



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Eighth Parliament  
First Session**

**Tuesday 28 November 2023**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Documents .....	1
NSW Child Death Review Team.....	1
Reports .....	1
NSW Ombudsman .....	1
Reports .....	1
Motions .....	1
National Student Volunteer Week .....	1
National Meals on Wheels Week.....	1
Dementia Action Week.....	2
McCall Gardens .....	2
Animal Sexual Abuse .....	2
President of Malta Reception.....	3
Hellenic National Day .....	3
Committees .....	4
Legislation Review Committee .....	4
Reports .....	4
Selection of Bills Committee.....	4
Reports .....	4
Documents .....	7
Tabling of Papers.....	7
Committees .....	8
Public Accountability and Works Committee .....	8
Reports .....	8
Documents .....	8
Auditor-General.....	8
Reports .....	8
Local and Community Project Grants .....	8
Report of Independent Legal Arbiter.....	8
Minister for Transport Office Staffing.....	8
Personal Information Redacted.....	8
Tabling of Redacted Documents.....	8
Questions Without Notice.....	8
Industrial Relations Taskforce Report.....	8
Red Fire Ants.....	9
Red Fire Ants.....	9
Coal Royalties.....	10
Renewable Energy .....	12
Kosciuszko National Park Wild Horse Management .....	13
Protests and Road Infrastructure.....	13
Housing Supply .....	14

## TABLE OF CONTENTS—*continuing*

Hydrogen Energy Funding .....	14
Port of Newcastle Protests .....	15
Housing Supply .....	15
State Budget and Palliative Care .....	16
Port of Newcastle Protests .....	17
Housing Supply .....	18
Crime Rates .....	18
Port of Newcastle Protests .....	19
Questions Without Notice: Take Note .....	19
Take Note of Answers to Questions .....	19
Crime Rates .....	19
Red Fire Ants .....	19
Coal Royalties .....	20
Port of Newcastle Protests .....	21
Red Fire Ants .....	21
Housing Supply .....	21
State Budget and Palliative Care .....	21
Protests and Road Infrastructure .....	22
NSW Police Force .....	22
Red Fire Ants .....	22
Government Performance .....	23
Take Note of Answers to Questions .....	23
Written Answers to Supplementary Questions .....	24
Bowdens Silver Project .....	24
Business of the House .....	24
Postponement of Business .....	24
Suspension of Standing and Sessional Orders: Hard Adjournment .....	24
Visitors .....	27
Visitors .....	27
Bills .....	27
Climate Change (Net Zero Future) Bill 2023 .....	27
In Committee .....	27
Business of the House .....	32
Postponement of Business .....	32
Bills .....	32
Climate Change (Net Zero Future) Bill 2023 .....	32
In Committee .....	32
Adoption of Report .....	67
Third Reading .....	67
Energy Legislation Amendment Bill 2023 .....	67
First Reading .....	67
Casino Control Amendment Bill 2023 .....	67

## TABLE OF CONTENTS—*continuing*

First Reading.....	67
Greater Cities Commission Repeal Bill 2023.....	68
First Reading.....	68
Transport Administration Amendment (TAHE) Bill 2023 .....	68
First Reading.....	68
Energy Legislation Amendment Bill 2023 .....	68
Second Reading Speech.....	68
Second Reading Debate.....	71
Third Reading .....	71
Transport Administration Amendment (TAHE) Bill 2023 .....	72
Second Reading Speech.....	72
Second Reading Debate.....	73
Third Reading .....	74
Greater Cities Commission Repeal Bill 2023.....	74
Second Reading Speech.....	74
Second Reading Debate.....	76
Adjournment Debate.....	82
Adjournment .....	82
State of Israel .....	82
Christianity .....	83
Pauline Hanson's One Nation .....	84
Fashion and Textile Industry .....	85
Euthanasia.....	85
Kamay Ferry Wharves.....	86

# LEGISLATIVE COUNCIL

**Tuesday 28 November 2023**

**The PRESIDENT (The Hon. Benjamin Cameron Franklin)** took the chair at 12:30.

**The PRESIDENT** read the prayers and acknowledged the Gadigal clan of the Eora nation and its Elders and thanked them for their custodianship of this land.

## *Documents*

### **NSW CHILD DEATH REVIEW TEAM**

#### **Reports**

**The PRESIDENT:** According to the Community Services (Complaints, Reviews and Monitoring) Act 1993, I table the report of the NSW Child Death Review Team entitled *Biennial report of the deaths of children in New South Wales: 2020 and 2021*, dated 27 November 2023, received out of session and made public on 27 November 2023.

### **NSW OMBUDSMAN**

#### **Reports**

**The PRESIDENT:** According to the Ombudsman Act 1974, I table the special report of the NSW Ombudsman entitled *Oversight of the Public Interest Disclosures Act 1994: Annual Report 2022-23*, dated 27 November 2023, received out of session and made public on 27 November 2023.

## *Motions*

### **NATIONAL STUDENT VOLUNTEER WEEK**

**The Hon. SAM FARRAWAY (12:31):** On behalf of the Hon. Natasha Maclaren-Jones: I move:

- (1) That this House acknowledges and celebrates National Student Volunteer Week 2023 from 7 August 2023 to 13 August 2023.
- (2) That this House commends the efforts and dedication of student volunteers across New South Wales and Australia.
- (3) That this House recognises the importance of promoting volunteering opportunities to students and young people, encouraging their active engagement in community projects and charitable endeavours.
- (4) That this House embraces the theme "Give. Grow. Belong." for National Student Volunteer Week 2023, acknowledging the significance of sharing, personal growth and community connection with:
  - (a) "give" emphasising the act of selfless sharing—sharing time, skills, or talents, which lies at the heart of volunteerism;
  - (b) "grow" symbolising the transformative impact that volunteerism has on personal wellbeing, fostering a sense of fulfillment and purpose; and
  - (c) "belong" underscoring the profound connection that forms when students come together to contribute collectively to their communities, forging bonds that strengthen social cohesion.
- (5) That this House affirms its commitment to fostering a culture of volunteerism and civic engagement among the youth of New South Wales.

**Motion agreed to.**

### **NATIONAL MEALS ON WHEELS WEEK**

**The Hon. SAM FARRAWAY (12:32):** On behalf of the Hon. Natasha Maclaren-Jones: I move:

- (1) That this House acknowledges that National Meals on Wheels Week, held on Wednesday 30 August 2023, aims to promote awareness and appreciation for the valuable services provided by Meals on Wheels programs in New South Wales and across Australia.
- (2) That this House commends the significant contributions of Meals on Wheels in addressing food insecurity and malnutrition among vulnerable populations, particularly the elderly, disabled and homebound individuals.
- (3) That this House recognises all volunteers and staff members associated with Meals on Wheels for their dedication and compassion in delivering nutritious meals to those in need.

- (4) That this House emphasises the significance of promoting awareness about Meals on Wheels services and encourages members to engage in acts of kindness and support for the program and similar initiatives.

**Motion agreed to.**

**DEMENTIA ACTION WEEK**

**The Hon. SAM FARRAWAY (12:32):** On behalf of the Hon. Natasha Maclaren-Jones: I move:

- (1) That this House notes that Dementia Action Week is an annual initiative that plays a crucial role in raising awareness about dementia and its impact on individuals and their families, and is scheduled to take place from Monday 18 September to Sunday 24 September 2023 with World Alzheimer's Day occurring on Thursday 21 September 2023.
- (2) That this House notes that this year's theme, Act Now for a Dementia-Friendly Future, underscores the urgent need for collective action to create an inclusive and supportive environment for people living with dementia and their caregivers.
- (3) That this House further notes that since 2019 the central focus of the Dementia Action Week campaign has been to combat stigma and discrimination faced by individuals with dementia and their carers through:
- (a) encouraging greater understanding—creating dementia-friendly communities leads to less fear and greater understanding of dementia's complexities and challenges;
  - (b) combatting stigma and discrimination—education and awareness campaigns to diminish stigma and discrimination associated with dementia and by promoting empathy and compassion towards those affected; and
  - (c) enhancing support and systems—dementia-friendly communities which ensure that people living with dementia receive the necessary support, access better systems and are empowered to lead fulfilling lives in their communities for an extended period.

**Motion agreed to.**

**MCCALL GARDENS**

**The Hon. SAM FARRAWAY (12:33):** On behalf of the Hon. Natasha Maclaren-Jones: I move:

- (1) That this House notes that:
- (a) since the 1950s the McCall Gardens community has been providing accommodation and services to people with disability across Sydney's north-west;
  - (b) on Sunday 13 August 2023, the Hon. Natasha Maclaren-Jones, MLC, was joined by the member for Hawkesbury, Ms Robyn Preston, MP, to celebrate McCall's history and the sod-turning ceremony for the McCall Community Hub;
  - (c) this new redevelopment will be a place of inclusivity and equity that will offer a broad range of services to the disability community, whilst maintaining the original home;
  - (d) since its formation, McCall Gardens has expanded its services to encompass supported independent living options; NDIS support coordination; community participation programs; school-level employment supports; and the operation of the Shine Shed North West, an early intervention inclusive play centre catering to individuals of all ages and abilities; and
  - (e) by providing a central space that embraces inclusivity and offers a wide spectrum of services to the disability community, this redevelopment embodies the spirit of community empowerment and progress.

**Motion agreed to.**

**ANIMAL SEXUAL ABUSE**

**The Hon. EMMA HURST (12:33):** I seek leave to amend private members' business item No. 648 for today of which I have given notice by omitting in paragraph (2) all words after "calls" and inserting instead "on other States and Territories to overhaul their animal sexual abuse laws".

**Leave granted.**

**The Hon. EMMA HURST:** Accordingly, I move:

- (1) That this House notes that:
- (a) Adam Britton has pled guilty to multiple offences involving the torture, rape and killing of dogs, and the possession of child abuse material;
  - (b) the sexual abuse of animals is a heinous crime which is often linked to the atrocious crime of child sexual assault, and urgent action is needed around the country to strengthen Australia's weak laws;
  - (c) Britton was a zoologist and crocodile expert in Darwin who reportedly used Gumtree to source dogs for free, by convincing people that their beloved companion was going to a good home, only to take the animals to what he referred to as his "torture room", and reportedly filmed himself torturing them, sexually assaulting them, and often killing them;

- (d) Britton's offences were so grotesque that the Chief Justice of the Northern Territory took the extraordinary step of excusing security officers and sheriffs from the courtroom during the hearing, as he was concerned that hearing details of the offences had the potential to cause nervous shock;
  - (e) while it is a difficult topic to discuss, the sexual abuse of animals is far more common than any of us would like to believe;
  - (f) according to the Bureau of Crime Statistics and Research, there were 139 recorded incidents in New South Wales between 2000 and 2020, which is approximately seven cases per year, which is a shocking statistic considering how hard it is to actually identify and investigate sexual abuse of animals, and this is just in New South Wales;
  - (g) while New South Wales has introduced some of the strongest laws against bestiality and the distribution of bestiality material, other States and Territories have laws that are seriously lacking and do not reflect the seriousness of this crime;
  - (h) the Animal Justice Party has written to the Minister for Agribusiness and the Attorney General in the Northern Territory about the desperate need to update their laws, but have not had any response from either Minister; and
  - (i) while we understand that the Northern Territory is in the process of making some small legislative changes in this space, those changes do not go far enough to take the strong stance needed against the crime of bestiality.
- (2) That this House calls on other States and Territories to overhaul their animal sexual abuse laws.

**Motion agreed to.**

**PRESIDENT OF MALTA RECEPTION**

**The Hon. MARK BUTTIGIEG (12:34):** I move:

That this House notes that:

- (a) on 20 October 2023 the President of Malta, His Excellency Dr George Vella, was hosted at a reception at the Mandavilla Function Centre, and the Hon. Mark Buttigieg, MLC, was honoured to attend along with many guests including:
  - (i) the Hon. Chris Bowen, MP;
  - (ii) His Excellency Mr Mario Farrugia Borg, High Commissioner for Malta to Australia; and
  - (iii) Mr Lawrence Buhagiar, Consul-General for Malta in New South Wales.
- (b) the reception was part of President George Vella's trip to several Australian States, including Melbourne, Adelaide and Canberra as well as Sydney;
- (c) at the reception President Vella spoke of the important role that expatriate Maltese Australians play in the life of the Maltese nation, the Australian nation and the Maltese people by retaining their identity and culture and contributing to both their mother country and their adopted country as a result; and
- (d) the president was very impressed with the prominence and activism of the Maltese in Australia and expressed that he values the strong and enduring relationship between Australia, Maltese Australians and Malta.

**Motion agreed to.**

**HELLENIC NATIONAL DAY**

**The Hon. MARK BUTTIGIEG (12:34):** I move:

- (1) That this House notes that:
  - (a) on 29 October 2023 the Order of the Australian Hellenic Educational Progressive Association [AHEPA] NSW held their annual celebration of Hellenic National Day in Rockdale, and the Hon. Mark Buttigieg, MLC, was honoured to attend and make a speech;
  - (b) the event celebrated Oxi Day, the anniversary of when Greece said "oxi" (no) to an invasion by the Axis Powers on 28 October 1940; and
  - (c) Miss Ioanna Diamadis was the master of ceremonies for the AHEPA event which involved wonderful performances of music, dance and recitations of poetry by local schoolchildren, including:
    - (i) a moving speech by Mr Konstantinos Giannakodimos, Vice-Consul of Greece in New South Wales, who read sections of a letter by a soldier detailing his experience in the war;
    - (ii) a fascinating keynote address by Dr Vassilis Adrahtas, currently a lecturer in Islamic Studies at Western Sydney University and Ancient Greek Religion and Myth at the University of New South Wales, about "When war gives birth to the poet: Odysseus Elytis and the Epos of 1940".
- (2) That this House congratulates AHEPA NSW, including the Secretary Dr Panayiotis Diamadis, on conducting such a significant event which assures that the bravery and heroism of the Greek people during World War II will never be forgotten.

**Motion agreed to.**

*Committees***LEGISLATION REVIEW COMMITTEE****Reports**

**The Hon. CAMERON MURPHY:** I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 8/58*, dated 28 November 2023.

**SELECTION OF BILLS COMMITTEE****Reports**

**The Hon. BOB NANVA:** I table report No. 12 of the Selection of Bills Committee dated 28 November 2023. According to standing order, I move:

That the following bills not be referred to a standing committee for inquiry and report this day:

- (a) Casino Control Amendment Bill 2023;
- (b) Crimes Amendment (Prosecution of Certain Offences) Bill 2023;
- (c) Customer Service Legislation Amendment Bill 2023;
- (d) Energy Legislation Amendment Bill 2023;
- (e) Environmental Planning and Assessment Legislation Amendment (Agritourism) Bill 2023;
- (f) Greater Cities Commission Repeal Bill 2023;
- (g) High Risk Offenders Legislation Amendment Bill 2023;
- (h) Human Tissue Amendment (Ante-mortem Interventions) Bill 2023;
- (i) Industrial Relations Amendment Bill 2023;
- (j) Local Government Amendment (De-amalgamation Plebiscites) Bill 2023;
- (k) Thoroughbred Racing Amendment Bill 2023;
- (l) Transport Administration Amendment (TAHE) Bill 2023; and
- (m) Unlawful Gambling Amendment (Betting on Animals) Bill 2023.

**The Hon. DAMIEN TUDEHOPE (12:36):** I move:

That the question be amended as follows:

- (1) Omit paragraph (i).
- (2) Insert at the end:
  - (2) That:
    - (a) the provisions of the Industrial Relations Amendment Bill 2023 be referred to Portfolio Committee No. 1 - Premier and Finance for inquiry and report;
    - (b) the bill stand referred to the committee on receipt of the message from the Legislative Assembly forwarding the bill, the bill being read a first time and the Statement of Public Interest being tabled; and
    - (c) the committee report by 11 March 2024.

**The Hon. DANIEL MOOKHEY (Treasurer) (12:37):** The Government opposes the amendment moved by the Leader of the Opposition. We do not need to take the Industrial Relations Amendment Bill 2023 to an inquiry because we took it to an election. The Government sought a mandate to replace a crude wage cap that simply led to wage suppression for our essential workers and resulted in immense shortages in so many of our critical services with a system based on fostering cooperation. That is what the bill does. Each part of the bill was subject to heavy political contest throughout the election campaign. In fact, it was one of the most—if not the most—pressing issues contested in that election, where both sides of the House put their arguments before the people. The people made a decision and gave the Government a mandate.

In addition, the bill delivers justice to injured workers as well as to families who have lost loved ones at work and want a meaningful jurisdiction that is capable of hearing work health and safety [WHS] claims. They include the families of gig workers who have lost their lives and construction workers who have fallen on worksites and not come home. This bill delivers procedural fairness and expeditious justice for businesspeople who find themselves in need of WHS interventions by a court, too. It delivers for those health and safety representatives who were stood down and sacked by Qantas as a retaliatory action and then compelled to wait for years for justice.

I oppose the amendment because, apart from that, the Labor Party took these policies to the people and got a mandate for them. The policies are required to be made law urgently. Let me be clear about what the stakes are. If one votes for the Opposition's amendment, one is voting to keep a legislative power to impose a wage cap and against the formation of a meaningful WHS jurisdiction in New South Wales and, on top of that, in a practical way, voting to delay the opportunity for workers and businesses to have access to these rights straightaway. The House should know that 73 different awards are due to expire, some from 1 January and others from 1 July. One clear thing is that, regardless of the date of expiry, employees and employers desire to start bargaining and show what cooperation can do.

The message coming through equally loud and clear is that nobody wants the bargaining system to change midstream. If this bill goes off to an inquiry, it will not be legislated till February or March. In the meantime, we will be starting negotiations under one set of laws and having to change in the middle of it to another set of laws. It is not too much to ask for, for everybody who is party to those negotiations to know the systems and the rules within which they are bargaining. In addition to that, as we can clearly see, there is a strong desire to make sure that the commission is independent in that process, not only because we expect it to have to arbitrate but so that it has the power to conciliate and to foster a mutual-gains bargaining framework, which the bill introduces.

The third aspect of why this bill needs to pass is that the system actually builds the principles of cooperation into the bargaining process. Employees and employers alike want access to the information-sharing provisions that the new system provides, which changes our culture of bargaining so that, rather than throwing subpoenas at each other in courts and in tribunals, we can sit around and create these councils straightaway to create the mutual-gains bargaining framework, which we can then use to introduce new awards.

That is why we are bringing the Industrial Relations Amendment Bill 2023 to the House and would like to have it passed this year. This bill has been subject to extensive consultation with affected trade unions, and with non-affected trade unions for that matter. It has been subject to expertise that has come from our judicial community as well as our legal fraternity. Yes, not everybody loves every part of the bill. But it should be put to the House for debate this week so that we can decide on its fate either way and have a new system operating but, above all, so that we can bring an end to an odious wage cap that has held all of us back for too long.

**The Hon. DAMIEN TUDEHOPE (12:43):** The Treasurer should be embarrassed by that speech. He wants to introduce the Industrial Relations Amendment Bill 2023, which was introduced in the other place last Thursday, without notifying the Opposition that that would be the case. We have one sitting week remaining this year. Sometimes the House has adjourned as early as 6.00 p.m. on Government business days because there was no work to do. The Treasurer now pretends that this bill is urgent and that it must be passed this week. No reason for urgency was given, other than what the Treasurer just said. There is a process in this place for introducing legislation. Bills sit on the table so that parties can consider them. There is a process for getting legislation right. This House is about making sure that bills are debated against a background of proper consideration to make sure that they reflect the will of the community and are properly debated.

We are seeing an arrogant government thwarting the processes of this place. The Government is arrogantly saying that this has got to be done this week when it had since March to bring the bill before the House. To do it in the last sitting week of the year is the Government's arrogance on display. It is saying to this side of the House, "It does not matter what you care about. It does not matter that there are committee processes that can promptly examine bills. It does not matter, because our agenda is much more important than any of that."

It is an important agenda, and I acknowledge that it was fiercely fought during the election campaign, but that is not an excuse for the Government thumbing its nose at the processes of this place and thumbing its nose at the Opposition by not allowing proper scrutiny of the bill or giving the committee an opportunity to examine it. If the Government was serious about making sure that the bill was properly considered, why was it not here a month ago so that we could properly consider it in accordance with the proper processes of this place? The Government has given no explanation as to any of that.

In terms of the Industrial Relations Amendment Bill 2023, there is no wage cap currently in force. The regulation relating to the wage cap has not been made. There is no wage cap in place that impacts on the negotiating ability of the Government, other than the provision that allows for the making of a regulation. It is fanciful to suggest that this needs to be done to get rid of the wage cap. The wage cap, to all intents and purposes, does not exist because the regulation power has not been utilised, and the Treasurer knows that. He knows it. To pretend that the bill is urgent because we need to get rid of the odious wage cap is, quite frankly, disingenuous.

Today we are faced with the ordinary processes of this place being thwarted. The process of this place is that a bill is laid upon the table until such time has passed to allow proper consideration. This Government wishes to force the bill through the House without any proper consideration by members. No doubt there will be those who will support the process of the bill, but it needs to be said that if the Government's attitude is to just come in

here and introduce legislation on that basis then we are in for a torrid period of bill passing. We will have bills brought into this place that are absolutely deficient in the way that they have been crafted. This bill, under proper examination, can only have been drafted by Sussex Street, because it has certainly not been crafted by those with legislative ability. The masters in Sussex Street— [*Time expired.*]

**Ms ABIGAIL BOYD (12:48):** As the Treasurer outlined, the Industrial Relations Amendment Bill 2023 is an important bill. The Greens understand the urgency and the need to get it in place before next year. However, if it was so urgent, so important and so agreed to way back during the election campaign, I have a lot of sympathy for what the shadow Treasurer said about why was it not brought earlier. It has been a massive scramble. It is an important bill and I understand that the unions, the Labor Party and others involved in the process have spent a long time on it, but we have not.

It is really poor form to try to push through a bill of this magnitude in the last week of Parliament on the basis that if we do not allow it through this week then we will be doing a disservice to workers next year. I thought we had come to the end of that when we saw the back of the former Coalition Government, which used to do it as well. Its members would put something before the House at the last minute and then say, "You either want this or not, and if you want it then there is no time for amendments or inquiry. There is no time for this House to perform its function of actually reviewing the legislation and making it better."

The Greens support the legislation in principle, but aspects of it could be better. I hate to agree too much with the shadow Treasurer, but The Greens are seeing the arrogance as well. It comes in two forms. The first is the belief that somehow the parliamentary process will not make the bill better or help to create better legislation. If the Government does not allow appropriate time for the parliamentary processes, members cannot do their jobs. It may surprise Government members, but crossbench and Opposition members have a lot to offer when it comes to making bills better. I hope that as we go into next year we can be properly included and consulted.

The other part of the arrogance comes from the assumption that crossbench members will just allow something to happen because we are told it is urgent without being told why. I understand the legislation is urgent, but it has not been made clear to me why it was introduced at the last minute. I would like clarity from the Government on that aspect. But every time I ask that, I am told, "It is urgent. Don't you want this thing to go through?" That level of arrogance will not get this Government very far in its negotiations with crossbench members going into next year. Although The Greens have a lot of sympathy for the amendment, we will not vote for it at this time. We reserve our position on any further attempts as the bill moves from the other place to this House. We may reconsider that position and seek to have it referred for inquiry at a later time. I ask the Government to start being more inclusive and consultative and to allow this House to do its job.

**The Hon. CHRIS RATH (12:51):** This Government has not done any homework throughout the entire semester and is now trying to cram just before the exam. If members compare the sitting calendars for 2011 and 2023, they will see this House sat for 39 days in 2023 and 64 days in 2011. The House sat for 64 per cent more days in 2011 than it has in 2023, and now the Government is trying to ram through this bill without any consultation with Opposition or crossbench members. Government members do not want to consult with key groups like Business NSW, the Council of Small Business Organisations Australia and others. They say they have consulted with stakeholder groups, but they forgot to consult with the most important stakeholder group—the Parliament. They did not consult with Opposition or crossbench members on radical changes to our New South Wales industrial relations system. They are hoping to ram it through in the final week by establishing urgency.

Look at the time that we have wasted in this Chamber debating pointless miscellaneous bills, week after week, when we have been adjourning at 6.00 p.m. The average adjournment time for the Legislative Council on Tuesdays has been at 7.31 p.m. this year. The average adjournment time on Thursdays in the Legislative Council has been 6.26 p.m. Members opposite have completely squandered their first eight months in government, when they could have been putting this bill before the Chamber and having a proper debate on it. They should not try to establish urgency and rush the bill through in the final week when they have not consulted with Opposition or crossbench members.

**The Hon. JEREMY BUCKINGHAM (12:54):** I speak against the amendment. The most important constituency that the Government could have consulted on the bill is not the Parliament; it is the people of New South Wales. That happened at a general election. It was a key—

[*Opposition members interjected.*]

Opposition members do not like it. They do not like the truth, which is that the Government was elected on a platform of doing exactly this. Opposition members might have been asleep and not paying attention. So far not one member has raised a single point about the substance of the bill.

**The Hon. Damien Tudehope:** We will—don't worry.

**The Hon. JEREMY BUCKINGHAM:** You will, in the debate we are about to have, which is the normal procedure. For Opposition members to say that they did not ram through bills—incredibly important pieces of legislative reform—at the eleventh hour in their 12 years in government is rank hypocrisy. In my time there were late-night sittings, cases of urgency were brought and all kinds of legislation were rammed through. The bill is straightforward. Not one point of rebuttal has been raised against the Treasurer's contribution. I, for one, have consulted on this bill with the Minister, with unions and with other stakeholders, and it makes sense to legislate this important reform now. The community wants it, and we need to get it in place before the Parliament rises. The Opposition does not like it because it wants to consult on the bill. For the edification of members, I note that it wants to consult the HR Nicholls Society. That says it all. The Opposition is ideologically opposed to fair bargaining and the Government's agenda. I oppose the amendment. We should get on with properly debating the bill.

**The Hon. EMMA HURST (12:56):** Mr President—

[*Members interjected.*]

**The PRESIDENT:** Order! The Hon. Emma Hurst will be heard in silence.

**The Hon. EMMA HURST:** I have a lot of sympathy for the argument that has been put forward by the Opposition, and I agree with many of the points raised by Ms Abigail Boyd. The bill should not be rushed. It is not straightforward. It should not be rammed through in the last sitting week of the Parliament; it should have been brought on earlier. However, having said that, I recognise that many aspects of the bill have a degree of urgency. Delaying consideration of the bill until the House next sits in February 2024 will have real ramifications for many people. Therefore, the Animal Justice Party will oppose the amendment. However, we are disappointed that the Government has waited until the last minute to bring forward the bill. We hope that practice will not continue.

**The PRESIDENT:** The Hon. Bob Nanva has moved a motion, to which the Hon. Damien Tudehope has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....15  
Noes .....26  
Majority.....11

**AYES**

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

**NOES**

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

**Amendment negatived.**

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

**Motion agreed to.**

*Documents*

**TABLING OF PAPERS**

**The Hon. PENNY SHARPE:** I table the following papers:

- (1) Children and Young Persons (Care and Protection) Act 1998—Report of Department of Communities and Justice entitled *Child Deaths 2022 Annual Report*.
- (2) Report of the Valuer General NSW entitled *Annual Report 2022-23*, dated 31 October 2023.

#### *Committees*

### **PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE**

#### **Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 1/58 of the Public Accountability and Works Committee entitled *Parliamentary Evidence Amendment (Ministerial Accountability) Bill 2023*, dated November 2023, together with submissions, a transcript of evidence, correspondence and answers to questions on notice, received out of session and published on 27 November 2023.

