has been quite open to amendments and improvements in relation to this bill. I extend my thanks to the many agencies who have worked on this piece of legislation, and I reiterate my thanks to the specific individuals I named from those teams. I commend the bill to the House.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that these bills be now read a second time.

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 as a whole. I have five sheets of amendments: Opposition amendments on sheet c2023-136C, Legalise Cannabis Party amendments on sheet c2023-137, Government amendments on sheet c2023-130, and The Greens amendments on sheets c2023-122A and c2023-138A.

**Ms CATE FAEHRMANN (14:20):** For reasons that I will outline, I will not move The Greens amendments Nos 4 and 5 on sheet c2023-138A. Amendments Nos 1 and 2 on sheet c2023-138A are consequent on amendment No. 3. By leave: I move The Greens amendments Nos 1 to 3 on sheet c2023-138A in globo:

No. 1      **Commencement**

Page 2, clause 2, line 9. Omit", [20]".

No. 2      **Commencement**

Page 2, clause 2, line 10. Omit "-[15]". Insert instead "and [10]".

No. 3      **Gaming machines**

Page 6, Schedule 2. Insert after line 4—

[5A] **Section 12(1D)**

Insert after section 12(1C)—

- (1D) Despite any other provision of this Act or another Act, a gaming machine, within the meaning of the *Gaming Machines Act 2001*, may not be operated on licensed premises during the following periods on a Sunday—
- (a) between 5am and 10am,
  - (b) between 10pm and midnight.

First, I will explain why I am not moving amendments Nos 4 and 5 on sheet c2023-138A. I thank the Minister and his office for being very approachable and available to discuss what we thought were concerns that some stakeholders raised with us about the consultation. However, we have been convinced, during meetings with the Minister and by the Minister's comments during the second reading debate, that we do not need to remove schedule 2 [20] to the bill. The bill proposes to extend standard Sunday trading hours from the current period of 10.00 a.m. to 10.00 p.m. to the new period of 5.00 a.m. to midnight in line with Monday to Saturday trading hours. Amendment No. 3 ensures that despite the expanded standard Sunday trading hours, the operation of electronic gaming machines—in other words, pokies—between 5.00 a.m. and 10.00 a.m., and 10.00 p.m. and midnight, will not be allowed.

The Minister outlined in his second reading speech that the intent of the bill is to revive the forgotten days of music and vibrancy in the entertainment precincts of Sydney. The Greens are worried that the extended trading hours for so many venues across the State will enable VIP room poker machines to operate. An extraordinary number of pubs and clubs in this State have applied to have their poker machines operate between 4.00 a.m. and 10.00 a.m., which is the shutdown period. We have heard that potentially thousands of venues have exemptions to operate. The Greens do not believe that poker machines need to operate for any more hours. The Greens have made their views on that very clear—that there are too many machines and they are too easily accessed. The Greens support the extension of trading hours, but we want to ensure that those dreaded poker machines are not opened up further, because that would increase their harm. I urge members to support the amendments.

**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) (14:25):** The Government does not support the amendments. Currently the standard trading period is 5.00 a.m. to 12.00 a.m. Monday to Saturday and 10.00 a.m. to 10.00 p.m. on Sunday. The bill changes the standard trading period to 5.00 a.m. to 12.00 a.m. on all days of the week. The proposed amendments would create duplicative regimes that apply at different times of the week, which would create significant confusion. Protections already exist in the law to deal with the issue. Essentially, the distinction I would draw is that it allows some local control over these decisions, even if we change the standard trading hours.

Under the provisions, venues will still need to comply with the conditions of their development consent and/or their liquor licence. Which of those applies will depend on whether the venue is located in a special entertainment precinct. But the Independent Liquor & Gaming Authority [ILGA] will maintain the power to impose more restrictive trading times within the standard trading period. Any development consent conditions that set a business' trading hours would also continue to apply. Given that councils are in charge of those development consents and the location of special entertainment precincts, we regard them as well placed to balance these decisions, oversighted by ILGA.

**The Hon. JACQUI MUNRO (14:26):** I indicate that the Opposition will not support the amendments. I refer to the Minister's comments as our reasons.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 1 to 3 on sheet c2023-138A. The question is that the amendments be agreed to.

**Amendments negatived.**

**The Hon. JACQUI MUNRO (14:27):** By leave: I move Opposition amendments Nos 1 to 30 on sheet c2023-136C in globo:

No. 1 **Review rights for decision about directions to licensee and staff of licensed premises**

Page 4, Schedule 1. Insert after line 19—

**[4A] Section 36A Review by Authority of certain decisions**

Omit "give a direction" from section 36A(1), definition of *reviewable decision*, paragraph (a)(iii).

Insert instead "issue an improvement notice".

**[4B] Section 36A(1), definition of reviewable decision**

Insert after section 36A(1), definition of *reviewable decision*, paragraph (c)—

- (c1) a decision under section 34A to give a gaming and liquor licensee, or an employee or agent of a gaming and liquor licensee, a written direction,

- No. 2      **Statement of risk of harm and other potential impacts**  
Page 5, Schedule 2[1], line 31. Omit "*statement of risk of harm and other potential impacts*". Insert instead "*statement of risks and potential effects*".
- No. 3      **Statement of risk of harm and other potential impacts**  
Page 10, Schedule 2[20], proposed section 48, line 23. Omit "**Risk of harm and other potential impacts**". Insert instead "**Risks and potential effects**".
- No. 4      **Statement of risk of harm and other potential impacts**  
Page 10, Schedule 2[20], proposed section 48(1), line 27. Omit "*statement of risk of harm and other potential impacts*". Insert instead "*statement of risks and potential effects*".
- No. 5      **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(2), line 2. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 6      **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(3)(a), line 11. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 7      **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(4), line 17. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 8      **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(5)(a), line 26. Omit "statements of risk of harm and other potential impacts". Insert instead "statements of risks and potential effects".
- No. 9      **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(5)(b), lines 27 and 28. Omit "statements of risk of harm and other potential impacts". Insert instead "statements of risks and potential effects".
- No. 10     **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(5)(c), lines 29 and 30. Omit "statements of risk of harm and other potential impacts". Insert instead "statements of risks and potential effects".
- No. 11     **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(5)(d), lines 31 and 32. Omit "statements of risk of harm and other potential impacts". Insert instead "statements of risks and potential effects".
- No. 12     **Statement of risk of harm and other potential impacts**  
Page 11, Schedule 2[20], proposed section 48(6), line 34. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 13     **Making a disturbance complaint**  
Page 15, Schedule 2[36], proposed section 79B(4)(a), line 31. Insert "and who are not part of the same household or part of the complainant's household" after "neighbourhood".
- No. 14     **Statement of risk of harm and other potential impacts**  
Page 24, Schedule 3[9], line 34. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 15     **Statement of risk of harm and other potential impacts**  
Page 25, Schedule 3[9], line 15. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 16     **Statement of risk of harm and other potential impacts**  
Page 25, Schedule 3[9], line 27. Omit "statement of risk of harm and other impacts". Insert instead "statement of risks and potential effects".
- No. 17     **Statement of risk of harm and other potential impacts**  
Page 25, Schedule 3[9], lines 29 and 30. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 18     **Statement of risk of harm and other potential impacts**  
Page 27, Schedule 3[10], proposed clause 22, lines 8 and 9. Omit "statements of risk of harm and other potential impacts". Insert instead "statements of risks and potential effects".
- No. 19     **Statement of risk of harm and other potential impacts**

- Page 27, Schedule 3[11], line 26. Omit "**Statement of risk of harm and other potential impacts**". Insert instead "**Statements of risks and other potential effects**".
- No. 20      **Statement of risk of harm and other potential impacts**  
Page 27, Schedule 3[11], proposed clause 27, line 27. Omit "**statement of risk of harm and other potential impacts**". Insert instead "**statements of risks and potential effects**".
- No. 21      **Statement of risk of harm and other potential impacts**  
Page 27, Schedule 3[11], proposed clause 28, line 34. Omit "**Statement of risk of harm and other potential impacts**". Insert instead "**Statements of risks and other potential effects**".
- No. 22      **Statement of risk of harm and other potential impacts**  
Page 27, Schedule 3[11], proposed clause 28, lines 38 and 39. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 23      **Statement of risk of harm and other potential impacts**  
Page 28, Schedule 3[11], proposed clause 28A, line 1. Omit "**Statement of risk of harm and other potential impacts**". Insert instead "**Statements of risks and other potential effects**".
- No. 24      **Statement of risk of harm and other potential impacts**  
Page 28, Schedule 3[11], proposed clause 28A(1), line 4. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 25      **Statement of risk of harm and other potential impacts**  
Page 28, Schedule 3[11], proposed clause 28A(2), lines 14 and 15. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 26      **Statement of risk of harm and other potential impacts**  
Page 29, Schedule 3[11], proposed clause 29, line 9. Omit "**statement of risk of harm and other potential impacts**". Insert instead "**statements of risks and potential effects**".
- No. 27      **Statement of risk of harm and other potential impacts**  
Page 29, Schedule 3[11], proposed clause 29, lines 11 and 12. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 28      **Statement of risk of harm and other potential impacts**  
Page 29, Schedule 3[12], line 17. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 29      **Statement of risk of harm and other potential impacts**  
Page 29, Schedule 3[14], line 25. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".
- No. 30      **Statement of risk of harm and other potential impacts**  
Page 29, Schedule 3[15], line 31. Omit "statement of risk of harm and other potential impacts". Insert instead "statement of risks and potential effects".

On behalf of the Opposition, I propose these commonsense amendments with the intention of strengthening the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023. First, I note that the Opposition has withdrawn two amendments at the request of the Government with a promise of further discussion and collaboration on legislation that will further support the live music industry and the 24-hour economy. The Opposition firmly believes that amendments Nos 1 to 30 will strengthen the legislation before the Committee. We acknowledge the Minister for Music and the Night-time Economy and his staff for working with the Opposition on the amendments, ensuring that they could be brought to the Committee in a form that could be supported. The Opposition's amendments were formulated in consultation with the industry. That collaborative approach ensures the bill is fit for purpose by putting some power in the hands of those who are responsible for our 24-hour economy.

In addressing the detail of the amendments, I first turn to a simple language change reflected in amendments Nos 2 to 12 and 14 to 30, which replace references to "statement of risks of harm and other potential impacts" with a reference to "statement of risks and potential effects". These amendments are designed to strengthen the bill by tightening the language around the statement and demonstrating that the clear intent is to require licensees to provide clear and considered information about the full range of potential impacts and effects resulting from any proposed licences, authorisation or approvals. I think that this is done to ensure a kind of harmonisation behind the intention of the bill and the legislation in its understanding by the industry. Of course, we want to make sure that the industry understands that risks are important to recognise, mitigate and manage but also that there are significant positive effects from licensing changes and that those effects are welcome to be

outlined, explained and highlighted through this statement process. I am grateful to the Minister and the Minister's office for being open to those amendments for the benefit of the industry.

I turn to amendment No. 1. The bill proposes to establish new section 34A of the Gaming and Liquor Administration Act, which would permit the secretary to give a licensee or an employee or an agent of a licensee a written direction about any matter relating to licensed premises. However, it does not establish a review mechanism for such a direction under existing section 36A. Establishing a review mechanism will mirror the arrangements for many other decisions made by the secretary.

Amendment No. 13 relates to making a disturbance complaint. This is something I referred to in my speech earlier. This commonsense amendment clarifies the intention of the bill, ensuring that changes to the disturbance complaint process include a requirement for complaints to be authorised in writing by five people who live and work in the neighbourhood but not in the same household. The amendment ensures that members of a single household do not skew the perception of a venue by the regulatory authority, avoiding a situation where a single household could negatively impact the operation of a venue. These amendments make good sense. They strengthen the bill, and they ensure that the bill operates as intended. I call on all members to support our amendments.

**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) (14:32):** I will deal with those items in the same order. In relation to the change to the name of the statement of risk of harm, the current drafting of the bill replaces the current community impact statement with a requirement that liquor licence applicants produce a statement of risk of harm and other potential impacts. Some stakeholders have suggested that the reference to harm in the name of this statement may unduly influence participants by implying a necessary connection between licences and harm. It may also constrain the type of risks that will be addressed. The proposed amendments will refer to this as a statement of risks and other potential effects. We thank the Opposition for bringing it forward. The Government supports each of these amendments.

In relation to the review rights for decisions, the Government's position is that the bill proposes to establish new section 34A of the Gaming and Liquor Administration Act, which would permit the secretary to give a licensee or an employee or an agent of a licensee a written direction about any matter relating to licensed premises. However, it does not establish a review mechanism for such a direction under the existing section 36A. The proposed amendment enables a review mechanism for these decisions. Establishing a review mechanism would mirror the arrangements for many other decisions that are made by the secretary. It is consistent with other provisions of the Act, which already provide that existing secretary direction powers to liquor licensees are reviewable by the Independent Liquor and Gaming Authority. For those reasons, the Government is supportive.

Finally, in relation to making a disturbance complaint, the Government will support this Opposition amendment to change the arrangements for five persons living in a household. It has been the subject of discussions among a range of parties in the Chamber, and I think that is the sensible consensus that has been reached in the course of those discussions. The current drafting of the bill suggests that such a complaint could be authorised by five people living in the same household. That was not the intention of the bill. The Government has made a strong commitment to avoid an avenue for single vexatious complainants to manipulate the system. The proposed amendment addresses and avoids a situation where multiple members living in a single household may make or authorise a disturbance complaint.

**Ms CATE FAEHRMANN (14:35):** I support the amendments moved by the Opposition. I know that the Hon. Jacqui Munro is a strong supporter of Sydney's night-life, and I am not surprised to see these amendments brought forward. In respect of her amendment to the operation of improvement notices, The Greens wholeheartedly agree with the move to make the decision reviewable. As with most other government agency decisions, licensees who receive an improvement notice should have the opportunity to have the decision reviewed, in line with basic principles of natural justice. This approach is likely to give greater guidance and clarity to licensees about the nature of the infringement, the requirements for rectification, and the expectations of the department.

The Greens also support the amendment in respect of making a noise or disturbance complaint. As I outlined during the debate and as the Minister has also just talked about, we have all realised that it is vital that we do not allow the situation where five members of the same household can come together to give rise to a formal complaint. Such practices would undermine the intention of the provision in spite of the best efforts of the Government to balance the complaints system in New South Wales. I will move a minor amendment to Opposition amendment No. 13. This has not been circulated. I am sorry to do this on the floor. I move:

That Opposition amendment No. 13 on sheet c2023-136C be amended by inserting the words "or business" after "same household" and after "complainant's household".

I apologise to members in the Chamber for doing that at the last minute. Of course, this will ensure that the provision includes businesses near a venue, who may seek to inappropriately trigger a formal complaint to Liquor and Gaming NSW, in addition to nearby households. Hopefully, that is something that can be supported. I believe the same principle that applies to single households applies here. Other than that, I support all the amendments as brought forward by the Opposition.

**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) (14:38):** I have not had the opportunity to seek advice on the amendment to Opposition amendment No. 13. I am not comfortable with supporting it. I think that it sounds like a commonsense amendment. It is certainly in line with the intention of the bill. But, without getting advice, I am not comfortable with having the Government support it. It is the sort of the thing that I would see being picked up in the second round of reforms. I am open to adapting that, but I find it hard to deal with it as we sit here today.

**The Hon. JACQUI MUNRO (14:39):** The Opposition will not support Ms Cate Faehrmann's amendment to Opposition amendment No. 13 because we have not had a chance to consider it properly. But as was indicated by the Minister, certainly the intent of the bill and the Opposition amendments would suggest that that amendment is appropriate. We would like to get more detailed advice about the process.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jacqui Munro has moved Opposition amendments Nos 1 to 30 on sheet c2023-136C in globo. Ms Cate Faehrmann then moved an amendment to Opposition amendment No. 13. The question is that the amendment of Ms Cate Faehrmann to Opposition amendment No. 13 be agreed to.

**Amendment of Ms Cate Faehrmann to Opposition amendment No. 13 negatived.**

**The CHAIR (The Hon. Rod Roberts):** The question now is that Opposition amendments Nos 1 to 30 be agreed to.

**Amendments agreed to.**

**The Hon. JEREMY BUCKINGHAM (14:40):** By leave: I move Legalise Cannabis Party amendments Nos 1 and 2 on sheet c2023-137 in globo:

**No. 1 Exception and defence for minors on licensed premises**

Page 19, Schedule 2. Insert after line 4—

- (5D) Also, a minor does not commit an offence under subsection (1) (d) if the minor leaves the licensed premises within a reasonable period after being informed by a responsible person that the minor must not be within the area.
- (5E) It is a defence to a prosecution for an offence under subsection (1) (d) if it is proved that at the time of the alleged offence the minor did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

**Example**—A minor is unaccompanied in a bottle shop but is unaware unaccompanied minor must not be within the area.

**No. 2 Defence for licensees for minors on licensed premises**

Page 19, Schedule 2. Insert after line 23—

**[54A] Section 124(6A)**

Insert after section 124 (6)—

- (6A) It is a defence to a prosecution for an offence under subsection (2) (d) if it is proved that, at the time of the alleged offence, the licensee had taken all reasonable precautions to avoid commission of the alleged offence.

I seek the support of the Committee to make what I think are reasonable amendments to this excellent legislation, which seek to deal with a matter that has emerged after consultation with stakeholders. I appreciate the work of the Minister's office on that. In relation to the first amendment, the bill makes it an offence for a minor to be unaccompanied in takeaway liquor premises such as bottle shops, which is an important measure to ensure that children and young people are not in harm's way. However, the offence is a strict liability offence, and there is a risk that minors can be charged for the offence, which carries serious penalties, in situations where they have entered a premises by accident, may not understand the offence or may not appreciate the gravity of the situation.

All members know that bottle shops retail more than just alcohol, especially in regional areas. Some children and minors might think that they can avail themselves of a packet of Nobby's nuts or some lemonade from the bottle shop unaccompanied. That is not the case. The intention of the first amendment is to carve out some caveats where an offence cannot be made out, in order to create a defence to the offence. The amendment

intends to relate to a situation where, for example, a responsible person under the definition of the Liquor Act has verbally asked the minor to leave and they leave within a reasonable time period. That situation should not give rise to an offence, which is entirely reasonable.

The first amendment is the exemption and defence for minors on licensed premises. The second amendment is a logical consequence of that: that the same spirit should apply in terms of a defence for licensees for minors on licensed premises who do not leave after they have been asked to leave. The bill makes it an offence for a licensed premises to allow unaccompanied minors in takeaway liquor premises. Amendment No. 2 provides a defence for licensees where they have taken all reasonable precautions to prevent the offence. The amendment would be intended to capture situations where, for example, the licensee has issued training to staff and published signage in the store in relation to the new offence and has asked a young person to leave. That is a reasonable proposition. I thank the Minister and his staff for their consideration of these amendments.

**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) (14:44):** The member has been too modest about his amendments. They make a real improvement to the bill. Those issues were raised in discussions in the Legislation Review Committee and they have come up again in subsequent discussions. These amendments are a good example of ensuring that we have a Liquor Act that is applicable not only to the centre of big cities but also to small towns right across the State. As the member observed, the bill would have created a strict liability offence that may not have suited arrangements in all communities around the State. Adding those commonsense protections is quite sensible as we strengthen the provisions in the bill. The Government is satisfied that this is a sensible settlement, as we seek to strengthen the provisions in the bill. I thank the member for moving those amendments.

**The Hon. JACQUI MUNRO (14:45):** The Opposition will also support the amendments. We thank the Hon. Jeremy Buckingham for bringing them forward. As the Minister indicated, the Legislation Review Committee was informed of the potential problems with the original drafting of the bill around the fact that it would create a strict liability, which meant that there would be no reasonable defence against the prosecution or fining of minors. Creating a bill that is useful not only for the big cities and the big smoke but also to people across New South Wales is important. The regions use those shops differently. Regional communities are organised differently. A range of other items are available in a liquor store that are not just alcohol. I appreciate the amendments from the Hon. Jeremy Buckingham, which the Opposition will support.

**Ms CATE FAEHRMANN (14:46):** The Greens support these amendments; well done to the member for spotting that issue in the bill. We certainly do not want young kids in regional areas who just want to go into a bottle shop to buy a packet of Nobby's nuts to be fined for that. That was well picked up. The Greens support the amendments.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jeremy Buckingham has moved Legalise Cannabis Party amendments Nos 1 and 2 on sheet c2023-137. The question is that the amendments be agreed to.

**Amendments agreed to.**

**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) (14:47):** By leave: I move Government amendments Nos 1 and 2 on sheet c2023-130 in globo:

**No. 1 Temporary road closures for outdoor dining and performances**

Page 21, Schedule 2[67], line 34. Omit "close a road, temporarily or otherwise,". Insert instead "temporarily close a road".

**No. 2 Temporary road closures for outdoor dining and performances**

Page 21, Schedule 2[67], line 37. Omit "close a classified road, temporarily or otherwise,". Insert instead "temporarily close a road".

These amendments relate to the temporary road closure arrangements that I spoke about in my second reading speech, and we debated them in the House. In fact, I may have moved them as amendments to the previous Government's bill. They look very familiar—I will simply put it that way. They are good arrangements. They worked well during COVID. Current section 166 of the Liquor Act established temporary COVID measures to enable councils to close an unclassified local road temporarily for the purposes of outdoor dining and performance. The policy intent of the vibrancy bill is to remove COVID references and retain those powers permanently, instead of removing them at the end of this year. The intent was that the available measures to close a road temporarily would be made permanent. The road closure itself would still be temporary, but the power would be permanent.

As it is drafted, the bill empowers councils to permanently close a road for the same purpose. That is a significant action with potential consequences for road user access and the common law rite of passage. Councils

may permanently close a road under part 4, division 3 of the Roads Act 1993, but only subject to a detailed process including consultation, notification requirements and appeal rights at two stages to the Land and Environment Court. The permanent closure of a road is very significant and requires a number of checks and balances. Retaining that distinction will help to avoid any unintended consequences. Those provisions have worked well. I emphasise to the House that they are for outdoor dining and performances. The outdoor dining has worked well in practice, but the performance aspect could still be used more broadly. The Government will work to make sure that is the case as it uses the powers and works with councils to apply them in the real world.

**The Hon. JACQUI MUNRO (14:49):** The Opposition supports the amendments. Possibly the City of Sydney will be watching the debate on the amendments with interest given the recent media about Darlinghurst and an event on Stanley Street, which I happened to attend. I look forward to the powers being used effectively but responsibly, and I am happy to support the amendments.

**Ms CATE FAEHRMANN (14:49):** The Greens are absolutely happy to support the amendments. I do not think many people in this State think that the temporary road closures during COVID were a bad thing, nor the fact that they have continued beyond. They are wonderful, and we support the amendments to temporarily close roads.

**The CHAIR (The Hon. Rod Roberts):** The Hon. John Graham has moved Government amendments Nos 1 and 2 on sheet c2023-130. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Rod Roberts):** That leaves us with just one sheet of amendments, and that is The Greens amendments on sheet c2023-122A.

**Ms CATE FAEHRMANN (14:50):** I will not move those amendments.

**The CHAIR (The Hon. Rod Roberts):** The question is that the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 as amended be agreed to.

**Motion agreed to.**

**The CHAIR (The Hon. Rod Roberts):** We now move to the 24-Hour Economy Commissioner Bill 2023. There being no objection, the Committee will deal with the bill as a whole. I have two sheets of amendments, being The Greens amendments on sheet c2023-146B and Opposition amendments on sheet c2023-128B. I invite Ms Cate Faehrmann to move her amendments.

**Ms CATE FAEHRMANN (14:53):** By leave: I move The Greens amendments Nos 1 to 11, 13 to 17, and 19 on sheet c2023-146B in globo:

No. 1      **Name of Act**

Page 2, clause 1, line 4. Omit "24-Hour Economy Commissioner Act 2023". Insert instead "24-Hour Economy and Culture Commissioner Act 2023".

No. 2      **Commissioner**

Page 3, line 1. Omit "24-Hour Economy Commissioner". Insert instead "24-Hour Economy and Culture Commissioner".

No. 3      **Commissioner**

Page 3, clause 4, line 3. Omit "24-Hour Economy Commissioner". Insert instead "24-Hour Economy and Culture Commissioner".

No. 4      **Commissioner**

Page 3, clause 4, line 4. Omit "24-Hour Economy Commissioner". Insert instead "24-Hour Economy and Culture Commissioner".

No. 5      **Night-time economy**

Page 3, clause 5 (1) (a), line 9. Insert "and culture" after "night-time economy".

No. 6      **Night-time economy**

Page 3, clause 5 (1) (b), line 11. Insert "and culture" after "night-time economy".

No. 7      **Night-time economy**

Page 3, clause 5 (1) (c), line 14. Insert "and culture" after "night-time economy".

No. 8      **Night-time economy**

Page 3, clause 5 (1) (d), line 17. Insert "and culture" after "night-time economy".