**The PRESIDENT:** According to the resolution of the House of Wednesday 20 September 2023, the second reading of the Parliamentary Evidence Amendment (Ministerial Accountability) Bill 2023 now stands as an order of the day for a later hour of the sitting.

#### *Documents*

### **AUDITOR-GENERAL**

#### **Reports**

**The CLERK:** According to the Government Sector Audit Act 1983, I announce receipt of the following reports:

- (1) Financial Audit Report of the Auditor-General entitled *Education 2023*, dated 28 November 2023, received out of session and published this day.
- (2) Financial Audit Report of the Auditor-General entitled *Stronger Communities 2023*, dated 28 November 2023, received out of session and published this day.

### **LOCAL AND COMMUNITY PROJECT GRANTS**

#### **Report of Independent Legal Arbitrator**

**The PRESIDENT:** I report that the Clerk has received a report from the Independent Legal Arbitrator, the Hon. Keith Mason, AC, KC, on the validity of a claim of privilege on a document lodged with the Clerk on 6 November 2023 relating to local and community grants decisions. Mr Mason invited further submissions from the Cabinet Office, and on Wednesday 22 November 2023, the Clerk received correspondence from the Deputy Secretary, General Counsel of the Cabinet Office providing a further submission. The report is available for inspection by members of the Legislative Council only.

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

#### **Personal Information Redacted**

**The CLERK:** According to Standing Order 52 (7) I table correspondence received on Friday 17 November 2023 from the Hon. Natalie Ward requesting that certain documents relating to a further order for papers regarding department 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, my office communicated the request to the Cabinet Office on 17 November 2023.

#### **Tabling of Redacted Documents**

**The CLERK:** I table additional documents with personal information redacted received on Friday 24 November 2023 from the Director, Legal, at the Cabinet Office, together with an indexed list of documents.

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

#### *Questions Without Notice*

### **INDUSTRIAL RELATIONS TASKFORCE REPORT**

**The Hon. DAMIEN TUDEHOPE (13:30):** My question is directed to the Leader of the Government. Given the Government's professed commitment to transparency, when will the report of the review of the Government's industrial relations reform, conducted by Ms Anna Booth and Mr Roger Boland, be released?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:30):** I thank the Leader of the Opposition for his question. The person he should be directing this question to, however, is standing behind me, as he has coverage of this matter.

**The Hon. Damien Tudehope:** Just give me a date.

**The Hon. PENNY SHARPE:** If the member would let me finish, I would say that I am not aware of when it is coming, because it is not in my portfolio area. But he has asked me as the Leader of the Government. I take that duty very seriously. I will take it on notice. I suggest that if the member wants more details, he ask the Treasurer.

#### RED FIRE ANTS

**The Hon. STEPHEN LAWRENCE (13:31):** My question is addressed to the Minister for Agriculture, and Minister for Regional New South Wales. What action has the Minister taken since red imported fire ants were discovered in Murwillumbah in New South Wales? Is she aware of any alternative approaches?

**The PRESIDENT:** Order! Members will cease interjecting. The Minister has the call.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:31):** I thank the member for this very important question and for his interest in what we need to do to protect regional New South Wales, particularly our agricultural—

**The PRESIDENT:** Order! The Hon. Wes Fang will cease yelling across the Chamber.

**The Hon. TARA MORIARTY:** —industries and our communities near the Queensland border. It is important that I report to the House today that red imported fire ants were discovered in South Murwillumbah on Friday afternoon. The sighting of them was called in by some people landscaping a particular council-owned site that is not being used for anything at the moment but is being redeveloped. Within hours of being called in, the ants were identified by the excellent team at the Department of Primary Industries as red imported fire ants. By the next day, they were treated, which means they were killed. They have been exterminated from the site where they were found. That is, thankfully, the only site where they have been found. Since they were discovered on Friday, there have been very successful operations so far.

We had a plan in place to deal with this. We expected that this would occur, given how close the ants have been to the Queensland border, so the plan has been ready for some time. It came into action on Friday afternoon. Since that time and since they were eradicated from that site by Saturday, we have had a number of operations in place, including operations to trace what is suspected to be turf that was laid on the site and may have been brought in from Queensland. We are tracking and tracing to see whether that is where the ants have come from. It is suspected that these ants have come from Queensland.

A biosecurity order for a five-kilometre zone from where these ants were discovered at South Murwillumbah was put in place on Saturday evening. In that zone, businesses and others must not move products such as soil, mulch, turf, plants and other things of that nature, in order to protect the rest of the State. It is tough for the businesses in that zone, but we are working closely with them. We have had sniffer dogs at the high-risk sites, including a plant nursery and a landscaping business, to check the plants and the machinery. So far, no ants have been found by the sniffer dogs. But all of those sites will be treated to ensure that the surrounding community and the rest of the New South Wales are protected. We are engaging directly with the local community. A mass text message was sent to people, telling them to keep an eye out for ants. We are doorknocking homes and businesses in the area to explain the situation. We all need to take this seriously. If people think they have ants, they should call DPI. We will check whether they are red fire ants.

#### RED FIRE ANTS

**The Hon. SARAH MITCHELL (13:35):** My question is directed to the Minister for Agriculture. On 2 August in relation to red fire ants the Minister told the House:

This is not a pest that can be underestimated in terms of the threat that it poses and we are very serious to do everything we can to keep it out of New South Wales.

From the Minister's answer today, we know that fire ants were detected in northern New South Wales last week. Will the Minister now admit that she has failed to protect New South Wales communities from the invasion of this devastating species?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:35):** I thank the member for the question. As I said in my previous answer, the Government had a plan in place. Unfortunately, we expected that this would occur. I have had a plan in place for many months for exactly this scenario. Sighting of the ants was called in by a landscaper who was doing work on the site on Friday afternoon. By Friday afternoon they were identified by the experts in the Department of Primary Industries [DPI] as red fire ants. In less than 24 hours from that, they were exterminated. No other ants have been discovered on that site. Work on tracing where these things have come

from is continuing. To make sure, we are checking any sites where the turf that may have had the ants has been. We have had a whole operation in place, including sniffer dogs and 25 people checking, inch by inch, the site where they were discovered on Saturday. Another 38 people were doing the same work on Sunday. I travelled to the site at South Murwillumbah on Sunday to meet with the team and to see for myself the fantastic work being undertaken.

I remind the House that this is part of a national eradication program. Red ants have been in Australia for 20 years. Queensland has been dealing with this issue for some time. A national plan for managing these ants and for dealing with this situation is in place. As I have reported to this House in the past, the Government has been ready for this and had a plan in place. Significant financial support—\$95 million—was brought forward by me for exactly this reason. I thank the Treasurer and the rest of the Government for supporting that. We need to make sure that we do everything we can, as I have said and continue to say, to protect our State, because these are dastardly little critters. They attack livestock, and they swarm. They can kill people. We know how serious a problem they are across Australia, which is why we brought forward \$95 million to contribute to the national eradication plan being led by the Commonwealth Government. All the other States and Territories are also contributing financially, with around \$600 million currently committed to dealing with this issue.

The team from DPI and the teams from Queensland who have been dealing with this in Queensland are experts in this and are working together, doing a terrific job, in South Murwillumbah right now, and have been since Friday afternoon. New South Wales officials are working with Queensland officials and with the national eradication team to make sure that New South Wales is protected. This is what we were ready for. Unfortunately, we are now facing it. But the team is doing a terrific job.

**The Hon. SARAH MITCHELL (13:38):** I ask a supplementary question. Will the Minister elucidate that part of her answer where she said that there has been a plan ready to go for months, and explain in detail the specific actions in that plan? She told this House in August that it was about making sure that these ants do not cross the border from Queensland. What was in that plan to actually stop them coming into the State rather than cleaning up after they were found?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:39):** I thank the member for the supplementary question. I gave an outline of a significant part of that plan in my previous answer and I will reiterate that now. We have had plans in place and ready to go for many months because we have known as a government, and I have known as the Minister, how significant a threat those critters are. Part of the plan included having teams ready to go. Again, the ants were discovered and reported on Friday and the tracing team was ready to identify them remotely. I am outlining the plan—

**The Hon. Sarah Mitchell:** Point of order: With respect to the Minister, my question was specifically about what part of the plan dealt with stopping them from coming across the border and that border control, not what will be done once they are here. That was not my supplementary question. It was: What was within that plan that has been in place for months to actually stop them from coming from Queensland into the State?

**The PRESIDENT:** The Minister was being directly relevant. The Minister has the call.

**The Hon. TARA MORIARTY:** I will continue where I left off. We have had the tracing teams ready to go and experts were able to identify the ants remotely within hours of them coming through and confirm that that is what they were. Within hours people were on the site, and in less than 24 hours the ants were eradicated from that site. We have got a significant number of operations happening across the Queensland-New South Wales border, and have had for many months. That includes high visibility signage about looking out for the ants and what people can and cannot transport across the border, which anyone who has left the Gold Coast Airport will have seen when driving into New South Wales. We have got surveillance and product checking at all the border towns between Queensland and New South Wales.

There is a biosecurity order in place in Queensland which prevents product from being moved further than five kilometres from where it was last discovered without a permit and without being checked by the department. There are significant fines in place for people who breach that, and we will be considering similar orders in New South Wales. The fine for breaching the rules for transporting material without a permit is over \$2 million for businesses and \$1 million for individuals. We have been engaging the local community with leaflets, materials, doorknocking and SMS messages. The police are involved in the border operation and have run a number of operations to check materials crossing the border over months. [*Time expired.*]

## COAL ROYALTIES

**Ms SUE HIGGINSON (13:41):** My question is directed to the Treasurer. At Whitehaven Coal's recent AGM it was said that the CEO of Whitehaven and chair of the NSW Minerals Council had engaged directly with

Treasurer Mookhey and managed to get a much better outcome on the coal royalty increase in New South Wales compared to Queensland and, that in the process of doing so, had also managed to extract some concessions from the Government in other areas. Will the Treasurer inform the House what the better outcome was and what concessions Mr Paul Flynn, the coal executive, is referring to?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:42):** I thank Ms Sue Higginson for her question and for her genuine interest in the matter. I applaud questions directed to me at question time no matter where they come from. Thank you for asking me questions. I confirm that I had multiple conversations with Paul Flynn in his capacity as the leader of Whitehaven Coal and the chair of the NSW Minerals Council. As part of that we looked at the Queensland model and whether it could deliver for New South Wales in a short-term versus a long-term aspect. That analysis revealed that when coal prices normalise, the New South Wales model that we implemented is better for the State than the Queensland model because the Queensland model turns on the coal price reaching certain thresholds.

We did an in-depth examination of the Queensland thresholds as well as the trajectory of the coal price in the short, medium and long term. If we effectively assume that we would have a short shock akin to that experienced at the end of 2021 when Russia invaded Ukraine, then there is absolutely no doubt that that would yield a higher amount in the short term under the Queensland model. For that to have benefit to New South Wales it would have required the previous Government to have implemented it when the prices were that high. The prices are no longer that high. Members need not take my word for it; the projections for the five, 10, 15 and 20 years as we approach net zero are that the price will go down. That is logical because the whole point of net zero is to demand less coal. The idea is that it would go down.

When the finance Minister, the natural resources Minister and I did a deep dive on the comparisons of the models, we found that the reality is that the Queensland model yields a short-term gain that only exists while there is a price peak. Our model is a permanent increase that yields higher volumes regardless of the coal price. That is an important distinction. To the extent to which the CEO of Whitehaven Coal characterises that as a concession is a matter for him. What it is clear to us is that we were listening to the industry as well as the experts to get the model right. We stand by it because our model will yield—

**Ms Sue Higginson:** Point of order: That part of the question is satisfactorily answered. There are 29 seconds to go and the Treasurer has not answered the real part of the question which was, "What are those other concessions that he would have been referring to?"

**The PRESIDENT:** So long as the Treasurer is being directly relevant to part of the question, he is in order. The Treasurer is in order.

**The Hon. DANIEL MOOKHEY:** I refer to the second part of the question—what concessions? Hold the front page—the drama! The secret concession was that we will keep talking to the NSW Minerals Council about what more we can do in response to its concerns about various parts of its industry. Not only will we talk to the NSW Minerals Council, we will also talk to Business NSW, the environmental movement and everybody who has an interest in the future of coal. The concession we made was that we will happily sit down and meet with the council and work through industry issues. I will make that concession to that industry and to others as well. [*Time expired.*]

**Ms SUE HIGGINSON (13:46):** I ask a supplementary question. Will the Treasurer elucidate that part of his answer where the NSW Minerals Council defined what other parts of the industry that it would talk about?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:46):** I would love to talk more. The first issue the Minerals Council would like to have more engagement about is rehabilitation bonds. The Treasury organises the bonds that are required for rehabilitation and the Minerals Council wants more engagement on whether or not those bonds are now capable of being met when the cash rate has gone up. Incidentally, that is something that Treasury has an interest in because balance sheet management on our part means we are happy to talk to people about whether or not rehabilitation bonds are being appropriately accounted for on the Treasury balance book. The second issue it would like to have further dialogue about is workplace and workforce shortages that it and others are experiencing. The third issue it would like to have a conversation about is whether or not it can have planning approval to install renewable generation on coalmines.

We have a view about net zero. We have legislation, but I will not anticipate it. Once that framework that allows us to reach targets is in place, it will allow certainty for the coal industry and coal workers about their future. I think that is reasonable. It is reasonable for a coal worker in the Hunter to have some certainty about what is happening with their industry. It is reasonable for environmentalists and climate activists to want to know the clear rise of the rules. We will establish those rules, and once those rules are in place we will continue to have dialogue with all industries in New South Wales because we care about making sure people have jobs. We care

about making sure that businesses—particularly small businesses—are sustainable. We care about the future of the Hunter and the Illawarra and other coal communities. We insist on their right to have conversations with their Government who, of course, they elect.

**The Hon. CHRIS RATH (13:48):** I ask a second supplementary question. Will the Treasurer elucidate whether he ruled out any further coal royalty increases in his discussions with the NSW Minerals Council?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:48):** How great it is to get a question from the Opposition. It is so good. The general over that side of the House is a World War I general. He sends the soldiers out but he will not get out himself and ask a question. He continues to send the foot soldiers over the trenches to ask questions. I hope the shadow Treasurer is inspired by the leadership that has been displayed by the Opposition Whip as he has gone to the floor with the courage to take to the microphone and ask a question.

**The Hon. Damien Tudehope:** Point of order: My point of order relates to direct relevance.

**The PRESIDENT:** The Leader of the Opposition need not say anything else; he is quite correct. The point of order is upheld. The Treasurer has the call.

**The Hon. DANIEL MOOKHEY:** The shadow Treasurer has the making of a point of order there. To the question, which was whether we ruled out further changes to royalties, we made it clear that, from the Government's perspective, this change allows people certainty. We will always have conversations with the mining industry and other industries about the appropriate level of charges. It was the Minerals Council that said it would like to have a further conversation with us about royalties, namely because its position is that it would like them to be cut. The Government takes the view that it will always have dialogue with everybody about whatever matters they want to talk about, subject to those matters being reasonable. But the Minerals Council has made the point at various instances that it would like to see New South Wales charge it less for royalties.

#### RENEWABLE ENERGY

**The Hon. PETER PRIMROSE (13:50):** My question is addressed to the Minister for Climate Change, and Minister for Energy. Will the Minister inform the House about how households will be part of the New South Wales energy transition?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:50):** I thank the Hon. Peter Primrose for his question, which is a very important one that the people of New South Wales are already taking up with great gusto. The transition of our electricity system is one of the most important steps we will take to reduce greenhouse gas emissions and set New South Wales up for the future. One of the best things that is occurring is that households have taken to solar in a very large way, and that is continuing to go off the charts. Next, we will work out how we can make it easier for households to get solar, reduce their energy bills and do their best to reduce the State's emissions. They are already putting in place batteries, transitioning to electric vehicles [EVs] and upgrading to cleaner and more efficient appliances.

Almost one million households in New South Wales have installed solar panels, and rooftop solar is collectively already the biggest electricity generator in the National Electricity Market. In fact, for a recent period, 70 per cent of the energy that was generated and used in the National Electricity Market was from solar and other renewables. The Government is very committed to harnessing all of that enthusiasm and making it work into the future. Just as the road map lays out our plan for our new large-scale renewable energy, we are developing a strategy to support households to roll out and support small-scale renewables projects. That will not take away from big projects, which we obviously have to keep working very hard on, but consumer energy resources are among the keys to the future.

At the energy and climate change ministerial meeting last week, all of the national energy Ministers committed to work with the Commonwealth on a national strategy as well. Working at a State and national level, we can ensure the coordinated rollout of rooftop solar, batteries, EVs, virtual power plants and electrification. The New South Wales Consumer Energy Strategy will make sure households know what the transition means for them and how they can best embrace it. Importantly, it will include work to get more access for households that rent and those who live in apartments, where accessing solar is currently very difficult. We have not yet been able to crack the code to make sure that works. This Government is absolutely committed to making sure that people are not left behind as we make the transition. I am working very hard with my colleague the Minister for Housing to support consumer energy resources being accessible to people in social housing.

**The Hon. Rose Jackson:** Very important.

**The Hon. PENNY SHARPE:** Very important. We can do efficiency, solar, batteries and EV chargers. The transition is very challenging, but the best thing about it is the technology is there. We will harness all of that together so that people-powered solar energy and other renewables are a very large part of the mix into the future.

#### **KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT**

**The Hon. EMMA HURST (13:53):** My question is directed to the Minister for the Environment. The recent helicopter activity over Kosciuszko National Park has led to increased reports of brumby families being split up, with mothers being separated from foals. Will the Minister advise if that serious welfare issue has been taken into account and what actions are being taken to avoid that cruelty, noting that the code of practice relied on by the New South Wales Government does not support conducting any aerial shooting activities during foaling season in spring and summer?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:54):** I thank the Hon. Emma Hurst for her question. For more detail, I will take the question on notice because I do not want to mislead the House. But there has been helicopter activity in Kosciuszko National Park in recent times. They have been doing a range of different activities, including aerial culling of other feral species, which they do on a routine basis. I think the last figures I saw were that around 22,000 animals have been culled in the park over the past 18 months or so, and the vast majority of those have been done via helicopter and through aerial shooting.

In relation to the animal welfare outcomes, I have said in the House on many occasions that we have approved the change to the plan of management of horses in the park. We are committed to getting the number of horses down to the legislated requirement of around 3,000 horses, which we hope to be able to manage properly into the future, including looking at issues like reproductive control. I will take the question on notice to give an absolutely accurate response, but my understanding is that the situation alleged by the member in relation to foals and mares has not occurred. But I will check on that. The Government will soon update the count of horses in the park and the preliminary program to change the management of the horses.

#### **PROTESTS AND ROAD INFRASTRUCTURE**

**The Hon. NATALIE WARD (13:56):** My question is directed to the Minister for Roads. Given that the approval by the NSW Police Force of an application to protest by Rising Tide resulted in the closure of the Port of Newcastle for 30 hours, what steps is the Minister taking to ensure that New South Wales police do not approve applications for protests that would cause undue obstruction to major bridges, tunnels and roads, for which he is the responsible Minister?

**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) (13:56):** I thank the Hon. Natalie Ward for her question, and I update the House with some of the details about what went on over the weekend. A protest unfolded in Newcastle Harbour, as members might know, and similar protests have been held annually since 2016. On this occasion the protest took place over about 30 hours. I am advised that shipping movements in and out of the port were suspended from around 10.00 a.m. on Saturday morning and resumed at around 5.45 p.m. on Sunday evening. From Sunday evening we had a range of general cargo ship departures and one cargo ship arrival, along with five cargo ship arrivals conducted overnight without incident.

I am pleased to be able to give the House that information. I particularly thank the Port Authority of New South Wales and the Port of Newcastle's harbourmaster for managing the port during that particular protest—for making sure that operations could continue safely and that the port could operate around that protest, which, as I have said, has been annual. The position of the New South Wales Government is clear: There is a right to protest in New South Wales, but we expect protesters to follow the law. The event was heavily policed and received significant publicity. The laws appear to have worked on this occasion, but I am pleased to update the House with that additional information.

**The Hon. NATALIE WARD (13:58):** I ask a supplementary question. I thank the Minister for his answer. Will he elucidate the part of his answer about those 30 hours and inform the House about the steps that he is taking—not in relation to the protest that happened—to ensure that undue obstruction is not caused to bridges, tunnels and roads again?

**The Hon. Emily Suvaal:** Point of order: The member restated the original question and did not ask a supplementary question.

**The Hon. Natalie Ward:** To the point of order: The Minister spoke about the Government's support for the right to protest. I asked him to elucidate that part of his answer about the right to protest and the steps he is taking in relation to undue obstruction in future protests.

**The PRESIDENT:** While I have substantial sympathy with the point of order taken by the Hon. Emily Suvaal, I have invited significant latitude in the answering of questions, and in the final three sitting days of 2023 I shall continue to do so. The Minister has the call.

**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) (13:59):** I am delighted to continue answering questions on this matter. The shadow Minister is a close observer of the Transport portfolio; in fact, she is a participant. I must say that she is a vigorous participant, and one who works in a great deal of detail. On this occasion she may have neglected one detail, which is that port operation falls within the jurisdiction of the transport Minister rather than the roads Minister. I appreciate the shadow Minister's interest, and I have provided what information I can to the House. If she wants to pursue that particular line of questioning, I encourage her, or perhaps her colleagues, to do so with the transport Minister.

#### HOUSING SUPPLY

**The Hon. BOB NANVA (14:00):** My question is addressed to the Minister for Domestic Manufacturing and Government Procurement. Will the Minister update the House on the role that domestic manufacturing can play in unlocking housing supply across New South Wales?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:00):** I thank the honourable member for his question. Families and households across New South Wales are facing a once-in-a-generation cost-of-living crisis, and housing affordability and availability is the most significant pressure facing those families, whether that means mortgage repayments taking an increasing proportion of family income or rent being the largest single expense for most households. The Government is certainly getting underway with addressing the crisis that is confronting families and households across the State. In the most recent budget, the Government made a significant announcement. The Treasurer and the Minister for Housing announced \$224 million for an essential housing package. The Government has invested \$300 million with Landcom to accelerate the construction of thousands of new dwellings and \$1.5 billion for housing-related infrastructure across the State. The most important thing we can do to address this crisis is to boost supply.

Members should not just take the Government's word for it. The Opposition Whip himself said that we must "come to terms with the fact that our previous Government is culpable in this crisis" and that "the housing affordability crisis is predominantly linked to supply". The Government agrees. That is why the Minister for Housing, in particular, is doing such a fantastic job in looking at innovative options to deliver 377,000 new homes in New South Wales under the National Housing Accord. Just yesterday the Minister was in Meadowbank with the Premier to launch a new taskforce that will—

**The Hon. Wes Fang:** Does she have COVID?

**The Hon. COURTNEY HOUSSOS:** To update the House, she does not have COVID. The Minister was with the Premier to launch a new taskforce that will explore how modular housing can be used to build the thousands of social homes we need in the State. Harnessing the local creativity and capacity right here in New South Wales will be crucial to making that happen. Part of that is ensuring a robust and resilient domestic supply chain, but we need an array of solutions for this crisis. During the parliamentary break I visited Erskine Park in Western Sydney with the Premier and the planning Minister. The BlueScope Steel factory has just received planning approval for the construction of a new steel line. Using steel from Port Kembla, by the end of 2025 the BlueScope facility will be able to churn out 240,000 new Colorbond steel rooftops or 80,000 new steel house frames each and every year. That is the kind of local supply chain we want to promote: local coalmining jobs in the Illawarra, local steelmaking jobs in Port Kembla and local fabrication jobs in Western Sydney. It will create 300 new job opportunities, with 43 ongoing jobs once the factory opens in 2025.

#### HYDROGEN ENERGY FUNDING

**The Hon. MARK LATHAM (14:03):** My question is directed to the Minister for Climate Change, and Minister for Energy. Given that there is not a single hydrogen power station generating electricity anywhere in the world, and that "Twiggy" Forrest's Squadron Energy abandoned its proposed plant at Port Kembla last week, taking \$30 million in Federal subsidies with it, why is the New South Wales Government continuing to waste taxpayers' money with more than \$100 million in hydrogen funding for companies similar to Squadron Energy?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:04):** I thank the Hon. Mark Latham for his question. I do not think he is quite right in relation to the decision made by Andrew Forrest. There has been a change in relation to the piece of land they were going to use and they have withdrawn the application, but my understanding is that the project is still intended to go ahead and that they have actually done that work. I understand the member's

scepticism about hydrogen. He has raised it on many occasions. But the point is that we need to find solutions for hard-to-abate sectors. Hydrogen has the technology for that to work. There is a race on across the world and across Australia to get hydrogen-ready, which will be part of how we ensure the high-emitting industries that we want to keep will stay operational in a low-carbon world. That is why the race for hydrogen is so important. It is why the Government has supported the hydrogen hubs in the Illawarra and in the Hunter. It is also why the Government has supported the third hydrogen hub in Moree that is working with the agricultural sector to look at ways to abate their emissions.

It is challenging, but whether you consider Gladstone in Queensland or the race with the South Australians, who are very hot to trot on hydrogen, New South Wales is also there. We are working with and bringing online a range of different organisations and companies to actually make this work. I was very pleased to be at Orica recently when we launched the hydrogen hub in the Hunter. The point is that as coal and coal-fired power are taken out of our economy, the challenge for all of us is to find the replacements for those and to put Australia front and centre for the replacement. That is why the Government is committed to that funding, and why that work is ongoing.

**The Hon. MARK LATHAM (14:06):** I ask a supplementary question. Will the Minister elaborate on her optimism about hydrogen? She said it is coming online. When does she expect any of this funding to produce hydrogen-generated electricity in New South Wales? What is the estimated date?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:06):** I thank the honourable member for his supplementary question and his interest in these issues. The member might remember that in 2021 the Standing Committee on State Development recommended the development of the policy framework, and that is what the Government has been implementing. It is estimated that the commercial hydrogen industry could generate \$80 billion worth of investment by 2050, increase gross State product by over \$600 million every year from 2030 and see up to 10,000 more jobs in the State across the hydrogen supply chain. Those are the projections if we get it right. There is work to be done, and that work is ongoing. Hydrogen can and will drive the deep decarbonisation that we need if we are serious about really moving to a low-carbon future, which is what we must do. In relation to the actual date, I am happy to go away and get the member some more projections, but I cannot give a date today.

#### PORT OF NEWCASTLE PROTESTS

**The Hon. BRONNIE TAYLOR (14:07):** My question is directed to the Minister for Regional New South Wales, representing the Minister for the Hunter. How much economic damage was done to the Hunter region and to regional New South Wales more broadly as a result of the closure of the Port of Newcastle for 30 hours this past weekend, and what steps is the Minister taking to prevent that from happening again?

**The Hon. Jeremy Buckingham:** Point of order: Under the standing orders, questions seeking information from Ministers should not include argument. The question clearly included argument in that it suggested that there had been economic damage done to the Hunter by the protest. That is an argument that the member could put in a notice of motion, but it is not appropriate in a question without notice directed to a Minister.

**The PRESIDENT:** I admire the member's chutzpah, but the question is in order. The Minister has the call.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:08):** I thank the Hon. Bronnie Taylor for the question. Members have heard a bit about the activities around the Port of Newcastle during question time today—and rightly so. That was a significant protest that occurred over the past couple of days. As I understand it, multiple media outlets are reporting that 109 people were arrested after blocking Newcastle Harbour on kayaks and other watercraft between about 5.00 p.m. and 6.00 p.m. on Sunday. Of those arrested, 18 people were taken to police stations and 86 were taken to a nearby port facility.