- No. 9      **Night-time economy**  
Page 3, clause 5 (1) (e) (i), line 20. Insert "and culture" after "night-time economy".
- No. 10     **Night-time economy**  
Page 3, clause 5 (1) (e) (ii), line 21. Insert "and culture" after "night-time economy".
- No. 11     **Night-time economy**  
Page 3, clause 5 (1) (e) (iii), line 23. Insert "and culture" after "night-time economy".
- No. 13     **Night-time economy**  
Page 3, clause 5 (1) (f), line 26. Insert "and culture" after "night-time economy".
- No. 14     **Advisory Council**  
Page 3, clause 6 (1), line 32. Omit "24-Hour Economy Advisory Council". Insert instead "24-Hour Economy and Culture Advisory Council".
- No. 15     **Night-time economy**  
Page 4, clause 7 (1) (a), line 5. Insert "or culture in the State" after "night-time economy".
- No. 16     **Night-time economy**  
Page 4, clause 8 (1), line 15. Insert "or culture" after "night-time economy".
- No. 17     **Night-time economy**  
Page 4, clause 9 (1), line 23. Insert instead "or culture in the State" after "night-time economy".
- No. 19     **Long title**  
Omit "24-Hour Economy Commissioner". Insert instead "24-Hour Economy and Culture Commissioner".

The amendments insert the words "and culture" throughout the 24-Hour Economy Commissioner Bill 2023. The 24-Hour Economy Commissioner has been in place in New South Wales since 2021, and the Government's decision to give statutory standing to that position should be commended. However, The Greens feel that the commissioner potentially has more to contribute than the bill provides in its current form. In the Government's *Sydney 24-hour Economy Strategy*, Investment NSW defines the night-time economy as "all the activities that take place as the traditional 'business day' ends". That typically encompasses the activities available in public spaces between the hours of 6.00 p.m. and 6.00 a.m. The strategy actually says 2.00 a.m., but I have changed it to 6.00 a.m. in my speech because it should be. The bill will ensure that it goes beyond 2.00 a.m.

The other two amendments specifically deal with the commissioner's functions, but the amendments before the Committee ensure that every time the words "night-time economy" appear, they will be followed by "and culture". The Minister's second reading speech mentioned the Lakemba Ramadan night markets, which many members in this place will recall rightfully received the prestigious Purple Flag status in September. Other amendments that will hopefully be supported today include additional functions to recognise culture, but we should insert the words "and culture" after "24-hour economy" throughout the bill because it is not just the economy. It is clearly signalled throughout Government policy and strategy that it is more than just the economy. It would be wonderful if, every time the 24-Hour Economy Commissioner talks about the 24-hour economy, he says, "24-hour economy and culture". I commend the amendments to the Committee.

**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) (14:57):** I thank Ms Cate Faehrmann for raising this sensible issue that is the basis for the amendments. I summarise the Government's position and my position as Minister as the fact that I am for culture but also for clarity. For that reason the Government will oppose these amendments, although we will support the amendments that the member referred to relating to the functions of the commissioner. That is the right balance here.

The role of the 24-Hour Economy Commissioner clearly has a big impact on the city's culture and the State's culture, and that is welcome. It should be part of the goals and functions of the position. I do not support it being in the title because it is also important in government that there is absolute clarity about which role does what. As the Minister responsible for Create NSW and some of the cultural institutions, I would not want there to be confusion about the crucial role of the 24-Hour Economy Commissioner.

It is a small, quite mobile unit in government. The bills seek to give it stronger powers. It has to work across government with the big agencies—Transport, Planning, Police—playing a crucial liaison role, including with Create NSW and the cultural institutions. It is really important that its role is as clear as possible. The Government believes the bill best strikes that balance—making clear that its functions include a key cultural role but also keeping the job description tight. I recognise the work of the existing commissioner. He is doing a fantastic

job. I have given Stuart Ayres credit for appointing the commissioner and the whole team. But it is best that it is a small and mobile team, able to work and advocate inside government for those issues.

**The Hon. JACQUI MUNRO (14:59):** The Opposition does not support the amendments. Like the Government, we believe that clarity in this role is important. The commissioner has already demonstrated his commitment to ensuring his role is about fostering a really vibrant culture, but that also includes functions around ensuring there is security, that public transport is appropriate and that Uber services are in the right place when people are flooding out of a venue at the end of a gig. As the Minister said, a lot of agencies require consultation and collaboration to ensure that the 24-Hour Economy Commissioner is able to do their job effectively.

Therefore, it is appropriate that we keep the title to ensure that clarity, as I have already referred to. The vibrancy reforms bill, which we have previously spoken about, calls out the potential positive effects of the night-time economy and the 24-hour economy. It talks about live music, the arts sector, tourism and cultural events. Ensuring that the 24-Hour Economy Commissioner can work across all of those features of the night-time economy and can ensure that those activities are providing not only cultural but also economic benefits to business owners, patrons and artists is crucial. For those reasons, we do not support the amendments.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 1 to 11, 13 to 17, and 19 on sheet c2023-146B in globo. The question is that the amendments be agreed to.

**Amendments negatived.**

**Ms CATE FAEHRMANN (15:01):** By leave: I move The Greens amendments Nos 12 and 18 on sheet c2023-146B in globo:

**No. 12 Commissioner's functions**

Page 3, clause 5(1). Insert after line 23—

- (e1) to promote and enhance multiculturalism as part of the night-time economy,
- (e2) to advocate for a mix of diverse cultural, social and business activities and experiences as part of the night-time economy,

**No. 18 Inquiries**

Page 4, clause 9(4), lines 33–36. Omit all words on the lines. Insert instead—

representatives of agencies that deal with matters relating to the following—

- (a) public health,
- (b) liquor and gaming,
- (c) arts and culture,
- (d) planning,
- (e) multiculturalism,
- (f) policing,
- (g) transport,
- (h) local government.

Firstly, amendment No. 12 seeks to expand the commissioner's functions to do what I was talking about before but in a very targeted way. The bill outlines the functions of the commissioner in quite extraordinary detail. Attending relevant forums and conferences is even in the legislation, so the commissioner will have to continue to attend those the whole time because it will be in the Act. The amendment suggests two additional functions that will ensure a requirement for the commissioner to have a cultural as well as multicultural focus. I include in the functions, "to promote and enhance multiculturalism as part of the night-time economy," and "to advocate for a mix of diverse cultural, social and business activities and experiences as part of the night-time economy".

An advisory council reports to and advises the Minister. I understand this is already established, but it is in this bill as well. Looking at the 41 members of that advisory council, which is huge, I could not see too many, if any, organisations that represent multicultural organisations. There were councils, the alcohol industry, LGBTQI+ groups—at least one, anyway—and I urge the Minister to ensure that the advisory council reflects diversity and has, at some level, multicultural representatives. Amendment No. 18 ensures that there is a power for the commissioner to conduct inquiries, which the Minister will request, and there are agencies that are then consulted during that. For some reason the NSW Police Force is a standalone in the bill. Paragraphs (a) and (b) of clause 9 (4) read:

- (a) agencies that deal with matters relating to public health, liquor and gaming, planning, transport or local government, and

- (b) the NSW Police Force.

The NSW Police Force should not be listed as though it is separate, is more important or needs to have more emphasis in this bill. My suggested change is for all of those agencies that are to be consulted for the purpose of an inquiry under the bill to be listed together, including arts, cultural and multicultural agencies. I commend the amendments.

**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) (15:05):** I thank the member for the amendments and indicate that the Government will support them. They are sensible additions, for the reasons that the member has advocated for in the changes of functions. They give valuable guidance to the commissioner and other agencies about the scope of the role, which is very much in keeping with the direction the bill is moving. I welcome the well-advised comments on the advisory council. As Minister, I will take account of those, as the advisory council unfolds. It is definitely one of the goals of this agenda to make sure that we make the most of multicultural New South Wales and especially multicultural Sydney after dark.

Often the way we deal with that, as a Chamber, is through the liquor bills, because they have such an impact on the way that the economy after dark functions. Many of the best developments in that agenda are, in fact, not related to alcohol, but that is the regulatory scheme that has the biggest impact. I welcome the fact that this point is being made and, to drive that agenda, we have to incorporate it in a range of ways. It is good advice for the Government and it is advice I intend to take, as Minister. In relation to the inquiries, this was a non-exhaustive list. It was a helpful suggestion to add some more agencies. I have been asked, possibly by those agencies, to indicate that they did not ask to be put on the list. But they are sensible additions to who might be asked, if those inquiries unfold. For those reasons, the Government supports the amendments.

**The Hon. JACQUI MUNRO (15:07):** The Opposition also supports the amendments. As I spoke about in my contribution to the second reading debate, multiculturalism and multicultural events that happen all across New South Wales are often not associated with alcohol, and I specifically called out Harris Park, which has a really vibrant nightlife. There are cafes, shops and restaurants open until very late at night and not a drop of alcohol in sight in many of those venues. Ensuring that we have that called out in this bill is appropriate. That is similar to the inquiries point, where we obviously need to ensure that there is a focus on collaboration across all different agencies, because we understand that the economy, whether it happens in the daytime or the night-time, is complex. It requires, to some degree, management of people and activities. By the same token, we want to ensure that people are free to trade, move around and enjoy the cities, towns or suburbs that they live in to maximum effect, so we support The Greens amendments.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved amendments Nos 12 and 18 on sheet c2023-146B. The question is that the amendments be agreed to.

#### **Amendments agreed to.**

**The Hon. JACQUI MUNRO (15:09):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2023-128B in globo:

**No. 1 State-wide advocacy and promotion of night-time economy**

Page 3, clause 5(1)(a), line 9. Insert "State-wide" after "economy".

**No. 2 Members of Advisory Council to include regional representative**

Page 3, clause 6. Insert after line 35—

(2A) The members of the Advisory Council must include at least one person who, in the Minister's opinion, represents the interests of regional New South Wales, whether because the person—

- (a) resides or works in, or advocates for, regional New South Wales, or
- (b) represents an organisation that works in, represents or advocates for regional New South Wales.

On behalf of the Opposition I move two amendments to the 24-Hour Economy Commissioner Bill 2023. The amendments ensure that regional New South Wales is not forgotten in the push to reinvigorate the night-time economy across the State. I acknowledge Labor's commitment to expand the powers of the 24-Hour Economy Commissioner to Newcastle, Sydney, Wollongong and the Central Coast, but I remind the Committee that the intention of the bill is that the 24-Hour Economy Commissioner was to serve all of New South Wales. That is certainly the intention of the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 as well.

Opposition amendment No. 1 ensures that the remit of the 24-Hour Economy Commissioner includes all of New South Wales by inserting "statewide" at the end of page 3 in clause (5) (1) (a). To help ensure that statewide focus, including all of regional New South Wales, amendment No. 2 would ensure that at least one person on the

advisory council is a person who represents the interests of regional New South Wales. I commend the amendments to the Committee.

**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) (15:10):** The Opposition amendments Nos 1 and 2 are welcome amendments to the 24-Hour Economy Commissioner Bill 2023 and they are a helpful clarification. I do not want any suggestion that the bill in its current form, or the Government's agenda, is not aimed at regional New South Wales. The Government is supportive of the amendments because they help clarify that and in the case of the advisory council amendment they help enact that goal. It is for those reasons that the Government is supportive of the amendments. It is an agenda that should apply right across the State. The special entertainment precincts and the work of the commissioner are crucial in towns and suburbs right across the State.

Two of the communities that I have had the most interest in—I have talked to them—are Wagga and Tamworth. Their councils are really alive to the night-time economy issues. They want to grow their towns but they want to do it in a way that leaves entertainment at the heart of those towns. It is absolutely part of the broad agenda and the amendments help clarify that and enact that aim—it is certainly the aim of the Government and also of the Parliament.

**Ms CATE FAEHRMANN (15:11):** The Greens support Opposition amendments Nos 1 and 2 to the 24-Hour Economy Commissioner Bill 2023. It is absolutely vital that the night-time economy commissioner is able to also, I am envisioning, ensure that there are people in the office that specifically are tasked with looking at the regions and the regional cities beyond Newcastle and Wollongong. That is very important. We would have done the same so we wholeheartedly support the amendments.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jacqui Munro has moved Opposition amendments Nos 1 and 2 on sheet c2023-128B. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Rod Roberts):** The question is that the 24-Hour Economy Commissioner Bill 2023 as amended be agreed to.

**Motion agreed to.**

**The Hon. JOHN GRAHAM:** I move:

That the Chair do now leave the chair and report the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 with amendments and the 24-Hour Economy Commissioner Bill 2023 with amendments.

**Motion agreed to.**

### **Adoption of Report**

**The Hon. JOHN GRAHAM:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. JOHN GRAHAM:** I move:

That these bills be now read a third time.

**Motion agreed to.**

### *Documents*

## **MINISTER FOR TRANSPORT OFFICE STAFFING**

### **Tabling of Redacted Documents**

**The CLERK:** According to Standing Order 52 (7), I table correspondence received on 15 November 2023 from the Hon. Natalie Ward requesting that certain documents relating to the further order for papers regarding departmental liaison officers in the office of the Minister for Transport be produced with personal information redacted. I inform the House that, according to standing order, the office of the Clerk communicated the request to the Cabinet Office on 16 November 2023. I now table documents with personal information redacted received on 23 November 2023 from the Director, Legal at the Cabinet Office, together with an indexed list of documents.

*Bills***ELECTORAL FUNDING AMENDMENT BILL 2023****Second Reading Debate****Debate resumed from 21 September 2023.**

**The Hon. DAMIEN TUDEHOPE (15:17):** The Electoral Funding Amendment Bill 2023 is another two line bill from the Government—however it does have some force, I must say. The Government is making ad hoc changes to legislation because it has not yet developed the skills to govern or prepare substantive legislation.

**The Hon. John Graham:** Come on. What about the bill we just did?

**The Hon. DAMIEN TUDEHOPE:** That is okay. However the two lines could have a profoundly disturbing effect on the—

**The Hon. John Graham:** Where were you during the vibrancy debate?

**The Hon. DAMIEN TUDEHOPE:** Being vibrant. The two lines could have a disturbing effect on the democratic process by unduly favouring third-party campaigners in both by-elections and general elections. That is why the Opposition supported the referral of the bill to Portfolio Committee No. 1 – Premier and Finance to ensure its provisions were properly examined by a committee able to take evidence from stakeholders. The second item of schedule 1 to the two-line bill proposes to set the additional cap for a third-party campaign to a whopping \$225,900 per electorate in a general election. In the absence of acting in concert provisions, that could create a real danger that a group of third-party campaigners could outspend the political party running a candidate, or an independent candidate, in a particular electorate.

As it stands, that provision in the bill simply cannot be supported. However, I understand that the Government will support the removal of the provision and the referral of the matter to the Joint Standing Committee on Electoral Matters for further consideration. In relation to the cap for third-party campaigners in by-elections, if the bill passes the second reading stage, I foreshadow that the Opposition will move an amendment to set the cap at \$75,000. I further foreshadow that the Opposition will move amendments relating to the definition of a third-party campaigner.

**Ms CATE FAEHRMANN (15:20):** I speak on the Electoral Funding Amendment Bill 2023, and I foreshadow at the outset that The Greens will move amendments to the bill. When the bill originally came to this House for consideration, the member said in his second reading speech that it was to give effect to the Joint Standing Committee on Electoral Matters [JSCEM] inquiry into expenditure caps in by-elections. It did that in some ways, but it also went much further. Firstly, the bill before us seeks to impose a cap on third-party campaigner expenditure during general elections. JSCEM did not consider the impact of raising the cap for third-party campaigners during a general election. That is significant, and I understand that most members in this place, including Government members, agree. I will move an amendment to remove the references to a general election from the bill. The impact of increasing the expenditure cap from somewhere around \$20,000 to \$225,900 for third-party campaigners during a general election should be considered very carefully. I hope that matter will be referred to the Joint Standing Committee on Electoral Matters.

What is really under consideration today is the cap: whether it is sufficient, whether it is too much or whether it should be lowered. The cap in the bill is \$225,900. The Greens have had a number of communications with members in this place about the bill. I acknowledge my Greens colleague in the lower House and the member for Balmain, Kobi Shetty, who holds the democracy portfolio. We have communicated to members of this place that we believe that figure is too high. The origins of the \$225,900 figure need to be explained. At the Joint Standing Committee on Electoral Matters inquiry, no-one really knew what the new figure should be. There was a High Court challenge, which had found that the \$20,000 cap that was initially put in place by the former Government was much too low. It was an impermissible burden on political communication, and the court essentially struck it out. There was then no cap on third-party campaigners.

We agree that there should be a cap. JSCEM met and agreed that there should be a cap. Some stakeholders put forward evidence for what they believed would be a reasonable amount to enable them to participate in our democracy and communicate during an election on as equal a footing as possible. Representatives of one union, the NSW Nurses and Midwives' Association, suggested that the third-party campaigner cap should be 75 per cent of the candidate cap. Unions NSW put forward a submission that suggested an average by-election spend of around \$100,000. But it was the figure of 75 per cent of the candidate cap, recommended by one union, that made its way into the JSCEM report and then made its way into the bill. However, during that inquiry, the experts in electoral law—the experts in democracy—were all concerned about that figure of 75 per cent of the candidate cap, or \$225,900.

One thing the High Court made clear was that the Government needs to ensure that it has provided the evidence behind why it has set a particular figure or a particular cap. The Greens do not believe that the 75 per cent figure recommended by one stakeholder at the inquiry last year is sufficient evidence to justify the cap before us. I would prefer this House to take directions or advice from people who have been studying and practising in this field for many years, which is why I approached Mr Geoffrey Watson, SC, to provide advice on a cap. I had worked out a figure based on information that I thought was from the Electoral Commission, and I will briefly talk about that data.

The first communication that I sent to members, a few weeks ago now, suggested a revised third-party campaigner cap of \$120,640. In that communication I summarised the expenditure from the six most recent by-elections in this State. I looked at the average spend from the major parties based on information from the NSW Electoral Commission website. Using that data I averaged out the spend for each by-election from the major parties as well as the minor parties and Independents. I can immediately say that the average spend for minor parties and Independents is about \$24,000, compared to an overall average spend of about \$150,000, according to the data I had gleaned from the website. In my communications with the Government on this bill, the Premier's Department or the Cabinet Office obtained more data from the NSW Electoral Commission website. It would appear that data is not all in one place.

I was advised by the NSW Electoral Commission that people can put in late claims. That could be GST, or things they were not able to claim initially. The figure I had calculated of 75 per cent of The Greens' average spend has since changed from \$120,000 to \$199,000. That is significant, and it is one of the reasons I have increased our suggested cap from the \$120,640 that I originally took to members to the figure of \$180,720 that I will propose in an amendment to the bill. I will return to Mr Geoffrey Watson's advice. Again, The Greens absolutely support capping third-party campaigner expenditure at by-elections, but first we need to make sure that the figure is as much based on evidence as we can manage in this place. Careful consideration must be given to setting that cap.

There is an important principle around electoral funding law that wealthy voices should not drown out the voices of others. The average by-election spend by independent candidates and parties outside of the major parties is \$25,000. In some of the by-elections The Greens spent only \$12,000. On that note, I give a shout-out to Dr Joe McGirr, whose disclosure return reveals that he spent only \$31,000 and won the seat of Wagga Wagga. That was incredible, and made me want to reduce the cap a lot. Mr Geoffrey Watson's advice was that, on the face of it, 75 per cent of a major party's average spend is one way to work out what the cap should be. The Government has come back with new information that the average spend is now \$199,000.

Mr Watson also says in his advice, "To my mind, taking into account the many different kinds of unavoidable fixed and fluctuating expenses borne by a candidate which would not fall upon a third-party campaigner, I thought the appropriate adjustment would be to allow a third-party campaigner something in the order of 50 per cent to 60 per cent of a candidate's cap—an opinion based upon international examples and anecdotal evidence I have collected from candidates and their support staff following the 2023 general election." He also said the idea that third-party campaigners should be permitted to spend 75 per cent was unsupported by hard evidence and very generous, based upon international experience. Based on Mr Watson's evidence, I think the 75 per cent should be thrown out. That was what the original \$120,640 cap was based upon. He was just one witness in the inquiry.

The Greens will move a couple of other amendments in the Committee stage as well. I hope there will be broad support for a lower cap figure. None of us want to go into an upcoming by-election, which could be just around the corner, where third-party campaigners are spending an extraordinary amount of money. Disclosure returns for the 2023 State election were produced by the NSW Electoral Commission as evidence, in response to supplementary questions, in the inquiry into the bill before us today. The returns show that the Minerals Council of Australia spent more than \$1 million at the last State election. I think about the range of different campaigns that were going on in that State election—around climate change and against particular people. I believe that the Minerals Council of Australia was actively funding a campaign against the then Treasurer for his stance on renewable energy, for example. We know that ClubsNSW, the Australian Hotels Association and many others also spend exorbitant amounts to support campaigns. We do not want to go into a by-election without a cap.

Importantly, we know that JSCEM will meet to discuss and decide upon a cap, so there will definitely be before this place, before the next general election, a bill that will have a cap recommended for third-party campaigners. The Greens would never spend an amount of \$180,720 for a by-election or multiple by-elections, but I have been convinced that certain organisations need that amount to be able to mount a good six-week or eight-week campaign. However, if this bill passes today, whatever method or percentage we agree on to set the cap for by-elections will probably be the same used—or at least very strongly taken into account—by JSCEM to determine the third-party campaigner cap for general elections, and that is not the same figure. As we know, the

candidate cap during a by-election is the \$301,000-odd figure, and the candidate cap during a general election is less than that. So I would expect that whatever percentage we choose today—be it 75 per cent, 60 per cent or whatever—will be the starting point for JSCEM.

The cap for third-party campaigners during a general election should be lower than what we agree to today. That is a significant principle in the Electoral Funding Act that is important for members to be aware of. The Greens think a \$180,720 spend cap for third-party campaigners in a general election is too high; however, by-elections are different. We recognise that, but at this point we do not support the bill as is, with the cap set at \$225,900. I make that very clear. The Greens hope to get support in the Committee stage for a different amount. I leave it at that.

**The Hon. CHRIS RATH (15:36):** One of the great things about the New South Wales political system is that we are not like the United States where it is too often the case that big money buys election outcomes. Its super PACs system is a disgrace. We should not head down that path. Both the previous Coalition Government and the previous Labor Government did remarkably well in ensuring that there was a reasonable level of campaign expenditure and donations. The Opposition's concern is that the bill goes too far in its original form. I know that a series of amendments will be moved in the Committee stage. The Opposition, the Government and, in particular, The Greens are working through some of those at the moment. As it currently stands, the bill is a bridge too far in terms of increasing the third-party campaigner cap from what was around the \$25,000 mark to the \$225,000 mark.

We do not have a crystal ball to know how the High Court of Australia will look at this legislation in the future. Unfortunately, the court ruled out a \$25,000 cap but did not determine what an appropriate cap should be. I wish it had. I wish it had said \$100,000 or \$150,000 or \$200,000. It did not tell us what an appropriate cap is, so today we are needing to almost guess. Members on this side of the Chamber think that a lower cap would be appropriate because we are worried about third-party campaigners drowning out the voices of others. Those opposite obviously want a much larger cap. They say that if the cap is not around the \$225,000 mark there is a risk the High Court will rule it out. Certainly, some of the work done by the previous Government indicates that that figure is definitely way too high. As the Hon. Damien Tudehope said, the Opposition is proposing a cap of \$75,000. I understand The Greens are proposing a cap of \$180,000. Currently the bill states that the cap is \$225,000. We do not want to go down the path of an Americanisation of our electoral system.

Ms Cate Faehrmann spoke briefly about why that would be problematic. In the 2022 State by-elections in Bega, Monaro, Strathfield and Willoughby, there were 25 registered third-party campaigners. How many of the 25 registered campaigners do members think were trade unions? Twenty-three of the registered third-party campaigners in the most recent set of by-elections in New South Wales were trade unions. They could all spend a huge amount to drown out the voices of candidates and political parties. We may say that the main actors of a political system in an election are political parties and their candidates, but if 23 trade unions are spending up to \$225,000, cumulating their resources, in a single electorate—noting that the in-concert provision does not exist anymore—we can imagine how that would drown out the voices of not just the Liberal Party but also minor parties, which have nowhere near the same war chest that trade unions and major political parties have.

Of the 26 trade unions that campaigned as third parties at the recent election, eight of them are affiliated with the New South Wales Labor Party. What we need to consider is that, essentially, trade unions are triple-dipping into our electoral system. Firstly, they give a huge amount of money in direct political donations to the Labor Party; secondly, they give a huge amount of money to the Labor Party in affiliation fees; thirdly, they spend money as third-party campaigners. How can it be that trade unions are affiliated with the Labor Party and will give hundreds of thousands of dollars in affiliation fees to NSW Labor, but are also third-party campaigners? At that point, the trade unions are not third-party campaigners; they are in-house campaigners because they are giving hundreds of thousands of dollars to the Labor Party head office. If a business or an individual wanted to give money to the Liberal Party or The Greens or the Liberal Democratic Party or One Nation or the new Independent crossbench, they would be subject to a cap of \$7,000.