I acknowledge the staff at the Port of Newcastle, the Port Authority of New South Wales, the maritime police and the police generally for the terrific work that they have done in keeping everyone safe on the water. As has been outlined, people have the right to express views and engage in protest activity, but they need to do it in a way that is safe for themselves and everybody else. The specifics of the economic impacts are not within my remit, but I am happy to have a look at that and engage with the relevant Ministers about it. If there is something to bring back to the House about the specifics of that, I am happy to do that.

#### HOUSING SUPPLY

**The PRESIDENT:** I welcome to the public gallery the Hon. Stephen Lawrence's sister, Katie McPherson, and niece, Amelia McPherson. I particularly note that it is Katie's birthday today. Happy birthday.

**The Hon. ANTHONY D'ADAM (14:10):** My question is addressed to the Treasurer. Will the Treasurer outline certain elements of this Government's comprehensive housing policy to address the housing crisis? Is the Treasurer aware of alternative suggestions?

**The Hon. DANIEL MOOKHEY (Treasurer) (14:10):** I thank the Hon. Anthony D'Adam for his question. I also wish Katie a happy birthday. The New South Wales Government's gift to her is new planning laws to allow more people to live in terraces, townhouses and apartment buildings, which the Government announced today. That gift to both Katie and the rest of the people of New South Wales has the potential to deliver an additional 112,000 homes in Greater Sydney, the Hunter, the Central Coast and the Illawarra, which is about one-third of the national target that all States and Territories are aspiring to reach with the Commonwealth Government.

It is one in a suite of measures that the Government has announced as it tries to ensure that this generation and the generations to come have a roof over their heads. It follows the Government's embrace of pattern book design and the announcement of an international design competition, as well as its policy of adopting transparency measures about local government approvals. There is also a \$38 million injection in the budget to speed up the planning system. I was asked about alternative suggestions. At this point, I take the opportunity to congratulate the young fogies in the Young Liberal Movement, who have achieved what the Leader of the Opposition has not: a housing policy. I congratulate the youth of the Young Liberals. A part of the policy is to impose a NIMBY penalty on councils that have failed to meet their housing targets, which is an apt suggestion. The council most likely to qualify happens to be Woollahra Municipal Council.

I woke up the other day to read in the paper about our good friends in Woollahra. Liberal councillor Sean Carmichael said that he was "quite frightened" by the Government's plan to rebalance housing growth away from Sydney's west. He said, "It keeps me awake all night, thinking about this issue. I'm not joking." He goes on to say, "God help all of us if we've got to do that. I don't know where we're going to put it." I have many gods, and I would not waste their time with an appeal like this. He was joined by the former vice-president of the Liberal Party, Mary-Lou Jarvis, who said that nine-storey buildings in Double Bay is "something we cannot countenance". I simply say that we need more homes for the next generation. We need them in the east, we need them in the west, we need them in the Illawarra and we need them in the Hunter. I am glad that the Young Liberals have come to the party. The first thing they can tell the old Liberals in Woollahra is to get out of the way.

#### STATE BUDGET AND PALLIATIVE CARE

**The Hon. TANIA MIHAILUK (14:14):** My question is directed to the Leader of the Government. The Labor Government has decided to cut \$150 million in funding for palliative care, yet promised to spend \$260 million rolling out its new electric vehicle strategy in this year's budget. Is this not a case of the New South Wales Government having the wrong priorities, putting the interests of inner-city greens first and dying patients and their families last?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:14):** I thank the member for her question. Palliative care is a very important issue. No-one in this place would seek to make fun of that. We know that it is challenging for anyone who is going through these issues. The second thing I say is that we make different choices in different ways in relation to budgets. There were significant savings found across the entire budget as the Government was dealing with \$187 million worth of debt and \$7 billion worth of black holes in relation to this.

**The Hon. Bronnie Taylor:** You chose to cut palliative care. You chose to do that. It is terrible.

**The Hon. PENNY SHARPE:** I am trying to answer the question.

**The PRESIDENT:** Order! Interjections are disorderly, and so is responding to them.

**The Hon. PENNY SHARPE:** I make the point that there were difficult decisions made in the budget. There has been an impact on palliative care; I do not think anyone has hidden from that. The Government is working through the issues, including things like not enough nurses, which were left unfunded and were urgently needed. Let us remember that there is more money going into palliative care than there has been before. The previous Government made an announcement, but it made many announcements about a lot of issues in a lot of budgets that left hospitals without nurses and were not able to be rolled out. All of that has been part of the conversation around this.

The amount of palliative care funding in the budget is a record, and the Government continues to work through the issues. Palliative care funding will continue to increase year on year, every year, under the budget that has been delivered. I understand that these issues are difficult. Members on this side of the House take them seriously and want to work through them. I remind the House that palliative care funding will be 7 per cent higher

in 2023-24 compared with 2022-23, and will increase again by 8 per cent in 2024-25. These issues are under active consideration all the time, as they are with all budgets. The Government has made tough decisions and is working through them. The Government remains absolutely committed to ensuring that people can have access to palliative care.

#### PORT OF NEWCASTLE PROTESTS

**The Hon. SAM FARRAWAY (14:17):** My question is directed to the Minister for Natural Resources. What has been the impact on the New South Wales coal industry of the closure of the Port of Newcastle for 30 hours this past weekend, including any reputational damage with our trading partners? What steps is the Minister taking to protect the coal industry from any further disruption of lawful trade?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:17):** I thank the member for his question about the protests that occurred at the Port of Newcastle on the weekend. As other Ministers have canvassed, this protest occurred from Saturday to Sunday in accordance with permission that had been granted by New South Wales police. When the protest extended past the period that permission was granted for, I understand that arrests were made because it was not conducted in accordance with that. The police Minister and the police had warned people who stayed on the water after 4.00 p.m. that they would face arrest. I take this opportunity to thank the Port of Newcastle, the Port Authority of New South Wales and the maritime police. I understand that this is an annual protest and that the protestors have deeply held beliefs, which is why they participated in the protest on the weekend.

Closing our major port has an impact. From June 2020 to June 2023, about 95 per cent of New South Wales coal exports were shipped from the Port of Newcastle. So it is our major port. I reflected on that last week when I was asked questions on the issue. There is no doubt that the protest will have an impact. New South Wales sold \$40 billion worth of coal last year, and the royalties from that revenue are forecast to be \$3 billion this year. About 90 per cent of our coal royalty revenue comes from exported coal. As I have said many times in this place, the Government certainly understands the importance of coal to the State's electricity network and to the State's economy.

Again, I do not want to foreshadow what may be on the *Notice Paper* later today, but I can clearly point to the Government's public commentary around the need to transition towards net zero by 2050. We will be debating that, but we understand the important role of coal in the meantime, and we are prepared and absolutely committed to ensuring we protect our families and households from the impact of that transition. I am certainly aware of the importance of coal exports to the State's economy. As the Minister for Natural Resources, I speak with the sector regularly and continue to engage with it and hear its concerns.

**The Hon. SAM FARRAWAY (14:20):** I ask a supplementary question. Will the Minister elucidate the parts of her answer that confirmed there was clearly an impact from closing the port and the important contribution that coal plays in the State's economy? Will the Minister also elucidate the part of her answer about any possible discussions she had with the Federal Government on reputational damage and damage with trading partners nationally?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:21):** I thank the honourable member for his supplementary question. I have not spoken to the Federal Government about reputational damage. The Treasurer and I engaged extensively with our key trading partners when we were updating our coal royalties scheme. We think that is important. We do engage with them. But this is an annual protest that occurred for years under the previous Government as well.

**The PRESIDENT:** Order! There are too many interjections.

**The Hon. COURTNEY HOUSSOS:** We accept the important role of coal. In 2022, 136 million tonnes of coal was exported, to the value of \$61 billion. It went to a range of countries, but Japan and South Korea are the key trading partners that the Treasurer and I engaged with as we updated the coal royalties scheme that the Treasurer spoke about extensively in question time. They certainly want access to our coal. Given the scale of the exports that go out of the Port of Newcastle, the interruption over the weekend was relatively brief. I am not engaging with the Federal Government in relation to reputational damage on the issue. We continue to realise the important role of coal exports in our State's economy. I maintain that position.

## HOUSING SUPPLY

**The Hon. CAMERON MURPHY (14:23):** My question without notice is addressed to the Minister for Housing. Can the Minister inform the House how the New South Wales Government is working with the Commonwealth on housing, and what has been the result of that?

**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) (14:23):** I can. There are two key things I will update the House about. It has been great to see so many of my colleagues talking about housing in question time. It is a top priority for the Government. First of all, the Treasurer talked about the real economic impact of the current housing crisis and how hard it is for people to afford a place to buy or rent. Unfortunately, we know that is a drag on productivity and economic growth in the State. My colleague Minister Houssos talked about trying to support domestic manufacturing and the incredible opportunity we see, particularly through my work in the modular housing taskforce. Domestic manufacturing in this State has been smashed over the past 12 years, with all of the jobs sent offshore. We are trying to build the industry here to get more people working in manufacturing and building the houses that we can use to confront the housing crisis. It is very exciting work.

I have been doing my little role as well, particularly rolling out our Social Housing Accelerator funds. I was so excited to be on the Central Coast recently with my colleagues and local members Mr David Mehan and Ms Liesl Tesch, and Federal member Gordon Reid, to make one of the first more significant announcements under the accelerator, which is the delivery of 37 units in East Gosford and Telarah. It does not sound like much, but for the people living at that property, which was going to be sold on the private market and lost to the elderly residents who rely on social housing on the Central Coast, it was life-changing. It is fantastic to be able to report to the House how much they appreciated the partnership between the New South Wales and Federal governments and, in this instance, our community housing providers at Pacific Link Housing, who got together and organised to stop the sale of those properties on the private market and bring them back to being permanent social housing in perpetuity for those residents. That is just one of the many projects that we will be delivering under the Social Housing Accelerator.

Each individual project does not sound like much, but their cumulative effort is significant. As I said, for each of those individual residents, it is life-changing. It was fantastic to be on the Central Coast for that announcement. I was then down in Canberra for the Housing and Homelessness Ministerial Council meeting, leading a national effort to define "affordable housing". One of the challenges we have is that key terms like "affordable housing" are not well defined or well understood as part of the conversation. The New South Wales Government is showing leadership in many areas including planning reform, rental reform and delivering social housing and is also leading the national conversation about getting terms and language right so the investment pipeline can follow. There is no part of the housing crisis spectrum that we are not active in, and it is fantastic to be part of a Government that is talking about the stuff that matters to people in New South Wales.

## CRIME RATES

**The Hon. ROD ROBERTS (14:26):** My question is directed to the Hon. Tara Moriarty, representing the Minister for Police and Counter-terrorism. Data from the Bureau of Crime Statistics and Research shows a rapid spike in crime across most indictable offences between July 2021 and June 2023. This includes robbery with a firearm being up by 36 per cent, breaking and entering up by 10 per cent, motor vehicle theft up by 23 per cent, stealing from a retail store up by 47 per cent, and many more that I do not have time to list because I am cognisant of the President's ruling that we have one minute to ask questions. Reports circulating show that the NSW Police Force is currently 20 per cent below its authorised strength. With a growing population, a shrinking police force and a rising crime epidemic, when will the Government admit to the people of New South Wales that it has a serious crime problem on its hands, and what is it doing about it?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:27):** I thank the honourable member for his question. I know he has a significant ongoing interest in matters in this space. I acknowledge and respect that. I have been asked this question in my capacity representing the Minister for Police and Counter-terrorism, so I will seek an answer on the specific details raised to bring back to the House. But this is an opportunity to acknowledge the members of the NSW Police Force, who do terrific work keeping us safe every day. I know they are working overtime at the moment on other things spoken about in question time today. I am sure everybody in this House wants to acknowledge the terrific work of police. The Government is supporting police in a number of significant ways, including the recent announcement about paying trainee police. I do not have the specific details of that, but I can tell the House that a significant number of people have applied on the back of that announcement. It is a real-world solution to the issues raised by the honourable member. Thank you again to the police. I will come back with specifics.

## PORT OF NEWCASTLE PROTESTS

**The Hon. NATASHA MACLAREN-JONES (14:28):** My question is directed to the Leader of the Government. Noting the Premier's statement that "You cannot have a situation where our ports are blocked for commerce ... That would be hugely damaging to our economy", what damage to our economy, including our reputation with trading partners, has been caused by the closure of the Port of Newcastle for 30 hours in the past weekend after NSW Police approved an application for Rising Tide to blockade the port, and what steps will the Government take to ensure this never happens again?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:29):** I thank the honourable member for her question. I think this has been asked of all of my colleagues today and the issues have been well canvassed in the answers that have been provided. A protest took place on the weekend, of which people are aware. It was managed. Ongoing discussions across government around support for the port and the way in which the port has managed the issues were well canvassed by the Hon. Courtney Houssos. The response from the police was well canvassed by the Hon. Tara Moriarty. The Premier has been very clear in relation to his comments on this. I have nothing further to add.

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

*Questions Without Notice: Take Note*

## TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. ROD ROBERTS:** I move:

That the House take note of answers to questions.

## CRIME RATES

**The Hon. ROD ROBERTS (14:30):** I take note of the answer given today by the Hon. Tara Moriarty to my question. I note that she took the majority of the question on notice, and it is quite appropriate to do so. The New South Wales police do a good job, to which the Minister alluded, and they need support to do so. From the data of the Bureau of Crime Statistics and Research, crime is absolutely out of control. Non domestic violence related assault is up by 16 per cent. Robbery with a firearm is up by 36 per cent. Robbery without a firearm is up by 15 per cent. Break and enter of homes is up by 10 per cent. Break and enter of non-dwellings, being factories, warehouses or shops, is up by 14 per cent. Motor vehicle theft is up by 23 per cent. Stealing from a retail store is up by 47 per cent. Stealing from persons is up by 24 per cent.

According to the Bureau of Crime Statistics and Research, crime is on the way up. That is the two-year trend between 2021 and 2023. This is not my imagination and it is not an attack on the Government; this is fact and reality. We need to couple that with the fact that, unfortunately, at the moment the road toll statewide has increased by 30 per cent, which is a tragedy, and in Greater Sydney the road toll is up by 44 per cent. This is not imagination; this is reality. Something needs to be done. Clearly, this relates to the lack of police in this State, which is something that I have been predicting. You do not have to be Nostradamus. I have said that these storm clouds were on the horizon—I have been saying that for three or four years—and they have arrived. The Government has followed my lead in deciding to pay trainees, which is a step, but a very small step. When trainees come in, they are apprentices. It will take at least three years for them to get any level of skill. The biggest problem the Government has at the moment is retaining the police officers that it has. There is no retention. Police officers are leaving in droves, simply because better pay and conditions are on offer in Queensland and Victoria.

When this Government first came in it made a statement, "We respect our teachers," and made an immediate pay increase to teachers. It was losing teachers, could not retain teachers and could not recruit teachers. The same thing is happening with police. The Government needs to get straight to the bargaining table, sit down and make an offer to police on their wages. It starts with the figure of at least 8 per cent, which is the same as the teachers got. Otherwise this situation will continue to get worse.

## RED FIRE ANTS

**The Hon. SARAH MITCHELL (14:33):** I take note of answers given today by the Minister for Agriculture and Minister for Regional New South Wales, the Hon. Tara Moriarty, particularly in relation to fire ants. This is a topic I have raised in the House before. We have had questions on it before. Indeed, I had a private member's motion about the importance of keeping fire ants out of New South Wales, which the Government supported and the Minister spoke to. What concerns me is the very obvious shift in the messaging coming from the Minister and the Government today to "Now they're here, we're going to eradicate them" and "We've had a plan in place to deal with that because we knew it was coming." When we debated the issue back in August and

asked a series of questions about it—and *Hansard* speaks for itself—these are some quotes directly from the Minister:

We are very serious about making sure—and I put a lot of money into making sure—that they do not cross the border from Queensland. They are too close for comfort.

The final quote is:

Managing biosecurity and biosecurity threats is a key priority for the New South Wales Government ...

The language back in August was "We are going to do everything we can to make sure that these invasive pests do not cross the border." Now we know that that has happened. We know that nests have been found in northern New South Wales. There is some debate in the community about how long they have been there. We know that they were discovered on Friday. But the messaging and the change from this Government—

**The Hon. Jeremy Buckingham:** Maybe they came in under your watch. Maybe they have been there for years.

**The Hon. SARAH MITCHELL:** With respect, Mr Deputy President—

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Yes. I was preoccupied.

**The Hon. SARAH MITCHELL:** My point is that the messaging in August was "We will do everything. We've put a lot of money in. We will make sure that these don't cross the border." That has not worked. The Government has failed to keep red fire ants out of New South Wales. That is a fact. To now pivot to "Well, what are we going to do to clean up?" or "What are we going to do to eradicate those that are already there?" is too late for those communities that are already under threat from this invasive species.

It is incredibly concerning that there was not a lot of information coming from the Minister today beyond tidying up after the fact and dealing with the mistake. We were very clear early on. I give a shout-out to the shadow Minister for agriculture and Leader of The Nationals, Dugald Saunders, who was in the northern part of the State earlier this year meeting with colleagues from Queensland, meeting with local landholders, raising awareness of this issue and imploring the Government to do more to stop red fire ants from crossing the border. We now know that the Government has done too little and it is too late. They are already here in New South Wales. We are very concerned about what this will mean, not just for agricultural communities but for all communities. We are hearing reports of sporting events not being able to go ahead due to playing fields not being open for children because of the risk of anaphylactic shock and of people being bitten. The issue is not unique to agriculture. The Minister needs to be very serious about cracking down on this and needs to do a better job than has been done in the last couple of months.

## COAL ROYALTIES

**The Hon. JEREMY BUCKINGHAM (14:36):** I take note of an answer given today by the Hon. Daniel Mookhey, our Treasurer, regarding assurances that may or may not have been given to the coal sector in relation to negotiating coal royalties. I place on the record that today, in New South Wales, the Government is operating under the policy of the Hon. John Barilaro. That is still the existing coal policy in this State. What concerns me and, I think, concerns a lot of people in this State is that that policy assumes that global demand for thermal coal will continue to be a billion tonnes of thermal coal out to 2050—that is, almost no reduction in global demand to 2050. That is the document that the Government is relying on when doing its modelling on whether to have a super profits tax on coal or a more modest, more long-term and potentially more beneficial tax—sorry, royalty. But it is a suicidal proposition for the globe to be burning a billion tonnes of coal per annum in 2050. What is also a suicidal proposition is that the policy says:

... the NSW Government will:

- recognise existing industry investment by continuing to consider responsible applications to extend the life of current coal mines, and by streamlining the process for exploring new areas ...

It would be very concerning to me if a concession that the Government was giving in terms of royalties was to streamline new coalmining applications. There are 14 gigantic new coal extensions on the books in New South Wales. We cannot continue to say to the people of New South Wales, "You've got to do the heavy lifting on net zero," and at same time export overseas hundreds of millions—if not billions—of tonnes of coal over the coming decades, all underpinned by John Barilaro's mining policy that sees us expanding some of the biggest coalmines in the world for decades to come. It is untenable. It will be a matter for the Net Zero Commission, I can tell you that. The fugitive emissions from these coalmines will be 30 per cent of our emissions by the end of the decade. The fugitive emissions from big coalmines like Appin, Mount Arthur and Moolarben are contributing to New South Wales' emissions. We cannot continue to open and streamline new coalmines in the age of climate catastrophe.

## PORT OF NEWCASTLE PROTESTS

### RED FIRE ANTS

**The Hon. EMILY SUVAAL (14:39):** I take note of answers by multiple Ministers relating to the Port of Newcastle. As someone from that part of the world, I welcome the conversation and interest in the port. It is a great asset to our area. It creates lots of local jobs, is the second largest coal exporter in the world and is one of our largest export ports in Australia. In terms of what goes in and out of the port every day, obviously, there is coal. There is also grain, vegetable oil, alumina from our good friends at Tomago and a number of other important things for us as a society and for the good people of the Hunter. I commend the Port Authority and the Port of Newcastle for their work in managing the port and any disruptions or issues. The port is amazing to look at, from the piloting arrangements used for the pilot cutters and the helicopter transfers to the tugs in operation. It is a magnificent asset to our community in the Hunter.

I also take note of answers provided by my colleague the Minister for Agriculture about the outbreak of red fire ants in one of my duty electorates on the far North Coast. I commend the workers of the Department of Primary Industries for their quick action in getting it under control and eradicating that threat. It is important to underline that red fire ants are not new to Australia. They have been around since 2001. Various outbreaks have occurred in other States, including South Australia and Western Australia, which were introduced in other ways. This Government takes biosecurity threats very seriously, hence the introduction of its Biosecurity Commissioner. Again, I commend the workers of the department and the Minister for their swift action in getting the outbreak under control. They are a dangerous species and are one of the worst invasive pests, if not the worst. They can cause real damage to not only our friends in agricultural industries but also people themselves.

### HOUSING SUPPLY

**The Hon. SCOTT FARLOW (14:42):** I take note of the answers given by the Treasurer with respect to housing and particularly the alternative views he sought. Members opposite love to pick out little-known Liberal councillors, and I know Sean Carmichael in Woollahra. But there are some perhaps better known people on the other side, and maybe we should look at some of their alternative policies. I will start with the Grand Poobah of local government, the Local Government NSW president, Darriea Turley, who happened to be Labor's candidate in Broken Hill as well. She said:

In our talks with the government we will be making it clear that planning processes must not violate council-led local plans and should allow councils to play a key role in assessing overall strategic merit.

We move a bit further afield to Bayside City Council and its Labor mayor, Christina Curry. She said:

The LEP [local environmental plan] is a particular height for a particular reason. Doubling that, in my personal view, is extreme.

We can even move a bit closer to this place and look in the other Chamber at the member for Parramatta, formerly the Lord Mayor of Parramatta, who said, "The predominance of mid-rise four- to seven-storey residential flat buildings is incompatible with the local context." If delivered in full, it would have delivered 1,000 homes, but at that time the mayor opposed it. She said that the proposal was not valid for her community. To learn the views of some other Labor Party figures when it comes to planning and uplift, we look no further than the member for Canterbury, Ms Sophie Cotsis. At the time we were looking at rezoning properties along the southwest metro corridor, she said that it was a "true agenda of foisting inappropriate levels of residential development in communities". That is the same southwest metro that members opposite opposed and that the Hon. Daniel Mookhey claimed to be the saviour of, along with the Minister for Transport, who at the time said, "The inner west Canterbury region is being asked to accommodate more than our fair share of development."

For the most well-known figure, we look to the Prime Minister. At that time Anthony Albanese said the proposed high-rises needed to "enhance the character of local communities, not destroy it". Members opposite have opposed housing developments at every turn. We have a Premier who now says that he wants Sydney to go up, but not so long ago he had a very different view when he claimed that planning in New South Wales would be creating a "high-rise hell". It seems that members opposite like to pick on Liberal councillors in Woollahra. The Hon. Wes Fang likes to pick on Liberals everywhere! But they should look at their own record when in opposition or, in fact, when in government and at all the proposals they have opposed.

### STATE BUDGET AND PALLIATIVE CARE

**The Hon. TANIA MIHAILUK (14:45):** I provide some commentary on the response of the Leader of the Government to my question about palliative care and the cutting of \$150 million in this year's budget, at the same time that the Government has made a decision to spend \$260 million rolling out its electric vehicle strategy across New South Wales. The point I made in my question was that this Government is fixated on supporting its inner-city Greens agenda rather than supporting dying patients and their families during their terrible time of need, particularly those suffering from cancer and other horrible illnesses.

Today is the start of assisted dying in New South Wales. I opposed the bill when it was before the House, as did many of my colleagues. Unfortunately, we did not have the numbers, and it was passed. It is now in full effect in New South Wales. The Minister for Health has provided information to each member, which includes some details around voluntary assisted dying, numbers for people to contact and other information. But it saddens me that, as assisted dying is implemented in New South Wales, it is clear that palliative care funding has been wound back. Not a single person has raised with me their desire to have assisted dying legislation in New South Wales. Instead, they have raised palliative care and the need to ensure that we have appropriate health services across our State, particularly in regional areas.

I understand the fear of many families, particular those who live in isolated communities, that they will need access to nursing and specialised care for their loved ones, or indeed for themselves, during their time of need. Any cutting back can cause great angst. There has certainly been a great deal of angst in the healthcare industry and amongst many families and advocates in the palliative care space. I acknowledge the Hon. Greg Donnelly, a Labor member in this House, who has raised his concerns about palliative care with his own Government. I congratulate him on his courage in raising those matters. He is right to raise them, as others have, including the Opposition in this place. There is no question that this Government has scaled back its commitment to palliative care. Even in the document provided today about voluntary assisted dying, there was very little about palliative care. [*Time expired.*]

## PROTESTS AND ROAD INFRASTRUCTURE

### NSW POLICE FORCE

**The Hon. RACHEL MERTON (14:48):** I take note of an answer from the Hon. John Graham concerning the NSW Police Force and protesting. I recognise and commend the important work, role and responsibility of the NSW Police Force in our community. I also recognise the increased demand on policing resources during protests and the important role the police play in managing these sorts of events generally, and keeping the community and the public safe. I commend them on this work. I also remind the House of the important role that policing plays in the local community. Local policing plays a critical role in maintaining community safety, order and confidence. State Labor members told the people of New South Wales before the March election that they take local policing seriously. They talked a big game in opposition. NSW Labor promised an additional 50 police officers for south-west Sydney. I recently ask the police Minister a question on notice, No. 970, regarding this commitment:

... when will the Government fulfil its election promise of an additional 50 police officers for the south-west of Sydney?

The response stated:

The 2023-24 State Budget ... is expected to confirm the funding, allocation and scheduling on the delivery of this election commitment.

I have followed up with another question on notice. In the interim, I will say that the people of south-west Sydney are looking for confirmation of a commitment, not expectations. The fact is that many questions remain with this Government when it comes to policing, such as: Where does the Minns Government stand on local policing? Further, are police provided with the required resources to carry out their role in the community? Across Greater Western Sydney we are hearing reports of police stations shutting their doors at night. I am aware that has been happening at Wetherell Park on a regular basis. We hear of commands operating at only 60 per cent capacity.

Police officers who are on the beat are being left at risk by taking on an unmanageable workload, leading to burnout. For the local community, it means that safety is at risk. It means that police response times will be impacted in situations where every minute counts. The Government needs to support our police officers, who are out there doing everything they can to keep our communities safe, but who themselves are being left at risk. This is unacceptable. I call on the Government to prioritise the operation of local policing, including the operation of police stations. I note the NSW Police Force operates from 29 stations in south-west Sydney. It is critical to the community that stations remain fully functioning and operating. Let's keep the doors open. The people of New South Wales deserve no less than to see local policing remain a priority.

### RED FIRE ANTS

**The Hon. WES FANG (14:51):** They say a week is a long time in politics, and that is no more certainly the case than in this Chamber. Last Thursday we saw the Minister for Agriculture respond to a Dixer from a Labor backbencher. The Minister answered by trying to sink The Nationals. She blamed us for her policy failures by saying, "Who let the dogs in?" You know you are a bit rubbish when even karma and luck are not on your side, because what did we see the next day?

**The Hon. Scott Farlow:** Who let the fire ants in?

**The Hon. WES FANG:** We know who let the fire ants in. It was the Minister for Agriculture. We have to wonder about the focus of the Minister for Agriculture when she and her office are so focused on trying to sink the National Party and members of the former Government for her policy failures. She is dropping the ball by letting fire ants into this State. Farmers and residents of the northern part of the State are all concerned about what fire ants in New South Wales mean for our communities, yet the Minister comes into this House and tries to run comedy hour. We want the Minister to focus on her job and the things that matter, and that is keeping fire ants out. When the Minister tries to crack a joke about National Party members, perhaps she should instead focus her attention on the job she has at hand and keep the fire ants out.