The only amount that small- and medium-sized enterprises or an individual can give is \$7,000, but a union with hundreds of thousands of dollars in its war chest can simply affiliate to the Labor Party, give hundreds of thousands of dollars in affiliation fees, and then register as a third-party campaigner as well and spend their money on electoral expenditure. It is grossly unfair. It disadvantages Independents and minor parties the most because they do not have the same huge coffers that third-party campaigners have. I thank Ms Cate Faehrmann for the amendments that she has been working assiduously on, and I thank the Hon. Jeremy Buckingham for chairing the portfolio committee inquiry into this bill.

I will examine some of the evidence that came out of that inquiry. For example, Professor Anika Gauja, from the School of Social and Political Sciences at the University of Sydney, said that the proposed cap in this bill for third-party expenditure, relative to party expenditure, is very generous when compared to international

jurisdictions such as Canada, New Zealand and the United Kingdom, where historically caps have hovered at a ratio of around 10 per cent, rather than the proposed 75 per cent in the bill. I know Ms Cate Faehrmann previously mentioned some of the commentary from Geoffrey Watson, SC, who is a board director for both the Centre for Public Integrity and the Accountability Round Table. He said:

I personally think that the sums advanced are too large ...

The Hon. Kevin Rozzoli, a former member of the other place and a member of the Accountability Round Table, stated:

... as soon as you bring more money into the equation, you bring out the worst in human nature. It's as simple as that.

This bill is definitely a bridge too far in terms of the quantum of money involved, which is why the Opposition is proposing a lower cap of \$75,000. The affiliation fee amendment that will be moved by the Opposition is based on the Opposition's strong position of many years that a trade union can be affiliated to the Labor Party or it can be a third-party campaigner, but it cannot be both. That should apply not just to trade unions but also to every single-third party campaigner as well. Someone who gives a huge amount of money in donations to a single party, to the exclusion of all others, cannot also be a third-party campaigner. They should lose their right to be a third-party campaigner if they only ever support one political party and they are affiliated with that political party. The Opposition does not like the bill at all and will oppose it. We hope that at the Committee stage we will be able to move some reasonable amendments to make this very bad bill a little better, because at the end of the day voters should determine the outcome of elections, not big money and not big unions. We are not the United States.

**The Hon. JOHN RUDDICK (15:45):** I am opposed to the Electoral Funding Amendment Bill 2023 because I support free speech. Donating to a political party or a political cause is an act of free speech. Most people will never in their lifetime consider being a political candidate, or even make a public stand on a political issue. That is their personal choice and there are endless reasons why most people will make that decision, but at some point in their lives many people will feel strongly enough about a political issue that they do want to help. Often the best way to help is to make a monetary donation. The State should have no rules around preventing citizens making a donation. Businesses and other organisations are merely collections of individuals. If those entities want to donate, they also should have the maximum freedom to do what they want to do with their own funds. I oppose this bill because I do not support any form of regulation around political donations. I do not support regulation around free speech.

In the lead-up to a Federal election, almost everybody knows there will be an election in a month or two because of less restrictive rules around political donations and therefore advertising. This is a good thing because it helps voters to make an informed decision. However, in the lead-up to a State election few people know until a week or two beforehand that an election is on because there is very little advertising, as parties are subject to highly restrictive regulations around campaign financing. If the voters are under-informed, that is not a good thing for democracy. There is all this regulatory infrastructure restricting free speech, and the bill is designed to tweak those rules so that primarily the Labor Party can benefit from very generous donations from a highly politicised trade union movement.

But I put on the record that I am also opposed to the laws preventing those who may be termed "prohibited donors" from making any donations. The gambling, tobacco and property developer industries are some of the most oppressed industries because of government regulation and are prevented from making any donations. This is the State picking and choosing winners and losers on no basis other than political whims. This bill is not designed to bring about a fair playing field but to tilt the playing field to benefit partisan interests—the Labor Party's interests. That is shameful. But I say to my friends in the Liberal Party and National Party that they too are shameful in this debate. They stand for so little that it is increasingly difficult to find people and organisations wanting to donate. If the Coalition was prepared to take a courageous stand on a few issues, such as defending our magnificent coal industry, then it would get donations from individuals and private organisations.

The golden rule of politics is to never betray your base. If the base is not excited about your political platform, then they will not bother to donate. Appealing to the base seems less important when the State forces citizens to vote under tyrannical compulsory voting rules but ignoring the base and being overly focused on low-information voters deprives a party of financial donations. New South Wales needs a free speech amendment to the New South Wales Constitution so that citizens will be free to donate to whatever political cause they choose. I oppose the bill.

**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) (15:49):** In reply: I thank members for their varied but all well-informed contributions to this important but detailed legislative area. I will set out some of the principles that have arisen in the course of the debate and then turn to some of the specifics. Firstly, I think that as a Parliament we should be proud of the electoral funding regulation that is in place

in New South Wales. It is very different, as the Hon. Chris Rath described, to what happens in the United States. That is the result of multiple decisions by this Chamber and by other Parliaments. Despite the last contribution, I believe that has regulated New South Wales politics and made it about the political fight, not about the money fight. I acknowledge the contribution that was just made, but as a member of the Government I feel that has evolved over time. It has taken multiple parties to do that. We should be very proud of it in New South Wales. We should be protective of it, in my view.

Secondly, as became clear in the course of the debate, these are complex matters. Regulating expenditure and donations is a complex area of the law, and we heard about some of those complexities in the discussion about what the cap should be. Thirdly, my view, which I gave, is that we should deal with the rules of the game carefully. We should ensure that, as far as possible, they are extensively canvassed and go through the Joint Standing Committee on Electoral Matters. That is an important way we have evolved to operate to deal with these issues. In this instance, it was not necessarily the case that we had a long time to deal with this matter, because of the court action in relation to a by-election. If a by-election was held, it could be done in short order, and the Government simply seeks to have a cap in place for that by-election. Accordingly, I reiterate the view I put in the second reading speech.

In the second reading speech the Government acknowledged concerns raised by members regarding item [2] and undertook to refer it to the standing committee so that it can consider whether any other changes should be made to section 29 (12) of the Electoral Funding Act, which is the provision that caps the seat-specific expenditure of third-party campaigners and parties. The Government is not trying to determine at this moment what should happen at the general election. That should be the subject of close inquiry. It should be the subject of consideration by all members, and I recommit the Government to referring that matter to the standing committee. Any debate we have should then be informed by those considered views. That is a sensible way to deal with things in general and very much specifically in relation to this matter.

I will turn to the specifics, having dealt with that referral of the general election provisions. For that reason, we are supportive of that idea. I note the contribution of Ms Cate Faehrmann. I recognise the significant work she has done. As I have explained, the Government brought the cap to this Parliament, expecting that it was the collective view of the standing committee. That was the reason why this particular cap ended up here. I acknowledge that there has then been a parliamentary view that indicates that there should be a lower cap. For that reason, the Government is willing to bring the bill on and have this considered. I still have some caution, as a Minister, based on the legal advice given to me that says the cap should be higher to be defensible in a court action. I will enumerate that advice some more at the Committee stage, but that is a caution. For that reason, the Government will be cautious about these caps. That is why we had preferred a higher level, but I recognise the significant work done and also the compromise that has occurred in order to get a cap that is now certainly more defensible from a court point of view.

The analysis that was done about a real-world expenditure is a valuable way to look at that. I have expressed my concern about simply using the averages. Averages from low-key electoral fights or from high-tension, high-key fights may well skew these results. We need to look at what happens in the real world in a hot by-election fight. That is one of the keys to looking at how this actually applies in the real world. The Electoral Commission, with the assistance of the Cabinet Office, was able to provide more accurate information about what was being spent. It took account of some of the things that might not have been originally assumed to be included, such as late claims, GST and matters that were not able to be claimed. The basis of those higher figures is one of the things that has enabled discussion about a higher cap. I recognise the contribution Geoffrey Watson made and how it has been described by the member. It is important that members understand that that contribution and its legal observations were made by a respected member of the legal profession but were made in relation to the earlier figures, before the second round of figures from the Electoral Commission were made available. It is important for people to understand that context.

I hope those observations will be of use to members. I reiterate that we will see the general election provisions dealt with by the standing committee. We will have another chance to debate those, but I hope that at the Committee stage we can deal with this bill and progress it in a way that enables us to have, by the end of the year, a cap in place. The Government is not expecting a by-election for a Government seat or in an Opposition electorate. But, of course, that is a matter for the individual members in those electorates, so it would be sensible for the Parliament to take those steps to have an arrangement in place. We have plenty of time before the next general election. Let us take the time to do that together properly and to make those arrangements. With those comments, I commend the bill to the House.

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

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I ask that the Opposition moves amendment No. 1 on sheet c2023-077D and then The Greens move amendment No. 1 on sheet c2023-147B. The Committee will debate those amendments together and then vote on them separately.

**The Hon. CHRIS RATH (16:02):** I will not move Opposition amendment No. 2 on sheet c2023-077D. I move Opposition amendment No. 1 on sheet c2023-077D:

No. 1      **Caps on electoral expenditure for by-elections**

Page 3, Schedule 1 [1], line 3. Omit "\$225,900". Insert instead "\$75,000".

The Opposition amendment reduces the cap for third-party campaigners from \$225,900 to \$75,000 for many of the reasons given in my second reading debate contribution and that of the Hon. Damien Tudehope. Opposition members think that a figure of \$225,900 is far too generous. We do not know exactly what the intention of the High Court is and what an appropriate figure would be. Having struck out the \$25,000, it would have been good if the court had informed us of what an appropriate cap would be. In many ways, the Chamber is guessing what that figure should be. In our opinion, it should be \$75,000. The Government had a far more generous opinion in the bill, and The Greens have a different figure of \$180,000 or thereabouts.

The Opposition thinks that at \$225,900 it would drown out the voices of political parties, candidates and minor parties in particular. If we were to say that trade unions or industry associations, such as the Minerals Council, ClubsNSW or the Australian Hotels Association, could pool together their resources at a cap of \$225,900 in a single electorate, that would drown out the voices of all of the other parties. That is why the Opposition proposes \$75,000. I understand that the Joint Standing Committee on Electoral Matters [JSCEM] previously recommended a far more generous cap than \$75,000, which seems to be the Government's defence; but JSCEM made four recommendations, not just one, to increase the cap. The other three related to the in-concert provision.

If we were to increase the cap to a far more generous footing, to ensure that we did not have that generous figure for each third-party campaigner, which may drown out the other voices, and to ensure that all of those different third-party campaigners could not work together in concert, we would need to ensure that there is an in-concert provision. My very strong view is that we have either a smaller, more manageable cap or we take all the recommendations of that earlier report JSCEM, rather than just cherrypicking one of them. So the \$225,900 figure would have to coexist with the other three recommendations from JSCEM, not just the one on its own. For those reasons, I commend the amendment and I hope that it receives some support.

**Ms CATE FAEHRMANN (16:06):** I move The Greens amendment No. 1 on sheet c2023-147B:

No. 1      **Applicable caps on electoral expenditure for by-elections**

Page 3, Schedule 1 [1], line 3. Omit "\$225,900". Insert instead "\$180,720".

The amendment seeks to reduce the expenditure cap amount from \$225,900 to \$180,720 for third-party campaigners during by-elections. I gave my reasoning for that in my second reading debate contribution. From the outset, I indicate that The Greens will not support the Opposition amendment to reduce the cap even further. The cap that the Coalition originally put in place, which was the subject of that High Court decision, was importantly ruled out because it was significantly low. The implication of that judgement was that the third-party cap of that amount was a disproportionate response. It was significantly smaller than those that apply to candidates and political parties. As we know, there is no cap in place now. The judgement stated that one of the problems with the cap and the reason why it was struck down was the absence of evidence—not even the paucity of evidence—to support the selection of caps and the reason why that figure of \$20,000 was initially put in for third-party expenditure. It is the same with the \$75,000 that the Opposition has put forward.

Having said that, I acknowledge that there have been lots of conversations in this place over the past few weeks and throughout the inquiry. There is a recognition that the decisions that this place makes on electoral funding laws are very important. We need to ensure there is a lot of evidence behind those decisions. Ideally, if we can do so, we should try to get support from all parties for the amendments that we make. I acknowledge the conversations that I have had with the Hon. Chris Rath from the Opposition about that as well.

Regarding the reasoning behind the figure of \$180,720, a candidate's cap during a by-election is around \$301,000. One would think that is a substantial amount for a candidate to spend during a by-election. After speaking with unions and other stakeholders, I was convinced that a campaign during a by-election is very focused and very targeted. During a general election, one can distribute resources and get economies of scale by campaigning in multiple electorates. That cannot be done during a by-election.

I do not think many third-party campaigners and organisations will actually spend \$180,720. In the disclosure forms for the past six by-elections, candidates did not spend up to the cap anyway. However, as the Minister has said, we want to make sure that the implied freedom of political communication is not burdened or imposed upon in by-elections that are really hotly contested. But we also want to make sure that there is reasoning behind the decision. I put to the Committee today that the figure of \$180,720 is 60 per cent of the candidate cap, which is a very reasonable basis upon which to set a cap for a third-party campaigner.

This is not a legal opinion because I am not one of the many lawyers in this place. But I believe it is important that, if there is a High Court challenge, what we are putting forward is considered and based on evidence—that we have deliberated very carefully over the figure that we finally come to and that there is as much justification behind it as possible. I believe \$180,720 is such a figure. In his expert evidence, Mr Geoffrey Watson, SC, said that international examples suggest the limit for third-party campaigners should be something in the order of 50 per cent to 60 per cent of a candidate's cap. He was uncomfortable with 75 per cent. He said that was not supported by hard evidence, and he reiterated throughout his advice to The Greens how important it is that whatever figure we come up with is substantiated and has a reason behind it. I put to the Committee that the amendments do that. I thank members for engaging with them in good spirit, and I hope we can all support them. I commend the amendments 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) (16:13):** I thank the Hon. Chris Rath and Ms Cate Faehrmann for those contributions, which demonstrate why it is very important that the joint standing committee considers those matters further. I commit the Government to working with all parties in those discussions, particularly regarding the general election provisions. I recognise the work of members in sorting through those issues and particularly, as I said in my second reading contribution, the work that Ms Cate Faehrmann has done to work through how they are applied in practice in live by-election situations.

That has now led to a proposal before the Committee for a cap of \$180,720, which is certainly much less legally risky than some of the other numbers that have been proposed. The Government is taking a cautious approach to that, based on the legal advice it has been provided. I indicate that the Government does not intend to support either of the lower caps at this point. It is my expectation that the lower cap will still proceed. If that is the case then the Government will proceed with the bill, and I think it will happily sail through the Parliament—including through the other place—without prejudging that. I believe that will allow us to move forward with the legislation before the Parliament breaks for the year.

The Government takes a cautious approach based on the advice that I have been given as Minister. I will set out some of that reasoning. Members know the existing provisions, and they have been well put. I have referred to the existing cap that was proposed in the recommendation of the joint standing committee on 23 November 2022. That is why we brought that figure to the Parliament: It was 75 per cent of the cap applicable to a candidate at a by-election. As members know, on 22 August 2023 the bill was referred to Portfolio Committee No. 1 for inquiry and report. The committee's report was published on 11 September 2023. The committee noted that issues regarding the cap had already been covered in great detail by the Joint Standing Committee on Electoral Matters, and the committee was inclined to accept that the recommended cap increase strikes the right balance.

The caps before the Committee have not been the subject of detailed consideration. The previous figure had been the subject of formal inquiry and analysis. The previous cap was struck out by the High Court and made invalid. The Hon. Chris Rath made a very good contribution, but I disagree with the view that it would have been better if the court had set a figure. That is appropriately the role of the Parliament, although any guidance from the High Court or other courts is extremely welcome. We should happily accept the obligation to set the levels, but we should do it with cautious regard to the legal principles and the views of the court. The reason the Government has happily engaged the Joint Standing Committee on Electoral Matters is that any of those decisions should have the best evidentiary foundation possible. I acknowledge the comments that Ms Cate Faehrmann made in putting that view. I hope those views from the Government's point of view are helpful as we consider those matters.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Chris Rath has moved Opposition amendment No. 1 on sheet c2023-077D. The question is that the amendment be agreed to.

**Amendment negatived.**

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2023-147B. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. DAMIEN TUDEHOPE (16:19):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2023-073A in globo:

No. 1      **Exclusion of members and affiliates of registered political parties from meaning of third-party campaigner**

Page 3, Schedule 1. Insert after line 1—

**[1AA] Section 4A**

Insert after section 4—

**4A      Members or affiliates of political parties not third-party campaigners**

Despite section 4, definition of third-party campaigner, a third-party campaigner does not include a person or other entity that is a member or affiliate of a registered political party.

No. 2      **Exclusion of entities that have donations in previous 4 years from definition of third-party campaigner**

Page 3, Schedule 1. Insert before line 2—

**[1AB] Section 4B**

Insert before section 5—

**4B      Entities that have made donations to registered political parties within previous 4 years not third-party campaigners**

Despite section 4, definition of third-party campaigner, a third-party campaigner does not include a person or other entity that has made a donation to a registered political party within the previous 4 years.

The amendments relate to what constitutes a third-party campaigner. In the second reading debate, the Hon. Chris Rath indicated that there are circumstances where people are, in fact, having two bites of the cherry by being affiliated to a political party and then seeking to also register as a third-party campaigner. The amendments seek to provide that, when an organisation is affiliated to a political party, it cannot, for the purposes of the Act, be defined as a third-party campaigner. The amendments go further, because they provide that organisations or individuals who make donations to political parties can elect to either make a donation or be a third-party campaigner. The amendments say that you cannot be both a donor and affiliate of a political party and also claim to be a third-party campaigner, because that is, effectively, having two bites in relation to the opportunity to campaign for a political organisation.

The Hon. Chris Rath made the point that the union movement has, in the past four years, paid \$6 million to the Australian Labor Party via affiliation fees. Those same unions want to register as third-party campaigners to make additional political mileage in relation to the campaigns they run. The amendments say to make a choice. You can be affiliated, pay your fees and pay your dues, but, once you make that decision, you cannot be a third-party campaigner. These are commonsense amendments, quite frankly. The nature of being affiliated to a political party is that someone is one and the same as the political party they are seeking to donate to. They are commonsense amendments that establish that, for the purposes of having fair political campaigns, organisations should only donate to campaigns once.

I urge the Committee to support the amendments, because they give significant clarity to the obligations. They are consistent with the views of the now Premier, who, in his inaugural speech, sought to ensure that the Labor Party was less associated and would not seek affiliation with the union movement for what he thought was a pure political context that he wanted the Australian Labor Party to operate in. He may have moved away from that these days, but he was right, at the time, to move the political party away from its reliance upon the affiliation fees and support it receives from the union movement and to create a proper political process where the donors and the political party are not one and the same. Ours are commonsense amendments that are consistent with the Premier's ambitions. We will achieve for him what he wanted to achieve as an officer in the party. I am sure The Greens will support the amendments, because they enhance their position. Maybe some of those unions would rather donate to them than the Australian Labor Party.

**The Hon. Mark Buttigieg:** Can you come and do stand-up at our union conferences?

**The Hon. DAMIEN TUDEHOPE:** The Hon. Mark Buttigieg seems to indicate that he is in support of the amendments as well.

**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) (16:24):** It is important we discuss and carefully weigh the evidence in relation to the changes. We will not always agree, and this is one such occasion. The Leader of the Opposition has put the argument in colourful terms of the sort that might have graced the pages of *Quadrant* on an earlier occasion, in a sparkling article laying out the case. It is a

case that his party has made for some significant time. It has held that view, essentially, since 1891—although it was formalised on 16 October 1944 when it became a political party and really firmed up the view that he has put today.

I stand here as a Government Minister and a member of the Australian Labor Party—a party formed with affiliates from the union movement. I am proud of that history. It is important that the electoral system draws a distinction between affiliations and donations, and that is the case. The sort of amendments that we see today are the traditional amendments bowled up by members of the Leader of the Opposition's party. He is entitled to do so, as previous members have done over the decades. The Government will not support those amendments. I recommend that key distinction between affiliation and donations. Those things have to be kept separate, but we should not seek amendments that interfere in the operations of particular political parties, and these amendments are seeking to do exactly that.

**The Hon. CHRIS RATH (16:26):** What is the definition of third party? The *Cambridge Dictionary* says it is "a third person or organisation less directly involved in a matter than the main people or organizations that are involved". If you are giving \$6 million to one political party to the exclusion of all others, are you a third party? If you only ever help one political party to the exclusion of all other parties, are you a third party? If your top organisational body—in this case, the admin committee—is littered with members of a particular organisation, are you a third party? If you have compulsory membership of all your members of Parliament, and every single member of Parliament for your political party needs to be part of a particular movement, is that being a third party? If you have met with a particular movement 353 times in the first six months of being in government, does that make you a third party? I would say no, on all those counts.

The trade union movement and the New South Wales Labor Party are inextricably linked from top to bottom. Consider their members of Parliament, the donations they receive, the affiliation fees they receive, their top governing body, the admin committee, the meetings that they hold, the fact that the trade union movement only ever helps one political party to the exclusion of all others. How is that being a third party? These are not third parties; they are in house. It goes to the exact definition of what a third party is, and that is why I think that the amendments from the Hon. Damien Tudehope are very good ones. I think that you can be a third-party campaigner, or you can give hundreds of thousands of dollars to one political party in donations and affiliation fees, but you cannot be both. You should not be allowed to be both, and that is exactly what the amendments seek to achieve. I commend the amendments to the Committee.

**Ms CATE FAEHRMANN (16:28):** The Greens indicate from the outset that we will not support the Opposition's amendments. I see the amendments in the same light as the amendments that I moved to the previous bill on the night-time vibrancy reforms, opposing the additional operating hours for pokies. I knew that nobody else in the Chamber would support the amendments, but I had to move them to speak to stakeholders. The Greens always try to do that, and the Liberals always try to do the same every time we talk about electoral funding.

I support the comments by the Minister that affiliation is different to political donations. On the contribution by the Hon. Chris Rath that the unions are only donating to Labor, The Greens NSW possibly have themselves to blame for that because we do not accept donations from organisations or corporations here in New South Wales. If we did not have that policy, who knows? Maybe the unions would be falling over themselves to be supporting The Greens, as the unions do in some of the other parts of the country, because of our incredible policy and stance on workers' rights and conditions. The Electrical Trades Union in Victoria jumps to mind. But here in New South Wales, we do not accept union donations and we will not. This is not a speech to indicate that we need to make that change. The Greens do not support the amendments. We do not support moves by the Opposition to reduce the influence and the power of unions, which, of course, are there to represent their members and the workers. We support them in their work.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Damien Tudehope has moved Opposition amendments Nos 1 and 2 on sheet c2023-073A. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes ..... 14  
 Noes ..... 22  
 Majority..... 8

**AYES**

Carter  
 Fang (teller)  
 Farlow  
 Farraway

Latham  
 MacDonald  
 Maclaren-Jones  
 Martin

Munro  
 Rath (teller)  
 Tudehope  
 Ward

## AYES

Franklin

Merton

## NOES

Banasiak  
Borsak  
Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Donnelly

Faehrmann  
Graham  
Higginson  
Houssos  
Hurst  
Kaine  
Lawrence

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

## PAIRS

Mitchell  
Taylor

Sharpe  
Jackson

**Amendments negatived.**

**Ms CATE FAEHRMANN (16:40):** I move The Greens amendment No. 2 on sheet c2023-147B:

No. 2      **Caps on electoral expenditure for third-party campaigners**

Page 3, Schedule 1[2], line 5. Omit all words on the line. Insert instead—

Omit the paragraph. Insert instead—

(b)in the case of a third-party campaigner—

- (i) for State general elections—\$30,400 in relation to each electoral district, or
- (ii) for by-elections in more than one electoral district—\$180,720 in relation to each electoral district.

The purpose of this amendment is, as I indicated in the second reading debate, to remove the part of the bill that refers to general elections. The bill before us would set a third-party campaigner expenditure cap of \$225,900 for the general election, which is quite extraordinary. The Joint Standing Committee on Electoral Matters [JSCEM] has not considered the implications of setting a higher cap for general elections. The committee's last inquiry, which we understand has led to this bill, only considered by-elections. I have discussed that with the Government. It is an extraordinary change to make without consideration by JSCEM.

The amendment would keep the State general elections cap of \$30,400. That figure has been indexed for the 2027 general election, so it is different to the figure currently in the Act for third-party campaigners, which is \$24,700. I also ask the Minister, when he speaks to this amendment, to clarify that new paragraph (b) (i) inserted by the amendment, which gives the figure of \$30,400, will be treated as a new provision that indicates the amount is for the 2027 election, and that it will not be treated as the 2018 provision and then increased according to the consumer price index from there. I need that confirmed. Paragraph (b) (ii) inserts the new figure that the House has just agreed on, which is \$180,720.