### GOVERNMENT PERFORMANCE

**The Hon. AILEEN MacDONALD (14:53):** I take a short note of our session today so far. It would appear from question time and formal business that Labor is in a race to the bottom. It has failed in its basic duty to protect us. Now is not the time to be complacent. The number one issue facing New South Wales today is cost of living. Nothing on Labor's agenda today has convinced me that Labor is doing anything to help those struggling. Rather, Labor has cemented in my mind that what it wants to do is put unions first and at the centre of every transaction. The Government may have established urgency today, but it has not established integrity or transparency, which also were platforms Labor took to the election.

**The Hon. Anthony D'Adam:** Point of order: I am reluctant to take a point of order, but it is incumbent on a member when they take part in the take-note debate to indicate what question or element of the questions asked and answered today they are dealing with. The Hon. Aileen MacDonald has not done that. It is not clear that this is an appropriate take-note debate. Mr Assistant President, I urge you to bring the member back to the relevant point.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The purpose of the take-note debate is to take note of particular answers to questions. I implore the Hon. Aileen MacDonald to direct her comments to answers given today.

**The Hon. AILEEN MacDONALD:** My comments were general rather than in relation to a particular answer. On that note, I will conclude my remarks.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:55):** It has certainly been a big year. It is the end of the year and members opposite are clearly tired. In question time today we saw a rehash of some of the questions asked last week. I will try not to give the Opposition too much advice because it is the final sitting week of the year, but let me say this: When I was first elected to this place, a former Leader of the Government, the Hon. Duncan Gay, used to constantly admonish Labor and say, "You need a question time committee." Perhaps there is a new year's resolution for the Opposition—establish a question time committee, because it has to come up with something better than they came up with today.

In contrast, the Government is finishing the year strongly. We have a big legislative agenda to get through this week. This is our last sitting week and it might be quite a long week, but whether we are debating establishing the Net Zero Commission, the industrial relations bill, or how we are addressing the housing crisis, that is what the Government was firmly focused on today during question time. The Leader of the Government, the Treasurer, the Minister for Housing and I were all talking about the range of ways in which the Government is confronting the State's housing crisis. This is an enormous challenge. It is a huge legacy that members opposite left to the people of New South Wales but also to us, an incoming Government, that 12 years of inaction and neglect has resulted in the lowest number of completions per capita in the country.

In response to that, over the course of this year the Government has done a range of things. I again commend the Treasurer, the Minister for Housing, the Minister for Planning and Public Spaces in the other place, the Cabinet and the Government as a whole for the range of responses to this enormous challenge. A number of changes have been announced to speed up approvals through the planning system. Indeed, today the planning Minister was again talking about how we can get more dual occupancy and residences that are close to transport locations. It makes sense, but we need an enormous range of solutions to solve this big problem. Today I was talking about the modular housing taskforce that was launched yesterday by the Premier and the Minister for Housing. That is another way of encouraging our manufacturing industry while also confronting the housing crisis. The Minister for Housing spoke about the way she is working with the Commonwealth to implement those really ambitious plans.

Governments are also forced to respond to the circumstances that they are dealt. I commend the Minister for Agriculture for updating the House on the way that she quickly responded to the emergence of fire ants in the

northern part of the New South Wales. Opposition members want to say that there was something wrong with the Minister's response, so let me put some facts on the table. Fire ants crossed the border on Friday. The Minister was up there and the fire ants were eradicated before we returned to Parliament this week. That was an immediate and quick response from the Minister and the department. I commend them for it. This was an excellent response to an emerging situation that we take very seriously.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The time for debate has expired. The question is that the motion be agreed to.

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**BOWDENS SILVER PROJECT**

In reply to Ms CATE FAEHRMANN (23 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:

Yes.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I shall now leave the chair. The House will resume at 4.00 p.m.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. PENNY SHARPE:** I postpone business of the House notice of motion No. 1 until a later hour of the sitting.

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

**SUSPENSION OF STANDING AND SESSIONAL ORDERS: HARD ADJOURNMENT**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:25):** I move:

That, notwithstanding anything to the contrary in the standing and sessional orders, the hard adjournment for Tuesday 28 November 2023 only be at 12.00 midnight.

I postponed the motion to remove the hard adjournment altogether for this evening, but I suggest that we sit until midnight tonight.

**The Hon. DAMIEN TUDEHOPE (16:25):** The Opposition opposes the motion, notwithstanding the commitment of the Deputy Leader of the Government to the night-time economy. This House has adopted the hard adjournment for the very good reason that it properly reflects the need for a safe working environment for the people who work here. I indicated earlier that the Government is bringing a massive legislative agenda to the House this week, expecting it to sit in circumstances where it is moving a significant number of pieces of legislation at this late hour and wants them finalised by the end of the year.

As the Hon. Chris Rath indicated earlier today, that is against a background where there was a dearth of commitment to legislation during the previous nine months. Regarding the urgency that was sought for the industrial relations bill, he reminded us that in 2011 the then Liberal-Nationals Government sat for 64 days in its first year. In 2023 the Labor Government will have sat for 39 days. The 2011 Coalition Government sat for over 64 per cent more days than the 2023 Labor Government. That is, for every two days this Government has sat, the then Coalition Government sat for more than three days.

The average adjournment time for the Legislative Council was 7.31 p.m. on Tuesdays and 6.26 p.m. on Thursdays. In seeking to remove the hard adjournment tonight, even to move it to 12.00 a.m., the Government has not made the case as to why any of its legislation needs to be passed this week. If the Leader of the Government had committed that it would not be required once the net zero bill had passed, for example, then I could see some argument for that. But to lift the hard adjournment and move it to 12 o'clock just for the purposes of the Government's agenda, without more justification, is unsatisfactory and should not be supported by the House in the current circumstances.

**Ms ABIGAIL BOYD (16:29):** I speak briefly on behalf of The Greens to say that we do not oppose the lifting of the hard adjournment. Again, I have sympathy for the idea that members should not be in this position—

but we are. When done right, democracy can be very messy and time-consuming. The Greens are in favour of more sitting hours rather than fewer. Again, I take the opportunity to ask the Government to consider using reserve sitting weeks in the future. We have reserve weeks. We block them out. Members do not plan other things during reserve weeks because we expect that we may have to come back. The Greens have a preference for coming back in the reserve week rather than having our staff here until midnight every night and members making decisions on important bills when they are tired. I appreciate that the reserve week will not necessarily be used this time, but it would be our preference in the future.

**The Hon. MARK LATHAM (16:30):** It has become the conventional practice of this House to adopt the family-friendly hours of the hard adjournment at 10 o'clock. The only reason for going later this week is the Government's mismanagement of its legislative schedule. Some of us have been quite bewildered about what has been going on. After 12 years in opposition, one would think that Labor would have a lot of legislation on its agenda. But time after time we have gone home at dinnertime on a Tuesday, and the legislation did not seem to carry us very far on a Thursday. The paradox of this place is that the Coalition, which was in power for 12 years, had a lot more legislation on its agenda under Perrottet than Labor, which was out of power for 12 years, has under Minns. All of that is on record.

People have used their calculators to summarise our average finishing times and all that sort of minutia, but the reality is that a lot of members have felt that under the Minns Government we have become a part-time Parliament. We have discussed that previously. In years gone by we have heard—and it is a legitimate argument—that members of Parliament who have younger children particularly need the family-friendly hours. So where is the urgency in this motion, which has been moved because of things the Government did not know about? Which of the bills that will hold us through tonight, supposedly to midnight, and then on Thursday, with talk of going into Friday, was not foreseen? Russell Balding's appointment is legislated to run out in the middle of December; there is no surprise there. The Treasurer, the Hon. Daniel Mookhey, has his plans for the Transport Asset Holding Entity [TAHE]. The Treasurer sprinkles TAHE on his Weet-Bix in the morning. He lives and breathes TAHE unravelling. That is his life's work, so he has known about that and could have had—

**The Hon. Courtney Houssos:** He does more than that!

**The Hon. MARK LATHAM:** He does more than that? He has it on his cornflakes as well—there you go. He is all over TAHE, and that legislation should have been brought forward instead of us knocking off on a Tuesday—

**The Hon. Damien Tudehope:** It's a one-line bill, mate.

**The Hon. MARK LATHAM:** It is a one-line bill. It should have been brought forward instead of us knocking off at dinnertime on a Tuesday. There is other legislation that could have been brought forward to fill up the agenda without knocking off the family-friendly hours that the Parliament had committed to. Now, I do not want to plead my case too much, but for those of us who travel out to where the real people live on the urban fringe, a midnight finish is a 2.00 a.m. finish, and then we have to come back here. That is not easy. I know the inner-city burghers just wander down the road to Dulwich Hill and Summer Hill. All the "hill" places that are actually flat in the inner city are convenient to them. But to get to where the real hills are in the west and the south-west, it is a long, hard slog. Members have made principled decisions about our hours. This is only happening because of the Government's mishandling of its legislative agenda. Maybe there is some smart tactic at play here with the thought, "If we jam them up late, they'll wilt." Well, a few years ago the Hon. Rod Roberts and I showed that we are not for wilting, we are not for surrendering and we are not for sleeping.

**The Hon. John Graham:** I hope it doesn't come to that.

**The Hon. Mark Buttigieg:** The roster got you eventually.

**The Hon. MARK LATHAM:** One thing that has happened is that there are many more amendments to be moved for the Climate Change (Net Zero Future) Bill 2023. The absent One Nation member has taken the opportunity to lodge 15 amendments. I think The Greens have lodged a few more amendments because of the filibuster last Thursday. The debate on the Climate Change (Net Zero Future) Bill will not get to the extravagant Latham filibuster of 200 amendments, but we are creeping up to triple figures bit by bit, and we are yet to start the debate. The Hon. John Graham hopes it will not come to that. We all hope it never comes to that ever again. But the reality is that the bill was always going to be contentious around the Chamber. Even those who spent last week in London have burst forth with amendments at this late stage. There is a lot of work to be done. I do not see how supporting this motion is consistent with the attitude of the House towards family-friendly hours, which is a matter of principle that should not be broken.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:34):** In reply: I thank honourable members for their contributions,

and I will respond to a few of those issues. First, we have been trying to run family-friendly hours as much as we can. It has always been a challenge and I do not think this House has ever actually got it right. The earlier finish times and decisions like sitting through dinner so that we could finish early have absolutely been part of what we have done since Labor came to government. The second thing I put on record is that this Government has proposed twice as many bills as the Berejiklian Government did when it came to power in 2019.

**The Hon. Damien Tudehope:** Oh, give me a break. They're rubbish.

**The Hon. PENNY SHARPE:** Lies, damned lies and statistics! I am happy to put the actual figures on record. We will do that, but that is neither here nor there. To point that The Greens made, I think there is an issue that all upper House members on both sides of the Chamber have faced if they have been in government, which is the desire to sit very late to get through the legislative program of the Government so that our lower House colleagues can go and do the school functions and the things that they want to do rather than sitting in a reserve week. I acknowledge the contribution from Ms Abigail Boyd, but I make the point that there is a fundamental disagreement. It does not matter which side of the House one is on; it is the difference between the jobs of different members and the ways in which we undertake them.

The Government is trying to find the balance. There are around 14 bills that we would like to get through this week. We are very optimistic that we will be able to pass them. The House is working pretty collaboratively. Even where there are disagreements on the bills, we are working very collaboratively through the process of amendments and those kinds of things. What we are asking for is balance. We do not want to be sitting here on Friday, and we really do not want to be sitting here next week. I think the extra two hours tonight will make things much better in relation to getting through the rest of the business that we need to get through by Thursday.

It is a matter for the House. I hear what members are saying. The Government flagged early last week that it was contemplating this motion. I have not deliberately sprung this on members. The whole idea is to try to get the balance right between the Government's need to get a range of legislation through and its desire to try to minimise the impact on members so that we are not sitting really late again on Thursday or having to come back next Tuesday, which is what we will face if we do not finish the work. I ask the indulgence of the House to allow us to sit till 12 o'clock tonight, and we can have the conversation about the rest of the week as we roll out the rest of the legislation.

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

**The House divided.**

Ayes .....23  
 Noes ..... 16  
 Majority..... 7

**AYES**

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

**NOES**

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

**PAIRS**

Mookhey	Ward
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**Motion agreed to.**

*Visitors***VISITORS**

**The PRESIDENT:** I welcome to the public gallery Noah Smith. Noah is the school captain of Barrenjoey High School and the youth premier for New South Wales.

*Bills***CLIMATE CHANGE (NET ZERO FUTURE) BILL 2023****In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. There are a number of sheets of amendments: Legalise Cannabis Party amendments on sheet c2023-145F; Government amendments on sheet c2023-152B, sheet c2023-133B, sheet c2023-151 and sheet c2023-148A; Independent amendments of the Hon. Mark Latham on sheet 24D; Animal Justice Party amendments on sheet c2023-110C and sheet c2023-112A; The Greens amendments on sheet c2023-117D, sheet c2023-150A and sheet c2023-108E; Opposition amendments on sheet c2023-125I; and Pauline Hanson's One Nation amendments on sheet c2023-168A, sheet c2023-169B, sheet c2023-170A and sheet c2023-179A.

**The Hon. EMMA HURST (16:51):** I move Animal Justice Party amendment No. 1 on sheet c2023-110C:

**No. 1 Purpose of Act**

Page 2, proposed section 3(3), line 21. Insert "animals," after "people,".

As I foreshadowed in my second reading debate contribution, the intent of this amendment is to ensure that the impact of climate change on animals is recognised in the bill, because, right now, animals have been entirely excluded from the bill. In fact, the word "animal" does not appear once in the bill. Calling animals "the environment" actually fails to recognise animals as sentient beings that rely on the environment to survive. They cannot be lumped together with trees and other matter; their very being is explicitly different and unique. Failing to see that is a major oversight. It is also at odds with the Minister's second reading speech, where she said:

We have a responsibility to protect our animals, plants, land, water, air and soil. Climate change impacts them too.

I agree with her. As she stated, plants and animals are different. We rely on a One Welfare model. Humans, animals and the environment in which we all live are linked and rely on each other. Lumping them together fails to recognise the very real threat that climate change is to all of us. The bill that has been put forward does not reflect that responsibility towards animals or the impact of the climate crisis on this group of living beings. Putting them under "the environment" ignores and silences that impact. It shows disregard for the impact of human-made climate change on other species.

The Animal Justice Party is not the only group concerned with this particular oversight. The Vets for Climate Action gave a very strong submission to the inquiry into the bill. It highlighted that climate change is in fact an animal health and welfare issue. We know that animals have already died from heatwaves and other severe natural disasters in Australia, including the Black Summer bushfires. Many more will suffer and die if we do not take drastic action to stop the rising temperatures. In its submission Vets for Climate Action said:

Animals hold no responsibility for the causes of climate change, yet they experience the consequences most strongly.

It recommends the bill include explicit consideration of the impact of the changing climate on animals in the guiding principles section of the bill. That is exactly what the Animal Justice Party amendment would achieve. It would insert the word "animals" into the purpose section of the bill. I commend the amendment to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:54):** I thank the Animal Justice Party for its cooperative approach to the bill, but I flag that the Government does not support the amendment to the guiding principles. There has been some argument about whether it is captured in "the environment", and I think we agree to disagree with the Hon. Emma Hurst on that. The Government accepts the need to talk about animals and species and will be supporting some other amendments from the Animal Justice Party, but not this one in the area of the purpose of the Act.

**The Hon. SCOTT FARLOW (16:55):** For similar reasons, 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 c2023-110C. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. SARAH MITCHELL (16:55):** I move Opposition amendment No. 1 on sheet c2023-125I:

No. 1      **Purpose of Act**

Page 2, clause 3. Insert after line 22—

- (4)      The Parliament of New South Wales is committed to action to address climate change, while also minimising the adverse impact on regional, rural, and remote communities in New South Wales.

The amendment ensures that we recognise the impact of action to address climate change on regional, rural and remote communities in New South Wales. We think it is important that this goes into the purpose of the Act, which I mentioned in my second reading debate contribution. The Opposition is obviously aware that a big part of the way forward to reaching net zero is the rollout of renewable energy projects. That started under our watch when we were in government. Unfortunately, we are seeing adverse impacts in relation to the challenges that come with rolling out those projects in many communities. The reality is that renewable energy projects are not in Sydney; they are in regional New South Wales. We need to ensure we get the rollout right, and, as I said, there are increasing concerns about how this is playing out in certain areas of regional, rural and remote New South Wales. That is why we want this clause inserted into the bill.

We also know that the issues around reaching net zero are multifaceted. We know there will be an impact on major industries, like agriculture, which we are ready seeing. We also know that there are impacts on jobs and transition in other parts of the energy market, such as coal. Again, those industries are in regional New South Wales. It is important that the Government makes every effort to minimise adverse impacts in regional and rural communities. It should be a key, fundamental principle for any of the Government's net zero policies that decisions do not lead to negative outcomes for people, industry and communities in the regions.

We understand from conversations with the Government that this particular amendment is unlikely to be supported, but we are hopeful for support in talking about the impacts on rural and regional communities or consideration of that in further amendments that we will move. This is important to us. It is particularly important to The Nationals and our constituency. We are hearing about it day in, day out from our communities and our people. We want it included in the purpose, in line with what is already in there. That is why we are moving the amendment, and we urge our colleagues to consider supporting it.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:58):** The Deputy Leader of the Opposition is right: The Government does not support this amendment. We understand the impact of what we are dealing with. We are currently rolling out the renewable energy zones and making the transition. There is a fundamental difference with this amendment, and I flag that we will support a range of other amendments that pick up on the issues of ensuring that the interests of rural and regional communities are considered. The main purpose of the Act is to ensure that we meet the emissions reductions targets, and we will support another Opposition amendment in relation to interim targets. We want to pick up the issues of rural and regional communities in the rest of it, but we do not support those being in this part of the bill.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 1 on sheet c2023-125I. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes ..... 16  
Noes ..... 20  
Majority ..... 4

**AYES**

Carter  
Fang (teller)  
Farlow  
Farraway  
Franklin  
Latham

MacDonald  
Maclaren-Jones  
Martin  
Merton  
Mitchell

Munro  
Rath (teller)  
Ruddick  
Taylor  
Tudehope

**NOES**

Boyd  
Buckingham  
Buttigieg  
Cohn

Graham  
Higginson  
Houssos  
Hurst

Moriarty  
Murphy (teller)  
Nanva (teller)  
Primrose

		NOES	
D'Adam	Jackson		Sharpe
Donnelly	Kaine		Suvaal
Faehrmann	Lawrence		

	PAIRS	
Ward		Mookhey

**Amendment negatived.**

**The CHAIR (The Hon. Rod Roberts):** A theme has developed around the target of 2035 as the date. We have a number of conflicting amendments. It is my intention to ask that Opposition amendments on sheet c2023-125I be moved, then The Greens amendments Nos 1, 2, 5, 6, 8 to 11 on sheet c2023-108E, The Greens amendments Nos 1 to 3, 6, 8, 9, 16 and 17 on sheet c2023-117D, Legalise Cannabis Party amendments Nos 1 to 3, 7 to 11 on sheet c2023-145F, and Pauline Hanson's One Nation amendments Nos 1 to 11 on sheet c2023-170A. Then the amendments will be debated and the questions put.

**The Hon. SCOTT FARLOW (17:08):** By leave: I move Opposition amendments Nos 2, 3, 9, 10, 12, 14, 15 and 17 on c2023-125I in globo:

No. 2      **2035 target**

Page 2, clause 4 (b), lines 26 and 27. Omit all the words on the lines. Insert instead-

- (b)      to set targets for the reduction in net greenhouse gas emissions in New South Wales by 2030, 2035 and 2050,

No. 3      **2035 target**

Page 2, clause 4 (d), line 31. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 9      **2035 target**

Page 5, clause 9 (2) (a), line 4. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 10     **2035 target**

Page 5, clause 9 (2) (c), line 9. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 12     **2035 target**

Page 7, clause 14 (l) (a), line 5. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 14     **2035 target**

Page 7, proposed section 14 (2) (b), line 24. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 15     **2035 target**

Page 7, clause 15 (b), line 40. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 17     **Long title**

Omit "2030 and 2050" wherever occurring. Insert instead "2030, 2035 and 2050".

I do so on behalf of the shadow Minister for Energy and Climate Change in the other place. The amendments seek to pick up the former Government's target for 2035 contained in the Energy and Utilities Administration Regulation 2021—that is, a target for 2035 of a 70 per cent emissions reduction. That target was previously accepted under that regulation, and the Opposition is seeking to ensure that it is reflected within the bill.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:09):** There will be a bit of toing and froing, but I will put the Government's position as succinctly as I can. Firstly, I thank all members for engaging with this issue. There has been a lot of discussion around the interim target and whether it should be legislated. It was a hot issue in the parliamentary inquiry into the bill. The Government's position is that we were never going to rescind the 70 per cent target within the regulation. We have now come to the view that it is fine for it to go into the legislation. In fact, we think it is important. We believe that having an ambitious target including an interim target for 2035 is appropriate. The commission will then be able to report on that. I thank the Opposition and the crossbencher for the cooperative way they have spoken with the Government about this issue.

The second point I make is that there is a bunch of consequential amendments that we will get to in relation to regulation-making powers for interim targets. They will be moved by the Hon. Jeremy Buckingham. We will get to a broader discussion about them later, but I flag that the Government supports them as well. There are

various duelling amendments to work through, but at the end of the day we will end up with something very important that the Government supports, and that is an interim target for 2035 and a regulation-making and ratchet power for the future. We are happy to support the Opposition's amendments.

**Ms SUE HIGGINSON (17:11):** I speak on behalf of The Greens. The simple fact is that it was shocking to see a bill tabled that would take the State backwards in terms of targets with some form of legislative power. We know that the Coalition Government had a target of a 50 per cent reduction in emissions by 2030, 70 per cent by 2035 and net zero by 2050. That was in the regulation. Towards the end of the Coalition's term of government, a lot of work was done to calculate how we are tracking in New South Wales on the road map for reaching emissions reductions. In 2021 we calculated that we are tracking to hit a 56 per cent reduction in greenhouse gas emissions by 2030. At that time it was clearly the Coalition's view that, with the right ambition, investment and settings, we could hit a 70 per cent emissions reduction target by 2035. So, logically, it was placed in the regulation.

It was an absolute surprise when, some years later, with catastrophic climate-induced events having hit this State—one of the jurisdictions most vulnerable to climate across the world—the Labor Government, with all the power it needed to take action on climate change, put a bill on the table that will take us backwards because there is no interim target. It includes a lower target of 50 per cent by 2030—when we are, in fact, on track to reach 56 per cent—and no interim target, just net zero by 2050. Experts have told us that net zero by 2050 is too late. We know that. So for Labor to introduce a bill that would take us backwards is appalling. When we quizzed the Premier in budget estimates, he was not even aware of the targets on the table. It is a shameful position to be in.

Fortunately, the crossbench and all the fantastic people in the community who have tried their hardest to communicate with the Government, and with other members of Parliament whom they believe have ears that will hear them, applied pressure and said, "Oh, my goodness. You can't possibly, in 2023, introduce climate laws that go backwards from where we were by the end of 2021." It is shocking. Fortunately, the Coalition was convinced and mobilised, especially after the inquiry where former Australian Chief Scientist Penny Sackett described leaving the interim target out of this Government's legislation as an inexplicable retrograde step, because that is what it was. It was absurd.

Then for the Government to suggest that it was okay because the regulation would continue and we would still have that interim target is nothing but wrong. Anybody who can read a regulation would pick up that the interim target was only operable based on a Net Zero Emissions Board that the Minister intends to abolish and that this legislative regime will override. It is potentially misleading to suggest that we would keep the interim target. It is not right, and we need to be honest about it. If there was some labouring of that proposition, then that was terrible advice, and that has been the approach on all objective views to the tabling of the bill in the first place.

It was, in no uncertain terms, a very good move that the bill was referred to an inquiry. I spoke in the second reading debate about that inquiry. It was a very good inquiry in spite of the Government's timetable. Many people engaged, and we heard overwhelmingly that an interim target is the absolute minimum needed in amendments to the inadequate bill that was introduced. Fortunately, the Coalition and the crossbench, very strongly driven by The Greens, took on a lot of work, particularly through the inquiry, to make very clear to the public that the interim target is an essential absolute minimum. As the Minister referred to, there will be a ratchet mechanism, which the Legalise Cannabis Party will talk to, that was also clearly stipulated as a necessary component of the targets, including the interim target, to leverage up ambition as we walk towards net zero. At this point the concern is that we might be walking rather than running, which we need to do to reach net zero. But with that machinery and those amendments as an absolute minimum, which were not in the bill as tabled, we are moving towards an architecture within the legislation to continue the journey to net zero.

The Greens' view is that anything less than a 70 per cent reduction by 2035 is completely unacceptable. Having the Coalition stand up for what it committed to in its term in government and continue that is a step that we all need to support. We also know that the legal experts who attended the inquiry made very clear that the notion of the regulation continuing and the interim target continuing was nonsense. That is the view of the legal experts, which put everyone on notice—who was not already on notice—that it was simply not the correct proposition.

We know the interim target is essential and that the ideal goal is to make it the highest we can. We heard in the inquiry about the notion of front-loading our emissions reduction ambition, which really assisted me in understanding the job in front of us. The net zero target is currently 27 years away. We do not have 27 years, and every tonne of greenhouse gas emissions that we do not emit is fundamental in the equation of getting to net zero. What is so concerning and absurd about not having an interim target with some ambition attached to it is the proposition that there was even the possibility we could continue to increase emissions as we walk slowly towards 2050 when we will ultimately try to achieve net zero.

We also know that the interim target is absolutely essential for signalling for the investment that we need to do this work. The interim target is not just politically motivated. It is not something that The Greens just thought was good for getting to net zero. It is fundamental to how we get there; it is material to getting there. Obviously, the earlier we can get there the better. We heard from so many experts about how we get to net zero. That included unions, who talked about the shortage of electrical tradespeople. How we get to net zero is by setting a proper, strong, clear, written, legislated target and we have it in full commitment. That is part of the pathway of doing the work. We cannot just have words or numbers on paper that sit there until sometime into the future without genuine ambition. Ultimately, that is what the interim target was about. We must really remember the fact that we were going to lose that interim target.

That is genuinely concerning and indicative of the whole way we have approached New South Wales' journey of introducing climate laws and getting to net zero. Although we now have agreement on an interim target, it is a crying darn shame we did not start there. We should have started where the Coalition left off. The Government is introducing climate laws in New South Wales on an apparent election platform of "We're going to legislate targets and we're going to bring in climate laws", so we should have started where we left off. At the very outset, something much more ambitious should have been introduced. Unfortunately, we have a lot of patching up to do through these amendments—and there are a number of amendments—to get a better set of climate laws. We are so pleased that the Government took the inevitable position that it found itself forced into because the Coalition and crossbench members worked together to get the interim target. The Greens absolutely support the amendment.

I conclude with the fact that what this State and its young people need—and I mean the young people who are right now crippling themselves through climate anxiety—is genuine climate ambition. They hear the scientists. They listen to the United Nations Secretary General, António Guterres, when he says it is time for leaders to lead. We should have started with leaders leading where the last mob left off. Fortunately, we will have this interim target of 70 per cent by 2035 with a genuine operative mechanism to try to leverage and ratchet up that ambition between now and 2030, and then from 2030 to 2035. It is my hope, along with all of my colleagues and all of the people out there who want real action on climate, that we will be at net zero by 2035. That is the hope and that is why we support the interim target.

**The CHAIR (The Hon. Rod Roberts):** At this stage it would be appropriate if Ms Sue Higginson moves her amendments Nos 1, 2, 5, 6 and 8 to 11 on sheet c2023-108E and amendments Nos 1 to 3, 6, 8, 9, 16 and 17 on sheet c2023-117D.

**The Hon. Mark Latham:** She spoke for 15 minutes with nothing in front of her. I imagine if she had amendments in front of her, she would go for a couple of hours.

**Ms SUE HIGGINSON:** I was speaking to—

**The CHAIR (The Hon. Rod Roberts):** I understand Ms Sue Higginson was speaking to amendments moved by the Hon. Scott Farlow. Does Ms Sue Higginson wish to move her amendments now? Whilst Ms Sue Higginson is deciding, to keep the Committee moving along, I will give the Hon. Mark Latham the call.

**The Hon. MARK LATHAM (17:26):** I oppose the amendments. We are right down the rabbit hole now. The Government is legislating a target that the Premier has said he could not see. He said that he did not recognise this target and that it was in some obscure press release. The Greens have forced this upon the Government.

**The Hon. Jeremy Buckingham:** And me.

**The Hon. MARK LATHAM:** The Hon. Jeremy Buckingham, too. He used to be a Green and his symbol is still green. The Premier said he could not see any of this. We are now on a third target, all of which is meaningless. One of the great delusions of public policy is when we think something matters that actually makes no difference. The truth is that China has 28 per cent of the planet's carbon emissions, the United States has 14 per cent and India has 7 per cent and is increasing quickly—a total of nearly 50 per cent, which is nearly 120 times New South Wales emissions at 0.4 per cent. Now we will have a new target in the bill and, like the other two targets, no-one in the Government or The Greens can say what happens if the target is not met or if it is achievable. No-one can say what outcome it would have in terms of global surface temperatures or climate. No-one can say how much it will cost and no-one can say how much land it will use in New South Wales. So what is the point?

**The Hon. Jeremy Buckingham:** Not much.

**The Hon. MARK LATHAM:** The Hon. Jeremy Buckingham says, "Not much." When we see solar panels laid out, they go forever, and wind turbines are much the same. They are land-intensive uses that are already

causing a great deal of disruption in country New South Wales. If the Hon. Jeremy Buckingham got out of the inner city, he would see the disruption that has been caused in country New South Wales.

**The Hon. John Graham:** He does kilometres and kilometres.

**The Hon. MARK LATHAM:** He does kilometres? He does kilometres around Lewisham and no further. That is what I have heard. We have to be realistic about this. No-one in the Government, least of all the Deputy Leader of the Government in this Chamber, the Hon. John Graham, can say how much the targets will cost, what they can achieve or how much land they will use. The only thing we have is, "Not much," from the Chamber's Julius Sumner Miller. All he can say is "Not much." His expert opinion is, "Not much." Is it not comforting to know that the expert's opinion is, "Not much"? The truth is that these targets are unenforceable. They have no significance other than as virtue signalling of a minor carbon emitter, at 0.4 per cent, which is absolutely dwarfed by the real action in China and India. India has only just started the industrialisation process and, one day, will probably be burning as much coal as China.

The Greens need to face this reality. In China two new coal-fired power stations are being built a week—100 a year. So why do we in New South Wales bother? One of the more honest and intelligent left-wingers in the other place has said that, if we gave every single person in China a new, efficient refrigerator, New South Wales could burn coal forever. The basic reality is that all of the action is in China, with more of the action coming out of India, whose people want the industrialisation the Western world now takes for granted. We did not need the first target. We did not need the second target. We certainly do not need the new one.

**The CHAIR (The Hon. Rod Roberts):** It being 5.30 p.m., debate on committee reports and Government responses is given precedence. I shall leave the chair and report progress.

**Report adopted.**

#### *Business of the House*

#### **POSTPONEMENT OF BUSINESS**

**The Hon. CAMERON MURPHY:** On behalf of the Hon. Aileen Macdonald: I move:

That committee reports and Government responses order of the day No. 1 be postponed until the next sitting day.

**Motion agreed to.**

**The Hon. CAMERON MURPHY:** On behalf of Ms Sue Higginson: I move:

That committee reports and Government responses order of the day No. 2 be postponed until the next sitting day.

**Motion agreed to.**

#### *Bills*

#### **CLIMATE CHANGE (NET ZERO FUTURE) BILL 2023**

#### **In Committee**

**Consideration resumed from an earlier hour.**

**Ms SUE HIGGINSON (17:31):** I think that I should move my amendments now.

**The CHAIR (The Hon. Rod Roberts):** That is an appropriate thing to do. Please do so.

**Ms SUE HIGGINSON:** I absolutely apologise for the confusion.

**The CHAIR (The Hon. Rod Roberts):** No apologies are needed. The Climate Change (Net Zero Future) Bill 2023 we are going through is quite extensive, with a number of amendments. We will just work through it slowly and methodically as a cohesive unit.

**Ms SUE HIGGINSON:** I am just not naturally a slow person. I will try. By leave, I move The Greens amendments Nos 1, 2, 5, 6, and 8 to 11 on sheet c2023-108E and The Greens amendments Nos 1 to 3, 6, 8, 9, 16 and 17 on sheet c2023-117D in globo:

[c2023-108E]

No. 1      **2035 target**

Page 2, proposed section 4 (b), line 27. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

No. 2      **2035 target**

Page 2, proposed section 4 (d), line 31. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".

- No. 5      **2035 target**  
Page 5, proposed section 9 (2) (a), line 4. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".
- No. 6      **2035 target**  
Page 5, proposed section 9 (2) (c), line 9. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".
- No. 8      **2035 target**  
Page 7, proposed section 14 (1) (a), line 5. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".
- No. 9      **2035 target**  
Page 7, proposed section 14 (2) (b), line 24. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".
- No.10      **2035 target**  
Page 7, proposed section 15 (b), line 40. Omit "2030 and 2050". Insert instead "2030, 2035 and 2050".
- No. 11      **Long title**  
Omit "2030 and 2050" wherever occurring. Insert instead "2030, 2035 and 2050".
- [c2023-117D]
- No. 1      **2035 target**  
Page 2, proposed section 4 (b), line 27. Omit "2050". Insert instead "2035".
- No. 2      **2035 target**  
Page 2, proposed section 4 (d), line 31. Omit "2050". Insert instead "2035".
- No. 3      **2035 target**  
Page 2, proposed section 5, line 37. Omit "**2050 target**". Insert instead "**2035 target**".
- No. 6      **2035 target**  
Page 7, proposed section 14 (1) (a), line 5. Omit "2050". Insert instead "2035".
- No. 8      **2035 target**  
Page 7, proposed section 14 (2) (b), line 24. Omit "2050". Insert instead "2035".
- No. 9      **2035 target**  
Page 7, proposed section 15 (b), line 40. Omit "2050". Insert instead "2035".
- No. 16      **2035 target**  
Page 8, proposed section 20 (1) (a), line 41. Omit "2050". Insert instead "2035".
- No. 17      **Long title**  
Omit "2050" wherever occurring. Insert instead "2035".

I spoke to the importance of the interim target, but there should be far more ambition for that. Scientists and the Climate Council have told us that we should be reaching net zero emissions by 2035. The Climate Council is on the front line of what emission reduction ambition in New South Wales should be and what we could be achieving. We must do it as fast as we can. Reaching net zero by 2050 is the ambition of 2015. It is the ambition of yesterday. Locking in 2050 is locking in climate cowardice and the mistakes of the past. It wrongly assumes that we have time. I do not know where people were when we were focusing on what was happening in the Northern Hemisphere's summer this year. Overwhelmingly, every scientist's set of eyes was warning us, telling us that we do not have the time we thought and that all of the things we have been working towards, unfortunately, have come much further, much closer and much sooner than predicted and that we do not have the capacity to wait until 2050, and we heard it.

I said something during the second reading debate, and I will say it again because it was chilling. When I asked the chairperson of the Australian Security Leaders Climate Group, Ian Dunlop, the former chairperson of the Australian Coal Association, what net zero by 2050 means, he said:

Net zero by 2050 is, essentially, kicking the can down the road. ... The problem is that what it does is institutionalise failure.

The reality is that that is what we are doing here today with this bill with the target of net zero by 2050. The problem, quite simply, as he says, is that we have spent 40 years trying to address the question of climate change and reducing emissions and, unfortunately, we have achieved precisely nothing. Emissions continue globally to go up at worst-case rates, and there is no sign of that changing, but the target of net zero target by 2050 is locking in the failure. Peter Derbyshire, a director of the Australian Academy of Technological Sciences and Engineering, speaking about the reality of net zero by 2035, said:

I think if we were to look at the entire picture, technologically, the possibility of reaching that ambition is well within our grasp.

So it is perplexing that we are about to lock in net zero by 2050 when experts are telling us that it should be by 2035 and the experts on delivery are telling us that we can achieve it. Why are we not doing that? That is the question here. That is why we are moving the amendments, which are the most sensible, reasonable, evidence-based amendments that will be put up today to this bill.

The amendments mean that we actually all work together, that we legislate net zero by 2035, we commit, we look the young people and each other in the eyes and we say, "We did everything we knew we reasonably could achieve, with ambition, with courage, with leadership. We pivoted everything we have in this State, because the lawmakers of this place said that not only should we do this, we can do this and we will pivot right now and work towards getting to net zero emissions by 2035." Members could go to my community of Lismore and say, "We are with you. We are doing it. The next flood may be bad, but we are doing everything we can. The next fire will be bad, but we are doing absolutely everything we can to reduce and get to net zero by 2035." We could then genuinely say to our Pacific neighbours and to those further across the seas, "As part of the global community, we did our fair share."

If these amendments pass, we can say, "We committed, we raced and we invested. Guess what? We even created new jobs out of it. We did the thing that we know we can do." When we looked at the emissions reduction bill that proposed net zero by 2050, the experts came to talk to us because we invited them. We listened to them and we agreed with their ambition. We followed their leadership and set down and locked in a liveable, survivable target of net zero by 2035. We listened to the Climate Council. We listened to the technology experts.

We know that those ambitious targets require an entire suite of investments. They will provide opportunities for skilled workers. It will happen, and the sooner we provide them the certainty and the absolute guarantee, the more willing people will be to seek out opportunities and lead the transition away from coal. It will be how it should be and how it needs to be. It will not be about sitting down with the coal barons and them telling us what they need to keep profiting and fuelling the climate crisis, shipping coal off from Newcastle like there is no tomorrow. That will be because we set a genuine, achievable target of 2035 to get to net zero.

We know that, as of 2021, we are on track for a 56 per cent reduction. That was before this Labor Government's investment in renewable energy that is increasing and the billions we are investing. We have not even calculated that. To drive that and make it successful we need a net zero target by 2035. Anything less is a downright failure. It is a failure for today, a failure for the young people and a failure for the kids that are on their way. Tim Buckley talked about an Australian solar company that is relocating everything to the United States right now. Australia's number one solar thermal company has been around for a decade or two and it has received Australian Government funding just in the past 18 months.

We need the road map right now, but net zero by 2050 is not the right road map. It is the wrong setting for the investment that we need. New South Wales has the biggest emitters and industrial companies, so we know that we need to signal the 2035 target. If they have all committed to the 2050 net zero target, they are hearing this Government say to them, "Carry on. Keep belching. Keep doing it. Keep your emissions rolling in. It will not matter because you can just keep fuelling the climate crisis all the way up until 2050. There will be room for you, big emitters." We need the 2035 zero emissions target. It is the one that The Greens have sweated over. It is the one that we have gone to the Government with and said, "Let's do this", but the Government has said no.

I know the Government will not support the net zero by 2035 target. The Government will not be with all those experts out there. The Government will not be with those investors that are saying an early, strong and ambitious target is the very thing that this State needs to lead on climate change. It would help their Federal counterparts, in no uncertain terms, in their terribly difficult drive to get to net zero early, like we need to. But 2050 is kicking it down the road. That is why The Greens have moved these amendments to get us to a 75 per cent emissions reduction by 2030—because we can.

**The Hon. Jeremy Buckingham:** It is 70.

**Ms SUE HIGGINSON:** The amendment is 75 per cent by 2030 and net zero by 2035. That is what climate action is.

**The Hon. Jeremy Buckingham:** It has gone up 5 per cent in the last hour.

**Ms SUE HIGGINSON:** Getting to 75 per cent by 2030 and net zero by 2035 is the ambition.

**The Hon. Penny Sharpe:** Ours is 70. The Greens' is 75, isn't it?

**Ms SUE HIGGINSON:** It is 75 per cent emissions reduction by 2030. It is so depressing and so sad that members have no idea about the sort of climate action we are talking about. They do not understand, and they are not listening. I will say it one more time: The experts are telling us in this place what climate action in New South

Wales looks like, and that is a 75 per cent emissions reduction by 2030 and net zero by 2035. They are telling us we can do it. They are telling us it would be good for the State. They are telling us it would be good for the planet. It would also provide the investment.

The amendments that members will be voting on are a 75 per cent emissions reduction by 2030 and net zero by 2035. Anyone that is obstructing that ambition is not on the right side of climate action and what is in the best interests of this State. We have been told that we can do it and we should do it. If members have not read the report from the inquiry into the bill, they should read it. It is clear. If members do not want to read that one, they can read the last report the Climate Council tabled. If they do not want to read that one, they should go to the communities that have been impacted and are still being impacted. Those pod villages of displaced people exist because we are not taking the responsible action that we could all take. Members are in this place to do something—to do a good thing and to do the right thing. If climate action and doing what is right is not the most important thing on members' minds right now—a 75 per cent reduction by 2030 and net zero by 2035—then members should seriously consider their position in this place.

**The Hon. JEREMY BUCKINGHAM (17:46):** I thank Ms Sue Higginson for her passionate contribution, but it was somewhat supercilious. I do not think it helps the debate to treat members of this place, who are coming to a difficult topic in good faith to negotiate meaningful action, in such a condescending way. For a long time, a lot of us have been talking to people in communities impacted by climate change about how we reduce greenhouse gas emissions as fast as possible in a responsible way. My entire adult life I have been a climate campaigner, and I have been talking about climate change not in Sydney or in Parliament but in coalmining communities.

I remember, and some Labor members would remember, the member for Bathurst Gerard Martin and I at public debates in Bathurst and Lithgow where I said that we would have to close coalmines and coal-fired power stations. Gerard did not take a very warm view of that. He laughed at me and said, "What a joke!" So much has changed since then. If we think about how much has changed in the debate since the 1990s, I am optimistic about our capacity to deal with such an incredibly important economic and environmental issue. Bob Brown, the first person to mention climate change in a Parliament in this country, in the late 1990s, was laughed at by National Party senator Bill O'Chee. He said he was crazy for saying that global warming, as it was called back then, could lead to sea level rise. So much has changed and, like Bob Brown, I am optimistic about our capacity to deal with the changes. I welcome the amendments from the Opposition.

I am glad that it was in the regulation. My understanding was it was an oversight by Government members; they did not know it was in there. As soon as it was brought to the attention of the Minister, she accepted that it was a reasonable proposition to put it in there with no argument. The Government accepts that it should be legislated and not just regulated. That is an improvement. I accept that the amendments came out of a very valuable inquiry.

At this point I should move my amendments; it was remiss of me not to. By leave, I move Legalise Cannabis Party amendments Nos 1 to 3 and 7 to 11 on sheet c2023-145F in globo:

No. 1       **Targets**

Page 2, proposed section 4 (b), line 27. Omit "by 2030 and 2050". Insert instead "until 2050".

No. 2       **Targets**

Page 2, proposed section 4 (d), line 31. Omit "2030 and 2050".

No. 3       **Targets**

Page 2, proposed section 5, lines 35–38. Omit all words on the lines.

No. 7       **Targets**

Page 7, proposed section 14 (1) (a), line 5. Omit "2030 and 2050 targets". Insert instead "primary targets and interim targets".

No. 8       **Targets**

Page 7, proposed section 14 (2) (b), lines 23 and 24. Omit all words on the lines. Insert instead—

(b)       interim targets,

No. 9       **Targets**

Page 7, proposed section 15 (b), line 40. Omit all words on the lines. Insert instead—

(b)       the primary targets and interim targets,

No. 10      **Targets**

Page 8, proposed section 20 (1) (a), line 41. Omit "2030 and 2050 targets". Insert instead "primary targets and interim targets".

No. 11      **Long title**

Omit "2030 and 2050" wherever occurring.

I am very ambitious. We have already seen massive announcements just this week from the Federal and State governments about a gigawatt of storage going out to reverse auction, which is a massive breakthrough. The Government is investing in the Energy Security Corporation, which will invest in renewable energy. Ms Sue Higginson acknowledged that that is on top of where we already were. Treasury modelling from 2021 said that we would get to 70 per cent by 2035, and then we had that investment and all the people in the community and the commercial sector who put rooftop solar in. People are buying electric vehicles of their own volition. Some 12 years ago none of us had an iPhone or a smartphone. None of us had seen an app.

**The Hon. Wes Fang:** I did.

**The Hon. JEREMY BUCKINGHAM:** No, you did not. You might have been an early adopter, but I would be surprised. I think you probably would have been on the abacus.

**The Hon. Sarah Mitchell:** Fangy is the whiz.

**The Hon. JEREMY BUCKINGHAM:** He is an early adopter; that is good to see. But so much has changed in our technology, our society and our ambition. It is true that feedback loops from the climate are driving change.

**Ms Sue Higginson:** Then do what they are telling you.

**The Hon. JEREMY BUCKINGHAM:** There is more than one way to peel an onion, and The Greens just focused on the negatives. They did not talk about the vehicle that will drive the ambition and assess our pathway to a net zero future, the Net Zero Commission, which is a fantastic reform. Look at the other commissions—the Independent Commission Against Corruption and the Law Enforcement Conduct Commission. The independent agencies that drive change by providing information will drive us towards a net zero future, a consensus across the major parties of 70 per cent or 75 per cent by 2050—which we are probably already on track for—and the capacity to go further. I will not foreshadow my further amendments.

*[A member interjected.]*

But I put on record my appreciation of Nic Clyde and Carmel Flint from the Lock the Gate movement and Harry Martin from the Climate Council, who worked so well to create amendments that the Government could accept to get something meaningful done, rather than just hectoring from the sidelines.

**The CHAIR (The Hon. Rod Roberts):** Order! We have a long evening in front of us. Contrary to standing orders, I have allowed a little bit of interjection because I like the ebb and flow, the verbal jousting and the theatre of debate. However, I will not tolerate those sorts of interjections and responses to interjections. Am I making myself perfectly clear? I will have absolutely no hesitation in calling members to order. If there are divisions later in the night, I assume members want to be here to participate in them. The Hon. Jeremy Buckingham will complete his contribution.

**The Hon. JEREMY BUCKINGHAM:** Thank you, Dad—I mean, Chair. I will behave and not respond to interjections. I put on record my appreciation of Harry Martin from the Climate Council, as well as Lock the Gate and other organisations that have lobbied me to create some amendments to enable us to increase our ambition over time, which I understand the Government and the Opposition support. That is what it is about—acting in good faith toward solutions and building on the good work of the previous Government, which set us on the path to a net zero future with its road map, at the urging of The Greens. For two decades I was part of that, but now is the time for us to work on solutions. The targets will be set and we can ratchet them up over time.

It is very important for us to work constructively together, and that has been the attitude of the Minister and her staff—to build a consensus that lasts. We have seen what happens when there is no consensus and climate change becomes a political football. The carbon tax was built and then torn down. This is a different situation. The evidence is clear: We must be more ambitious, and we have to create the mechanisms to deliver on that ambition. The commission, the investment from the community and the capacity to set interim targets and ratchet them up are all part of that. I do not support The Greens amendments, but I do support the Opposition amendments.

**The Hon. SCOTT FARLOW (17:56):** There is always a twist in these discussions. Following the Hon. Jeremy Buckingham's contribution, I seek leave to withdraw Opposition amendments Nos 2, 3, 9, 10, 12, 14, 15 and 17 on sheet c2023-125I.

**Leave granted.**

**Amendments withdrawn.**

**The Hon. SCOTT FARLOW:** I will move the substantive amendments with respect to the reduction of emissions by 2035, amending the interim target to 70 per cent. By leave, I move Opposition amendments Nos 4 and 8 on sheet c2023-125I in globo:

No. 4      **2035 target**

Page 2, clause 5. Insert after line 36—

*2035 target* means the target for the reduction in net greenhouse gas emissions in New South Wales set out in section 9 (1) (aa).

No. 8      **2035 target**

Page 4, clause 9 (1). Insert after line 42—

(aa)      by 30 June 2035 to reduce net greenhouse gas emissions in New South Wales by at least 70% from the net greenhouse gas emissions in 2005, and

The amendments insert the interim target and the definition of the 2035 target and its reference in clause 9 (1). As was mentioned, those interim targets were captured previously under the Energy and Utilities Administration Regulation 2021. The Opposition seeks to have them recognised in the legislation, as was our policy in government.

**The CHAIR (The Hon. Rod Roberts):** I now invite the Hon. Tania Mihailuk to move One Nation amendments Nos 1 to 11 on sheet c2023-170A.

**The Hon. TANIA MIHAILUK (17:58):** By leave: I move One Nation amendments Nos 1 to 11 on sheet c2023-170A in globo:

No. 1      **Removal of targets**

Page 2, proposed section 4 (b), lines 26 and 27. Omit all words on the lines.

No. 2      **Removal of targets**

Page 2, proposed section 4 (d), line 31. Omit "the 2030 and 2050 targets". Insert instead "reducing greenhouse gas emissions".

No. 3      **Removal of targets**

Page 2, proposed section 5, definitions of *2030 target* and *2050 target*, lines 35–38. Omit all words on the lines.

No. 4      **Removal of targets**

Page 4, proposed Part 2, heading, line 1. Omit ", targets".

No. 5      **Removal of targets**

Pages 4 and 5, proposed section 9, line 39 on page 4 to line 12 on page 5. Omit all words on the lines.

No. 6      **Removal of targets**

Page 7, proposed section 14 (1) (a), line 5. Omit "the 2030 and 2050 targets". Insert instead "reducing greenhouse gas emissions".

No. 7      **Removal of targets**

Page 7, proposed section 14 (2) (b), lines 23 and 24. Omit all words on the lines.

No. 8      **Removal of targets**

Page 7, proposed section 15 (b), line 40. Omit all words on the line.

No. 9      **Removal of targets**

Page 8, proposed section 20 (1) (a), line 41. Omit "the 2030 and 2050 targets". Insert instead "reducing greenhouse gas emissions".

No. 10      **Long title**

Omit "to set 2030 and 2050 targets for the reduction in net greenhouse gas emissions in New South Wales;".

No. 11      **Long title**

Omit "the 2030 and 2050 targets". Insert instead "reducing greenhouse gas emissions".

I make it very clear that One Nation does not accept that action to address the notion of climate change can be taken without adversely impacting on regional, rural and remote communities. Supporting net zero means hurting the people of New South Wales, especially those most economically vulnerable. One Nation opposes the creation in the future of arbitrary targets that fail to consider both the possible economic future facing the people of New South Wales and the likely time and cost blowout of renewable energy projects.

I note with interest that there has been much fanfare about renewable energy projects, but ultimately all the information we receive is about the constant delays to those projects, like the Central-West Orana, New England and Hunter-Central Coast renewable energy zones. They are all delayed and they are all blowing out in cost, including the Snowy Hydro. Those are all projects that we have heard about for years. The former Coalition Government, particularly under the stewardship of Matt Kean, attested that the projects were going to come good for the people of New South Wales—but to date they have not.

It does not surprise me that the Labor Party, The Greens and the Coalition have come together to pursue additional targets. Now there is a target of 70 per cent by 2035, which I think will be at odds with the recent decision of the Labor Government to extend the life of the Eraring Power Station. I will move a separate amendment about that later in the evening, but it is worth raising now, given we are deliberating the inclusion of a 70 per cent target for 2035. I find it very difficult to understand how that target can be achieved, given that the Government, the Australian Energy Market Operator and the O'Reilly report, as it is colloquially known, have all clearly stated that to ensure we have a reliable electricity service in New South Wales in the future, the Eraring Power Station undoubtedly needs its life span extended.

It is most concerning that the Minister for Energy is undertaking those negotiations behind closed doors. It would have been fitting for the finality of those contractual arrangements to be made public before any legislation such as what we are debating now came before the House. It is unfortunate that we do not know the finer details of what the Government will agree to—and neither do The Greens. No-one knows what the final negotiation with Origin is in relation to the Eraring Power Station: what is being proposed, what is being offered and what has been put on the table.

It does not surprise me that Premier Minns did not want to agree to this 2035 target. I am sure he has done so reluctantly after it became very clear that the Coalition—the Liberals and the National Party—would continue the Green-Kean agenda that saw them lose government earlier in the year. That agenda saw people—those who were traditional Liberal voters and, indeed, National Party voters as well—walk away from the Coalition in droves. National Party voters have walked away. We will see more people walk away from those parties, particularly the National Party. I will reiterate part of the evidence given by the Institute of Public Affairs [IPA] to the hearing chaired by Ms Sue Higginson in the inquiry into the bill. The information that the IPA contributed should be considered by members of this House. The institute made it very clear that mandating any net zero targets would be:

... a grave policy mistake for New South Wales, which will cost jobs, undermine energy security and reliability, open potential avenues to activists, without providing a discernible benefit to the environment.

I also quote what it said in relation to the impact of job losses, which is that:

... under a policy of net zero, at a minimum, all new coal, gas and oil projects in the construction pipeline would need to be cancelled.

We know this. The institute's evidence continued:

As a result, existing jobs in high-emitting industries such as manufacturing, agriculture, and energy supply will be put at risk. This will mean up to 138,095 jobs across NSW will be put at risk, with 67 per cent of these jobs located in rural and regional NSW.

I have not yet heard a Nationals member put this information before the House. Again, I quote:

The twenty state electorates with the most jobs at risk are all located in regional NSW.

Yes, a couple of those might be Labor or Independent electorates, but the vast majority are National Party electorates. I think that those people will be gutted to know that the National Party has done nothing to advocate for them. The Nationals members have just followed behind their Liberal partners and the old Matt Kean agenda of pushing through targets that they would know the vast majority of their constituents have real concerns about. We only have to look at the opposition to some of the renewable energy zones, and particularly to wind farms.

The Nationals' Federal counterparts are concerned, because they are trying to play a role with the HumeLink transmission line. Their own Federal counterparts know that there are concerns. The NSW Nationals are silent on what their constituents are concerned about. There is no question that farmers and communities in rural and regional New South Wales will be bitterly disappointed to see the National Party once again roll over. It did not take much to make its members roll over and back these hideous arbitrary targets, particularly the additional target that is now being proposed—lo and behold!—by their own Liberal partners. They are not even smart enough to have the Government put the proposition forward; they are actually proposing it themselves.

I want to put on record some of the other issues that I think are worthy of putting forward. That is, I would like to quote some of the data available from the Minerals Council and some of the information the council provided very recently in response to the action that took place at the Port of Newcastle on the weekend. It is important to understand how small a role New South Wales plays in causing emissions on a global scale. We know that it is less than 0.5 per cent. We know that the real producer—

**The CHAIR (The Hon. Rod Roberts):** Ms Mihailuk, according to standing orders, your contribution should only relate to the amendments—

**The Hon. TANIA MIHAILUK:** No, this is—

**The CHAIR (The Hon. Rod Roberts):** Order! I am talking. This is not an opportunity for a second reading debate; that was last week. The purpose of the Committee of the Whole is to move amendments and address them. I fail to see the relevance of the Minerals Council—

**The Hon. TANIA MIHAILUK:** Chair—

**The CHAIR (The Hon. Rod Roberts):** I am still talking. I fail to see the relevance of the Minerals Council to your contribution at the moment to the particular amendments that you have moved. I direct you to continue your contribution on the amendments before the Committee.