**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) (16:42):** I will respond with some information now. On that last matter, I will seek additional information and then seek to clarify that during debate. I can offer the member some information on record. Firstly, the Chamber as a whole has agreed on this approach. It was always the intention to deal with the general election cap later through the Joint Standing Committee on Electoral Matters. The debate has essentially been a disagreement about drafting and the House seeking assurance that that will occur. We will leave the bill unamended while that work takes place. The amendment is helpful in order to do that.

I indicate that I have now referred this matter to the Joint Standing Committee on Electoral Matters, and I will seek leave to table that letter in due course. The referral is welcome, and I encourage all parties to take an interest in that. Regarding the figure that will apply for the general election, I can confirm that the figure in this amendment—that is, \$30,400—is the figure that will apply to the 2027 general election. I clarify that for the member and for the House. On the question of whether indexation will then later apply, I will seek further advice and hope to update the House shortly. I think the first assurance is the one that the member has sought and will

rely on. This will be in place for the 2027 general election. We will do the work with the standing committee and, if there is an agreed view, then potentially change it.

**The Hon. DAMIEN TUDEHOPE (16:44):** I indicate that the Opposition broadly supports The Greens amendment.

**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) (16:45):** I make a second contribution to address a specific question on the amendment. As I indicated, the figure of \$30,400 is the number that would apply to the 2027 general election, and in the interim the Joint Standing Committee on Electoral Matters will do its work. The general indexation provisions of the Act will apply, which is to say that at the 2031 election the number would be higher. I make the point to the Chamber that the matter will have been reviewed, considered and legislated by that date. I hope that information is of assistance to the member.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 2 on sheet c2023-147B. The question is that the amendment be agreed to.

**Amendment agreed to.**

**Ms CATE FAEHRMANN (16:47):** I will not move The Greens amendments Nos 3 to 5. By leave, I move The Greens amendments Nos 6 and 7 on sheet c2023-147B in globo:

**No. 6      Review of provisions about caps on electoral expenditure for election campaigns**

Page 3, Schedule 1. Insert after line 5—

**[6]      Section 158**

Insert after section 157—

**158      Review of provisions of Act relating to caps on electoral expenditure for election campaigns**

- (1)      The Electoral Commissioner must review Part 3, Division 4 to determine whether—
  - (a)      the policy objectives of the Act remain valid, and
  - (b)      the terms of the Act remain appropriate for securing the objectives.
- (2)      The review must be undertaken as soon as possible after the period of 1 year after the first general election after the commencement of this section.
- (3)      A report on the outcome of the review must be given to the Minister within 12 months after the end of the 1-year period.
- (4)      The Minister must on the first sitting day after receiving the report cause it to be tabled in each House of Parliament.

**No. 7      Long title**

Insert "and make other amendments relating to third-party campaigners" after "campaigns".

I will not move the other three amendments because of some concerns around the other offences provision. There are still genuine issues to be addressed, and as a member of the Joint Standing Committee on Electoral Matters, I hope the committee can consider and address those issues. Essentially, there is a loophole in the Act that allows a third party to incur an expense without being registered, and then to be registered later. The Greens believe that needs to be corrected. However, amendment No. 6 is the review provision and amendment No. 7 is consequential to that. Amendment No. 6 would insert a new provision into the Act that requires the Electoral Commissioner to review the new caps following the next applicable general election. In evidence to the inquiry into the bill Mr Geoffrey Watson said:

This is such an important issue and so fundamental to our democracy. An election funding Act should be regarded in the same way that we regard a taxing Act. That is, it should be under constant surveillance as to where it's working and as to where it's going wrong. We are lucky in New South Wales to have one of the most outstanding organisations of its kind in Australia, the NSW Electoral Commission. I would urge the members of this Committee to also consider that the matters which we talk about in this inquiry be remitted and referred to the Electoral Commission for their comment and observations once some experience of their effect is felt.

This amendment provides for that referral and review. Again, this amendment is in line with other evidence received during that inquiry, this time from the Hon. Kevin Rozzoli, who stated:

I would like to see introduced into the bill an amendment which mandates a review of the effectiveness and the probity of the use of the electoral funds under the electoral cap after the first election in which it is used, rather than just leave it to common sense that you will review it as time goes on. There should be a particular examination of its performance under the first election.

That is what these amendments do. I commend them to the Committee.

**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) (16:50):** With the indulgence of the Committee, I will address those amendments that were not moved, to thank Ms Cate Faehrmann for dealing with them in that way. The Government is not opposed to those issues being examined. The Government was concerned about the insertion of criminal penalties in the offences provision, so a helpful way to deal with it is further consideration of that. It may well come back to the Chamber at some future point in time. I thank the member.

In relation to the review provisions, there is already a requirement for the Electoral Commissioner to review the administration of each general election and by-election. A report is required to be provided to the Minister under section 271 of the Electoral Act 2017. It is tabled in the Parliament and it is the subject of consideration by the joint standing committee. Those are the routine arrangements. For that reason, the Government does not support an additional requirement in the Act. There is no objection to the operation of this individual measure being considered by the Electoral Commission—in fact, the commission is required and encouraged to by the Government. I am happy to place that on the record. But in the Government's view there is no need for an additional requirement to be placed in the Act. Therefore, we oppose the amendment.

**The Hon. DAMIEN TUDEHOPE (16:51):** The Opposition supports the amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 6 and 7 on sheet c2023-147B. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

**The Hon. JOHN GRAHAM:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

**The Hon. JOHN GRAHAM:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**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) (16:53):** I move:

That this bill be now read a third time.

I seek leave to table the referral that I have made to the Joint Standing Committee on Electoral Matters regarding section 29 (12) of the Electoral Funding Act 2018, dated 23 November 2023.

**Leave granted.**

**Document tabled.**

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

**Motion agreed to.**

### *Visitors*

### **VISITORS**

**The PRESIDENT:** I acknowledge a particularly special guest in my gallery this evening, the partner of Sam Tedeschi, Brodie Hill. You are very welcome.

*Bills***ROAD TRANSPORT LEGISLATION AMENDMENT (AUTOMATED SEATBELT ENFORCEMENT)  
BILL 2023****Second Reading Speech**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:55):** I move:

That this bill be now read a second time.

I am pleased to introduce the Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Bill 2023. The bill includes the first legislative changes to deliver on actions in the New South Wales Government's 2026 Road Safety Action Plan. The plan outlines the Government's commitment, through a suite of targeted and proven actions to be delivered by the end of 2026, to improving the safety of our roads, vehicle fleets, as well as the behaviour of road users. I thank my colleague in the other place, Minister Jenny Aitchison. She has been a fantastic Minister to work with. She has indicated to that Chamber the purpose of this bill.

The New South Wales Government is concerned about the rising road toll, as are governments in other States and jurisdictions around the country. I was able to attend, as Minister, the first national Road Safety Ministers' Meeting. It is the first time that forum has been convened, and the first item of discussion, as Ministers from around the country gathered, was the rising road toll after COVID in each jurisdiction. It is of concern. We do need to do more. There is a good road map—let me use that term—from the former Government, the 2026 Road Safety Action Plan. It is the intention of this Government to work through that plan. We have accelerated 11 of the 94 actions.

We bring this legislation before the Parliament today. We have made further changes as a Parliament since this Government came to office, including changes to the demerit scheme to trial new ways of encouraging good driver behaviour. But we need to do more in this space and the Government is determined to act. I recognise the work of the former Government in this area. As we act, we will attempt to work with the Opposition. I make that offer to them on the record today. I thank my colleagues.

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

**Leave granted.**

The purpose of this bill is to amend the Road Transport Act 2013 [the Act] and Transport Administration Act 1988 to enable automated camera detection of seatbelt offences and require those fines to be paid into the Community Road Safety Fund to be directed to road safety programs.

**Road Safety Action Plan**

First, I would like to acknowledge the New South Wales Government's 2026 Road Safety Action Plan, which has targets to reduce fatalities on New South Wales roads by 50 per cent and serious injuries by 30 per cent by 2030, consistent with an overall aim of zero trauma by 2050.

I acknowledge the work of the previous Government in developing the plan and I am pleased that the Minns Government supports the plan and is committed to delivering actions in the plan to reduce the road toll.

So far this year more people have been killed on New South Wales roads than the year before—as at today (23 November) this is **321 people**, which is **73 more** deaths than the corresponding period last year. We need to do better.

The plan was developed through extensive engagement with the community and stakeholders, analysis of trauma trends, consideration of best practice and safety evidence.

Support for a broad range of measures in the Plan is high—84 per cent of our community agree that our goal should be to have zero deaths on our roads.

Initiatives in the plan focus on stronger engagement through new and enhanced education and local programs as well as initiatives targeting high risk offenders, addressing key recommendations of the NSW Sentencing Council.

The plan will mean more action to improve road safety across all areas. This includes actions to protect vulnerable road users such as motorcyclists, bicycle riders and pedestrians by creating safer road environments for them through infrastructure treatments and reduced speed limits, and by raising community awareness of the key risks for these road users.

The plan also includes actions to accelerate the uptake of safety features in vehicles, as well as a key action to deliver a new Towards Zero Safer Roads Program that will ensure ongoing investment in safety infrastructure treatments across the road network, with a focus on our regional roads. Sadly, two-thirds of New South Wales road fatalities occur on country roads.

This bill that I am introducing today will help us to achieve one of the actions under the 2026 Road Safety Action Plan that aims to bring down the road toll.

**Automated seatbelt enforcement**

The bill enables camera-detection and enforcement of seatbelt offences, which will enable us to better utilise traffic enforcement cameras already being used across the State and support existing on-road police enforcement.

Wearing of seatbelts in motor vehicles has been mandatory in New South Wales for over 50 years. Observational research suggests that over 99 per cent of people buckle up as soon as they get in a vehicle. This high rate of compliance has been achieved through a combination of regulation, ongoing education initiatives, police enforcement as well as vehicle enhancements over time, such as the introduction of seatbelt warnings.

However, there are still some people who do not. In the five years between 2018 and 2022, 15 per cent of vehicle occupants who died on New South Wales roads had seatbelt non-use as a factor—that is 142 people. This represents a total cost to the community of approximately \$1.16 billion. Annually, an average of 29 drivers and passengers are killed and around 76 seriously injured in crashes for not wearing available seatbelts.

Worryingly, not wearing a seatbelt increased from being a factor in 13 per cent of vehicle occupant deaths in 2019 to 19 per cent in 2021 and 16 per cent in 2022.

Wearing a seatbelt doubles the chance of surviving a crash and reduces the risk of injury. In rollover crashes, wearing a seatbelt is estimated to reduce fatal injuries by 74 per cent.

The NSW Police Force plays a key role in keeping our roads safe by ensuring motorists are safely restrained.

Supplementing police enforcement with automated enforcement will help ensure efficient, cost-effective enforcement across the State.

As our mobile phone detection camera program has already demonstrated, if people believe they are likely to be caught anywhere, anytime and penalised, they are less likely to commit an offence.

Data from the NSW Mobile Phone Detection Camera Program shows a positive shift in driver behaviour and significant improvements in compliance with the law. In the year ending 30 June 2023, over 135 million vehicles were checked. Around one in every 649 drivers checked during this period was issued a penalty notice for illegal mobile phone use, an offence rate of around 0.15 per cent. This is a significantly lower rate of offending when compared to the pilot period when the technology was first tested (from January to June 2019) when one in every 82 drivers across New South Wales was detected using a mobile phone illegally, an offence rate of around 1.2 per cent.

In fact, there has been a steady and consistent increase in compliance year on year.

Building on the success of the mobile phone detection camera program, this bill introduces provisions to use cameras to also detect seatbelt offences.

Independent modelling by the Monash University Accident Research Centre [MUARC] estimates that improved enforcement of seatbelt use could save around 17-26 lives and prevent 41-62 serious injuries over a five-year period.

Under the 2026 Road Safety Action Plan, this will be achieved by using the mobile phone detection cameras we have rolled out across the road network to also detect seatbelt offences.

Transport for NSW spent six months testing the mobile phone detection cameras in the first half of 2021 to see if they can be used to also detect seatbelt offences, and it's proved feasible and reliable with no adverse impact on the detection of mobile phone offences. Cameras that detect both mobile phone use and seatbelt non-use have been used successfully in Queensland since July 2021 and Victoria introduced seatbelt camera enforcement earlier this year.

The bill introduces provisions to enable automated seatbelt enforcement in New South Wales, building on the established legal framework we already have for road safety cameras.

All automated camera devices used for enforcement in New South Wales must be approved for a particular use.

This bill will authorise the Governor to approve cameras that have the capabilities outlined in the legislation to detect certain seatbelt offences.

As with other traffic enforcement devices, the device must be capable of recording the date, time and location of the photo and for seatbelt offences, must capture the registration number of the vehicle.

The bill clarifies that photos taken by other devices, such as mobile phone cameras or red-light speed cameras could be used as evidence of seatbelt offences, if they are capable of detecting these seatbelt offences. This is consistent with the existing legislation for mobile phone cameras.

Seatbelt offences are defined as offences against the road rules that require a driver and all passengers to wear an available seatbelt properly adjusted and fastened.

This means that, consistent with the road rules, drivers can be fined and receive demerit points for offences involving not properly wearing a seatbelt themselves and for not ensuring that a passenger wears a seatbelt correctly. It is not proposed to fine passengers directly, as the cameras will not be able to identify the passenger or their age.

Under current law, passengers 16 and older could still be fined if detected by a police officer and are not properly wearing a seatbelt—as will the driver.

Images taken by enforcement cameras for seatbelt offences will be prima-facie evidence in court proceedings as is the current case for all camera detected traffic offences.

As with other camera detected offences, so called "owner onus" provisions will apply. This means the responsible person for the vehicle, who is usually the registered operator, is deemed liable for the offence unless they nominate a different driver as responsible for the offence. This provides the avenue for efficient, automated enforcement.

I would like to briefly discuss some of the operational aspects of automated seatbelt enforcement to provide the community clear information about the steps in the offence detection process and provide assurance that measures are in place to ensure information is dealt with appropriately.

#### **9 month warning period**

A warning letter period will apply before issuing infringements to give people every chance to do the right thing.

Automated detection of seatbelt offences is expected to commence around the middle of 2024.

Queensland and Victoria introduced three-month warning letter periods when they introduced their equivalent programs for enforcement of mobile phone and seatbelt laws.

As I announced on 14 October, we are proposing a 9 month warning period, with fines from cameras to be issued in the first quarter of 2025.

This is because we want to ensure that motorists have ample warning before enforcement begins.

Most of us automatically buckle up as soon as we get in the car without thinking about it. If there are people who are consistently not wearing their seatbelt, we want to give them sufficient time to embed this behavioural change so it becomes second nature to them as well.

We also acknowledge the cost-of-living pressures that many people are facing at the moment. If the warning period were shortened to three months, there would be approximately \$6.2 million in revenue generated from fines.

We will be monitoring the compliance of seatbelt wearing closely and any compliance issues will attract an infringement.

### **Information and privacy**

I can advise that Transport for NSW has consulted with the Privacy Commissioner as part of the planning for these changes and testing of camera technology for seatbelt offences, building on previous engagement to support the design and introduction of mobile phone detection cameras.

In common with all New South Wales camera enforcement systems and current practice for the mobile phone detection camera program, data security measures will be in place to secure data and ensure appropriate handling of seatbelt offence images.

The currently available technology uses software to automatically review images and detect potential seatbelt offences, in the same way that mobile phone offences are detected.

The use of artificial intelligence [AI] to screen photographic images as the first stage in identifying potential illegal mobile phone use by drivers was a world first in 2019. This technology removes the requirement for human review of the vast majority of images captured. Coupled with the almost real time deletion of images of compliant drivers, the use of AI protects the personal information of most drivers.

Images that do not contain evidence of a likely offence are permanently and irretrievably deleted, typically within an hour. Images that are automatically deemed likely to contain a mobile phone or seatbelt offence are encrypted and cropped or pixelated so people cannot be identified, and are verified by appropriately-trained personnel.

As with all New South Wales camera enforcement programs, infringements for seatbelt offences will not be issued based on the technology alone. There are three stages of human review before action is taken against the responsible person.

An infringement notice will not be issued if there is doubt about the offence.

### **Education Campaign**

To raise community awareness and improve seatbelt compliance, a three-phase public education strategy will be developed:

- Firstly—early education focussing on the risk of not wearing a seatbelt and how to wear a seatbelt correctly, which would be delivered primarily via digital content and social media
- Secondly—a warning letter period where warning letters are issued in place of fines. This would be supported by a state-wide education campaign including paid advertising to advise that the cameras will soon be enforcing seatbelt offences
- Thirdly—when enforcement begins, motorists would be advised that cameras are in operation and fines apply, through continued delivery of the proposed state-wide education campaign.

To further raise awareness, and in alignment with our approach for mobile phone detection cameras, a small number of permanent advisory signs on major routes across the road network, will advise that cameras can detect both mobile phone and seatbelt offences. This is in addition to the more than 300 electronic variable message signs [VMS] across New South Wales.

Together, these measures will significantly raise driver awareness that enforcement is commencing and provide fair opportunity for any non-compliant road users to change their behaviour and buckle up safely whenever they enter a vehicle.

We know that enforcement and education work hand-in-hand to change behaviour.

I am aware that there are limited exemptions to the requirement to wear a seatbelt under the Road Rules. We are developing a process to fairly and efficiently manage the limited number of exemptions that exist. They include historic vehicles where seatbelts are not fitted as well as medical exemptions.

Changes to the Transport Administration Act 1988 will require any fines from camera detected seatbelt offences, like all other camera detected road safety offences, to be paid into the Community Road Safety Fund.

The Community Road Safety Fund commenced in 2013. Under current legislation, fines from camera detected speeding, red-light and mobile phone use offences can only be paid into the Fund and used to deliver Transport for NSW's road safety measures.

Let me be clear that the fines from camera detected seatbelt offences will not go to consolidated revenue and this amendment ensures that.

The Community Road Safety Fund, which includes both road safety camera fine revenue and additional investment by the New South Wales Government, is used to deliver a broad range of road safety initiatives, as outlined in the 2026 Road Safety Action Plan. This includes life-saving infrastructure safety upgrades and treatments across the network, testing and rating of child restraints, police road safety operations, road safety education programs, school crossing supervisors, and the Driver Licensing Access Program.

**Close**

The impact of road trauma is real for so many in our communities. The introduction of this bill will make progress in helping us meet the targets in our new 2026 Road Safety Action Plan to reduce deaths by 50 per cent and serious injuries by 30 per cent by 2030. This Government takes road safety very seriously and I am pleased to support this bill.

I commend the bill to the House.

### Second Reading Debate

**Ms CATE FAEHRMANN (16:58):** On behalf of The Greens and as the Transport spokesperson, I support the Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Bill 2023. However, at the outset I signal that I will move amendments to the bill. This bill amends the Road Transport Act 2013 to permit the use of camera devices to automatically detect drivers who fail to wear their seatbelt. The scope of the bill means that cameras will be able to detect seatbelt offences by drivers and passengers. Owner onus provisions will apply, as is the case with respect to many other road traffic offences. I understand that additional cameras are not being rolled out as part of this program; the use of existing camera devices will be expanded.

The Government advises that a significant public education campaign will be rolled out in line with the new detection method. As I understand it, up to 20 per cent of road toll deaths in this State are attributable to people who were not wearing a seatbelt at the time of the accident. That is a pretty extraordinary figure. One in five people who die in road accidents are not wearing a seatbelt. I believe this bill is a sensible approach in attempting to reduce the State's road toll. As the Minister said, concerning, it has been increasing in recent years. I express concern at what seems to be an increase in the number of fatalities involving teenagers who have a lot of younger passengers in their cars. Young people seem to be using cars to perhaps display bravado or to put videos on social media.

Today the Opposition Transport spokesperson, the Hon. Natalie Ward, surprised me. She was the first to raise this issue with me. I checked what she said and found that people are able to obtain devices that will click into the seatbelt receiver. All new cars make an annoying noise to remind drivers to plug in their seatbelt. However, people can buy a device to click into the seatbelt receiver without the driver having to put their seatbelt on. I can envisage that sometimes drivers need to do that—for example, when the passenger seat has something heavy on it. It is very concerning that that device exists. I worry about what I think is a culture of bravado. The Greens will move amendments in Committee. When the Minister briefed the crossbench, he said that there will be a nine-month warning period after the commencement of the operation of the automatic cameras. The Government has advised The Greens that the cameras are likely to come online sometime in mid-2024.

We have heard that 20 per cent of road deaths are the result of people not wearing their seatbelt. New South Wales has had seatbelt laws in place since the mid-seventies. Seatbelt legislation is not new. It is not as though people need to be informed and educated about a new law. The Greens think that a nine-month warning period is completely ridiculous. The Greens will move an amendment to address that. The Greens believe that if the legislation is proclaimed in mid-July 2024 when the cameras begin to capture and record people not wearing their seatbelts, that is enough time for education and enough time for people to realise they need to start wearing their seatbelts. As I said, it is not a new rule. It is illegal for people not to wear a seatbelt. People need to wear their seatbelt. The Greens support the bill. We look forward to debating the amendment at the Committee stage.

**The Hon. NATALIE WARD (17:04):** I will endeavour to save the time of the House.

**The PRESIDENT:** We appreciate that very much.

**The Hon. NATALIE WARD:** I support the Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Bill 2023. As a recovering former Minister for roads, it is a great joy to be able to talk about policy and road safety. I acknowledge that the Minister is doing some work in this space. I understand that he is committed to this area. He is aware of my views that we should be more committed. The Opposition is happy to work with the Government to save lives and to ensure that road safety is front and centre when drivers get behind the wheel so that they can expect to arrive safely wherever they go. The Opposition will support the bill. I flag that I will move an amendment.

The bill is part of the 2026 Road Safety Action Plan, which I was pleased to launch with my colleague the Hon. Sam Faraway. Of course, that plan was funded by the former Coalition Government in 2021. I acknowledge the work of former Minister Faraway in helping to launch the program. We were of like minds in relation to safety on regional and metropolitan roads. As I have teenage children, both of whom are, terrifyingly, driving now, I know the statistics and I am very keen to ensure that we do everything to keep people safe on our roads.

The Road Safety Action Plan is focused on building towards an ambitious goal of zero trauma on New South Wales roads. That program has seen many new initiatives that focus on keeping people safe. Those new initiatives are to be welcomed and commended. While no government is perfect, I am proud of the record of our Coalition Government on investing in road safety outcomes and keeping people safe.

In 2021 the New South Wales road toll recorded a 99-year low. That is a record that New South Wales can be somewhat proud of—and it was important to me as the former roads Minister. It is the lowest road toll in 99 years ago, when motorists did not have mobile phones and all the technology that people deal with these days. I am pleased that that occurred. In 2021 New South Wales also had record road safety funding and investment, which is why I have raised some concerns about the level of focus of this Government on road safety. I have been up-front about those concerns and clear with the Minister about them. I raised them with him during budget estimates. Consistently and pleasingly, the Minister has been open to listening to those concerns.

I inform the House that, sadly, as of 20 November there have been 316 fatalities in New South Wales. That is 316 deaths and 316 families. It is not just a number—sadly, 316 real people had their lives taken away. That compares to 245 deaths in 2022. Sadly, that is an increase of 26 per cent. However, the Government still continues with the demerit point scheme that clearly is not working. In my humble submission, we can do better and we must. That is what Parliament will seek to do with this bill. I acknowledge that, if this bill is passed, it will ensure that New South Wales roads will be safer. After all, that is the point at which Transport for NSW will utilise cameras to detect when seatbelts are not being used. In this day and age, I cannot fathom why on earth anyone would not be wearing a seatbelt when they get into a car and drive on the road. It is just anathema to me; nonetheless, there are people who do that, and we need to move the amendments and pass the bill so that we can try to save lives.

If the main action against the rising road toll is a bill from the former Government's road safety policy, one has to ask: Is that good enough? Is there more that we can be doing? In my submission, we should be doing more. I would like to understand where the Government's initiative and proactive action is to address and invest in road safety. Where is the focus from this Government? The Coalition is always open to being supportive and bipartisan on road safety issues. I have expressed that to the Minister directly. These changes will incentivise drivers and passengers to engage in safe behaviours, including wearing seatbelts to save the lives of other Australians and themselves. Wearing a seatbelt is just straight-up common-sense road safety policy. We looked at it as part of our comprehensive Road Safety Action Plan. It just must be done, and we must do everything we can to ensure that drivers are doing that.

I will move an amendment, which I will speak to at the appropriate time. The Opposition is committed to improving road safety and hopes that the Government will take more proactive steps to keep people safe. That is something we will back it on. I sadly note that it is important that we closely monitor the road toll and that we monitor capital investment and expenditure for road safety initiatives, and the Minister is well aware of my concerns about the investment in road safety. I leave it at that. We will not quibble over a line item. But it is clear to me that this needs to be better prioritised and invested in. I will speak to my amendments in the Committee stage. We support the bill generally, with amendment.