**The Hon. TANIA MIHAILUK:** Chair, I am speaking on why I oppose net zero targets. You have given a great amount of latitude to the previous speakers who spoke at length about why they support the targets. I am now giving my view as to why I oppose them. The incident just occurred and the data that I am going to provide was just released a couple of days ago—in fact, since Sunday. I am entitled to put it as one of the reasons I oppose these targets.

**The Hon. Mark Latham:** Chair, you have made a ruling to which the honourable member is taking exception, placing her further outside the standing orders. I ask you to rule accordingly. I heard discussion of the blockade of the Port of Newcastle, which has nothing to do with this bill.

**The CHAIR (The Hon. Rod Roberts):** I have made my ruling. The member will only address the amendments that she has moved.

**The Hon. TANIA MIHAILUK:** One Nation is opposed to these targets because it believes that Australia plays a very small role in global emissions. The facts are clear. New South Wales plays an even smaller role. Why is it that New South Wales has to bear the heavy burden of supporting such strict, arbitrary mandated targets that we know will be at odds with what the community expects? It will be at odds with the difficulty that our economy faces and will continue to face in the next few years. It is at odds with the recent action the Government took in extending the life span of Eraring Power Station.

It is critical to understand that coal power plants continue to be built around the world, particularly in countries like China, as one of the members of the Chamber said in his contribution earlier this evening. They will continue to be built in India and many different parts of Asia. It is at odds with what is happening in other parts of the world. As of July 2023 China has 1,135 coal power plants, which is an increase of 53 since 2021. Another 96 are in construction, with 162 in pre-construction. By comparison, New South Wales has four.

Excluding China, there are 592 coal power plants across Asia and India, which is an increase of 35 since 2021. It is clear that there will be an ongoing demand for coal in those countries. Nothing that is being proposed in these arbitrary mandated targets is going to stop the level of demand globally. It is absurd to put this level of pressure on the most vulnerable people in New South Wales. It is absurd to put this level of pressure on rural and regional communities, which will be concerned about not only the provision of electricity services in the future but also jobs and the ancillary employment and businesses that rely upon the fossil fuels that we rely on now.

The other day the AEMO released its 24-hour calculation of the type of energy that New South Wales and Australia is reliant upon. It is clear. It states that 78 per cent is still reliant on coal. Only 5 per cent relies on hydro, and there are small figures for the remaining sources of energy. It tells us that coal still remains an integral part of how energy is delivered across Australia and in New South Wales, in particular. It is already difficult to understand how we would consider the 2030 target. It is more absurd that we are considering a 2035 target that is at odds with what the Government is trying to negotiate at the moment with Eraring Power Station. It is putting immense pressure on the Government to fast-track approval processes. I have raised my concern that the Minister earmarked that she will fast-track the processes around renewable projects, but we have not yet got the detail from either her or the planning Minister about how they intend to fast-track those projects—all of which will be at odds with the interests of the communities that have raised deep concerns about offshore wind farms.

There is an horrendous amount of concern from communities like Port Stephens and the Illawarra. They are crying foul at the Federal Government's attempt to push offshore wind farms into their region and the fact that this Labor Government is silent in opposing or raising any concerns about those projects and will, in fact, wave them in. People need to ask themselves who will be accountable when the net zero targets end up failing. When the lights are not switched on, who will be accountable? When infrastructure around housing, hospitals and schools is delayed because of what is being proposed with these targets, who will be accountable? In the end, it

will be the Premier, the Minister and the people in this Chamber who support the net zero targets knowing that they will have a catastrophic impact on the people of New South Wales.

**The Hon. JACQUI MUNRO (18:13):** I support the Opposition amendments. I put on record the process that has led to this point where we need to make amendments to the bill. These are important amendments that reflect the agreements and targets that were put in place under the previous Coalition Government. I want to ensure that members of this Chamber fully understand how the amendments relating to targets for 2035 came about. It was through the committee process. I am a member of Portfolio Committee No. 7 - Planning and Environment. We went through an inquiry process that revealed a serious drafting error or omission. It is unclear whether it was intentional that the bill was brought to the House with the 2035 target that was put in place by the Coalition completely removed from any Government policy or goal.

Two things were clear to the committee: There was concern about whether the 2035 target of a 70 per cent reduction would be totally abolished—that is in part 2, clause 9 (3)—and there was also the abolition of the net zero board. It was found that the effect of those parts of the bill would abolish the 2035 target. It was only through the committee process that we found that there was confusion about the intention of the bill. That is important to highlight. If bills are coming to this place that are not clear in their intention—or at least the wording of the bill does not reflect the intention of the Government—then we have a serious problem with the integrity of the legislation that we are passing. Through the committee process, we heard from legal experts, as well as scientific experts and academics on climate change. Hearing from the legal experts was important to understand the bill's function and implementation, rather than just its intention. The Opposition has had to move these amendments. The Hon. Jeremy Buckingham said that the Government was open to making amendments to ensure that the 2035 target of a 70 per cent reduction is included, but that certainly was not clear during the committee process.

It is a concern that we needed legal experts to say that the bill does not necessarily match the intention of the Government. I am pleased that the Government has taken on the Opposition's amendments, which have been supported by various crossbenchers, to ensure the 2035 target of a 70 per cent reduction that the Coalition agreed upon and introduced in the last term of government. I am glad that the Government has welcomed that inclusion. We have already heard about the importance of front-loading the emissions reductions as quickly as possible, and hopefully we will be able to achieve them despite the extension of the Eraring and Vales Point coal-fired power stations. Again, I wanted to ensure that members have a full understanding of the process, how we got here and the concerns I had that were raised through the important committee process. Ultimately, I am supportive of the Opposition's amendments to ensure that New South Wales has a legislated target of a 70 per cent reduction in emissions by 2035.

**Ms ABIGAIL BOYD (18:17):** I contribute to debate on the amendments and give my full support to the work of my colleague Ms Sue Higginson and the amendments that she has moved on behalf of The Greens, calling for us to get to net zero by 2035. The amendments, if passed, would make a significant difference in New South Wales leading Australia with a bill that is far more than being ornamental and far more than aspiration. It will finally set in our legislation what scientists are telling us to do. It is hard. We get wrapped up in the technicalities, wording and negotiations, but in the real world as I know it—or at least the world I inhabit with the people I know, the media I read, the TV shows and movies I watch, the popular culture that I consume, and the songs and radio stations that I listen to—and looking at survey results, it appears that the vast majority of people in Australia want strong action on climate. Strong action on climate means listening to the science. This is the bit that does my head in.

It is good that we have gone from people rolling their eyes every time The Greens talk about climate change, like when I first came into Parliament in 2019, to people now saying, "Yes, of course climate change is a thing." We have renewable energy zones. It is all very slow, but we are moving and we are on the way. But I do not understand how someone can say they believe in climate change, that they understand the drivers of climate change and that they are listening to the science, and then not act in accordance with that science. It is as if I was sick and went to the doctor, who said, "Abigail, you need to have an operation in the next week or you are going to die." I might then consult some other doctors who also say, "Abigail, you need to do this within a week or you will die." If I then said, "I believe you. I believe in your medical science. I accept your expert advice and I will book that in for next year—or maybe in two or three years," clearly that would mean I did not believe what I was told. That is what we have in this situation. We have scientific consensus telling us that we must get to net zero by 2035, or we will not have a future worth living.

We know that, yet this Government is saying, "That is great. We will do it by 2050." It is exactly the same thing. We cannot say that we agree with the climate science and then put in targets that are not in line with that science. It does my head in, and, in the outside world, it does everyone's head in as well, because people are looking at how out of touch politicians are. Within the confines of this Parliament and the political system, Labor probably thinks it is doing something radical and great, but it has the power. It was elected on the basis of being

better than the Coalition on climate. Instead, we have a government that is taking baby steps towards climate action when what we need to be doing—and what I need to tell my children we are doing when I go home after being in this place all week instead of being with them—is taking a giant leap towards climate action that will save the world. Because that is what I am in Parliament for. That is what I told my family I was coming to Parliament for. I am in politics because we were not taking strong action on climate.

The amendment to get to net zero by 2035 takes the bill from being ornamental and business as usual to something that, for the first time, enshrines climate science in legislation. It breaks my heart that we have not been able to convince the Government to do that and it is not by any means from lack of trying by The Greens. We have tried very hard. I put on record my sincere thanks to Ms Sue Higginson for the amount of wrangling and work she has done to try to build the type of consensus that the Hon. Jeremy Buckingham was talking about. The problem is that it is very hard to build consensus with people who are not dealing in the same good faith because they have other issues stopping them from doing the right and principled thing. I feel strongly that this amendment is why The Greens exist in this place. It is not for us to just allow things to go through as a compromise and as better than nothing. We need action in the bill if we are to have any hope of survival. It is that important. The Greens hold this amendment as paramount to the Government getting our support for the bill. We have been clear about that the whole time. I join with my Greens colleagues in asking all members to take the amendment seriously.

**The Hon. MARK LATHAM (18:23):** Ms Abigail Boyd said the debate does her head in, and that is obvious because she talks about New South Wales like it is the planet. We never hear of the country that dare not speak its name—China—from The Greens. I mentioned earlier its 28 per cent of emissions, the 14 per cent from the United States and the 7 per cent from India. Collectively they have 120 times the emissions of New South Wales. I think we have had half an hour of contribution from Ms Sue Higginson and Ms Abigail Boyd, but for all of their talk about the science, they have not quoted a single scientist.

The scientist we should listen to is Alan Finkel. In his *Quarterly Essay*, he wrote that getting rid of Australia's 1.2 per cent of emissions could have no tangible impact on global temperatures and climate. That is the scientist to follow. Finkel told the truth: no tangible impact on climate. To get off the hook—and the Leader of the Government quoted this—he reverted to an absurd theory of equating the climate change challenge around the world with democracy: We all have a vote. As I mentioned in an earlier debate, democracy is one vote, one value. Why would we bother knocking ourselves around thinking our vote matters if we had 0.4 per cent of the voting population while another element, China, had 28 per cent? It is not one vote, one value. All of the emphasis is on China. The Leader of the Government can scoff, but that is the basic truth. I gave the analogy about a Labor Party conference where someone would not bother turning up if they were some poor little State electorate council delegate from out the back of nowhere with 0.4 per cent.

**The Hon. Jeremy Buckingham:** Point of order: I draw the Chair's attention to his previous ruling and the rulings of other Chairs, including the Hon. Trevor Khan, whereby the latitude given to members during debates in Committee is not the latitude afforded them during second reading debates. I do not know what the Hon. Mark Latham is talking about, but it is certainly not any of the amendments before the Committee.

**The Hon. MARK LATHAM:** The Hon. Jeremy Buckingham is a cruel person. I am just trying to entertain the Hon. Cameron Murphy, who loves a mention of Labor Party conferences and cannot get enough. The Legalise Cannabis Party partakes and has a lot of fun, and then denies it to others. He is a cruel and miserable sod.

**The Hon. JEREMY BUCKINGHAM (18:26):** By leave: I move Legalise Cannabis Party amendments Nos 4 to 6 on sheet c2023-145F in globo:

No. 4 **Targets**

Page 3, proposed section 5. Insert after line 28—

*interim target* means an interim target for the reduction of net greenhouse gas emissions in New South Wales prescribed by the regulations.

No. 5 **Targets**

Page 3, proposed section 5. Insert after line 30—

*primary target* means a target for the reduction of net greenhouse gas emissions in New South Wales set out in section 9(1).

No. 6 **Targets**

Page 5, proposed section 9(2) and (3), lines 3–12 on page 5. Omit all words on the lines. Insert instead—

(2) The regulations may—

- (a) adjust a date in subsection (1) by prescribing an earlier date, and
- (b) adjust a percentage in subsection (1) by prescribing a higher percentage.
- (3) The regulations must prescribe an interim target to reduce net greenhouse gas emissions in New South Wales for each of the following—
  - (a) 30 June 2040,
  - (b) 30 June 2045.
- (4) An interim target must specify a reduction that is greater than—
  - (a) for 30 June 2040—the 30 June 2035 target, and
  - (b) for 30 June 2045—the 30 June 2040 target.
- (5) The regulations may make provision about the following—
  - (a) implementing primary targets and interim targets,
  - (b) setting interim targets in addition to the interim targets in subsection (2),
  - (c) other matters relating to primary targets and interim targets, including imposing functions on the Commission in relation to the targets,
  - (d) calculating and assessing greenhouse gas emissions, including by—
    - (i) providing for a person to calculate or assess greenhouse gas emissions, and
    - (ii) adopting documents in force from time to time.
- (6) The regulations may prescribe requirements for giving advance notice about interim targets.

These are substantive amendments, and I commend them to the Committee. The amendments lock in a ratchet mechanism that should give all members and people in the community a strong indication that the legislation gives the Government the capacity to go further and faster, just as The Greens have said we need to. That is why I have moved the amendments. I put on record my thanks to Harry Martin at the Climate Council for his help in drafting them. That will be good for his metrics. I also thank the Parliamentary Counsel's Office. There have been a lot of iterations working across the crossbench. The amendments allow us to set interim and primary targets, which means we can have targets whenever we need them, at the recommendation of the commission and the Minister. The percentage cut in those targets can be brought forward, and that is fantastic news. It is probably one of the most meaningful things I have done in my public life. I commend the amendments to the Committee.

**The CHAIR (The Hon. Rod Roberts):** I shall now leave the chair. The Committee will resume at 8.00 p.m.

**The Hon. SCOTT FARLOW (20:01):** Due to the amendments moved by the Hon. Jeremy Buckingham, I seek leave to withdraw Opposition amendment No. 4 on sheet c2023-125I.

**Leave granted.**

**Amendment withdrawn.**

**Ms SUE HIGGINSON (20:01):** By leave: I move The Greens amendments Nos 3 and 4 on sheet c2023-108E and The Greens amendment No. 4 on sheet c2023-117D in globo:

[c2023-108E]

No. 3 **2035 target**

Page 2, proposed section 5. Insert after line 36-

**2035 target** means the target for the reduction in net greenhouse gas emissions in New South Wales set out in section 9(1)(al).

No. 4 **2035 target**

Page 4, proposed section 9(1). Insert after line 42-

(al) by 30 June 2035-to reduce net greenhouse gas emissions in New South Wales by at least 70% from the net greenhouse gas emissions in 2005, and

[c2023-117D]

No. 4 **2030 target**

Pages 4 and 5, proposed section 9, line 39 on page 4 to line 12 on page 5. Omit all words on the lines. Insert instead—

**9 Minimum targets for reducing net greenhouse gas emissions**

(1) The minimum targets for reducing net greenhouse gas emissions in New South Wales are—

- (a) by 30 June 2030 or an earlier date prescribed by the regulations—to reduce net greenhouse gas emissions in New South Wales by at least 75%, or a higher percentage prescribed by the regulations, from the net greenhouse gas emissions in 2005, and
  - (b) by 30 June 2035 or an earlier date prescribed by the regulations—to reduce net greenhouse gas emissions in New South Wales to zero.
- (2) The regulations may make provision about the following—
- (a) the implementation of the 2030 and 2035 targets,
  - (b) the calculation and assessment of greenhouse gas emissions, including by—
    - (i) providing for a person to calculate or assess greenhouse gas emissions, and
    - (ii) adopting documents in force from time to time,
  - (c) other matters relating to the 2030 and 2035 targets.
- (3) The regulations may set a specific interim target to reduce net greenhouse gas emissions in New South Wales by a particular date occurring before 30 June 2035.
- (4) The regulations under subsection (3) must not set an interim target that is less ambitious than the 2030 or 2035 target.

I cannot emphasise any more than I already have how important—

**The Hon. Wes Fang:** But give it a go.

**Ms SUE HIGGINSON:** Okay. Are you ready, Wes? One thing I put on record around these amendments is just how fundamental the ratchet mechanism is. I also state clearly for the record how that has come about and been agreed to. The Greens made clear that we could not support a bill without a ratchet mechanism in it. We know that from the lessons we have learnt from the Commonwealth engagement in introducing climate legislation. We also know from experience around the world that climate legislation and targets and how we achieve them should not be viewed as a static goal. Ratcheting up the ambition is a fundamental feature of an effective piece of law because, as we keep talking about, we are working towards driving down emissions. The Greens made clear that we could not support the original ratchet mechanism, which was proposed in an amendment that is no longer on the table.

The Government worked hard on what an effective ratchet mechanism would look like, and I genuinely and sincerely think we got there together. The ratchet mechanism is a good one. I acknowledge the good work of those fantastic expert organisations on the front line of climate change, climate law, climate science and climate policy and the actual mechanisms around what drives emissions reduction. I acknowledge their input, particularly from the Climate Council and its work at the Federal level and imparting that expertise at the State level. Without the ratchet mechanism, we do not have the same impetus to make those targets more ambitious, and we fundamentally become noncompliant with the Paris Agreement itself. That is what drives the essential aspect of the ratchet mechanism. It is something the Government has agreed to. It is a fundamental premise and is the only way to take forward the notion and the actual mechanism to make us go further and faster on reducing climate change. I absolutely support that. I say one last time that 2035 is the year we should be setting—right here, right now—as the year to reach net zero emissions.

**The Hon. Wes Fang:** I didn't hear you.

**Ms SUE HIGGINSON:** Should I say it again for you, Wes? No. I will be working around the clock for as long as I can. I believe that, with the ratchet mechanism, the Net Zero Commission and this Government, we will reach net zero by 2035.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:06):** I will quickly tidy up where all the various contributions have gone in relation to what the Government is doing. I again thank everyone for their cooperation and patience. There was discussion about the interim target, and then there was a series of consequential amendments from the Opposition, the Legalise Cannabis Party and The Greens. Through negotiation, we have worked through all of those, which is why it is somewhat untidy. That is what is going on, but I believe it is broadly agreed, even though we will not all be voting the same way as we move through.

The Government supports the Hon. Jeremy Buckingham's ratchet mechanism. We have ended up with a better bill as a result of thinking through how we could work that. The Government always intended to allow the commission to set higher targets through advice, but his amendments set up a system that will work well. It fundamentally changes where we started, which was to legislate all the targets. This allows us to do so through regulation, which is still overseen by the House because it is a disallowable instrument. It is a smart legislative mechanism to work through these issues. We are happy to support that.

We support the Opposition's 70 per cent interim target. I discussed that before and will not go into that again. That is important. The Hon. Tania Mihailuk is not here. We do not support her amendments. I do not think anyone will be surprised by that. They fundamentally undermine the bill and how it goes through. That is something we do not support and will be opposing. We will move through the rest of the bill, and I think that we will have a good discussion. I promise that I will not speak for a long time on those. Given the landing we have here, I say how important it is for so much of the Chamber to come together to support these amendments and support action on climate change and getting to net zero.

We disagree on the way through. I make the point to The Greens that the 2035 target is great but, if they want us to underground the transmission lines, there is no way we will get there, and coal-fired power plants will stay open much longer. I know that is not Ms Sue Higginson's position, but some of the other work is working against getting to that goal. All of us are trying to get to net zero as quickly as we can because we need to. We need to deal with those transmission lines, so we will keep talking about that, no doubt.

We had bipartisanship and multipartisanship when we did the road map because there was an understanding of the need to decarbonise. Through these amendments—which have been, I admit, a little untidy—we have, I think, created a better bill. Despite the criticisms of some, that is what the Legislative Council is about: being able to build strong consensus on such an important issue. I thank members for their willingness to work on these matters. They are not easy but once the Chair works his magic and we have voted, it will all be good.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Scott Farlow has moved Opposition amendment No. 8 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jeremy Buckingham has moved Legalise Cannabis Party amendments Nos 4 to 6 on sheet c2023-145F. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendments Nos 3 and 4 on sheet c2023-108E. The question is that the amendments be agreed to.

**Amendments negated.**

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendment No. 4 on sheet c2023-117D. The question is that the amendment be agreed to.

**Amendment negated.**

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendments Nos 1, 2, 5, 6, 8, 9, 10 and 11 on sheet c2023-108E and Nos 1 to 3, 6, 8, 9, 16 and 17 on sheet c2023-117D. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....5  
Noes .....27  
Majority.....22

**AYES**

Boyd  
Cohn

Faehrmann (teller)  
Higginson (teller)

Hurst

**NOES**

Buckingham  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Franklin  
Graham  
Houssos

Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Martin  
Merton  
Mitchell  
Mookhey

Moriarty  
Munro  
Murphy  
Nanva (teller)  
Primrose  
Rath (teller)  
Sharpe  
Suvaal  
Taylor

**Amendments negatived.**

**The CHAIR (The Hon. Rod Roberts):** The Hon. Tania Mihailuk has moved One Nation amendments Nos 1 to 11 on sheet c2023-170A. The question is that the amendments be agreed to.

**Amendments negatived.**

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jeremy Buckingham has moved Legalise Cannabis Party amendments Nos 1 to 3 and 7 to 11 on sheet c2023-145F. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Rod Roberts):** I now invite the Hon. Mark Latham to move his amendment on sheet IND 24D.

**The Hon. MARK LATHAM (20:21):** I move my amendment No. 1 on sheet IND 24D:

1. Page 4, line 11, insert new subsection (d)
  - (d) considers the equity and social justice consequences of energy costs on low-income earners and welfare recipients

The point is that energy costs are a worry for equity and social justice. Every nation around the world had falling unit energy costs for decades, if not centuries, until the arrival of renewables. The costs of backup power to make up for their intermittent nature, new transmission wires and whole new systems have driven the prices up. That has had an adverse impact on low-income earners and welfare recipients. If the new commission is to have any regard for fairness in our society, it obviously needs to take account of those factors. They have been spoken of in this Chamber many times, primarily by me.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:22):** The Government does not support the amendment because it goes to the purposes of the Act. As we have previously discussed, members have raised some matters in the debate that they wish to place into the purposes of the Act, which the Government does not support. But I believe Mr Latham will move a second amendment going to the guiding principles, which I indicate that the Government is likely to support. But we oppose this amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Mark Latham has moved amendment No. 1 on sheet IND 24D. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. SARAH MITCHELL (20:23):** I move Opposition amendment No. 5 on sheet c2023-125I:

**No. 5 Guiding principles**

Page 4, clause 8 (4). Insert at the end of line 11—

, and

- (d) considers the impact on rural, regional, and remote communities in New South Wales.

This fairly straightforward amendment adds a paragraph to the guiding principles in clause 8. It is in line with the other amendments that I moved earlier and makes sure that, when we talk about action to address climate change, we take into consideration the impact on rural, regional and remote communities along with the other three principles that are listed. I ask the Committee to support it.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:24):** As I indicated in debate on the previous amendments, the Opposition supports the amendment for the reasons outlined.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 5 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. EMMA HURST (20:25):** I move Animal Justice Party amendment No.1 on sheet c2023-112A:

**No. 1 Guiding principles**

Page 4, proposed section 8. Insert after line 13—

- (5A) Action to address climate change should address the significant adverse environmental impacts of animal agribusiness and involve an urgent shift towards a plant-based diet.

The amendment inserts a new guiding principle into the bill. As I highlighted in my contribution to the second reading debate, the connection between animal agribusiness and the climate crisis is too often overlooked or intentionally ignored by politicians and climate advocates. Even the discussion of the topic makes them uncomfortable in case it upsets the all-powerful animal agribusiness lobby, which both major political parties seem to be terrified of. But we cannot afford to ignore the significant environmental harm and emissions produced by the animal agribusiness industry if we are to achieve our emissions target and stop rising global temperatures.

Research has shown that if global trends in meat and dairy intake continue, global mean temperature rise is more than likely to exceed two degrees Celsius even with dramatic emissions reductions in other sectors. We must start the just transition away from harmful animal agribusiness towards a more sustainable, plant-based society. The amendment will ensure that fact is reflected in the bill. The Animal Justice Party is the only elected political party discussing the effect of the Australian animal agribusiness industry on the environment, which is shocking given that animal agribusiness is responsible for roughly 66 per cent of all annual food-related emissions.

The Food and Agriculture Organization of the United Nations says that livestock is the leading cause of climate change, creating roughly 7,516 million tonnes of CO<sub>2</sub>-equivalent emissions per year. Worldwatch Institute recalculated that estimate to include the deforestation from animal agriculture and arrived at the estimate of 32,564 million tonnes per year. That is 51 per cent of annual global emissions. According to research at Johns Hopkins University, if global trends in meat and dairy intake continue, global mean temperature rise will more than likely exceed two degrees Celsius even with dramatic emissions reductions across non-agriculture sectors.

We need to stop ignoring the truth; the future of the world relies on it. The single biggest thing an individual can do to lessen their impact on climate change is to adopt a plant-based diet. While I am perhaps the only one in this Chamber brave enough to stand up against that cause of climate change, I also know that one day there will be no option to hide from that truth. If raising it here and being alone in holding that truth is the first step then I am happy to be the one to drive that much-needed change. I commend the amendment to the House.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:28):** The Government does not support including that guiding principle in the bill, although I acknowledge the conviction with which the Hon. Emma Hurst brings it to the Committee. The main reason the Government is not supporting the amendment is that it is a very specific guiding principle, and the others in the bill are more general.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2023-112A. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. SARAH MITCHELL (20:29):** I move Opposition amendment No. 6 on sheet c2023-125I:

No. 6 **Guiding principles**

Page 4, clause 8(8). Insert after line 21-

(ba) the knowledge of rural, regional and remote communities in New South Wales,

My contribution will probably sound quite repetitive. The amendment is to insert into clause 8, which is about action to address climate change, a new line to take into account the knowledge of rural, regional and remote communities. While we plan to take into account the knowledge of a range of things, as is listed in the clause—including the perspectives of Aboriginal communities, best available science et cetera—this amendment is merely to insert an additional line that says we will also take into account the knowledge of rural, regional and remote communities in New South Wales. Many of our community members have certainly seen "droughts and flooding rains", as in Dorothea Mackellar's famous poem. A lot of people have a good understanding and knowledge of the impacts of some of these issues. The actions taken should have that rural perspective, which is why the Opposition is moving the amendment.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:32):** The Government supports the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 6 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. SARAH MITCHELL (20:31):** I move Opposition amendment No. 7 on sheet c2023-125I:

No. 7 **Guiding principles**

Page 4, clause 8(8)(c). Insert at the end of line 27-

, and

(v) considering the impact on the amenity of local communities,

Again, this is an addition to the clause within the guiding principles to insert a further line to talk about supporting local communities that may be affected by the action by ensuring that we include "considering the impact on the amenity of local communities" as well. It is about making sure that the impact of action on climate change does not have an adverse or negative impact when it comes to the amenity of regional communities. Once again, it is a fairly straightforward and simple amendment.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:32):** The Government is willing to support the amendment. Our view is that the amenity of local communities is absolutely already considered. It is sometimes very challenging, as members would be aware—but we are happy to include that in the bill.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 7 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. EMMA HURST (20:32):** I move Animal Justice Party amendment No. 2 on sheet c2023-110C:

No. 2 **Guiding principles**

Page 4, proposed section 8(8). Insert after line 33-

(gl) the need to reduce the risk climate change poses to the survival of all species.