**The Hon. JOHN RUDDICK (17:10):** On behalf of the Liberal Democrats, I speak against the Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Bill 2023. A few hours ago Premier Minns tweeted an image of a Victorian driver who was being surveilled by a road camera and who appeared to have broken Victorian seatbelt laws. Premier Minns said:

You're looking at CCTV footage of a Victorian driver who was fined for failing to wear their seatbelt.

In Victoria, offenders like these are caught using mobile phone and seatbelt detection cameras and punished appropriately.

Libertarians do not think that the massive surveillance State of the people's republic of Victoria is a good model for the premier State. We are all horrified by the extreme surveillance State of China, and this is just another step towards George Orwell's nightmare. This bill is a corrosive attack on a basic human right: the right to privacy. I am with Ayn Rand, who said:

Civilization is the progress toward a society of privacy. The savage's whole existence is public, ruled by the laws of his tribe. Civilization is the process of setting man free from men.

Where does it end? What are the limits of a surveillance State? It keeps growing. The end point, of course, is Orwell's dystopia of the State surveilling us in our homes. If, in 10 or 20 years from now, this Chamber debates that proposition, there will be people claiming that it will save lives for one reason or another. We need to rediscover a spirit of self-reliance. The American founding father Benjamin Franklin, after whom, I am sure, our President was named, said:

Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.

I stand with Benjamin Franklin and so oppose the bill.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:12):** In reply: Once again we have covered a wide range of views, as is appropriate for a Parliament of this stature. I welcome the debate we have just had. I thank each of the members who contributed. I will respond to a number of points and raise one significant concern about the amendments that have been proposed, but I will leave my other comments on the amendments to the Committee stage. Firstly, I welcome everyone's commitment to road safety as we debate this bill. The Government is concerned about the rising road toll, as I indicated. As of today, it is 321 fatalities over the course of this year. That is too high. We are concerned about that as it rises. We are seeing dangerous driving after the COVID-19 pandemic. Some people are not following the rules. These seatbelt rules in particular have been in place for 50 years in New South Wales. I think it would be a surprise to members that, after 50 years, there is still such a significant number of people not wearing their seatbelts.

**The Hon. Mark Latham:** How many?

**The Hon. JOHN GRAHAM:** When, as Minister, I was given figures showing that in one of those years 18 per cent of people involved in a fatality were not wearing seatbelts, I was quite surprised. The problem is that although very few people are doing it, it is just so dangerous. If people do not wear a seatbelt they are far more likely to be involved in a fatality. I thank all members for their contributions. We were asked about the Government's commitment to funding and road safety. I place on record the view, which I put in great detail in estimates hearings when the question was raised, that road safety funding is higher in this financial year than in the previous year and that road safety funding is higher over the forward estimates than was the case under the previous budget. I am glad that is the case. But I know that there is more to do. I do not resile from that fact.

Secondly, I welcome the commitment of the Opposition and the former roads Minister to work together on this. It is incredibly valuable in this space to have that expertise at the table as we debate these issues. As a Minister, I certainly intend to accept that generous invitation. I hope to have some discussions in a roundtable format in the new year. Other activity is going on with the road safety groups, but I have indicated publicly that I would like the Opposition to be part of those discussions, particularly in the new year. We must carefully examine our options to keep work moving in these areas.

I will address the amendments. The members are entirely right in saying that the Government's intention in introducing this bill was to have a nine-month warning period. That was to make sure that, after significant debate and after what I describe as a set of missteps in relation to the mobile speed camera program, we introduce this in a cautious way so that the community do not feel that it is about raising revenue, and so that we could retain community support for these important camera programs as they roll out. I do not want people to think that this is about revenue. I want them to think that this is about saving lives. That is the cautious approach the Government has taken. I am not offended by the Parliament saying that perhaps that is too long and it wants a shorter warning period. I commit that the Government will implement that if it is the will of the Parliament,

I raise some concerns, firstly, with both the amendments that have been tabled. As drafted, they are targeted at drivers and not at registered owners. I have had access to these amendments for only a short time, but the early advice to the Government is that, if they are passed, it would create a legal problem with the bill. If either amendment is passed, far from enforcing more or earlier infringements, infringements will not be able to be issued. Infringements are issued via registered owners. As members know, they are often then passed on by a declaration process to the actual drivers and these camera programs work in that way. It is not how the amendments work. At this stage of the debate I raise that significant issue, if these amendments were to proceed.

Secondly, one of the concerns of the Government was people who might repeatedly flout the law during these warning periods. The Government intended to have some practice in place so that people repeatedly flouting the law would receive a penalty regardless of whether a warning was in place. One of the concerns I will highlight at the Committee stage is that that may not be possible under these amendments. I think that would actually lead to less enforcement. With those comments, I commend the bill to the House. I thank all members for their contributions.

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

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I have two sheets of amendments: The Greens amendment No. 1 on sheet c2023-142C and Opposition amendment No. 1 on sheet c2023-114C.

**Ms CATE FAEHRMANN (17:21):** I move Greens amendment No. 1 on sheet c2023-142C:

No. 1 **Warning period for seatbelt offences detected by appropriate approved traffic enforcement devices**

Page 4, Schedule 1. Insert after line 29—

**[12] Schedule 1 Savings, transitional and other provisions**

Insert after clause 70—

**Part 12 Provision consequent on enactment of Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Act 2023**

**71 Warning period for seatbelt offences detected by appropriate approved traffic enforcement devices**

- (1) This clause applies if after the commencement of this clause a seatbelt offence is detected by an appropriate approved traffic enforcement device.
- (2) To avoid doubt, TfNSW—
  - (a) must deal with the offence in accordance with this Act or the statutory rules, including by issuing a penalty notice or court attendance notice in relation to the seatbelt offence, and
  - (b) must not deal with the offence by issuing a warning to the driver of the vehicle.
- (3) In this clause—

*appropriate approved traffic enforcement device* has the same meaning as in Part 7.3, Division 2.

*seatbelt offence* has the same meaning as in Part 5.3, Division 5.

*warning* means a notice given to a driver of a vehicle warning the driver that the driver committed a seatbelt offence but stating that no penalty notice or court attendance notice will be issued in relation to the offence.

After conversations with both the Opposition and the Government, I seek leave to move the following amendment to The Greens amendment—

**The CHAIR (The Hon. Rod Roberts):** Do you have a copy of the amended amendment?

**Ms CATE FAEHRMANN:** I can give it to you.

**The CHAIR (The Hon. Rod Roberts):** We will go slowly.

**Ms CATE FAEHRMANN:** I seek leave to move an amendment to my amendment by omitting the word "driver" and inserting instead "registered owner". The word "driver" appears a number of times.

**The Hon. John Graham:** Point of order: As we are changing the road rules, we should take the time to make those amendments in writing, circulate them briefly and then consider them. That is important given the nature of the legislation we are dealing with. I do not mind if we take it slow to make those amendments to the amendments of both The Greens and the Opposition.

**The CHAIR (The Hon. Rod Roberts):** Does the Hon. Natalie Ward need to amend the Opposition amendment?

**The Hon. NATALIE WARD (17:23):** Yes, Chair. On the advice of the Government, both the Opposition amendment and The Greens amendment includes the word "driver". We have been advised by the Government that "driver" should in fact be "registered owner" to allow proper enforcement. Ms Cate Faehrmann and I seek to make changes to our respective amendments to omit "driver" and replace it with "registered owner". The Greens and Opposition amendments are identical except that the Opposition's amendment adds a warning period.

**The CHAIR (The Hon. Rod Roberts):** That warning period appears in proposed section 71 (4).

**The Hon. NATALIE WARD:** Correct. There is one occurrence of "driver" in proposed section 71 (2) (b) and there are three occurrences of the word in proposed section 71 (3) under the definition of "warning". We seek to change all of those instances of the word driver to registered owner.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:24):** The Government is happy to give leave for Ms Cate Faehrmann and the Hon. Natalie Ward to make those amendments to their respective amendments, but I request written copies of the amendments for consideration.

I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

**Motion agreed to.**

### **Adoption of Report**

**The Hon. JOHN GRAHAM:** I move:

That the report be adopted.

**Motion agreed to.**

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** According to sessional order, further consideration of the bill is set down as an order of the day for a later hour of the sitting.

## **BIOSECURITY AMENDMENT (INDEPENDENT BIOSECURITY COMMISSIONER) BILL 2023**

### **Second Reading Debate**

**Debate resumed from 19 October 2023.**

**The Hon. MARK BANASIAK (17:33):** I contribute to debate on the Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023 and outline the Shooters, Fishers and Farmers Party's position on the appointment of a biosecurity commissioner. When the Government announced that it would add another layer of bureaucratic complexity that will affect the regions, I admit my spidey senses began to tingle. We have seen in the past that adding another layer of authority presents its own challenges. Striking a balance between effective control and avoiding the pitfalls that end up hampering a swift response to an evolving situation—which is often faced in the biosecurity sphere—is not easy.

While a centralised response can be an advantage, giving authority to one department and trusting it to regulate effectively and oversee threats that have the potential to leave a profound and lasting impact needs to be considered and implemented cautiously to avoid the risk of departmental overreach. The case in point is Local Land Services, which has been known to deliberately exclude and make disparaging comments toward recreational hunters—who can and do contribute to pest management and the ongoing broad-scale community-based biosecurity surveillance in New South Wales.

Biosecurity is not only a departmental responsibility; it involves the entire community. The appointment is a multifaceted decision that demands scrutiny, and empowering the commissioner to act decisively in times of crisis is paramount. But the Government needs to consider that abuse of power is also a very real threat. If treated carefully, the presence of a biosecurity commissioner has the potential to serve as a catalyst for public awareness and education. If the commissioner were to set aside their own drums, then they could actively engage with the public, disseminating accurate information, promoting a culture of preparedness and educating the community about biological and biosecurity risks and the importance of preventive measures.

The role of the commissioner should extend beyond crisis response. An integral aspect of their responsibilities would be to work closely with farmers and recognised groups—including recreational hunters, who already have a wealth of knowledge and decades of practical experience in the field—to contribute to the breadth and scope of the Australian Wildlife Health Network. Hunters have been doing so for the past 20 years through the Department of Primary Industries R-licence system. The biosecurity commissioner would benefit from understanding that New South Wales hunters have a key role to play in biosecurity, monitoring the health status of wild animals, protecting the health of domestic animals and reporting any suspicious weeds or animal pests.

In the past, hunters in New South Wales were integral to surveillance for exotic disease in feral pigs. More recently, Wildlife Health Australia's November 2023 fact sheet noted that the National Avian Influenza Wild Bird Surveillance Program included surveillance for avian influenza viruses via sampling of healthy, live and hunter-shot wild birds. During the 18 years of the volunteer program, thousands of Australian wild bird samples have been provided by hunters in New South Wales at no cost to the taxpayer. The Shooters, Fishers and Farmers Party trusts that the Government will carefully design and implement such a position, ensuring that it serves the greater good without compromising the principles of transparency, accountability and respect for our regions. That being the case, the Shooters, Fishers and Farmers Party supports the bill.

**The Hon. ROBERT BORSAK (17:36):** On behalf of the Shooters, Fishers and Farmers Party, I also support the bill. I bring with me a unique perspective stemming from my prior role as chairman of the Game Council and as a proud R-licensed hunter for the past 18 years. I emphasise the critical role that conservation hunters play in our ongoing battle to safeguard the environment and agriculture from evolving threats. That is particularly evident in New South Wales, where the efforts initiated by the former Game Council persist through the ongoing work of Department of Primary Industries [DPI] Hunting. We commend that work.

In recent years biosecurity has gained significant importance as we face ever-evolving threats to our environment and agriculture. It is imperative that any incoming biosecurity commissioner fully comprehends the invaluable role hunters can fulfill in biosecurity surveillance in New South Wales and, by extension, in Australia. Reflecting on my experience as a former Game Council chairman and as an R-licensed hunter, I stress the crucial aspect of biosecurity surveillance that hunters can bring to the table. Since the 1990s hunters have been involved in the surveillance of feral pigs for diseases. Recognising the contribution of hunters, Wildlife Health Australia's November 2023 wildlife health note highlighted their role in the surveillance for avian influenza viruses. Similarly, a July 2023 CSIRO wildlife research paper recommended developing a passive surveillance network through recreational deer hunters.

The Game Council New South Wales acknowledged hunters as stewards of the land, possessing a unique understanding of the natural environment. Their knowledge of wildlife behaviour, movement patterns and ecological nuances is unparalleled and serves as a powerful tool for biosecurity professionals monitoring and managing the potential spread of pathogens and diseases in New South Wales. Indeed, licensed hunters and the Game Council's game managers educated the researchers and experts then in DPI about where the deer really were. They did not know, and the Rural Lands Protection Board back then was useless and asleep at the wheel.

Avian influenza, commonly known as bird flu, poses a significant threat not only to poultry but also to human health. Licensed hunters in New South Wales have played a crucial role in early detection through Wildlife Health Australia's robust avian influenza virus [AIV] sampling system. By acting as the eyes and ears in the field, hunters provide valuable information about bird populations and movement patterns and provide samples from shot birds. All of this is aiding in the understanding of the presence or absence of that disease in Australia.

When I was chairman, I supported the involvement of the Game Council's game managers and licensed hunters who made an invaluable contribution to the research on deer by providing blood samples from deer shot in the field. The dedication of hunters to biosecurity is indeed commendable, as seen in their voluntary participation in AIV and deer sampling programs. I wish to acknowledge John Mumford, a former councillor and chairman of the Game Council. John championed hunter involvement in biosecurity surveillance for over a decade. His efforts established the foundation for collaboration between hunters and organisations like the Australian Wildlife Health Network, strengthening our collective response to emerging biosecurity threats. Hunters and biosecurity managers are indeed indebted to John for his groundbreaking contribution in the area.

Beyond AIV sampling, hunters across New South Wales actively engage in monitoring the health of ecosystems. Under the New South Wales DPI Hunting program, over 25,000 R-licensed hunters form a dedicated force in biosecurity. Equipped with knowledge and skills acquired through education provided by DPI Hunting, these hunters actively contribute to disease monitoring, particularly in waterfowl and pigs, but also in deer. The NSW DPI Hunting division's commitment to education and engagement ensures that hunters are not only skilled hunters and marksmen but also informed stewards of the environment.

The reporting mechanism through the R-licence hunter returns for permits on public land hunting is a key component of the program. Swift communication of observations enables rapid response to exotic diseases, preserving the integrity of our agricultural systems and the delicate balance of our ecosystems. The synergy between hunters, the NSW DPI Hunting program and biosecurity organisations creates a formidable surveillance network when they work together. With 200,000-plus hunters and the 25,000 who are R-licensed hunters actively participating, we can and will protect our ecosystems and preserve agricultural and economic interests.

The biosecurity commissioner and the New South Wales community stand to benefit by recognising the key role New South Wales hunters play in biosecurity. The biosecurity commissioner and the New South Wales Government must ensure that NSW DPI Hunting has the resources to engage and educate hunters in biosecurity surveillance in New South Wales, not just those with R-licences but all of the over 200,000 conservation hunters who participate in over 300 hunting clubs statewide. Looking back, hunters were integral to surveillance for exotic diseases in feral pigs. Recently, Wildlife Health Australia's November 2023 fact sheet highlighted the National Avian Influenza Wild Bird Surveillance Program's coordination, which includes sampling of healthy, live, and hunter-shot wild birds. Over 18 years, thousands of Australian wild bird samples have been provided by hunters in New South Wales under a volunteer program, at no cost to the taxpayer, contributing to the national effort to understand and combat avian influenza.

Having been intimately involved with the Game Council from its inception, it would be remiss of me not to mention the need for the incoming biosecurity commissioner to treat with extreme caution any advice from the bunnies of conservation, the Invasive Species Council. These leeches, including Tim Low, Carol Booth and Andy Cox, have shamelessly used that organisation to promote their own books and line their own pockets. That is the reality. This is a revenue-driven advocacy that, at all turns, seeks to have government denigrate cultural hunters while at the same time signing up lucrative government contracts. The reality is, they do very little of a practical

nature. None of the invasive species they campaign against have reduced their range or populations in the years that the organisation has been busy.

A former CEO at the Invasive Species Council was from the United States. He had hunting in his family background and was actually open to working with hunters, but when he checked with his boss, Tim Low, he was not allowed to. Not long after, Low found the anti-hunting person he wanted from the National Parks Association of NSW to carry the torch for his and his partner, Carol Booth's, anti-hunting mantra. At best, the Invasive Species Council's so-called fact sheets are poorly researched and incorrect. At worst, they are blatantly misleading and false. The Shooters, Fishers and Famers Party will put a lot of effort into ensuring the biosecurity commissioner does not take heed of that rabble. We support the bill and look forward to the New South Wales Government and incoming biosecurity commissioner acknowledging our party's ongoing dedication and engagement with New South Wales hunters who, through their knowledge, training, and reporting mechanisms, have provided and can provide a significant contribution to the biosecurity resilience of New South Wales, because they are out there doing it every day. I commend the bill to the House.

**The Hon. EMMA HURST (17:45):** On behalf of the Animal Justice Party, I express my serious concerns about Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023. The bill may seem innocuous to some, but anyone who works in animal protection knows that biosecurity can be a loaded term. Claims of so-called biosecurity concerns have been consistently used to justify harm, particularly to animals in the animal agribusiness industry that government wishes to target and that really have nothing to do with biosecurity but have everything to do with secrecy of practices not acceptable to the public and to political agendas. Right now the Biosecurity Act is being used to inflict cruelty, suffering and death on millions of animals each year, including native animals. Dingoes, despite being native animals that have lived in Australia for thousands of years, are falsely categorised and maligned as wild dogs. They are subjected to the same cruel methods to which other animals are subjected, including the use of 1080 poison baits, trapping, hunting and shooting.

The agriculture Minister, in a display this morning during question time, proudly talked about the Government's plan to wipe out dingoes and the cruel ways it plans to destroy the survival of these iconic animals, with no regard for their sentience, their connection to the traditional custodians of the land or their connections to native animals, again under the dubious claim of so-called biosecurity concerns. As I have discussed in this place on many occasions, 1080 poison is a truly horrific killing method. Any animal that ingests 1080 will suffer a slow, agonising death that starts with vomiting, anxiety, disorientation and shaking, followed by frenzied running, screaming fits and seizures that can last up to 48 hours before their eventual death. The poison 1080 is not only inhumane; it is indiscriminate in the carnage it creates. It kills introduced animals, companion animals and native animals alike, and there is no antidote. It is even a risk to small children. It is an incredibly dangerous and irresponsible poison that is banned in most parts of the world, yet the New South Wales Government continues to drop millions of 1080 baits every year under the guise of biosecurity.

The Biosecurity Act framework has also been frequently used to shut down and punish those who seek to protect animals. Some members will recall absurd regulations brought into Parliament last year which allowed farmers to write their own secret laws, call them a biosecurity management plan and have the Government enforce them with massive fines of up to \$220,000 for individuals and \$1,000 on-the-spot fines. It was not actually about biosecurity, of course. It was about shutting down transparency in animal agribusiness and was pushed politically by an industry that does not want the public to know that pigs and hens are held in cages their whole lives and that millions of animals are suffering on intensive factory farms right across the State.

The fact that there is so much focus on animals in relation to biosecurity is really quite bizarre. As the Minister said in her second reading speech, weeds cost our agriculture sector around \$1.8 billion each year. The alleged cost of non-native animals is only a tiny fraction of that. Yet all of the press conferences and funding announcements from the Government and the agriculture Minister have been about killing animals through truly horrific means, such as 1080 poison baits, trapping and shooting animals from the ground and the sky, not about managing the weeds. Again, it is clear that political factors are at play here.

The sad reality is that the Minns Labor Government is simply obsessed with killing animals. It has made the decision to shoot and kill brumbies from helicopters. It has put millions of dollars of taxpayers' money into killing pigs. It has killed hundreds of millions of bees, including native bees, through the failed varroa mite eradication strategy. It put ineffective killer shark nets back in the water, killing native and endangered animals. It is allowing licences to harm native animals to be issued each year and it is doing nothing to address the slaughter of our native kangaroos. To add insult to injury amidst the animal killing spree, the Labor Government has taken zero action on animal protection issues, not even the bare minimum commitments it made during the election. We have seen no action on puppy farming or reform of animal cruelty laws. We have seen no recurring funding on animal cruelty enforcement.

Labor has left millions of hens in battery cages to languish indefinitely, despite making an election commitment to implement the national poultry standards. We have seen no action on Labor's proposed independent office of animal welfare, which is clearly desperately needed given the way this Government has behaved towards animals in its first six months. Given that context, I am seriously concerned about the establishment of the Independent Biosecurity Commissioner and the impact that role will have on the wellbeing of animals in this State. While the commissioner may not have any specific powers to authorise killing animals, they do have broad powers to investigate and make recommendations to the Government. Given the current political environment with lobby groups such as the NSW Farmers Association and the Invasive Species Council in the Government's ear, I am concerned that the commissioner's work will only focus on animal-killing programs.

My concerns are heightened by the fact that animal welfare has been ignored in the development and drafting of the bill. When my office was originally briefed on the legislation, we were advised that no animal welfare stakeholders had even been consulted on the development of the bill—zero. That was an enormous oversight from the Minister who is meant to be responsible for animal protection. A few days later, at a crossbench briefing, the Minister suddenly announced that, in fact, the RSPCA had now been consulted on the bill. That was a feeble attempt to save face by the Government. A fleeting consultation with a single animal welfare stakeholder after the bill had already been written and was about to be introduced is simply not good enough and does not show any genuine concern for animal welfare. Animals have been forgotten by that so-called Minister for animal welfare.

I foreshadow that when we get to the Committee stage I will move two amendments. The first amendment is to ensure that animal welfare will be at the forefront of the commissioner's work rather than as an afterthought, as it has been for the New South Wales Government. The other amendment will focus on a simple oversight. Obviously animal cruelty falls under the Prevention of Cruelty to Animals Act, but animal cruelty laws also fall under other Acts such as the Crimes Act, and all of those Acts need to be mentioned when considering animal welfare. Even if the amendments do pass, I remain deeply concerned about the bill and the role the independent commissioner may play in further increasing animal killing in New South Wales. In conclusion, I remind every member in this place that we are talking about the lives of sentient animals. They are living beings and they have the same capacity to feel pain and fear as any other animal. The fact that an animal is not native and was introduced to this country by humans does not make them less worthy of moral consideration. It is time our laws, policies and language start to reflect that.

**The Hon. JEREMY BUCKINGHAM (17:52):** On behalf of the Legalise Cannabis Party, I speak on the Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023. From the outset, it is an excellent bill and we support it wholeheartedly. I congratulate the Minister, who is doing a fantastic job representing regional New South Wales and agriculture—far from the assertions of members opposite that nothing is happening in reform of that space. The bill is evidence that a lot is happening. The bill amends the Biosecurity Act 2015 to establish an Independent Biosecurity Commissioner with specific focus on pest and weed issues. Legislating and funding an Independent Biosecurity Commissioner was a key election commitment of this Government and it is delivering it. It will strengthen the oversight, transparency and accountability of the biosecurity framework as it relates to pests and weeds.

The work comes in response to landholders reporting issues with pests and weeds coming onto their property from public lands. Those issues were reiterated through consultation undertaken by the interim biosecurity commissioner, Dr Marion Healy, who heard from landholders about their problems and recommended a commissioner with a specific focus on pests and weeds, which is something I called for when the original Biosecurity Bill came through in 2015. The Independent Biosecurity Commissioner will provide advice focused on pest and weed management issues, conduct reviews, make recommendations to government and report to Parliament on an annual basis. In June 2023 the New South Wales Government appointed an interim biosecurity commissioner, Dr Marion Healy, to consider existing independent commissions, consult with a range of stakeholders and provide advice to the Government on the recommended role, functions and powers of the commission.

The bill responds to Dr Healy's recommended approach to establish a statutory commissioner. The interim commissioner consulted with an enormous range of stakeholders. The key stakeholders, including rural and regional community organisations, were strongly supportive of the opportunity for a commissioner to provide independent advice, set the strategic priorities, promote accountability and transparency, and enhance collaboration and coordination amongst stakeholders. The bill establishes the Independent Biosecurity Commissioner in the Biosecurity Act, sets out the appointments by the Governor on recommendation of the Minister administering the Act, determines reporting lines and independence, and establishes other general terms of employment. The scope of the commissioner's work will relate specifically to pests and weeds, which aligns with stakeholder feedback, the Government commitments and the findings of the report from the interim commissioner.

The bill introduces the functions, powers, reporting requirements and governance arrangements for the commissioner. The commissioner's function is to provide advice to the Minister, other Ministers and the Government about issues relating to pests and weeds; to conduct reviews; to monitor pest and weed issues; and to identify opportunities to drive improvements, which is all good news. It promotes a coordinated and collaborative response to issues relating to pests and weeds across all occupiers of land, so it is tenure-free. The commissioner must take an independent and impartial approach in the exercise of its functions. The commissioner can proactively initiate reviews and the Minister for Agriculture can direct the commissioner to conduct a review and provide advice. The bill requires the New South Wales Government and the relevant Minister to provide a response to the commissioner's recommendations within six months, and for that response to be published on the commissioner's website.

The commissioner will have the power to gather information and essential documents from government agencies and State-owned corporations, which is incredibly important. It is intended that the commissioner will be able to engage necessary subject matter expertise from within government and externally in support of performing its functions. The bill introduces reporting requirements for the commissioner to provide reports on reviews to the Minister administering the Act and other relevant Ministers prior to publication. It also requires the commissioner to publish reviews and reports on the commissioner's website and provide annual reports to Parliament that outlines activities, findings and recommendations made over the course of the year. I look forward to that because we all know the incredible multibillion-dollar cost of pests and weeds to agriculture, agricultural productivity and biodiversity in this State.

I believe, and the scientific consensus is, that invasive species—dare I say it, pests and weeds—have been a driving force in the extinctions that we have seen in this State and this country, and continue to be so. We continue to see the devastating impact that wild dogs, foxes, rabbits and a plethora of plants have on our ecology, so it is good that a commissioner will be on the beat all the time, gathering the evidence and assisting farmers. That is what farmers want. The NSW Farmers Association welcomes it and the consensus in the community is that it is a good reform. It builds on the reform of the previous Government. Each year weeds cost our agriculture around \$1.8 billion and pest animals cost over \$170 million.

I believe that one of the key reasons that we have the koala populations in this State facing extinction is wild dogs. There is absolutely no doubt that wild dogs in our national parks and on our public lands are a key driver of a decline in koala populations, so it is welcome news that we will have a commissioner working to provide advice to government and a framework to deal with the issue. The Legalise Cannabis Party appreciates the consultation it had with the Minister's office—the brief was very comprehensive—and also with the Department of Primary Industries. We congratulate the Minister, her office and the department for getting on with this incredibly important work of creating the commission and making sure that resources are allocated, based on science, into controlling pests, weeds and invasive species in this State for the betterment of our economy and ecology. I commend the bill to the House.

**Ms SUE HIGGINSON (18:00):** The Greens do not oppose the Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023. The bill will establish an ongoing Independent Biosecurity Commissioner to conduct oversight, clarify responsibilities and improve accountability between various stakeholders in the biosecurity framework. The establishment of a biosecurity commissioner with these functions is good and important. The Greens support greater clarity and support being given to the vitally important role of controlling invasive pest species. However, we are disappointed by the lack of ambition exhibited by the Government in prioritising the passing of this legislation over getting a better Act that will give the commissioner the full suite of powers that were considered by the interim commissioner during consultation.

I note there were other functions considered for the commissioner that have not made it into the bill—specifically, a power to review biosecurity regulatory functions and to mediate and resolve disputes between public land managers, private landholders and regulators. Those aspects need reform and improvement right now. Apparently, those functions did not have strong support from the stakeholders that were consulted, but the question has to be what work did the Government undertake to actually make the case for this kind of reform. Clearly, those functions were under consideration but have been left out, and now this bill is before us because, as the Government has put it, doing nothing was not considered appropriate. But I put to the Government that, by allowing important functions of the commissioner to be left out of the bill, it has failed to do enough.

There have been significant failures of biosecurity in New South Wales in recent years and incredibly serious issues are most likely waiting just over the horizon. That is why it is so surprising that the role of reviewing biosecurity regulatory functions has been left out of the bill. There should be an independent agency that is responsible for investigating systemic biosecurity regulatory complaints and conducting reviews of regulatory operations. A function like that for the commission would have been brilliant, but it is absent because support for it amongst apparent stakeholders was not unanimous. In times like this, leadership is required. When I read the

bill and look at the scheme, that is the main element that appears to be missing. What work did the Minister and the Government undertake to convince stakeholders of the value that could be added by independent oversight of systemic issues? Have industries and private landholders that have a conflict of interest won out over a commissioner that would be better able to empower the departments, agencies and public land managers?

It raises concern that this function was important enough to be considered by the interim commissioner, but it was not important enough for the Government to ensure that it made it into the bill. Of primary concern for The Greens is a biosecurity regulatory environment that prioritises cost benefit for private enterprise over the wellbeing of native flora and fauna. This model was prioritised under the former Coalition Government and has led to cantankerous relationships with our neighbours in Queensland and Victoria. We are not conducting a best-practice biosecurity regulatory environment. That puts other States, and the natural environment, at risk from pest species. The existing biosecurity framework is fundamental to empowering the hardworking officers in the Department of Primary Industries, and if the regulatory environment is making their work more difficult for the benefit of private enterprise then that is absolutely something that we would expect the Government to fight for, and to be the role of the biosecurity commissioner.

The other role for the biosecurity commissioner that was considered by the interim commissioner and is not in this bill is the necessary and important dispute resolution and mediation function. It is entirely natural that in the course of undertaking biosecurity duties there will be conflicts between private interests and regulators. However, those disputes will usually have a prevailing public interest. It is not as simple as understanding responsibilities between stakeholders. Issues will arise where responsibilities are in direct conflict, and there should and must be an adjudicator. Ideally, the commissioner could perform that role while also bringing a high degree of accountability to the table. The disagreement of stakeholders has again been proffered as an excuse by the Government for not ensuring the commissioner can perform this function.

I appreciate that the Minister and the Government must balance conflicting interests, but I had expected that a Labor Government would generally fall on the side of public good, environmental sustainability and long-term biosecurity planning over private profit. The failure to ensure that an independent and accountable commission can intervene as necessary between competing interests is another failure by the Minister and the Government to prosecute the case for a stronger bill than has been presented. I appreciate, very much, the work that the Minister's office and the department have undertaken to brief me and other members on this bill. But it has become absolutely apparent that the driving purpose behind the bill is to meet a not particularly well-informed election promise by Labor. Most of the functions of this commissioner are already completed by the department, and the secretariat of the commissioner will, in fact, be seconded department staff. Once the functions that I referred to earlier are removed, there is a large amount of bureaucratic duplication that will further complicate issues instead of providing clarity and transparency.

It is clear to The Greens that we are facing a genuine missed opportunity to pursue something that could have had all the elements of positive leadership and provided the commission with all of the necessary things to drive positive and collaborative change in the landscape, particularly for rural and regional communities and land managers. Despite our reservations, there are good aspects to the bill and to the concept. The Greens will not torpedo a reform that could improve and assist the New South Wales biosecurity framework. But I have a word for the Minister: We will be watching this space earnestly and are genuinely interested to see the moves she makes to further improve on what she has put forward today. There is so much scope to do good work and to lead in this space. It is very necessary, especially as we are all facing a changing climate and its impacts on landscapes and on our agricultural productive capacity. There are incredibly challenging times ahead of us, so it is a real shame that the biosecurity commissioner we will be working with and looking to will not have the full functions and powers they could have had.

**The Hon. SAM FARRAWAY (18:09):** I contribute to debate on the Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023. The Opposition will not oppose the bill. However, that does not necessarily mean that the Opposition, and I, believe that there is a need for a biosecurity commissioner. That said, I accept that biosecurity is incredibly important—probably one of the most important aspects of agriculture—and I think it is worth stating for the record some of the work of the former Coalition Government in this space. The former Minister made it his number one priority and I understand that the current Minister also is very passionate about biosecurity and has spoken about it in Parliament several times.

The former Minister, Dugald Saunders, made it his number one priority to try to ensure the ongoing viability of an industry that, under the former Coalition Government, had reached a record value of \$23.1 billion. Despite fires, floods, droughts—probably one of the worst droughts in living memory—a pandemic and a mouse plague, the former Coalition Government enabled the industry to not only survive but also thrive. We were working towards growing the value of that industry to \$30 billion. I hope that, despite politics, the current Minister can take up the mantle and push the industry towards achieving that \$30 billion mark because that is incredibly

important. Certainly, it was very aspirational and visionary. The former Government foresaw where that sector was going and what it could achieve.

I acknowledge that the Labor Party took legislating the appointment of a biosecurity commissioner to the State election and that on a policy document Labor stated that a Labor Government would strengthen and secure the future of our bright agricultural industry by legislating and funding the appointment of the Independent Biosecurity Commissioner. Although the Opposition will not oppose the bill, it does not fully support the appointment of a biosecurity commissioner because currently, with Local Land Services [LLS], the Department of Primary Industries and the good work of the Department of Regional NSW, the structure and expertise are already in place.

I believe the people on the ground in those departments and agencies can look after biosecurity to support our State. As I mentioned, under the former Coalition Government, agriculture had a record value of \$23.1 billion. There was also record investment in biosecurity and certainly an aspirational goal of building the value of the industry to \$30 billion. But we wanted to do that while bringing the LLS, with the good work it does, on the journey with us. We wanted to push towards achieving that \$30 billion industry, based on the good work of the Department of Primary Industries and the Department of Regional NSW.

It is also worth noting that, prior to the election, the former Coalition Government hosted the first biosecurity conference, which brought together industry leaders and stakeholders to discuss some of the really pressing issues confronting the industry. That was vital because, as Deputy President the Hon. Emma Hurst would know, foot-and-mouth disease and lumpy skin disease were literally on the doorstep of the country and the State. The current Labor Government has not hosted a similar conference in the past approximately eight months that it has been in government. I certainly encourage the Minister to host a conference with the same structure because it provides a lot of benefit not only to government but also to industry, the stakeholders and the agencies. That is very important.

The bill requires an annual report to be provided to Parliament by 30 September each year and a review after five years. The functions of the commissioner include providing advice to the Minister, other Ministers and the Government about issues relating to pests and weeds; undertaking reviews about issues relating to pests and weeds and preparing and publishing reports about those reviews; monitoring issues relating to pests and weeds and identifying opportunities for improvements in relation to the issues; and promoting coordinated and collaborative responses by occupiers of land to issues relating to pests and weeds. Some Government members will appreciate that when I read the section outlining the functions of the commissioner, I could think of only one person who could fill the role—the Hon. Mick Veitch. On behalf of the Opposition—and I ask for the support of my crossbench colleagues—I recommend the Hon. Mick Veitch to be considered as the biosecurity commissioner. I could not think of anyone as passionate or as knowledgeable about pests and weeds as the Hon. Mick Veitch. He would be a perfect fit and would bring a lot to the role. He would have the full support of the Opposition. I am sure it will get back to Mick that he has received yet another plug from the Opposition today—

**Ms Sue Higginson:** And the crossbench.

**The Hon. SAM FARRAWAY:** —and from the crossbench, which is good. I come back to a serious point about the biosecurity commissioner—I appreciate that the Minister's office gave the shadow Minister for Agriculture and me a briefing—which is that I would not want to see some of the cuts being made across government, in particular the cuts discussed during budget estimates to the travel budgets of the Department of Primary Industries, hamper the work of any commissioners, but in particular the agriculture commissioner and the future biosecurity commissioner. During estimates we heard from the Department of Primary Industries that cuts to the travel budgets would be made across the board.

I state for the record that biosecurity commissioners and agriculture commissioners will rely on the good work of Local Land Services and the Department of Primary Industries. Those officers cannot do that work unless they travel throughout the State, have boots on the ground in communities and are at the forefront of issues as they crop up. They cannot do that unless they travel. I would hate to see a newly appointed biosecurity commissioner being told that those officers cannot travel because they do not have the resources and that, unfortunately, they cannot fulfil their duties. That is a concern. Only time will tell whether it becomes a reality. I certainly hope it does not, but obviously cuts are on the way and I would not want those cuts to impact the biosecurity commissioner's role.

The Opposition will not oppose the bill so that the Government can get on with it, but it is fair to say that the view of the Opposition is that it is most likely that the good work, expertise and personnel of the Department of Primary Industries, Local Land Services and the Department of Regional NSW puts those departments and agencies in a really good position to handle biosecurity for the people of New South Wales.

**The Hon. EMILY SUVAAL (18:18):** I also support the Biosecurity Amendment (Independent Biosecurity Commissioner) Bill 2023. It is indeed a pleasure to do so. As someone who attended a former agricultural high school, I remember quite distinctly my agriculture teacher, Mr Brown, saying to me, "A weed is a plant out of place." I remember that very clearly. My other favourite saying was, "Take your watch off before you put the glove on", but I will leave that one there. Pests and weeds are a blight on our natural environment, the economy and the community. In Australia, pests and weeds are extremely costly with the impact being around \$25 billion each year. They damage crops, livestock and infrastructure, and impact on the State's natural environment and public amenity.

Our agricultural industry is particularly sensitive to major impacts from pests and weeds. It is conservatively estimated that the cost of weed impacts and weed management to the New South Wales agricultural sector is around \$1.8 billion per annum. Throughout agricultural areas, weeds can outcompete crops and pasture species, resulting in lower economic returns and the need for expensive and ongoing control measures. Take blackberry as an example. Blackberry infests about nine million hectares of land in Australia and has already cost around \$100 million in control measures and in lost production. It quickly infests large areas, can overtake pastures, is unpalatable to most stock, fuels bushfires and, on top of all of that, provides food and shelter for pest species such as blackbirds, starlings and foxes. And I can say from experience that it really hurts if you fall over and land in it.

Pest animals cause a significant cost to the New South Wales economy, estimated to be well over \$170 million annually, and this figure is climbing. Some of the top offenders are wild rabbits, foxes, feral pigs, wild dogs and feral cats, to name a few. Pests prey on livestock, increase grazing pressure on pastures, damage crops and plants, spread diseases to people and other animals, including stock and pets, damage fences and other infrastructure, and pose a safety risk to people and their animals. Feral pigs are a particularly impactful pest to the agricultural industry. They prey on newborn lambs and goats and feed on and trample crops. They damage fences and destroy water sources for livestock. Feral pigs compete with livestock for pasture. They are also a vector for a number of parasites and diseases that impact both livestock and humans.

In addition to the direct and significant economic costs I have just outlined, pests and weeds can also have a significant indirect impact on the economy. For example, pests and weeds can damage infrastructure, reduce tourism revenue, and impact on our cultural and public amenity. Weeds can block waterways and drainage systems, leading to flooding and erosion, and damage roads, railways and other transportation infrastructure. Pests and weeds also reduce the aesthetic appeal of our natural environment for public recreation and appreciation. I have much more to say about the impact of pests and weeds, but I will leave my comments there and commend the bill to the House.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:22):** In reply: I thank all honourable members for their contributions to the debate.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** Order! There is too much audible conversation in the Chamber.

**The Hon. TARA MORIARTY:** In particular, I thank the Hon. Mark Banasiak, the Hon. Robert Borsak, the Hon. Emma Hurst, the very honourable and outstanding Jeremy Buckingham, Ms Sue Higginson and the Hon. Sam Faraway for their contributions to the debate. Australia's biosecurity threat level has escalated through the increase in movement of people, products and produce globally. The impact of invasive species on New South Wales' economy, environment and community is profound. We have discussed in this place before the estimated \$2 billion in costs to the New South Wales agricultural sector from pests and weeds. In November the Australian Bureau of Agricultural and Resource Economics released a report highlighting that, across Australia, weeds and pests are costing farmers \$5.3 billion a year through management and production loss. These costs will only rise going forward, which is why we are here today, to put in place measures to improve pest and weed outcomes in New South Wales.

The establishment of the Independent Biosecurity Commissioner is a key step towards supporting effective government action in response to the threats and impacts of invasive pests and weeds in New South Wales. This proposal is also strongly supported by stakeholders, with the development of the Independent Biosecurity Commissioner being informed by consultation with a range of government, industry and community stakeholders. This commissioner will strengthen and secure the resilience of the biosecurity framework and protect our environment, biodiversity, economy and community from the harm and impacts of pests and weeds. The commissioner will report directly to the Minister administering the Biosecurity Act and provide independent, system-wide strategic oversight and advice to the Government.

Biosecurity is a shared responsibility, and having an independent commissioner overseeing the framework as it relates to pests and weeds will drive accountability, clarify responsibilities and foster continuous improvement. This will help to ensure that the framework is fit for purpose and protects our agriculture industries, environment and communities. Through the measures in this bill, the Government is supporting improved outcomes for pest and weed management in New South Wales.

I now turn to addressing some of the comments made by members during the debate. I thank the Hon. Mark Banasiak for his support for the bill and his comments about potential roles for the commissioner, the ability to strengthen the framework and the importance of the commission working with key stakeholders, including farmers, hunters and more, in fulfilling its function. We agree this is important, and the commissioner will indeed take a collaborative approach. This collaborative approach and focus on engagement were reflected in the design of the commissioner's role, which included consultation with hunting stakeholders.

The role of the commissioner was based on the advice of the interim biosecurity commissioner, Dr Marion Healy. A key finding of Dr Healy's was that the commissioner should not duplicate existing functions. The role of the commissioner has been carefully designed to not duplicate functions and therefore to avoid blurring the lines of accountability or responsibilities in the framework. The Government's commitment to establish an Independent Biosecurity Commissioner was made in response to landholders reporting issues with pests and weeds coming onto their properties. The bill will complement and enhance this existing biosecurity framework while preventing any potential overlap or confusion. I appreciate the Hon. Robert Borsak's words of support for the bill. We are aware of the important role that hunters can play in biosecurity and pest management. As I said previously, the commissioner will look at all opportunities to improve the biosecurity framework, including consulting with hunting stakeholders.

I appreciate the Hon. Emma Hurst's interest in the bill and her concerns about the important issue of animal welfare. The purpose of the bill is not to address animal welfare policy in New South Wales; it is to deliver the Government's commitment to appoint an Independent Biosecurity Commissioner to strengthen and secure the resilience of our agricultural industry by providing independent expert advice and reporting to the Parliament on an annual basis. The Government has made a clear intention and commitment to reform the New South Wales animal welfare framework. I take animal welfare seriously, as does this Government, and we will not be making piecemeal changes to animal welfare policy. We will deliver reforms to the Prevention of Cruelty to Animals Act through a considered process in 2024. Again, as I have said, the bill provides that the commissioner is to take a collaborative approach to advice and reviews about pests and weeds. This means that the commissioner will consult with a wide range of stakeholders, including animal welfare stakeholders. I thank the Hon. Jeremy Buckingham for his support for the bill and for recognising its benefits to regional New South Wales and to agriculture in this State.

I thank Ms Sue Higginson for her interest in and support for the bill. I note her comments about the role and functions of the commissioner, including the power to review biosecurity regulatory functions and to mediate disputes. Dr Marion Healy as interim biosecurity commissioner led a consultation process with 33 stakeholders to consider options and provide advice on the role, function and powers of the commissioner. There was overwhelming support for an advisory and oversight function. While other functions were considered as part of the consultation, they were not broadly supported by stakeholders for a range of reasons, including duplication of existing functions and significant administrative burden.

Stakeholders strongly supported greater clarity and an independent voice that would come from the advisory and oversight model proposed in the bill. Based on Dr Healy's consideration of the New South Wales framework and stakeholder feedback, other potential options considered were not recommended by the interim biosecurity commissioner and have not been adopted by the Government. I thank the Hon. Sam Faraway for his contribution to the discussion on this bill and for acknowledging, despite the political commentary, that biosecurity is important for everybody.

We all have a responsibility to take biosecurity matters seriously and to manage them in every way we can. The bill represents an important step forward in pest and weed management in New South Wales. I am proud to deliver it on behalf of the people of New South Wales and on behalf of the Government. I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question is that this bill be now read a second time.

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. There is one sheet of amendments before us: Animal Justice Party amendments Nos 1 and 2 on sheet c2023-111E.

**The Hon. EMMA HURST (18:31):** I move Animal Justice Party amendment No. 1 on sheet c2023-111E:

No. 1      **Animal welfare considerations**

Page 4, Schedule 1[2], proposed section 360F. Insert after line 32—

- (4) If the Commissioner provides advice or undertakes a review that relates to the management of animals, the Commissioner must have regard to animal welfare and take steps to—
  - (a) consult with animal welfare organisations, and
  - (b) consider the potential risk of animal cruelty, and
  - (c) consider non-lethal methods, and
  - (d) address the matters referred to in paragraphs (a)–(c) in the advice or a report prepared about the review.

As I foreshadowed in my contribution to the second reading debate, the Animal Justice Party is deeply troubled by the lack of consideration given to animal protection in the bill, including the lack of consultation with animal welfare stakeholders by the Minister and the Department of Primary Industries during the development stage of the bill. I am concerned that its refusal to consider animal welfare will flow into the work of the new Independent Biosecurity Commissioner, particularly given that the commissioner will have a very limited budget and will rely heavily on the Department of Primary Industries for support. That department has a track record of failing to promote animal welfare and it obviously has an inherent conflict of interest between industry and animal protection.

Given that context, I am proposing an amendment to the bill that will explicitly require the commissioner to take into account animal welfare in any advice or reviews they undertake relating to the management of animal populations, including considering the potential risk of animal cruelty resulting from the management action proposed by the commissioner, considering any non-lethal alternatives that may be available to any management strategies, and consulting with animal welfare stakeholders. The amendment will also require the commissioner to report on compliance with those obligations in any report or advice that it produces. This small amendment ensures that animal welfare remains at the forefront of the work of the biosecurity commissioner. I commend the amendment to the Committee.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:33):** I thank the member for her interest in this piece of legislation, as I previously said, and for her concern for the important issue of animal welfare. The Government does not support the amendment. It is understood that the proposed amendment seeks to ensure that the commissioner considers animal welfare in relation to their advice and reviews, which is an important consideration. However, the proposed amendment is unnecessary. Everyone in New South Wales has to comply with our legislative requirements at all times. Therefore, the commissioner's advice and reviews will necessarily consider all other relevant legislative requirements, including animal welfare laws. The proposed amendment would also provide for an unbalanced approach to how the bill allows the commissioner to undertake their work.

The bill already specifically requires the commissioner to be highly consultative and collaborative in their approach to pest and weed management issues. As such, the commissioner will consult broadly with government and non-government stakeholders, including animal welfare organisations, to inform their reviews and advice about issues relevant to animal welfare. The proposed amendment would create an unbalanced approach, rather than holistically considering input from all relevant stakeholders. If we are to specifically call out one group of stakeholders in the bill, we would need to also call out all of the other relevant stakeholder groups. The amendment is unnecessary and therefore the Government does not support it.

**The Hon. SAM FARRAWAY (18:34):** I appreciate the party the Hon. Emma Hurst represents and the reason for moving the amendment but, respectfully, the Opposition is not in a position to support the animal welfare considerations. I do not believe they are warranted. For reasons similar to those outlined by the Minister, the Opposition does not support the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2023-111E. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. EMMA HURST (18:35):** I move Animal Justice Party amendment No. 2 on sheet c2023-111E:

No. 2      **Cruelty to animals not authorised**

Page 8, Schedule 1. Insert after line 38—

**[3A] Section 389 Cruelty to animals not authorised**

Omit "the contravention of the *Prevention of Cruelty to Animals Act 1979*."

Insert instead—

the contravention of—

(a) the *Prevention of Cruelty to Animals Act 1979*, or

(b) the *Crimes Act 1900*, section 79, 80, 530 or 531, or

(c) any relevant standards, codes or guidelines relating to animal welfare.

Amendment No. 2 seeks to amend section 389 of the Biosecurity Act 2015. Section 389 currently states that nothing in the Biosecurity Act or an instrument made under the Act authorises the contravention of the Prevention of Cruelty to Animals Act 1979 [POCTAA]. Obviously I support that section of the Act, but the problem with the provision is that the Prevention of Cruelty to Animals Act is not the only legislation containing animal cruelty offences. Currently, cruelty offences, including the most serious animal cruelty offences, exist in the Crimes Act. Many other standards, codes and guidelines include details of animal cruelty offences. Merely stating that the Biosecurity Act does not authorise a breach of POCTAA does not ensure good animal welfare and fails to ensure that animals are properly protected by the means available under our current framework.

The amendment seeks to make section 389 of the Biosecurity Act more robust. It clarifies that the Biosecurity Act cannot authorise a breach of the Prevention of Cruelty to Animals Act or the Crimes Act offences for animal cruelty or a breach of any other relevant animal welfare standards, codes or guidelines. Most members of the public would reasonably expect that any act of animal cruelty should be covered within the bill as a bare minimum, and that any activity involving animal management by the New South Wales Government complies with all relevant legislation, standards, codes and guidelines, and seeks to achieve best practice in terms of animal welfare. That is what the amendment will achieve.

I am saddened to say that, despite the Animal Justice Party having tried to engage with the Minister on its amendments, the Minister once again refused to engage on any of them. Unfortunately, that has become a pattern for the Minister. I understand there may have been embarrassment over that major oversight in the bill, but refusing to engage on that or to simply discuss the amendments is not the way forward. I recognise that the Opposition was willing to have a conversation about the amendments, and I thank it for that. I recognise also that the crossbench was willing to have conversations about the amendments.