This amendment creates a new guiding principle, which reads, "Action to address climate change should take into account ... the need to reduce the risk climate change poses to the survival of all species". I will not repeat my earlier comments about the exclusion of animals from the bill, but I am disappointed by the anthropocentric approach taken in the bill, which is focused entirely on the impact of climate change on humans and human-made concerns—like the economy—to the exclusion of all other living beings. That is a very narrow approach. As I have said previously, it completely ignores the one-welfare approach and the clear need to recognise the interconnectedness of all species. This amendment is simply another effort by the Animal Justice Party to ensure that the impact of climate change on all species is reflected in the guiding principles. I understand that the Government will support the amendment. I thank the Government for its support, and I appreciated the discussions the Minister had with us regarding the amendment. I commend the amendment to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:34):** The Government is happy to support the amendment. I thank the Hon. Emma Hurst for the discussions we had in relation to this.

**The Hon. SARAH MITCHELL (20:34):** The Opposition will not oppose this particular amendment. We think that to mention all species covers the gamut of every creature on the earth, and so we will not oppose it.

**Ms SUE HIGGINSON (20:34):** The Greens support the amendment moved by the Hon. Emma Hurst on behalf of the Animal Justice Party. The simple fact is that the climate crisis is exacerbating the extinction crisis. This is an opportunity to grapple with that through law and through the guiding principles, and for the Net Zero Commission and the Government to contemplate how to reduce emissions in the context of the impact that will have in particular on native wildlife and threatened species. There are so many threatened species—and I am talking about the ones that are already literally facing extinction: some of the most vulnerable, iconic, rare, magnificent creatures.

We know that even if we can stop destroying their habitat deliberately, as we are doing, through the practices that we allow—such as native forest logging and land clearing for agriculture or development—and if we can protect their habitat, some of those species have been pushed so close to the brink that their chance of surviving the climate crisis is quite unlikely. We need to be seriously realistic about that. I commend the Animal Justice Party for moving this amendment. It is welcome that the Government is taking the amendment on, and that the Opposition will accommodate that. I cannot wait for the Net Zero Commission to start taking this guiding principle into account and working out how to reduce emissions much further and much faster than the targets legislated in the bill.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party amendment No. 2 on sheet c2023-110C. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. EMMA HURST (20:37):** I move Animal Justice Party amendment No. 3 on sheet c2023-110C:

No. 3 **Guiding principles**

Page 4, proposed section 8. Insert after line 33-

(8A) Action to address climate change should take into account the impact on animals.

As I have outlined, the Animal Justice Party is concerned about the absence of the word "animal" from the bill, and the failure of the bill to reflect the impact that climate change will have on animals in its original form. In an attempt to fix that oversight, this amendment would insert a new line in the guiding principles section of the bill, which states, "Action to address climate change should take into account the impact on animals." This is a straightforward amendment, but one that is necessary if we are really to protect wildlife and recognise that animals are intrinsic to life on earth. That absolutely must be a guiding principle.

There is an extinction crisis in Australia. We have a shameful record of the highest mammal extinction rate of any country in the world. We need urgent action to protect animals from the impact of climate change, and for animals to be considered in all decisions around climate change action, if we are to stop further deaths and species extinction. Again, I understand that the Government will support this amendment. I thank the Minister for working with us to get the amendment into a shape that the Government would agree to. I commend the amendment to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:38):** The Government is willing to support the amendment. Again, I thank the Hon. Emma Hurst for the discussion in relation to it. I make the point that animals are very important, but so are the plants, fungi and bacteria. We have picked up all species. Out of respect for the Animal Justice Party and its concern for the animal issue, the Government is happy to have this in the bill. More importantly and in addition to that, when we talk about the environment, we talk about all plants and animals—that is what we mean. The Government has no problem with the amendment.

**The Hon. SARAH MITCHELL (20:38):** I put on record that the Opposition will oppose the amendment. The previous amendment moved by the Hon. Emma Hurst talked about the need to reduce the risk of climate change to the survival of all species. In our view, that covers animals. We do not feel that it is necessary to specifically call out animals. I appreciate the member is from the Animal Justice Party and I can see why she is raising it, but we do not feel that the amendment is necessary and will be opposing it.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party amendment No. 3 on sheet c2023-110C. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes ..... 19  
 Noes ..... 14  
 Majority..... 5

**AYES**

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

**NOES**

Carter	MacDonald	Munro
Fang (teller)	Maclaren-Jones	Rath (teller)
Farlow	Martin	Taylor
Franklin	Merton	Tudehope
Latham	Mitchell	

**PAIRS**

Buttigieg	Ward
Jackson	Farraway

**Amendment agreed to.**

**The Hon. MARK LATHAM (20:48):** I seek leave to amend my amendment No. 2 on sheet IND 24D by omitting the words "low-income earners, welfare recipients,".

**Leave granted.**

**The Hon. MARK LATHAM:** Accordingly, I move:

2. Page 4, line 33, insert new subsection (h)
  - (h) equity and social justice impacts on socially disadvantaged groups and economically vulnerable regions.

**The Hon. Jeremy Buckingham:** You would gut your own amendment?

**The Hon. MARK LATHAM:** Listen, pal, you are a relative newcomer to me, so sit there and you might learn a few things on how to get stuff through. This is what you call a miracle: The Government is supporting one of my amendments. I bowled none for 280 the night of Matt Kean's infrastructure road map bill. Tonight I am one for one and sending them down like D. K. Lillee. This is a big improvement.

**The Hon. John Graham:** You're risking going backwards here. I'd get on with it.

**The Hon. MARK LATHAM:** He is always saying he is going to bung it on but then he—

**The CHAIR (The Hon. Rod Roberts):** Mr Latham, I would quit while I was ahead if I were you.

**The Hon. MARK LATHAM:** Chair, to use the great words that you uttered in the infrastructure debate, the amendment speaks for itself. It obviously sets out a guiding principle, given the massive economic transformation, that account is taken of equity and social justice impacts on socially disadvantaged groups and economically vulnerable regions. The Government is supporting the amendment. The worst thing I can do is keep talking about it, so I commend it to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:50):** Strange things do happen late at night. Yes, the Government is supporting a Mark Latham amendment to the bill, and I thank him for proposing it.

**The Hon. Wes Fang:** I thought you said you were never going to support him.

**The Hon. PENNY SHARPE:** This is a very serious issue. We all know that net zero is challenging and that it has different impacts on different sectors and communities. The Government absolutely supports the commission having a view to understanding what the impact is as it does its work and as we work through what is a challenging but essential task.

**The Hon. SARAH MITCHELL (20:51):** The Opposition also supports the amendment. Like the Hon. Mark Latham, we are concerned with the impacts of the net zero transition and what it will mean for the more vulnerable socially disadvantaged groups. The cost of living is a huge issue, as we know, and later the Opposition will move an amendment regarding that. I emphasise the point about economically vulnerable regions. I sound like a broken record, but we are seeing the impacts of the energy transition in regional New South Wales already. The amendment makes sense, and we are happy to support it.

**The Hon. JEREMY BUCKINGHAM (20:51):** I support the amendment on behalf of the Legalise Cannabis Party. It is a good amendment that goes to the serious issue of making sure that, as we make the economic transition, the most vulnerable people who can least afford the impacts are front of mind for the commission. The Legalise Cannabis Party is happy to support it.

**Ms SUE HIGGINSON (20:52):** The Greens will not oppose the amendment, on the basis that the consideration has to be the actual impacts of climate change. As we know, the impacts are felt most by the most vulnerable. I could take members to my hometown of Lismore and show them that being lived out right now. The most vulnerable people are impacted hardest and have the least capacity to recover and find a safe path through the existing, real and present impacts of climate change. Whilst we might sometimes frame things in a particular way, the reason we are supporting the amendment, in this context, is actually the converse; it is the impacts of climate change that will hurt vulnerable people the most, and, in fact, walking the path to net zero will be in the best interests of the most disadvantaged communities. There is global consensus on that, when we look at all of the Intergovernmental Panel on Climate Change reports and the compelling case to get to net zero as quickly as possible.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Mark Latham has moved his amendment No. 2 on sheet IND 24D. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:54):** I will not move Government amendment No. 1 on sheet c2023-151.

**The Hon. MARK LATHAM (20:54):** I move my amendment No. 3 on sheet IND 24D:

3. Page 4, line 39, insert a new subsection (10):

Action to address climate change must be transparent and the NSW Government accountable with regard to:

- (a) the budgetary cost of government policies and programs;
- (b) the land use consequences of government policies, especially in building a new electricity grid based on wind and solar power; and
- (c) the impact of NSW Government policies and programs for carbon abatement on global surface temperatures.

This is a very good amendment. It goes to the fundamental purpose of this Chamber, which is transparency. In the guiding principles, targets and objectives of the new commission, there must be an assurance that action to address climate change is transparent and that the New South Wales Government is accountable. There is an expectation that the commission would fill the gaps in available information left by the Government. In response to the Hon. Robert Borsak, the Leader of the Government, the energy Minister, said she was going to give quantifying the impact of New South Wales carbon abatement Government policies on global surface temperatures a red-hot go. The red-hot go has not produced a red-hot result, as yet. Surely it is left to the commission to fill in the gaps that I have mentioned consistently in this debate.

We must know the budgetary cost of government policies and programs. In the Batterham report it is estimated to be some \$18 billion Australia wide. The Treasurer prides himself on articulate, effective and detailed answers at the dispatch box except in one area. He cannot answer on the impact of these policies on the New South Wales budget. He can be as smart and effective as he likes, but if he cannot answer on the impact on the budget of the biggest economic transformation in the State, then, obviously, he has a huge gap in his credibility. Surely the commission should step in where politicians are too scared to tread and where politicians have, quite frankly, been paralysed. Either they do know and will not say, or they are completely clueless. I fear it is the latter. We know that Treasury has the capacity to do the modelling on budgetary costs. It should do that. The commission should also call on other available modellers. Batterham used Melbourne University, University of Queensland and Princeton University for its modelling. So it is out there, and it can be quantified.

The taxpayers should not fly blind here. They should know the budgetary costs of climate change policies. This is not a question of whether you think climate change is real or not, or whether you think Australia has a role to play or not. It is a simple question of making the Government transparent on what it is doing, and it would be an atrocity not to include this provision, which says the commission would be reporting on the budgetary costs of Government policies and programs. Of course they should. What are the land-use consequences of Government policies, especially in building a new electricity grid based on wind and solar power? Are we going to go on for the next 20 or 30 years with the sort of fiasco the National Party has launched where, having supported Matt Kean down the line, hundreds of times, and knowing that transmission wires would be above the ground, they are now trying to appease farmers by saying we can bury them, when it is an engineering impossibility? It is certainly an enormous expense. We cannot go through land-use disputes and land-use confusion as to how much land will be needed for all of this.

**The Hon. Jeremy Buckingham:** Not much.

**The Hon. MARK LATHAM:** You keep saying that, but your "not much" cry has not much credibility. The Hon. Jeremy Buckingham is just sitting there making it up as he goes along. We need to do a lot better than that. If members want a real answer to land-use questions, they will support the amendment to ensure transparency in the work of the new commission. Finally, is the red-hot go producing a red-hot result on the impact of Government carbon abatement policies on global surface temperatures? What are we actually achieving here? It is the outcome that Ministers find impossible to utter. It is the result that dare not speak its name. I think, in this case, they know the answer. It is not much. They will not say it because it would torpedo the credibility of the Climate Change (Net Zero Future) Bill 2023. If the Committee believes in transparency, why would we not do this? Why would we not ask the commission to report on the things that Ministers either do not know or are too scared to say. The amendment is common sense, and I commend it to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:58):** The Government will not support the amendment because understanding the budgetary costs of policies and programs is not what the bill is for. I thank the honourable member for his contribution, but that understanding is already achieved through our existing budgetary processes. This would duplicate existing processes for ensuring budget accountability and transparency, including budget

estimates; statutory requirements for reporting; and the developmental approval process, which already considers land use consequences. I understand what the member is trying to do, but it is not what the bill is for and that is why the Government does not support the amendment. Land use consequences are dealt with through the planning process. The whole idea of the bill is to report against the targets that we have set—I accept that the honourable member does not support them—and to report how we are meeting the targets that we will have set through this bill. The other issues in relation to budgetary transparency are very important, but they are not what the bill is for. The Government does not support the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Mark Latham has moved amendment No. 3 on sheet IND 24D. The question is that the amendment be agreed to.

**Amendment negatived.**

**The CHAIR (The Hon. Rod Roberts):** We now have a Government amendment and two Greens amendments that all deal with the same target area but are slightly different.

**The Hon. Penny Sharpe:** Let The Greens go first, and then we will move ours.

**The CHAIR (The Hon. Rod Roberts):** I was going to go to you first, Minister, but in that case, I invite Ms Sue Higinson to move The Greens amendments.

**Ms SUE HIGGINSON (21:00):** By leave: I move The Greens amendments No. 1 on sheet c2023-150A and No. 7 on sheet c2023-108E in globo:

[c2023-150A]

No. 1 **Responsibility of Premier and Minister**

Page 5. Insert after line 17—

**10A Responsibility of Premier and Minister**

The Premier and the Minister must ensure the targets specified in section 9(1) are achieved.

[c2023-108E]

No. 7 **Responsibility of Premier and Minister**

Page 5. Insert after line 17-

**10A Responsibility of Premier and Minister**

The Premier and the Minister must ensure the 2035 target is achieved.

These amendments deal with one of the most important aspects of the bill, after the net zero target of 2035, which, unfortunately, was not supported. The amendments go to a genuine commitment to achieving targets. There has been a lot of talk and narrative that "We're legislating the targets, therefore we've done the thing; we've committed; we've got legislated targets," but work needs to be done to the words on paper that we enact to become legislation. If there is not a thing—an operative principle or component of the legislation—then they are just words on paper. There is nothing that binds the Government to do the thing. The thing we are talking about is achieving the targets and the entire legislative scheme is based on heading to those targets, but you have to achieve them.

It is a legal fiction to suggest that because something is in legislation it is therefore binding. That is not true. There is legislation everywhere that says things, but unless there is something in it that compels the thing to happen, it does not have to happen. It is the same as saying it is unlawful to drive a car without a seatbelt, for example. Unless there is something that compels the person to do the thing, it is not a thing. We know with seatbelts it is because it is a criminal offence. We created an offence and we police it, but in this bill we just have targets. Apparently we will achieve a 50 per cent reduction in emissions by 2030. We will apparently achieve the target of a 70 per cent reduction by 2035 and net zero by 2050. But what is it? What is the thing? Am I not on the right amendments here?

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

**Ms SUE HIGGINSON:** I am? Thank you.

**The CHAIR (The Hon. Rod Roberts):** You are fine. Please proceed.

**Ms SUE HIGGINSON:** I saw the Minister jumping up and getting nervous about something and, given the sheets we are all working off—

**The Hon. Penny Sharpe:** There are a lot of sheets.

**The CHAIR (The Hon. Rod Roberts):** Don't become paranoid, Ms Higinson.

**Ms SUE HIGGINSON:** I can assure you I am well beyond paranoid going through this process. In earnest, we need targets to be binding because that is why we set targets in legislation. The mere fact that they are in legislation is not the mechanism that binds. We know this from Victoria and from other jurisdictions. We talk about binding targets. They are not binding simply because they exist. They are binding because a clause binds the people or the Government to achieve the targets. That is precisely what the amendments seek to do. They literally impose a duty, an obligation, a responsibility—it doesn't matter what we call it; it is the thing that binds the Government to achieve the targets.

Through the amendments, The Greens are seeking that the Premier and the Minister must ensure New South Wales achieves the targets—and all of the targets. We need to bind the Government to do the thing it is telling all of New South Wales that it is going to do and is legislating to do, and the thing that everybody here is putting their vote to: that is, to achieve a 50 per cent reduction by 2030, to achieve a 70 per cent reduction by 2035 and to achieve net zero hopefully long before 2050. If the Government wants binding targets, which it has been telling and convincing the entire State that it is getting, it really should support all of the amendments. I am very pleased that the Government has indicated that it will commit to the 2050 target being binding, but it is 27 years away. We also know that it is the weakest target. Members have heard the experts say that it institutionalises failure. As I said, The Greens will do our damndest to make it possible to bring that target forward.

We have looked at the Victorian legislation and the Government has said, "Well, the Victorian legislation binds the Victorian government to the net zero target." But we need to be honest about that. That is not exactly what we should be modelling ourselves on right now because the Victorian net zero target was set in 2017 and this year it has been brought forward, so the net zero target is already before 2050. The only commitment the Government is willing to bind itself to here and now is the 27-year target of net zero by 2050. I say again that I am certain we will all do all we can to bring forward that net zero target with the ratchet and the other operational clauses that we have managed to include, but I do not understand the Government's resistance.

I tried until the eleventh hour to get the Government to commit to the 2035 target. That is the target that the Coalition had already calculated we were on track to achieve. Why will the Government not commit to that in a true sense, a legal sense, a politically successful sense, so that the rest of the world can see that this Government is leading and literally etching into the law that the target is binding, and that the Minister and the Premier have taken it so seriously that the Government has bound itself to ensure New South Wales achieves that target? We will not have that. I am putting that to the Committee tonight. I am asking for support for that. It is the right thing to do. It is what climate leadership looks like. It is actually what good law looks like. It is really important to have a genuine mechanism that binds.

When you have been standing on a platform and telling all of New South Wales you are going to legislate binding targets, to not do so is just not fair. It is not right. It is not the path to political leadership. I know that concession has been made in terms of the 2050 target and I am asking the Committee to look beyond that part that the Government has committed to, to come on board and to bind the other targets. That would be courageous and show leadership and would get us on the path because it is consistent with good climate law and front-loading the ambition.

Bringing emissions down early is the path, so we should commit to it and make it happen, because that is what the people of New South Wales thought we were going to do. Limiting the binding element to the end goal will not provide confidence to the community or industry that the Government is genuinely serious about achieving the targets. On 2GB the Minister admitted that, if the Government does not meet the 2030 or 2035 target, the only consequence is on the people of New South Wales who voted for stronger climate action. Legal experts have told us that without a binding element in the law, the targets are ornamental. That is the truth of it. We will put the ornaments out there and do our absolute best to assist the Government to reach them.

We hope that the Net Zero Commission will be able to do its work, that the ratchet mechanism will work and that, regardless of the fact that the Government has not fully committed itself to other than the net zero target, we will still reach the early targets and get more ambitious as we go. But I ask members to support the binding element of the targets in the amendments. It is what good law looks like. It puts the law in a position where it will do the work, and we will do the work. That is what the amendments are about.

**The Hon. JEREMY BUCKINGHAM (21:11):** Whilst I have enormous sympathy with The Greens amendments, I understand that the Government will move an amendment that, rather than specifying proposed section 9 (1), specifies the 2050 net zero target. Ms Sue Higginson made the important point that the binding targets in Victoria have just been brought forward, which is exactly why the ratchet mechanism was so important. She and many others have been saying all night—and ad nauseam for decades—that we need it, and now we have it. So that is good news. It is a good amendment. It builds in some accountability, but to call the targets an ornament is another disparaging comment from The Greens about what is an incredibly—

**Ms Sue Higginson:** It was not my comment. It is what the experts said.

**The Hon. JEREMY BUCKINGHAM:** With all respect, you just said that the targets are ornaments. They are not. The bill is an incredibly strong signal to the community, to industry and to our nation that New South Wales, the largest economy, is setting itself in law on a trajectory to net zero. The consequences for not doing it are for the Government. It has brought in a bill and set the targets. As Ms Sue Higginson has said many times, the Net Zero Commission is already operating under the assumption that from 2021 we will hit 70 per cent by 2035. So the Government has to do some heavy lifting to get us from 70 per cent to 100 per cent, and we can do it if we work together. The consequences if we do not do it are not just for the community; they are for the Government.

Bob Brown, whom I mentioned before, said 30 years ago that governments in this country would rise and fall on their capacity to deal with climate change because it was such a massive macro-economic issue. And we have seen it. Howard, Rudd, Gillard, Abbott, Turnbull and Morrison all rose and fell on climate policy. People are paying attention. They want action. They voted this Government in for this bill and this action. I am a climate activist. I have been on the front line. I welcome the bill, the amendments and the Government's consideration of them, as well as the Government's amendment.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:14):** I move Government amendment No. 1 on sheet c2023-148A:

No. 1 **Achieving net zero targets**

Page 5. Insert after line 17—

**10A Achieving the net zero target**

The Premier and the Minister must ensure New South Wales achieves the target set out in section 9(1)(b).

The amendment is about achieving the net zero targets. It inserts proposed section 10A, which says that the Premier and the Minister must ensure that New South Wales achieves the targets set out in proposed section 9 (1) (b). As the issue has already been well canvassed, I do not plan to speak for long. We believe that getting to net zero mirrors what Victoria has done. We understand that there is a desire to place additional responsibility on that. We believe that the amendment strikes the right balance. We do not support The Greens amendments, but we ask members to support our amendment, which commits the Premier and the Minister to achieving net zero by 2050. We have just worked through some of the issues. This is the starting point for our journey to net zero. Future Parliaments will deal with the matters through regulation and other legislation, and that is not set in stone. Today is the start.

**The Hon. SCOTT FARLOW (21:15):** The Opposition will support the Government's amendment and not support The Greens amendments.

**The CHAIR (The Hon. Rod Roberts):** I will put the question on the Government amendment first. The Hon. Penny Sharpe has moved Government amendment No. 1 on sheet c2023-148A. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2023-150A and The Greens amendment No. 7 on sheet c2023-108E. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....5  
Noes .....31  
Majority.....26

**AYES**

Boyd  
Cohn (teller)

Faehrmann  
Higginson (teller)

Hurst

**NOES**

Buckingham  
Carter  
D'Adam

Latham  
Lawrence  
MacDonald

Murphy  
Nanva (teller)  
Primrose

## NOES

Donnelly	Maclaren-Jones	Rath (teller)
Fang	Martin	Ruddick
Farlow	Merton	Sharpe
Farraway	Mitchell	Suvaal
Franklin	Mookhey	Taylor
Graham	Moriarty	Tudehope
Houssos	Munro	Ward
Kaine		

**Amendments negatived.**

**The Hon. TANIA MIHAILUK (21:24):** I move Pauline Hanson's One Nation amendment No. 1 on sheet c2023-168A:

**No. 1 Eraring Power Station**

Page 5. Insert after line 17—

**10A Eraring Power Station**

Greenhouse gas emissions from the Eraring Power Station and associated electricity infrastructure are not to be included in the calculation or assessment of greenhouse gas emissions for the purposes of this Act.

This is essentially about—and I raised earlier in the evening—the fact that Origin Energy originally intended to shut down Eraring Power Station. At the time the decision was made, CEO of Origin, Frank Calabria, stated:

Origin's proposed exit from coal-fired generation reflects the continuing, rapid transition of the NEM as we move to cleaner sources of energy ...

To enable Origin to support the market's continued transition to renewables, we intend to utilise the Eraring site beyond any retirement of the coal-fired power station, with plans to install a large-scale battery.

It is interesting that earlier this year the Government made a decision to no longer allow Eraring Power Station to close, given the Government's concern about the reliability of electricity supply in New South Wales. We know that the power station provides 20 per cent of electricity in New South Wales. Clearly, all reports, such as the Australian Energy Market Operator or the O'Reilly report, and every indicator are telling this Government—indeed, our nation—that this power station is critical to New South Wales for the next several years. What is concerning is that we know the Minister is undertaking discussions behind closed doors. No-one seems to be saying where those discussions of contractual arrangements are up to for Eraring Power Station. What are the potential leasing arrangements—or whatever arrangement that will come about as a result of what the Minister does?

**The Hon. Penny Sharpe:** It's the same answer.

**The Hon. TANIA MIHAILUK:** The Minister can respond to my amendment shortly instead of interjecting. It would be good to know where that is all up to and how it fits into the calculation of emissions in the future. Given that Origin intended to shut down the power station, why should emissions from Eraring Power Station be included in the calculations for net zero? This is not something that Origin has asked to do. This is something that the Government, seeing this as a matter of urgency almost—an emergency situation—has asked for. I am sure that other industries nationwide are granted exemptions. For example, we know that the Australian Defence Force is exempt. In other nations across the world, I am sure that whole types of infrastructure and particular significant projects will be exempt from those nations' net zero calculations, so why would Eraring Power Station not be exempt? Why would the Government not want to have Eraring exempted, given the Government has its own concerns as to why it did not originally propose the 70 per cent target for 2035? There is no doubt about that.

It is clear that the Government will extend the life of that power station. It was all very timely when the O'Reilly report was originally leaked and became publicly available and reported on in *The Sydney Morning Herald*. A day or two later, the Government announced its intention to extend the life of that power station after demanding for years and years that former Minister Kean and the former Government shut it down. The amendment is essentially self-explanatory. I commend the amendment to the Committee. I ask that the Committee support the Eraring Power Station being exempt from the calculations of any net zero targets.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:29):** The Government does not support the amendment. There is no point in having emissions reduction targets without all of the emissions counted. It makes no difference to



**Ms SUE HIGGINSON:** I was trying to talk over it but I lost the beat.

**The CHAIR (The Hon. Rod Roberts):** I did notice that. That is why I said something.

**Ms SUE HIGGINSON:** Thank you. The reality is that The Greens thought that having the capacity to strengthen the adaptation objective was a simple and logical thing for the regulation power to have. We are looking at a rapidly evolving issue. We have read the adaptation chapters in the Intergovernmental Panel on Climate Change reports. The IPCC has predicted and laid out the blueprint of what we are meant to do and what we should do. We know that we do not know everything about adaptation at any given time. We have to plan and focus on it. There will be hard edges and we have to be able to continuously improve and change our approach. We know that changes to what we understand as adaptation may be required quickly. We should not sit back and rely on the regulations to make provisions around the implementation of making New South Wales more resilient to climate change.

The regulation-making power should provide for regulations to also strengthen action to adapt in New South Wales. As to what that would look like, we are thinking about all things that will help build resilience. We are thinking about landscape resilience and how communities can be protected from the most severe impacts of climate change. For the environment we are thinking about more actively protecting forests from fires; protecting blue carbon in estuarine, riverine and marine areas; and restoring carbon through regenerative land management. That is the vision I have when I think about the regulation-making powers, the capacity that we will have on the path to net zero and how we will do it. The amendment would assist to provide the capacity for the Government, the Parliament and all the incredible people in the bureaucracy and the agencies who will drive this forward. We will do it positively together. It is for communities—coastal, riverine, bushfire-prone, erosion-prone, those lacking water security and many others. That is what it is about.

Climate adaptation and resilience cannot be set and forgotten about. They are iterative processes that we have to actively do, then examine and strengthen as we learn every day. We know that from the bushfire- and flood-affected communities. We have seen it in the inquiries. We cannot just provide for adaptation and suggest that that will create the objective to drive a more resilient New South Wales. Without a clearer regulation-making power and the mechanisms to do that, we will get stuck. Hopefully we will end up back in this place and I will be moving an amendment if this one is not supported. I commend the amendment to the Committee. I hope that it will be supported.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:45):** The Government does not support The Greens amendment. It is the first time that adaptation has been put into the legislation. The objectives for adaptation to climate change are part of the bill. I understand what The Greens are trying to say about strengthening it, but it is not a defined term. Recommendations relating to the adaptation objective are already captured through the implementation regulation, and the role of the commission is to provide advice on improvements to New South Wales' approach to addressing climate change, as noted throughout the bill. That is the whole purpose of the commission and it is why we have an objective for adaptation already in the bill.

The best-practice approach to achieving adaptation goals has to be established, and we need to understand that it is a relatively new way of looking at how it will be taken into account across government. The commission will report on it and we will look at how we can improve it over time once we have got the metrics in place. They are not yet in place. We understand that adaptation is a huge issue and that we need to take it into account across government. The way we measure that and the way we measure the impact is part of the work the Net Zero Commission will do. I thank The Greens for their amendment but the Government does not support it.