This is a very simple amendment. It will make the Government's bill clear in regard to animal welfare expectations. It makes no sense for a bill to require compliance with one Act relevant to animal cruelty but not to other Acts that are relevant to animal cruelty. That will be the result of a refusal to support the amendment. I have not included the entire Crimes Act; I have pulled out the sections that relate to serious animal cruelty offences. There is no argument to be made to suggest that some animal welfare legislation should be followed but not others. I commend the amendment to the Committee.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:39):** I absolutely acknowledge the work and conviction of the Hon. Emma Hurst, as I did in debate on the previous amendment and my speech in reply. I acknowledge her hard work and commitment to animal welfare issues. I reject the premise that she just put on the record. I engage on any issues in this space and will continue to do so. It is understood that the amendment seeks to, amongst other things, give legal effect to animal welfare standards, codes and guidelines in relation to activities authorised under the Biosecurity Act 2015. The purpose of the bill is clear: To deliver on the Government's commitment to establish an Independent Biosecurity Commissioner and nothing more. Today is not the day to make piecemeal amendments to animal welfare laws.

I absolutely respect the work of the Animal Justice Party and the member who moved the amendment. I remind the member and the Committee that the Government has committed to and is undertaking the process of reviewing the Prevention of Cruelty to Animals Act 1979. That considered process must be done properly and not through amendments to bills that have completely different purposes. Respectfully, we will engage in that process in the appropriate forum, as people across New South Wales expect us to do.

The Biosecurity Act 2015 already provides that it "does not authorise the contravention of the Prevention of Cruelty to Animals Act 1979", which is the primary piece of legislation that governs animal welfare in New South Wales. That provision in the Biosecurity Act 2015 therefore captures the animal welfare standards

that are already mandatory. Outside of those mandatory standards, the amendment seeks to elevate the legal effect of any other animal welfare instruments that are not mandatory. That approach to elevating the legal effect of animal welfare instruments is inappropriate and unnecessary. On that basis, the Government will not support the amendment.

**The Hon. SAM FARRAWAY (18:41):** I understand why the Hon. Emma Hurst has moved the amendment but, respectfully, the Opposition will not support this one.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party Amendment No. 2 on sheet c2023-111E. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....6  
Noes .....24  
Majority.....18

**AYES**

Boyd  
Buckingham

Cohn  
Faehrmann

Higginson (teller)  
Hurst (teller)

**NOES**

Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway  
Graham  
Houssos

Jackson  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Martin  
Merton  
Moriarty

Munro  
Murphy  
Nanva (teller)  
Primrose  
Rath (teller)  
Suvaal  
Tudehope  
Ward

**Amendment negated.**

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

**Motion agreed to.**

**The Hon. TARA MORIARTY:** I move:

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

**Motion agreed to.**

**Adoption of Report**

**The Hon. TARA MORIARTY:** I move:

That the report be adopted.

**Motion agreed to.**

**Third Reading**

**The Hon. TARA MORIARTY:** I move:

That this bill be now read a third time.

**Motion agreed to.**

**ROAD TRANSPORT LEGISLATION AMENDMENT (AUTOMATED SEATBELT ENFORCEMENT)  
BILL 2023**

**In Committee**

**Consideration resumed from an earlier hour.**

**The CHAIR (The Hon. Rod Roberts):** The Committee is considering The Greens amendment No. 1 on sheet c2023-142D and Opposition amendment No. 1 on sheet c2023-114D. I invite Ms Cate Faehrmann to move The Greens amendment.

**Ms CATE FAEHRMANN (18:54):** I move The Greens amendment No. 1 on sheet c2023-142D:

No. 1 **Warning period for seatbelt offences detected by appropriate approved traffic enforcement devices**

Page 4, Schedule 1. Insert after line 29—

**[12] Schedule 4 Savings, transitional and other provisions**

Insert after clause 70—

**Part 12 Provision consequent on enactment of Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Act 2023**

**71 Warning period for seatbelt offences detected by appropriate approved traffic enforcement devices**

- (1) This clause applies if after the commencement of this clause a seatbelt offence is detected by an appropriate approved traffic enforcement device.
- (2) To avoid doubt, TfNSW—
  - (a) must deal with the offence in accordance with this Act or the statutory rules, including by issuing a penalty notice or court attendance notice in relation to the seatbelt offence, and
  - (b) must not deal with the offence by issuing a warning to the registered owner of the vehicle.
- (3) In this clause—

*appropriate approved traffic enforcement device* has the same meaning as in Part 7.3, Division 2.

*seatbelt offence* has the same meaning as in Part 5.3, Division 5.

*warning* means a notice given to a registered owner of a vehicle warning the registered owner that the driver of the vehicle committed a seatbelt offence but stating that no penalty notice or court attendance notice will be issued in relation to the offence.

The Greens amendment inserts clause 71 into the bill. The clause outlines that, where a seatbelt offence is detected by an approved traffic enforcement device, Transport for NSW must deal with the offence in accordance with the existing penalty framework under road transport legislation. This means that no warning period should be in effect under the law, nor can the Government provide a warning as a matter of policy or in the regulations in relation to the matter.

As advised by the Government, this new camera detection method is expected to come into effect in mid-2024. That is a nearly six-month lead-in time for New South Wales drivers to be made aware of and educated on the importance of wearing a seatbelt while driving. You would think that a bit of that has already been taking place for some time. There is then a further nine-month warning period, so we are potentially looking at March 2025 before that disincentive is there and for people to change their behaviour. The Greens believe this is an extremely unnecessary delay in a law reform intended to save lives.

While I understand some changes in driver rules have had a warning period in place—for example, the three-month warning period put in place for mobile phone detection cameras introduced under the former Government—the warning period proposed in the bill has not been adequately justified. Seatbelts were made compulsory in New South Wales in 1971, and 52 years is enough warning. We commend the amendment to the Committee.

**The CHAIR (The Hon. Rod Roberts):** I invite the Hon. Natalie Ward to move her amendment.

**The Hon. NATALIE WARD (18:56):** I move Opposition amendment No. 1 on sheet c2023-114D:

No. 1 **Warning period for seatbelt offences detected by appropriate traffic enforcement devices**

Page 4, Schedule 1. Insert after line 29—

**[12] Schedule 4 Savings, transitional and other provisions**

Insert after clause 70—

**Part 12 Provision consequent on enactment of Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Act 2023**

**71 Warning period for seatbelt offences detected by appropriate traffic enforcement devices**

- (1) This clause applies if, during the warning period, a seatbelt offence is detected by an appropriate approved traffic enforcement device.
- (2) Despite anything else in this Act or the statutory rules—
  - (a) a penalty notice or court attendance notice must not be issued in relation to the seatbelt offence, and

- (b) a notice must be given by TfNSW to the registered owner of the vehicle warning the registered owner that the driver of the vehicle committed a seatbelt offence but stating that no penalty notice or court attendance notice will be issued in relation to the offence.
- (3) TfNSW must, before starting to use appropriate approved traffic enforcement devices to detect seatbelt offences, declare, by notice published on a NSW Government website, that the devices are fully operational.
- (4) In this section—
  - appropriate approved traffic enforcement device* has the same meaning as in Part 7.3, Division 2.
  - seatbelt offence* has the same meaning as in Part 5.3, Division 5.
  - warning period* means the period-
    - (a) starting on the date of assent to the *Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Act 2023*, and
    - (b) ending on the later of the following-
      - (i) the date that is 3 months after assent to the *Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Act 2023*,
      - (ii) the date that is 3 months after the date on which the notice referred to in subclause (3) is published.

Chair, thank you for your management of this. We thought it was quite complex, but it seems that we have gotten there. I indicate that the Opposition will support The Greens amendment No. 1 and note that the Opposition has its own amendment. It is the same issue. In our amendment we propose a three-month warning period instead of the nine-month warning period. The advice from the Government is that the program will be rolled out with a six-month technology set-up and implementation and, following that, a nine-month warning period. That means that, if a driver is caught, they will get a warning letter and, potentially, three warning letters would equal a fine. Following the nine-month period the offence would come into effect. We see that as too long. We say that it risks too many lives. We think this should be implemented shortly.

I echo Ms Cate Faehrmann's point that 52 years is a long enough warning. This is about saving lives, and our proposed amendment would reduce that nine-month warning period to three months. Given that it will take six months to set up, a comprehensive education campaign can be rolled out in that time. Noting the Minister's speech about revenue, we know this is not about revenue. Every dollar of fines goes towards the Community Road Safety Fund established under the Coalition Government, so that would go back into education in any event.

The Opposition is absolutely supportive of The Greens amendment, which has no warning period. Six months is long enough. Let's get on with it. Let's save some lives. Let's let people know that if you are not wearing a seatbelt, you are an idiot and you will be fined. I commend our amendment to the Committee if The Greens amendment is unsuccessful. Should The Greens amendment be successful, we may consider withdrawing ours.

**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) (18:58):** I thank members for getting to this point in the debate. I will explain where we had got to. With the previous draft of the bill, the Government was concerned that enforcement would grind to a halt because it would not be possible to fine drivers under those provisions. They have now been amended. I believe the amendments now before the Committee convey the meaning that members intended. The provisions take a different policy position to the one that the Government introduced with the bill—that is, they will have the intended effect. The Government will put its original position, which is that it opposes the attempts to shorten the warning period. Having said that, if one of the two is successful, the Government has no problem with implementing the will of the Chamber. We will move smoothly to do that because it is my expectation that may well be the case.

I will address the issues that the warning period and the amendments create. We have fixed the issue of drivers or registered operators. The fines system works by first attaching the offence to registered operators who then may pass it on to drivers. It was not the Government's intention to have no fines issued during the warning period, but it is true we would like to have a nine-month warning period. It is not the Government's intention to fine anyone but, as it was flagged, we were intending to deal administratively with people who routinely flout the law. We have concerns about that. Transport for NSW has advised that it has occasionally seen people who know there is a warning period in place and they deliberately flout the law. It is the Government's intention to crack down on that behaviour. We have sought to make members aware of that and I do so again today.

Deliberately flouting the law during the warning period would not be an issue with the amendment moved by Ms Cate Faehrmann because it amends the bill to remove the warning period altogether. It would be an issue with the Opposition amendment, because it proposes a warning period, but Transport would not be able to penalise people who, knowing the law applied, continue to be detected by the cameras because they are deliberately not

adhering to the law. They could repeatedly offend during that period, so I draw that to the attention of the Committee. It is only an issue during the warning period process. After that it makes no operational difference.

It is the Government's understanding that the provisions in the amendment of The Greens would commence once the cameras were operational. There would be a period of approximately six months or slightly longer to get the testing and the trial in place. If that amendment is successful, then once operational the provision will commence and we would move immediately to fines. I place that on record so members are clear about how that would roll out. It is technically possible according to advice that the Government has received. If that amendment is successful, that would be the Government's intention.

It would require changes to the planned education programs. One of the best forms of education is warning periods. That was the experience in Victoria and Queensland and it has been the case here. While we can advertise on TV and/or online, telling people to generally be aware, it is a warning letter in the mail that lets them know that they could have been fined and that fine could have caused them to lose their licence. That is hugely educative. We will need to move those education programs forward and strengthen them if the Chamber agrees to that amendment. In the Government's view it is not as effective as having a warning period, but it is a legitimate choice to make.

Finally, I indicated clearly that we are open to the view of the Committee and will progress the bill regardless of what is proceeded with. The Government has chosen to have a nine-month warning period but to immediately enforce fines on people who are clearly breaking the law. I am conscious that times are tight for people at the moment. People should be wearing their seatbelts. I make that clear. Do not break the law, because you could die. However, we are conscious that we have lost community support because of the administration issues with some camera programs in the past. The Government is moving carefully because it seeks to not only maintain community support for the important camera programs but also get in place new measures that will drop the road toll. There is a balance to be struck. The Committee is entitled to make a judgement about where that balance is. The Government recommends its choice of that balance to the Committee. I thank members for their contributions to the debate.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2023-142D. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....15  
 Noes .....13  
 Majority.....2

**AYES**

Boyd	Farlow	Martin
Carter	Higginson (teller)	Merton
Cohn	Hurst	Munro
Faehrmann (teller)	MacDonald	Rath
Fang	Maclaren-Jones	Ward

**NOES**

Buckingham	Jackson	Nanva (teller)
D'Adam	Lawrence	Primrose
Donnelly	Moriarty	Ruddick
Graham	Murphy (teller)	Suvaal
Houssos		

**PAIRS**

Farraway	Mookhey
Franklin	Kaine
Taylor	Sharpe
Tudehope	Buttigieg

**Amendment agreed to.**

**The Hon. NATALIE WARD (19:14):** In light of the success of The Greens amendment and the Opposition's support for it, I seek leave to withdraw Opposition amendment No. 1 on sheet c2023-114D.

**Leave granted.**

**Amendment withdrawn.**

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

**Motion agreed to.**

**The Hon. JOHN GRAHAM:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

**The Hon. JOHN GRAHAM:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. JOHN GRAHAM:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Documents*

#### **TABLING OF PAPERS**

**The Hon. JOHN GRAHAM:** I table the following paper:

- (1) Passenger Transport Act—Office of Transport Safety Investigations, entitled *Bus Safety Investigation Report: Bus Fire 2169ST Camperdown, NSW*, dated November 2023.

### *Bills*

#### **CENTENNIAL PARK AND MOORE PARK TRUST AMENDMENT (CAR PARKING) BILL 2023**

#### **Second Reading Speech**

**The Hon. ANTHONY D'ADAM (19:16):** On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Centennial Park and Moore Park Trust Amendment (Car Parking) Bill 2023. The bill amends the deadlines for the closure of on-grass parking at Moore Park East to ensure that there is time for suitable alternative parking arrangements to be put in place to cater for sports fans who drive to the Sydney Cricket Ground precinct.

We all know that open space in Moore Park is a prized possession. The facilities in Moore Park are not just for locals. They include government-owned stadiums, which must be accessible to all New South Wales residents. For many families, patrons with mobility issues and those from areas where public transport is not readily available, driving is the only practical way of getting to and from Moore Park. Efforts to close on-grass parking continue, but more time is needed, and this bill provides that time. I thank Venues NSW and Greater Sydney Parklands for their work on the issue.

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

**Leave granted.**

The bill seeks to amend section 20AA of the Centennial Park and Moore Park Trust Act 1983, which establishes deadlines for the closure of on-grass car parking at Moore Park East.

On-grass parking has been a feature of major events at the Sydney Cricket Ground [SCG] precinct for over a century.

However, driving is only one way people access the Moore Park precinct.

As alternative options such as light rail and integrated ticketing have been introduced, on-grass parking has been progressively closed, and amendments to the Centennial Park and Moore Park Trust Act in 2022 finalised that process.

Some 650 spaces have already been removed from the grass opposite Allianz Stadium on the corner of Moore Park Road and Anzac Parade, known as Upper Kippax.

The bill does not seek to restore parking on the grass at Upper Kippax. It will remain closed.

The next 350 spaces opposite Allianz Stadium, known as Lower Kippax, are slated to be removed on 31 December 2023, as per section 20AA of the Act.

Lastly, 950 spaces opposite the SCG, known as Showground Field, will be closed from 31 December 2025.

Based on the best available information at the time, those deadlines were legislated without alternative parking arrangements being in place.

Unfortunately, that has created a shortfall of spaces.

A shortage of parking will disproportionately affect residents who, despite the public transport improvements in the area, will still need to drive to attend events at the SCG and Allianz Stadium, particularly families, patrons with mobility issues, or those from areas where public transport is not readily available.

With that said, the Government is not advocating for the long-term continuation of on-grass parking, and I am pleased that Venues NSW and the Greater Sydney Parklands are working together to ultimately return the grass to the community.

Venues NSW is constructing a multi-level car park project on its land at Allianz Stadium that will, once operational, provide 1,500 parking spaces and offset the closure of the on-grass car parks at Upper Kippax and Lower Kippax.

While construction has commenced, the new car park will not be available until the end of 2025, all going well, as Venues NSW delivers it around a busy event schedule.

This is two years after the currently legislated closure of on-grass parking at Lower Kippax.

Keeping on-grass parking at Lower Kippax until the new multi-level car park is open is critical to ensure that patrons can attend sporting and entertainment events at Allianz Stadium and the SCG.

There is no solution yet for the 950 spaces at Showground Field, so we are giving Venues NSW and the Greater Sydney Parklands more time to ensure an alternative is in place that can cater for those who need to drive and park at the grounds.

The Government has also directed Transport for NSW to develop a transport plan for the Moore Park precinct.

Randwick Racecourse has the space and has been trialled, but so far fans have not been interested.

There have been a number of issues to address, such as events at Randwick Racecourse being scheduled concurrently with the SCG and Allianz Stadium, and light rail capacity.

Irrespective, Randwick Racecourse could provide a potential future option to supplement parking for events in the Moore Park Precinct in future, and Venues NSW and the Greater Sydney Parklands will work with Transport for NSW and other stakeholders on this and other parking options into the future.

Ultimately, we have not solved the problem of replacing the 950 spaces at Showground Field, so the current deadline must be changed to give Venues NSW, the Greater Sydney Parklands and other stakeholders time to find a solution.

In the end, there will be a solution that resolves the issue to everyone's satisfaction, but at the moment we just need more time and this amendment gives us that.

Travel to and from Moore Park for major events is complex. The new Allianz Stadium is bringing more people to the precinct than ever before.

The light rail has been a great addition to the public transport mix, but there will still be those who have to drive, and those people need equitable access to these public venues as much as anyone else.

Integrated ticketing has also improved travel to and from the precinct, and I am encouraged that Venues NSW, the Greater Sydney Parklands and Transport for NSW will continue to work together to increase take-up of this service among patrons.

The bill amends section 20AA to amend two deadlines and allows the Minister for Planning and Public Spaces to make a regulation to close on-grass parking at a future time.

When the grass is returned to the community, there will be suitable alternatives for fans to get to and from the precinct.

The bill will replace the current dates for the closure of on-grass parking and allow the Minister to prescribe a date in future.

The bill sets out conditions for when the parking can be closed. For Lower Kippax, it will be closed when "a new car park has been built on Venues NSW land adjacent to the Sydney Football Stadium and is open to the public and operational."

Parking in the south of Moore Park East will be closed if the Minister is satisfied that "on-grass parking is no longer required to meet the demand for parking for events at the Sydney Cricket Ground and Sydney Football Stadium".

Ultimately, the bill is about ensuring all sports fans from across New South Wales can attend events in the Moore Park precinct and that parking on the grass ultimately ends.

In particular, it will ensure that those who have no alternative to driving can continue to access the precinct by parking on the grass in Moore Park for a little while longer while alternatives are put in place.

I commend the bill to the House.

### Second Reading Debate

**The Hon. SCOTT FARLOW (19:17):** I lead for the Opposition in debate on the Centennial Park and Moore Park Trust Amendment (Car Parking) Bill 2023 and confirm that the Coalition will support the bill. We need to make travelling to attend major events at the Sydney Football Stadium and the Sydney Cricket Ground as user friendly and accessible as possible. The bill strikes the right note in achieving those goals. The bill amends

the Centennial Park and Moore Park Trust Act to extend on-grass parking at Moore Park East in light of updated information on the progress of the build of a new car park in the area.

In 2021 Venues NSW started the process of building a new car park at Moore Park for use during major events in the precinct—including sport, music and other entertainment events—providing an improvement to the current on-grass parking arrangements and to offset the phasing out of grass parking. Currently, the legislation states that parking spots on the grass will begin to be phased out on 31 December 2023. Additionally, more time is required to implement alternative arrangements to offset the loss of 950 spaces due to the planned closure in the southern section of Moore Park East on 31 December 2025.

Without an amendment to the legislation, parking spots on the grass around the Moore Park precinct will disappear at the end of 2023, with few alternative parking arrangements provided. By amending section 20AA of the Act, the current dates specified for the closure of parking areas will be replaced with a power for the Minister to prescribe a date by regulation only when a new car park has been built and is operational next to the stadiums and "the Minister is satisfied the provision of on-grass parking is no longer required to meet the demand for parking for events". The Coalition believes this is a satisfactory response.

As the Minister for Planning and Public Spaces noted in his second reading speech in the Legislative Assembly, on-grass parking has been a staple of events in the Moore Park precinct for a century. The Coalition Government started the process of phasing out on-grass parking in 2021 to create more open space in the area to transform into community open space, parkland and training facilities for the professional sports teams based at the precinct. As communities grow, it is important to ensure that the provision of open green space meets the demand. As part of the Coalition's proud legacy in government of building crucial public transport infrastructure, we built the CBD and South East Light Rail—I hope this is not anticipation of debate on the next bill—which has significantly improved game day travel experiences to Moore Park due to the placement of a stop within walking distance of the Sydney Cricket Ground and Sydney Football Stadium.

As part of the Coalition's strong legacy in government, we are thrilled to see the enhanced public transport options come to fruition, which has helped reduce congestion in the area and demand on driving for fans attending major events. People are often dissuaded from attending events due to the hassle and difficulty in getting to and from the event. Hence the Coalition agrees there must be a seamless transition to new parking arrangements to support all music and sports fans. Last year the Legislative Council held an inquiry into the Greater Sydney Parklands Trust Bill 2021, which in part inquired into the on-grass parking at Centennial Park and Moore Park. The concerns outlined in the inquiry included:

Inquiry participants were generally supportive of the proposal to prohibit on-grass parking at Moore Park, however there was significant disagreement over the time frame in which this should occur.

Whilst we note that some would like to see parking removed immediately, that is not a practical measure to support those who need to drive to events and for whom public transport is not always practical. This is primarily the case for people with mobility issues, families with young children and people travelling from long distances and areas where public transport is not readily available. I can speak of that from experience, having gone to a Paul McCartney concert with my mother-in-law, who has mobility issues. We used the parking facilities there to make the night easier for her. It is important, especially late at night when many events conclude, for people to be able to get to safe accessible transport, and not just public transport. This view broadly concurs with finding 2.118 of the inquiry.

Dedicated parking is also required to ensure cars are not parked in local streets at higher rates, to the dismay of local residents. We commend Greater Sydney Parklands and Venues NSW for working collaboratively to develop this sensible approach to removing on-grass parking. The Coalition appreciates the advice of key stakeholders, including the Alliance of Moore Park Sports, on this legislation. The Coalition supports the bill and welcomes its passage through the Parliament to ensure that there is more open space in the area, and people from all over Sydney can get to events at Moore Park effectively by using the mode of transport that best suits their needs, and on-grass parking ultimately will come to an end. I commend the bill to the House.

**Ms CATE FAEHRMANN (19:22):** As The Greens city spokesperson, I express support on behalf of The Greens for the Centennial Park and Moore Park Trust Amendment (Car Parking) Bill 2023. This bill deals with an issue that has been quite controversial and impacted people's enjoyment of Moore Park for some time. In 1811, Centennial and Moore parklands were gifted by Governor Macquarie to the people of New South Wales as the Sydney Common for the benefit of the people of Sydney and for future generations. It started as a 405-hectare bequest, but today only one-third of the original area remains as open public land. It has been encroached upon for years as a car parking space during major sporting events, so Venues NSW is building a 1,500-space multistorey car park that we hope will—we know it will—progressively, over time, remove cars from this valuable open space.

It is useful to know the parklands history, but I will not take a long time with it. When the Eastern Distributor was built in the late nineties, it was hugely controversial that 2.2 hectares was carved out from Moore Park. To compensate for that loss, \$4½ million was set aside to find alternatives to on-grass car parking at Moore Park. That was almost 25 years ago, and Moore Park remains a car parking place for major events. I note amendments to the bill that were moved in the other place by the member for Sydney that would put in thresholds that must be met before parking can be extended and which would require the removal of car parking on Lower Kippax by 1 July 2026, although I understand the Minister would be able to extend that date until the Venues NSW car park is built and operating. The date for the removal of car parking from Showgrounds Field will be 1 July 2028. However, the Minister would be able to extend that date until there is an appropriate plan to address the transport and parking needs of the stadium. Each year that such an extension is made, the Minister will need to report the reasons to the Parliament. Reinstating reasonable dates for the car park's completion into the bill was a sensible decision, which my Greens colleagues in the other place supported.

As a resident of Redfern, I know that the residents around the area—in Surry Hills, Redfern, Paddington and many other places—really do appreciate that open space. It is in an area that does not have a lot of parklands at all, and it is heavily used. We will support anything that removes those cars permanently. As I said, The Greens now support the bill, as it has been amended by the member for Sydney in the lower House. For these reasons, I support the bill on behalf of The Greens.

**The Hon. ANTHONY D'ADAM (19:25):** On behalf of the Hon. Penny Sharpe: In reply: I thank the Hon. Scott Farlow and Ms Cate Faehrmann for their contributions to the debate. This is an important bill, and I commend it to the House.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The question is that this bill be now read a second time.

**Motion agreed to.**

### Third Reading

**The Hon. ANTHONY D'ADAM:** On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

**Motion agreed to.**

## CENTENNIAL PARK AND MOORE PARK TRUST AMENDMENT (PUBLIC TRANSPORT) BILL 2023

### Second Reading Debate

**Debate resumed from 17 October 2023.**

**The Hon. SCOTT FARLOW (19:27):** I lead for the Opposition in debate on the Centennial Park and Moore Park Trust Amendment (Public Transport) Bill 2023 and confirm that the Coalition will support the bill. We need to proceed with this legislation due to the parklands being under the authority of the Centennial Park and Moore Park Trust and these areas being covered under the Act. Hence, we require amendment to formalise the necessary changes.

I will provide some history of the CBD and South East Light Rail, the building of which has necessitated the amendments to the Act. The Coalition Government built two light rail lines that have provided an important link between the CBD and south-eastern Sydney. We have seen the patronage of these light rail lines continuously increase. In October 2023 there were 1,346,500 trips taken on the L2 Randwick Line and a record 1,512,063 trips on the L3 Kingsford Line. In the 12 months since October 2022, there was an increase of 813,841 trips on the two lines combined. It is indeed a popular service. Happily, there is more light rail to come—in Parramatta—as planned and primarily built under the Coalition.

Opposition members are proud of the numerous pieces of infrastructure that the Coalition Government developed with a vision for Sydney and Parramatta as cities of the future. Government members should be envious of this record in getting major transport moving by building transformative infrastructure and seeking to make Sydney even better than it was. Unfortunately, we see coming down the pipeline a cut of billions of dollars to critical projects across our State. I hope that the Minns Government does not follow the lead of the Albanese Government, due to the detrimental impact this will have on communities across our State.

I now go to the detail of the bill. The Leader of the Government outlined this comprehensively in her second reading speech. I thank her for that. Section 20B of the Centennial Park and Moore Park Trust Act confers a permanent licence on the Minister for Transport to use certain land for public transport and ancillary purposes, and requires an amendment to add further land. The bill proposes to revise the land licensed to the Minister for

Transport for the purposes of light rail and bus operations and the public transport corridor. Following the completion of the light rail and the new Tramway Oval bus loop, the location of the area subject to the licence has changed.

The bill also amends a reference in section 20B of the Act to refer to the proper Minister, being the Minister administering the Centennial Park and Moore Park Trust Act, in this case the Minister for Planning and Public Spaces. It is certainly appropriate to transfer to the Minister for Transport as the appropriate Minister the licence for land that has been used around Centennial Park and Moore Park for the light rail. As such, the Coalition commends the bill to the House.

**The Hon. ANTHONY D'ADAM (19:30):** On behalf of the Hon. Penny Sharpe: In reply: I thank the Hon. Scott Farlow for his contribution. I commend the bill to the House.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The question is that this bill be now read a second time.

**Motion agreed to.**

### Third Reading

**The Hon. ANTHONY D'ADAM:** On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Adjournment Debate*

### ADJOURNMENT

**The Hon. ANTHONY D'ADAM:** I move:

That this House do now adjourn.

### EUTHANASIA AND PALLIATIVE CARE

**The Hon. GREG DONNELLY (19:31):** On 11 October I delivered a private member's statement expressing not only enormous disappointment but also disbelief regarding the 2023-24 State budget cut of \$150 million from the \$743 million funding boost for palliative care, which was announced last year. Without question, the cut is unnecessary, unwelcome and unpopular, and it is not indicative of the State's financial position in any way. As I have stated to many people, both inside and outside of the Parliament, since making my statement, I have urged and will continue to urge the Government to reverse its position without delay and fully restore the cut of \$150 million from the \$743 million funding boost to palliative care services. From today, it is only five days until physician-assisted suicide and euthanasia commence in New South Wales—the first State-sanctioned killing in New South Wales since 24 August 1939.

I, along with many others, find it shocking that the State has now, through cementing statute law, re-entered the field of killing its citizens by either enabling individuals to commit suicide or euthanising them. On 29 September NSW Health held its NSW Voluntary Assisted Dying Conference. During his presentation, Dr Wade Stedman, NSW Voluntary Assisted Dying Implementation Clinical Lead, stated:

One of the things that we are doing in New South Wales is we've got what's called an access team. So there's a group of doctors who've been trained to be authorised practitioners. They're going to be from mostly metropolitan Sydney, but there's also going to be a lot of doctors in northern New South Wales, western New South Wales and southern New South Wales who can be called upon to fill any potential gaps in regional and remote areas so that, if you ask for voluntary assisted dying in a rural community and there's no-one locally who can support that, we are going to have people who can travel to you and help fulfil that role.

A search on the internet will identify a number of advertisements from NSW Health and various local health districts [LHDs] to fill the newly created position of Voluntary Assisted Dying [VAD] Authorised Practitioner, Visiting Medical Officer (General Practitioner). The base pay for the full-time positions ranges from \$160,000 to \$175,000 per annum. The individuals, it is stated, will form part of NSW Health and the LHDs' VAD Liaison Service. It is explained that they will fulfil coordinating, consulting and administering roles—"administering", of course, meaning assisting persons to commit suicide or euthanising them.

Furthermore, in a more recent publication by Go Gentle Australia, the well-known pro-physician assisted suicide and euthanasia organisation described the new role as follows:

Also discussed was the 'VMO Model' soon to be rolled out in New South Wales. This will see VAD-specific roles created and employed by NSW Health and based at Royal North Shore Hospital and in designated regions. VMOs (Visiting Medical Officers) will be funded to travel to provide VAD, with the expectation that this will lighten the burden of travel on other VAD providers.

Returning to the abovementioned comments of Dr Stedman, in particular his final sentence, the situation is ambiguous. If a citizen in this State wants access to voluntary assisted dying pursuant to the State's legislation, they will be provided with it and it will not be delayed. Indeed, as Dr Stedman confirmed, NSW Health has established and is expanding a dedicated team of VMOs based at Royal North Shore Hospital and across the whole State for the specific purpose of delivering VAD expeditiously right across the State.

However, the significant question that must be answered by NSW Health and the Government is this: In the same way that NSW Health and the Government have committed themselves to deliver access to voluntary assisted dying right across the State, does the same unequivocal commitment apply to delivering access to high-quality palliative care to those who need and want it, irrespective of where they live? If not, why not? To this end I remind honourable members of clause 4 (1) (h) and (i) of the Voluntary Assisted Dying Act 2022. They state:

- (1) A person exercising a power or performing a function under this Act must have regard to the following principles —

I will not refer to (h) and (i) because I am running out of time. As previously mentioned, with only five days to go before voluntary assisted dying commences, I ask both NSW Health and the Government to clearly and directly answer my question regarding the access and availability of high-quality palliative care throughout the State. The citizens of the State most certainly deserve an answer regarding the human right of controlling discomfort and pain at the end of life wherever they live in New South Wales.

### GOVERNMENT PERFORMANCE

**The Hon. ROD ROBERTS (19:36):** I am going to exaggerate—but, then again, maybe I am not. If the average Australian was on the beach and saw that a politician was having trouble swimming, they would probably throw us a lump of concrete. After years of secrecy, lack of transparency, inaction, incompetence, arrogance, dishonesty and ignoring the priorities and values of voters, trust in politicians is dismally low. To be perfectly honest, the political class has no-one to blame but themselves. When I first joined Parliament, I joined not as a career politician or a lawyer but as a political outsider. In my inaugural speech, I said, as far as I saw it:

The citizens of New South Wales expect, demand and, of course, deserve representation of the highest calibre.

Are the people of New South Wales receiving this level of representation? The Labor Government has been in power for just nine months and already there have been multiple examples of Ministers failing to represent the people of New South Wales. Before the recent election, Labor was all for the demerging of councils. Indeed, Labor campaigned on the platform of demerging councils. In fact, it supported a motion of mine in this Chamber to urge the then Coalition Government to demerge Cootamundra Gundagai Regional Council. Just a year later, local government Minister Ron Hoenig, when asked about the Cootamundra Gundagai Regional Council demerger, walked away from supporting it and placed further hurdles in the way. As a quip on the way out the door, he said, "Cootamundra-Gundagai never voted Labor anyway." Talk about a betrayal of and an insult to that community.

Then there is the backflip from the Hon. Rose Jackson on water use. Earlier this year she told a room full of landowners in Bega, where I was in attendance, "We support the increase in coastal harvestable rights." Only two months later, as the Minister for Water, she then abandoned and cancelled the assessments to allow harvestable rights to go from 10 per cent to 30 per cent of run-off. That is two backflips in as many months. Labor's backflips are no more grandiose, elegant and apparent than on the subject of aerial culling of brumbies in the Snowy Mountains. Multiple Labor members, when previously in Opposition, including the now Leader of the Government in this Chamber the Hon. Penny Sharpe, the Hon. John Graham and the Hon. Adam Searle, repeatedly said things like, "The New South Wales Labor Opposition rules out the introduction of aerial culling," and, "It is wanton misrepresentation to suggest that a future Labor Government might contemplate the reintroduction of aerial culling." Aerial culling of brumbies has not only commenced under Labor but also ramped up. If it were not so sad and hypocritical, one could laugh.

A committee inquiry was set up to look into the proposed aerial shooting of brumbies in Kosciuszko National Park. I call it a sham because it will simply be a waste of time for members of the public to make submissions and give evidence and for the committee and secretariat to write a report when the Government has effectively already made a decision. That is disingenuous and disrespectful to the people of New South Wales—worst of all, from a government that campaigned on empathy and transparency. The list of Labor liars and loop-the-loops goes on and on.

Every day the people of New South Wales are finding more and more reasons not to trust this Government. Indeed, as we speak, Minister Jo Haylen's office is in a mad scramble after it was discovered that her staff members engaged in political work from her ministerial offices. Ministerial offices are no place for Labor mates to plan party fundraisers on the taxpayers' dime. Worse still, when that was uncovered Minister Haylen's response was to

put yet another Labor mate up as an investigator. Does it pass the pub test? It hardly registers on an IQ test. Then, of course, Mr Tim Crakanthorp was forced to resign from his ministerial position just weeks after the election when it was discovered that he had failed to declare substantive family holdings in what was a clear case of conflict of interest. It is getting ridiculous.

My favourite is the old chestnut Yasmin Catley, who is surrounded by nothing but shambles and is a complete embarrassment to the Labor Government in her role as police Minister. I could go on, but my time is limited. That is a huge number of major scandals, backflips and betrayals in just eight months. On the campaign trail, Premier Chris Minns offered the people of New South Wales a fresh start but, much like its Federal counterpart, this Government has waltzed into power, become comfortable and acted with total hubris. In closing, I quote the insightful Michele Levine, CEO of Roy Morgan Research, who said, "Australian political contests are no longer purely won on trust, they are lost on distrust." With scandals, backflips and betrayals like those, is Labor living on borrowed time already?

### NATIONAL SECOND TIER FOOTBALL LEAGUE

**The Hon. RACHEL MERTON (19:41):** On Monday Football Australia announced the eight foundation clubs for the national second-tier competition, which will kick off in 2025. Fans have waited patiently to see which way Football Australia would go. The demise of the National Soccer League [NSL] after the 2003-04 season saw many of the great and historic community clubs removed from the top tier of the game, which remains a disappointing decision to this day. When the A-League replaced the National Soccer League, Sydney went from having five clubs in the national competition to just one. However, the announcement of the national second-tier competition is the most momentous step in many years in acknowledging the contribution those clubs have made to Australian soccer in the past and the contribution they will continue to make in the future.

I congratulate Football Australia on its vision. I pay tribute to three south-western Sydney clubs that were announced as foundation clubs in the competition in 2025: the powerhouses of Marconi, Sydney Olympic and Sydney United. In time, the intention is that there will be a promotion and relegation between the new competition and the A-League. I am sure when that occurs that those clubs will find themselves back in Australia's top competition. Formed in 1958, Marconi in Bossley Park now boasts a membership of over 38,000. It is a staple of the Italian community. The contribution of the club to soccer is immense. Marconi competed in every season of the NSL, winning the competition four times and helping to produce many Socceroos as well as six national captains, including Harry Kewell, Mark Schwarzer and Matthew Ryan. I congratulate Marconi on being successful in its application to join the new league and wish it success.

Only one kilometre away from Marconi is another great club that has a rich legacy, Sydney United, which plays out of King Tom in Edensor Park and was founded in 1958 by the Croatian immigrants as Sydney Croatia. From 1977 until 1983, the club would be State premiers five times and champions three times. While the NSL averaged crowds of 3,000, Sydney Croatia attracted crowds of 10,000, leading to its promotion to the NSL in 1984. The club's strength in support demonstrates just how much it means to the Croatian community in Australia. Sydney Croatia would make its first grand final in 1988 against rivals Marconi in front of 17,000 people. Despite never winning the NSL, Sydney Croatia, which became Sydney United, was a consistently strong performer and produced many great players who would go on to play for Australia, including Mark Bosnich, Zeljko Kalac and Tony Popovic. Sydney United has won two State championships since the demise of the NSL, and it became the first non-A-League team to make the final of the Australia Cup last year. I congratulate Sydney United, including its president Mark Ivancic, on its successful application to join the second-tier competition and wish the club every success.

Sydney Olympic—the club that produced Tim Cahill, arguably our greatest Socceroo—competed in all but one of the NSL competitions. Founded in 1957 as Pan-Hellenic Soccer Club by Greek immigrants, the club was one of the founding members of the National Soccer League and won the competition twice—in 1990 in front of a record NSL crowd of 26,000 against Marconi, and then in 2003 in front of the largest ever NSL crowd when it won its second title. The club has won three regular season premierships and two finals season championships since its return to the NSL competition. Sydney Olympic plays out of Belmore Park and continues to hold a significant place in the Sydney Greek community. I congratulate Sydney Olympic, including its president Damon Hanlin, on its successful application and wish the club every success in the new competition.

If time permitted, I would also have liked to talk about APIA Leichhardt and the Wollongong Wolves, which were also successful. Two great championship-winning clubs with proud histories, I also congratulate them on their successful applications. Monday was a great day for soccer in Sydney and a great recognition of the proud history and bright future of those community clubs. I congratulate them all.

## COST OF LIVING

**The Hon. NATASHA MACLAREN-JONES (19:45):** All people want and need is a safe place to call home, and yet one million people in New South Wales are now living in poverty. The NSW Council of Social Service [NCOSS] has released its *Barely Hanging on: The Cost-of-Living Crisis in NSW 2023* report, which showed 66 per cent of people in New South Wales living on a low income or below the poverty line were in paid employment, with the majority of those—in fact, 42 per cent—in full-time employment. The economic pressures on residents of New South Wales and throughout the nation have reached unprecedented levels. The escalating cost-of-living crisis has become overwhelming for numerous families and individuals, pushing them to breaking point, with reports of the "working homeless" living in cars and tents.

The fact is that the people of New South Wales are worse off under Labor because this Government is distracted and its priorities are completely wrong. Labor has chosen to support its union mates over our most vulnerable and to cherry-pick which electorates will receive additional funding for vital homelessness services. As living costs rise and incomes fail to keep pace, for many, there are minimal—if any—cuts they can make to household budgets. The report showed an increase by approximately 33 per cent compared with 2022 of people taking desperate measures to cover costs. More people are resorting to skipping meals and forgoing essential medication and health care. The reliance on "buy now, pay later" services, especially for single parents and regional New South Wales residents, has also increased significantly.

Additionally, the number of households without emergency savings has risen sharply. With interest rates and rental prices rising, compounded by increased immigration and the lack of affordable housing options, more low-income households are experiencing extreme housing stress. It is staggering that the report revealed one-third of renters are grappling with allocating over half their income to rental costs. Furthermore, NCOSS research highlighted the challenges faced by multicultural communities across the State. Households from culturally diverse backgrounds—often younger and working multiple jobs—are also experiencing housing stress despite attempts to secure new employment or negotiate pay raises. Similarly, people with disabilities, those with caring responsibilities, single-parent households and Aboriginal and Torres Strait Islanders are all bearing the brunt of the cost-of-living crisis.

So what did Labor deliver in this year's budget to support people with disabilities through cost-of-living pressures? Nothing. Not only has the Minns Government forgotten people with disability in this year's budget, but also it forgot to include children with disability in the Government's plan for public schools—but I will talk about that later. What about cost-of-living relief for carers? There is nothing—nothing in the budget for carers. What about young people or people from multicultural backgrounds? Again, there is nothing. The fact is that what we have seen in this year's budget is the ticking off, one by one, of the election commitment requests from the union mates who put Labor into government in this place, ignoring the most vulnerable in our community who are one rent payment away from homelessness.

When questioned in budget estimates on her commitment to tackle homelessness, we heard that the Minister had a vision for the State in which homelessness is "rare, brief and non-recurring". I remind the Minister that that is the title of Homelessness NSW's latest report. The last politician with a vision was Bob Hawke in 1987, when he said, "By 1990, no child will be living in poverty." We all believe homelessness should be rare, brief and non-recurring. For that to occur, the Minns Government must adequately fund services. Next we will hear Albo cry, "No-one is left behind, and no-one is held back."

Under NSW Labor, families, children and our most vulnerable are being left behind. Labor needs to recognise the severity of the crisis and take decisive action to provide targeted supports. The New South Wales homelessness report highlighted the need for ongoing wraparound support for rough sleepers once in housing and the success of programs like Together Home, a program the Liberal Party and The Nationals introduced, which is now under threat of being defunded by Labor.

Adequate funding to address cost-of-living pressures and homelessness is not just a financial investment; it is an investment in the wellbeing of our communities and the future of our nation. The Minister for Homelessness needs to adequately fund homelessness services in New South Wales, as charities—while going above and beyond—cannot meet the cost of rising demand. Charities work tirelessly to alleviate the challenges caused by cost-of-living pressures. Those organisations, often solely funded through philanthropic support, fill the gaps left behind by government, providing a lifeline for those in desperate need. However, the demand for their services is skyrocketing, stretching their resources.

As we approach Christmas and celebrate with our loved ones, I ask that members consider supporting the organisations that are also doing it tough. Volunteering time, donating non-perishable goods or supporting local businesses that champion social responsibility are just a few examples. We can all do our bit, as many in the community will do, but the New South Wales Government cannot continue to turn a blind eye to the distress being

felt by families, individuals and the entire community. I hope that next year's budget looks after our most vulnerable.

### AUSTRALIAN WORKERS' UNION

**The Hon. MARK BUTTIGIEG (19:50):** I congratulate the Australian Workers' Union [AWU] on some absolutely phenomenal wins this year. In June Taronga Zoo revealed that 902 casual workers at its Sydney and Dubbo zoos had been underpaid around \$2.6 million over six years, including 6 per cent interest and 11 per cent superannuation. The announcement came after years of advocacy by AWU members at Taronga Western Plains Zoo in Dubbo. Last November Taronga Western Plains Zoo workers were fed up with 18 months of payroll issues, including overdue and incorrect pay and miscalculated leave, and so they took industrial action. AWU official Jack Ayoub said that the payroll issues seriously impacted workers, with some having trouble making their basic mortgage repayments. When Taronga Zoo revealed the \$2.6 million in underpayments, Tony Callinan, the New South Wales branch secretary of the AWU, said:

Initially, management were completely dismissive of our members' concerns.

They didn't want to engage with the AWU as their representative, which is why we took the unusual step of having some industrial action ...

It is a great result and an example of unions in the workplace getting results for their members and sometimes having to take industrial action to do so, despite what some people think. Another critical campaign and a subject that has been very topical in this House recently and over the past few years is the Silica Dust Kills campaign. The AWU has worked tirelessly to advocate to stop workers' exposure to dangerous silica dust, including supporting a ban on engineered stone. As members know, silica dust is hugely harmful to lung health. Exposure to silica dust can lead to the incurable disease silicosis, as well as lung cancer and other related diseases.

Today the Asbestos Diseases Foundation came and gave us a briefing on some of the fallout for the people who are suffering from dust diseases, including one victim of silicosis, so it is a very timely subject. Before the election Labor committed to work to ban manufactured stone at a national level. As we have heard this week, Minister Cotsis and the Premier have recently said that the Government will consider banning engineered stone in New South Wales if a national agreement is not made by the end of the year. That came after Safe Work Australia recommended a full ban in its report *Decision Regulation Impact Statement: Prohibition on the use of engineered stone*, released on 27 October.

The AWU made a submission to the report that emphatically called for a ban on the use of any product containing engineered stone. The report's release has led to Bunnings and IKEA announcing they will ban the use of engineered stone in their products, which is a fantastic result and one strongly advocated for by another great union, the CFMEU. The new Minns Labor Government takes the silica crisis very seriously. Another example of reform is Minister Cotsis' recent Work Health and Safety Amendment Bill 2023, which will establish a register of workers exposed to silica dust. This serious issue was brought to our attention because of the advocacy of unions around Australia.

I commend the AWU, as well as the CFMEU and ACTU, for working so hard to get these results. I also acknowledge the contribution of the members of the Standing Committee on Law and Justice in the last Parliament, which inquired into dust diseases, as well as Minister Cotsis and Treasurer Mookhey. In closing, I congratulate the national secretary of the Australian Workers' Union, Paul Farrow, who is relatively new in the role, the former secretary, Daniel Walton, who did a lot of work in this space, and the State secretary, Tony Callinan.

Unions often get a bad rap. We are often told that they do not represent enough people in the workforce, that they are irrelevant, and that the time when the Labor Party should buddy up with them has passed. The fact is that on the key issues that matter to working people—safety, and pay and conditions—unions are still getting results for members, right across the State. That flows into a whole lot of private sector agreements. They are as relevant today as they ever were. I congratulate unions, and we back them all the way.

### UNIONS AND ASBESTOSIS

**The Hon. PETER PRIMROSE (19:55):** I was not planning to speak, but after listening to my colleague, the Hon. Mark Buttigieg, I echo some of the comments he made in relation to the role of unions and Labor in addressing the earlier scourge of asbestosis. I recall that when the union movement, joined by many victims of asbestos and members of the medical profession, sought to raise asbestos as an issue, they were told there was not a problem and it was not a real issue. They were told to go away because it was just something that happened. It is the equivalent of people saying today, "It's just like the flu". When it became clear how many workers were dying of asbestosis, the campaign, backed by unions like the CFMEU and my union, the AMWU, as well as a whole string of other dedicated unions, put their shoulders behind the campaign to do something about asbestosis.

I was really pleased when the person who took up the cause, who listened and who took on James Hardie, was the then premier Bob Carr. Bob Carr listened. I remember bringing families to him where the workers had been adversely affected by asbestos or were, in fact, dying of asbestosis. He took them into his office and he spent time with those families. He listened, and Labor acted. The point I make is that when we talk about asbestos, it is almost as though we are talking about a thing of the past. ADFA, the Asbestos Diseases Foundation of Australia, was here today reminding us that this issue is not only about the workers who have died as a consequence of this scourge, and it is not only about those who will die as a consequence of working with James Hardie. It is worth remembering that families were also adversely affected. The women who washed the clothes of these workers when they came home were not told that those clothes blowing on the clothesline were full of asbestos fibres. Women have died and are continuing to die as a consequence. Their children are affected. You do not get over this.

James Hardie had great piles of this stuff that anyone could come and take and put into a tray at the back of their car. All over Western Sydney it was used as the basis for when people were putting in laybacks in their new homes. Forever more—for decades from now—when people start banging into the curb and guttering outside their homes and replacing their driveways, they will be affected by the fibres of this absolute poison asbestos. James Hardie knew it was poison and yet it allowed this to continue. This is not an issue in the past. Members should bear in mind that every time people go to Bunnings to buy a drill to do drilling work, if they live in an older house like I do then it is very likely they will be drilling into asbestos. It is not an issue of the past but very much one of the present.

People will be dying. Their children and their partners will be dying. For decades to come, people who were not even born at the time when James Hardie promoted this product in New South Wales—and, indeed, throughout Australia and the world—will be dying. They will be trapped, because it is everywhere. If members do not think that what I have said is the case, I ask them to remember that this place was riddled with asbestos for many decades. It was only during my time here that we started seriously removing it. I hate to think about the number of people who were adversely affected by it when work was undertaken in this place. This is not an issue of the past; it is an issue of the present and certainly an issue of the future.

*[Business interrupted.]*

#### *Documents*

### **SYDNEY METRO**

#### **Tabling of Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 11 October 2023, I table correspondence relating to an order for papers regarding Sydney Metro governance, received on Thursday 23 November 2023 from the Legal Branch, Office of General Counsel of the Cabinet Office, requesting that various Transport for NSW documents received on Thursday 1 November 2023 be removed from the non-privileged return and received as additional privileged and personal information documents, and providing updated indexes.

#### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 11 October 2023, I table additional documents relating to an order for papers regarding Sydney Metro governance, received on Thursday 23 November 2023 from the Legal Branch, Office of General Counsel of the Cabinet Office, together with an indexed list of documents.

#### **Claim of Privilege**

**The CLERK:** I table a return identifying additional documents received on Thursday 23 November 2023 which are considered to be privileged and should not be published or copied. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

#### **Claim of Personal Information**

**The CLERK:** I table a return identifying additional documents received on Thursday 23 November 2023 which are subject to a claim that they contain personal information and should not be published or copied. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

*Adjournment Debate*

**ADJOURNMENT**

[*Business resumed.*]

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 20:01 until Tuesday 28 November 2023 at 12:30.**