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendment No. 5 on sheet c2023-117D. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....5  
 Noes .....30  
 Majority.....25

**AYES**

Boyd (teller)	Faehrmann	Hurst
Cohn	Higginson (teller)	

**NOES**

Buckingham	Kaine	Munro
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## NOES

Carter	Latham	Murphy
D'Adam	Lawrence	Nanva (teller)
Donnelly	MacDonald	Primrose
Fang	Maclaren-Jones	Rath (teller)
Farlow	Martin	Ruddick
Farraway	Merton	Sharpe
Franklin	Mitchell	Suvaal
Graham	Mookhey	Taylor
Houssos	Moriarty	Ward

**Amendment negatived.**

**The Hon. SARAH MITCHELL (21:55):** I move Opposition amendment No. 11 on sheet c2023-125I:

No. 11 **Members of Commission**

Page 6, clause 12 (3). Insert after line 30—

(h) the interests of rural, regional and remote communities in New South Wales,

This fairly straightforward Opposition amendment relates to the qualifications or skills of members of the commission, who will be appointed by the Minister. As the bill is currently drafted, it lists a range of experience, qualifications and skills that the commission would like those being considered for a position to have. The amendment inserts into that list of particular skill sets that they have some experience in relation to the interests of rural, regional and remote communities in New South Wales. As I said in my contribution to debate on other amendments moved by the Opposition, the amendment is about making sure that the experience and interests of those in our rural communities are reflected in the make-up of the commission. The Opposition wants to make sure that those sitting on the commission understand some of the innate challenges of regional communities regarding climate issues. That is why the Opposition would like the Committee to support the amendment.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:56):** The Government supports the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 11 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. SARAH MITCHELL (21:57):** I move Opposition amendment No. 13 on sheet c2023-125I:

No. 13 **Functions of Commission**

Page 7, proposed section 14 (l) (c). Insert at the end of line 13—

, and

(iii) the impact of the action on energy costs for consumers in New South Wales,

The amendment relates to the functions of the commission that monitors and reviews the action being taken by government to address climate change. It inserts an additional clause to examine the impact of the action on energy costs for consumers in New South Wales. I acknowledge that the Committee has previously passed an amendment moved by the Hon. Mark Latham that took some of those issues into account, but I move the amendment because energy costs are absolutely front and centre when people talk about the cost of living. All around the State, everyone is talking about the fact that their bills are going up.

Opposition members think it is important that the impact of any action that is taken to reach net zero targets takes into account the energy costs for our consumers here in New South Wales. I believe that the amendment will not be supported, given that one could argue the Hon. Mark Latham's amendment has covered the issue. But Opposition members thought it was important to move it because we are hearing quite consistent messages from people across the State that energy bills are front and centre to their cost-of-living increases, and so we wanted that to be included as part of the functions of the commission.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:58):** The Deputy Leader of the Opposition is correct that the Government does not support the amendment, but not because it does not think that the cost of living and the costs of electricity and energy are important. They are extremely important, and we have talked about it in this Chamber a lot in recent times. The Government has brought in over half a billion dollars in energy rebates going forward.

I make the point that the guiding principles require the commission to consider consumer costs, including the price of energy, in the preparation of its advice. The Government would argue that is already in the bill.

The second part is that the amendment would require the commission to monitor and review the cost of energy for New South Wales consumers. There are already a number of different bodies that do that. We already have the Australian Energy Regulator, which reports on cost; we have the Consumer Trustee, who is doing the work in relation to the road map; and we have the Independent Pricing and Regulatory Tribunal, which also has a role in relation to those matters. There are a number of existing bodies, and we would not seek to duplicate them. The actual costings issue is a complicated matter when it comes to energy, but I will not belabour the point. We believe it is very important. We understand what the Opposition is trying to accomplish, but we do not want to duplicate. The Government believes that is already picked up in the rest of the bill.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 13 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment negated.**

**The Hon. MARK LATHAM (22:00):** By leave: I move my amendments Nos 4 and 5 on sheet IND 24D in globo:

4. Page 7, line 19, insert a new subsection (f):
  - (f) to report annually on:
    - (i) the budgetary cost of climate change action, both immediate and long term;
    - (ii) the land use consequences of climate change action; and
    - (iii) the impact of NSW Government policies and programs for carbon abatement on global surface temperatures.
5. Page 9, line 3, insert new subsections (d), (e) and (f) then re-letter:
  - (d) the budgetary cost of climate change action, both immediate and long term;
  - (e) the land use consequences of climate change action;
  - (f) the impact of NSW Government policies and programs for carbon abatement on global surface temperatures.

The amendments go to the functions of the commission. I am asking the commission to report annually on the items I have raised previously: the budgetary cost of climate action, the land use consequences and the impact of government policy on global surface temperatures. Those are points I have made consistently in the debate. They are not new, but I thought it would be useful to have it in an annual report. Then amendment No. 5 will amend line 3 on page 9 to again mention those particular matters in the Government Sector Finance Act report. I thought I would double up and give it a double go, but I think I am doomed to double failure.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (22:01):** The Government does not support these amendments for the same reason it did not support the other ones: they duplicate existing operations. That is not the role of the commission. But the Government thanks the Hon. Mark Latham for moving the amendments.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Mark Latham has moved his amendments Nos 4 and 5 on sheet IND 24D. The question is that the amendments be agreed to.

**Amendments negated.**

**The Hon. TANIA MIHAILUK (22:02):** I move Pauline Hanson's One Nation amendment No. 1 on sheet c2023-169B:

**No. 1 Functions of Commission**

Page 7, proposed section 14(1). Insert after line 19—

- (f) to report on the social and economic impacts in New South Wales of the action taken to address climate change.

The amendment is very similar to the Hon. Mark Latham's amendment and the Opposition amendment. I do not have much more to add except to say that I think it is disappointing that the commissioner will not have the power to monitor and report on those types of social and economic impacts. I can already guess what the Minister is going to say. She is going to say that the Government will not support this. But that is unfortunate, because we are empowering the commission to extraordinary lengths. In fact, it will be a commission that can dictate to any other agency in the State. I do not see why it could not also be empowered to monitor some of the social and economic impacts as a result of the net zero targets.

I will give an example from the United Kingdom. Rishi Sunak has confirmed that he will raise a series of net zero policies under a new approach designed to protect hard-pressed British families from unacceptable costs. He did so after they conducted some independent monitoring of the social and economic impacts of their net zero targets. I find it interesting that internationally we are now seeing nations wind back their net zero targets because they can see that it will impact families. I hope that the Minister can see the value and the need for that to be monitored within the capacity of the commission, particularly given that it will be the commission that will have full knowledge of the length and scale of the requirements, guidelines and recommendations that it will constantly put forward to different agencies.

Some of those recommendations will actually be fulfilled. I can only imagine that there will be a whole plethora of issues and impacts, whether in the health infrastructure area, in schools or across other social programs. Every time prices rise in relation to electricity, there are compounding impacts across the whole range of infrastructure provision and programs throughout New South Wales. There will not be an agency or a government department that will not be impacted by the direction of the commission and by these targets. I do think it is worthy that the commission be empowered to actually monitor the social and economic impacts of the decisions that it will be imposing on other agencies and on the Government.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (22:05):** As predicted by the member, the Government does not support this amendment for the same reasons that it did not support the previous amendments. The impact on communities and the social impact in terms of low-income earners is picked up within the bill. We are not seeking to set up the commission to duplicate the functions of other agencies that are already charged with that work. As a result, we do not support this amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Tania Mihailuk has moved Pauline Hanson's One Nation amendment No. 1 on sheet c2023-169B. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (22:06):** I move Government amendment No. 1 on sheet c2023-152B:

**No. 1 Functions of Commission**

Page 7, clause 14. Insert after line 33—

- (2A) The Commission may provide advice and make recommendations to any of the following persons or bodies, but if it does it must provide notice to the Minister responsible for the person or body—
- (a) the Secretary of a Department,
  - (b) the Independent Planning Commission within the meaning of the *Environmental Planning and Assessment Act 1979*.

There are duelling amendments that relate to this issue. The Greens have foreshadowed a similar amendment, which I will deal with while I am speaking to and moving the Government's amendment. The issue is of the commission providing advice to other departments and to the Independent Planning Commission. The Greens have foreshadowed an amendment that goes further than this one. To address some of the comments made by the Hon. Tania Mihailuk, we need to understand what we are actually setting up here. The commission is able to report on a whole range of issues that we have just gone through in the debate about the guiding principles of the bill, but its real role is to track and to monitor how we are achieving emission reduction targets, and that will be across sectors and across government.

The commission is the honest broker, and it will provide independent advice to the Parliament on how we are tracking in relation to those metrics. The idea is that we will then have a joint standing committee, which will be established if the bill passes, and that will be interrogated. The government of the day actually has to report on the advice that is provided. There is no right of veto in relation to the commission. It is important that members understand this. The other part to understand is the way it interacts across government. To meet net zero, we need to work across government. I, as the Minister for Climate Change, am not going to be able to get this done on my own, and neither will anyone else. The whole point is to work across government. There are activities happening in every department when it comes to trying to achieve net zero. The Environment Protection Authority, the Department of Primary Industries and the Department of Transport are all doing that work.

The point of this amendment is to put one thing beyond doubt. The commission is an independent body—that is important to understand—but if the commission wished to, on a totally voluntary basis, it could provide advice to government departments and to the Independent Planning Commission. This is a modest but important

amendment that goes to the question of how the commission interacts with the rest of government. I seek the support of the Chamber for the amendment.

**Ms SUE HIGGINSON (22:08):** I move The Greens amendment No. 2 on sheet c2023-150A:

**No. 2 Functions of Commission**

Page 7, proposed section 14. Insert after line 33—

- (2A) The Commission may provide advice and recommendations to the following about the matters specified in subsections (1) and (2)—
  - (a) a Department of the Public Service,
  - (b) a Sydney district or regional planning panel within the meaning of the *Environmental Planning and Assessment Act 1979*,
  - (c) the Independent Planning Commission constituted under the *Environmental Planning and Assessment Act 1979*.
- (2B) If the Commission provides advice or recommendations under subsection (2)(a), the Commission must notify the Minister to whom the Department is responsible.
- (2C) If the Commission provides advice or recommendations under subsection (2)(b) or (c), the Commission must notify the Minister administering the *Environmental Planning and Assessment Act 1979*.

I echo what the Minister has said about this being a really important and pragmatic amendment. We heard in the inquiry into the bill that it is really important for an organisation like the Net Zero Commission to be able to speak to decision-makers or bodies that are looking at high greenhouse gas emitting programs and projects. The Greens amendment is a little bit more fulsome than the Government amendment; we thought ours was a lot more exciting. The Greens amendment seeks to provide that the Net Zero Commission may provide advice and recommendations not just to the secretary of a department or the Independent Planning Commission within the meaning of the Environmental Planning and Assessment Act but also any department of the public service and a Sydney district or a regional planning panel also within the meaning of the EP&A Act.

The reason for that is so that the Net Zero Commission, in doing the work to drive down emissions, could have a direct conversation through its administrative functions with those decision-making bodies. I think this is one of the most important components, and I am not alone in that thought. Legal experts in the inquiry had much more fulsome suggestions about how this would be done, and referred to how other climate legislation, including in Victoria and the United Kingdom, had scheduled a number of different Acts of Parliament and decision-making bodies across their jurisdictions for direct input into their functions and the decisions that they make. We know right now that, for example, the Independent Planning Commission [IPC] is making decisions that will permit the emission of thousands and thousands of tonnes of greenhouse gas each year.

If we are to succeed in driving down emissions and getting to those targets, the Net Zero Commission needs to be able to provide advice, and that will go both ways. The IPC gets to have a conversation and refer to the Net Zero Commission, but this amendment allows the Net Zero Commission, having a lens across emissions and various sector pathways to getting to net zero, to do that work if appropriate. Through this amendment it will be able to provide advice and make those recommendations, and it can feed into the decision-making system that is happening right now. We know that in some of its reasons for decisions on permitting enormous volumes of deadly greenhouse gas emissions, as the Land and Environment Court judge referred to them, into the atmosphere, the IPC is looking for guidance, and the amendment will provide that mechanism.

We are really pleased that the Government has welcomed the amendment as a logical, good and productive step forward and a mechanism that will assist in the very challenging task of driving down emissions. We know the amendment will be a constructive component of the new legislation. It is unfortunate that the Government does not support the full amendment because the Net Zero Commission could have also given advice about adaptation and mitigation aspects of the task in front of us to the Sydney district or regional planning panels. That is a missed opportunity because the regional level is where so much of the adaptation work can and will happen. I hope that one day this House passes amendments to expand the provision like The Greens amendment does.

The Government has recognised that this is an important mechanism and tool. The independent legal experts we heard from said, "That is actually what you need." It's one of the tools within the toolbox that we create under this legislation to actually do the work. Otherwise we will have created a bureaucracy to write recommendations and advice but not directly communicate to the decision-makers who are judging whether to permit greenhouse gas emissions, and we fail. It is as simple as that. We fail, and that is why those other jurisdictions have done something similar. Their provisions are much stronger than this amendment but they have done something similar. Once again, I implore the Chamber to accept The Greens amendment to make this bill

that bit more operational in terms of the legal integrity, the mechanisms and providing the tools to drive down emissions as quickly as we possibly can.

**The Hon. TANIA MIHAILUK (22:16):** I do not support either of the amendments. The way clause 17 in the bill reads means that the Government's proposed amendment is not needed because that clause already enables what it is suggesting, although the Government's amendment specifically says the Independent Planning Commission. Ultimately, clause 17 already empowers the commission to extract or provide information, or seek guidance directly from an agency. I am not sure why the Government has proposed an amendment. I suggest it might be to placate The Greens, given that The Greens proposal is well beyond the scope of the bill. Their proposal suggests that the Net Zero Commission almost sit alongside Parliament like a new voice to Parliament and empower it to such an extent that would make Parliament answerable to the Net Zero Commissioner. That is essentially what The Greens amendments propose. I understand why the Government has diplomatically attempted to water down the madness proposed by The Greens. One Nation opposes both amendments.

**The Hon. SCOTT FARLOW (22:17):** The Opposition supports the Government amendment but does not support The Greens amendment. The Greens amendment would be a very expensive move in terms of this debate and an overreach from the commission.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Penny Sharpe has moved Government amendment No. 1 on sheet c2023-152B. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendment No. 2 on sheet c2023-150A. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....6  
Noes .....30  
Majority.....24

**AYES**

Boyd (teller)  
Buckingham

Cohn  
Faehrmann

Higginson (teller)  
Hurst

**NOES**

Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway  
Franklin  
Graham  
Houssos

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

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

**Amendment negatived.**

**The Hon. TANIA MIHAILUK (22:26):** I move One Nation amendment No. 1 on sheet c2023-179A:

No. 1 **Nuclear energy**

Page 7, proposed section 14. Insert after line 35—

(3A) In exercising its functions, the Commission must consider nuclear energy as an option for electricity generation.

I move the amendment because it is important that nuclear energy be part of the mix when considering energy generation in the future. It is absurd that we continue to have a ban on uranium mining in New South Wales.

**The CHAIR (The Hon. Rod Roberts):** Order! I understand the need for members to converse, but they will keep the noise down. I cannot hear what the member is saying, and I am sure Hansard cannot hear either.

**The Hon. TANIA MIHAILUK:** In the end, the Government only wants to look at the renewable projects that it sees as fit for the State. Its mind is not open to different options that could provide reliable sources of energy

for decades to come. We have to appreciate that it is not just a 2030 or 2035 target; it is also a 2050 target. There is ample opportunity for the commission and the Government to consider a plethora of different renewable options, and one of those should be nuclear. It should not be excluded, and there is now an opportunity to demand that the commission considers nuclear energy as an option for electricity generation.

I note with great interest that nuclear energy is part of the mix in the net zero targets of other nations, including Canada—and it is not the only nation pushing ahead with net zero targets and considering nuclear energy. It is absurd that, despite permitting uranium exploration for more than 11 years, New South Wales, unlike other States, will not allow uranium mining and will preclude consideration of nuclear energy to provide reliable energy. Interestingly, the Coalition's Federal counterparts have a very different view from their colleagues in New South Wales. I note Peter Dutton, the Federal Opposition Leader, is very keen to consider nuclear as a future energy provider in Australia. It is interesting to hear people such as Michaelia Cash, for example, come out in a huge fight against Chris Bowen and argue strongly that "you need to have everything on the table if you really do want over the longer term to reduce emissions, to keep the lights on".

There is a push and clearly a divide between the Federal Liberal Party and the New South Wales Liberal Party and The Nationals. Their counterparts in the Federal arena are certainly keen to consider nuclear energy. I am hoping that the New South Wales Coalition, and its friends in New South Wales, support my amendment because it is a wonderful opportunity to send a message. I am sure the New South Wales Liberal-Nationals Coalition is keen to work with its Federal counterparts who are certainly keen to ensure that nuclear be considered in the energy mix in the manner that Australia deals with its net zero targets. Clearly New South Wales is now spearheading the Federal sphere and this is an opportunity for us to say that we will be open to all forms of energy, including nuclear.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (22:30):** The Government does not support the amendment. The commission will provide independent expert advice on the most effective path to emissions reduction based on the wideranging expertise of the commissioners. It is not appropriate to require consideration of specific types of technology or approaches within the requirements. The bill is very deliberate regarding that. It sets out the principles and the ways in which the commission can provide advice. There is nothing that is prohibiting it from providing advice, but we do not want to call out one particular sort of energy in relation to this. We do not support the amendment.

**The Hon. SCOTT FARLOW (22:31):** The Opposition does not support the amendment moved by the Hon. Tania Mihailuk for reasons similar to those of the Government. The bill does not prescribe any other form of energy that the commission needs to look at, whether that be coal, wind, hydrogen, pumped hydro, solar—whatever it may be—so it would be bizarre to have nuclear energy as the only thing that it needs to consider. With respect to the comments of the Hon. Tania Mihailuk, the Coalition has been pretty open in terms of its consideration of nuclear energy in the past. We look forward to having further debates in the future, and I am sure my colleague the Hon. Sarah Mitchell will have more to say.

**The Hon. SARAH MITCHELL (22:31):** I make a brief contribution and say, at the outset, as my colleague has said, that we do not support this particular amendment. However, on behalf of the National Party, we do have very strong views in relation to considering nuclear energy as an option. We believe we should be technology agnostic. If there are ways that we can reduce emissions and have different types of electricity generation, we think nuclear should be in the mix. That is something that our party room discusses quite openly and quite regularly. But that is actually the role of government, not the role of this commission. As other members have called out, no other particular type of electricity generation is named in this bill. We are happy to have conversations with the member and with others in relation to nuclear energy. We think it is a viable option for this State and it is something that we would like to see movement on. We have been quite vocal and honest about that as the National Party. But this particular amendment to the bill is not the way to go about looking at that.

**The Hon. JEREMY BUCKINGHAM (22:32):** The Legalise Cannabis Party does not support the amendment for the reasons put by the Minister. The commission should be considering all forms of energy, and I am sure it will consider nuclear energy. The bottom line is that the business case will have to stack up. One of the key inhibitors of nuclear energy is the enormous social resistance to it. Where are we going to put it? In Hornsby or Dubbo? The turnaround time for the development of nuclear power stations is enormous, but that may well change in the future. There are significant changes occurring in the space of nuclear technology. We in the Legalise Cannabis Party have an open mind about it. A significant number of environmentalists around the world do support the development of nuclear energy. If it can be made safer and can make a significant contribution to reducing greenhouse gas emissions, which are an enormous threat to the entire biosphere, then it is certainly something we should consider in due course. The reality is that the commission should be neutral in terms of its consideration of energy sources and, for that reason, we do not support the amendment.

**Ms SUE HIGGINSON (22:34):** The Greens do not support the amendment. We take note of the absurdity of the discussion at this time of a nuclear energy source. I am not sure what part of the overall conversation about renewable energy, clean energy and free energy people in this Chamber have either not heard or are blocking their ears in absolute ignorance—in dangerous, reckless ignorance. I do not know if any member in this Chamber has actually had to look at what is involved in uranium mining, and the waste and where it goes. Has any member ever actually worked on cases with communities that have suffered—and are still suffering—under the toxic, despicable issues that we have dealt to First Nations communities in this country?

I cannot believe that, in 2023, anyone would be in this place talking about nuclear energy when we know we have the capacity and are the envy of the world in terms of renewable energy and being the renewable superpower. We know that. It is ridiculous that we are dragged down by this absurd, archaic discussion. It really surprises me that the Government does not stand up and say more than that the Net Zero Commission should be neutral. The job is to drive down emissions, but the job is also to get us to 100 per cent renewable energy by 2030. It is just madness to go from coal and gas and other fossil fuels to nuclear in 2023. Seriously, we have to look young people in the eyes, we have to be honest, and we have to look at the clean, green renewable future and embrace it.

**The Hon. JOHN RUDDICK (22:36):** The libertarian position on this is that we believe there should be a separation between the State and the energy market. We have all the masterminds—all the geniuses—in this room thinking that they can develop a better energy market, and it is all going to hell. Everybody's electricity prices are going to hell. If we had a free market, nuclear energy would flourish. Australia has about 34 per cent of the world's known uranium reserves. We are not even looking for it and we have 34 per cent. We could be the Saudi Arabia of nuclear energy. In 2006 Al Gore came out with his silly little movie, *An Inconvenient Truth*, and made a million prophecies about oceans rising and temperatures rising that have not happened. People can moan, but it is true. He said we would have really cheap energy through windmills and solar panels. We were told it was going to be really cheap. It was going to be clean and cheap. It has not happened. Electricity prices keep going up and up and up. The Government is saying, "Nuclear is not part of this equation." On 20 September John Kerry, a former presidential candidate who is now effectively the President of the United States' tzar on climate change, said:

We have to transition away from unabated burning of fossil fuel.

I disagree with him on that, but will continue:

Most scientists will tell you ... we can't get to net zero 2050 unless we have a pot, a mixture, of energy approaches in the new energy economy. And one of those elements which is essential in all the modelling I've seen is nuclear.

There has been a massive change in just the past two months outside of Australia about the viability of nuclear energy. They are saying it is because it is going to reduce carbon emissions. I do not think that is particularly important. But nuclear is carbon neutral. The Hon. Jeremy Buckingham says, "Where are we going to put it?" It is so safe that communities will be begging to have it.

**The Hon. Jeremy Buckingham:** Name them.

**The Hon. JOHN RUDDICK:** Because of immature debates like this one, it is unfortunate that the product is called nuclear. It should be called fission. I am very pro nuclear. We should let the private sector sort this issue out so that we do not have to worry about it, because we are not as smart as the private sector.

**The Hon. TAYLOR MARTIN (22:39):** I do not wish to take up too much time. As members may recall, I have opposed similar amendments where nuclear power has been proposed through an amendment to a bill that has nothing to do with the topic. For that reason we should oppose this particular amendment on the subject. As we have seen in this short debate, the issue has struck a rich vein of passions across the Chamber. As we all know, it would need change from the Federal Parliament, and that is, again, a good reason why the amendment should be opposed. There should be a proper debate on a proper standalone bill on this topic, in conjunction with movement at the Federal level.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Tania Mihailuk has moved One Nation amendment No.1 on sheet c2023-179A. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....3  
 Noes .....35  
 Majority.....32

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

**Amendment negatived.**

**Ms SUE HIGGINSON (22:49):** By leave: I move Greens amendments Nos 10 to 15 on sheet c2023-117D in globo:

- No. 10 **Publication of Commission reports**  
Page 8, proposed section 19(4), line 28. Insert "advice or" after "contains".
- No. 11 **Publication of Commission reports**  
Page 8, proposed section 19(4)(a), line 30. Insert "advice or" after "whether the".
- No. 12 **Publication of Commission reports**  
Page 8, proposed section 19(4)(b), line 31. Insert "advice or" after "if the".
- No. 13 **Publication of Commission reports**  
Page 8, proposed section 19(4)(b), line 32. Insert "advice or" after "implement the".
- No. 14 **Publication of Commission reports**  
Page 8, proposed section 19(4)(c), line 33. Insert "advice or" after "if the".
- No. 15 **Publication of Commission reports**  
Page 8, proposed section 19(4)(c), lines 33 and 34. Insert "advice or" after "noting the".

This is a fairly straightforward group of amendments that will require the Government to respond to advice as well as recommendations from the Net Zero Commission. As the Government has made abundantly clear, this bill will act as a framework, with the commission having a high degree of independence to provide recommendations and advice about how emissions reductions should be achieved. However, the effectiveness of the commission hinges on the Government's commitment not just to consider but to act upon the advice and recommendations it receives. For that reason, The Greens think it is critical that the amendments to this bill that mandate a response, not only to the recommendations but also to advice provided by the future Net Zero Commission, are passed.

The proposed amendments are not about creating another bureaucratic layer. They are about accountability and transparency in our pursuit of a net zero future by mandating a response to both advice and recommendations, so that we create a mechanism that fosters genuine dialogue between policymakers and experts. The amendments are about building a bridge between the scientific community and those entrusted with making decisions that impact upon the lives of millions. Moreover, committing to responding to advice demonstrates a commitment to adaptability and flexibility. We know that the field of climate science is ever-evolving and our policies must reflect the most up-to-date knowledge. By embracing these amendments, the New South Wales Government positions itself as a forward-thinking entity that is ready to navigate the challenges and opportunities that the evolving climate landscape presents.

The amendments are very simple. I know that the Government supports them. This is just about maintaining the consistency of a modern approach between the commission and the Government and then actually providing that there is genuine accountability around whether it is a recommendation or advice, and having the

Government respond to that. The way we will drive down emissions is by that advice, as well as the recommendations, being responded to.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (22:52):** The Government supports the amendments. The whole point is for the Government to respond to the advice and recommendations of the commission. The amendments tidy up the bill a bit. We are fine with them. While I am on my feet and in the interests of saving time, I seek leave to move amendments to the same part of the bill, which is about the annual reports. By leave, I move Government amendments Nos 1 to 4 on sheet c2023-133B in globo:

No. 1 **Annual reports**

Page 8, proposed section 19(5), lines 35–37. Omit "included under section 20 in the annual reporting information prepared for the Commission under the *Government Sector Finance Act 2018*". Insert instead "given to the Minister under section 20".

No. 2 **Annual reports**

Page 8, proposed section 20(1), lines 39 and 40. Omit "The annual reporting information prepared for the Commission under the *Government Sector Finance Act 2018* must include a report". Insert instead "The Commission must, by 1 November each year, give the Minister a report for the previous financial year".

No. 3 **Annual reports**

Page 9, proposed section 20(1)(c), lines 1 and 2. Omit "in the period to which the report relates". Insert instead "during the financial year".

No. 4 **Annual reports**

Page 9, proposed section 20(2), line 5. Omit "in the period to which the report relates". Insert instead "during the financial year".

These amendments address a drafting error. They are about under which part of the Acts the Government needs to report. They are not controversial amendments. Amendment No. 1 takes out "included under section 20 in the annual reporting information prepared for the Commission under the *Government Sector Finance Act 2018*" and instead inserts "given to the Minister under section 20". They are technical amendments. I hope that members will support them.

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved Greens amendments Nos 10 to 15 on sheet c2023-117D. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Rod Roberts):** The Hon. Penny Sharpe has moved Government amendments Nos 1 to 4 on sheet c2023-133B. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The Hon. SARAH MITCHELL (22:53):** I move Opposition amendment No. 16 on sheet c2023-125I:

No. 16 **Annual reports**

Page 9, clause 20. Insert after line 5-

- (2A) In preparing the report, the Commission must consult with the person employed in the Public Service as the Agriculture Commissioner.

This amendment is fairly straightforward and relates to the preparation of the annual report. The amendment will insert a clause that states that the commission must consult with the person employed in the public service as the Agriculture Commissioner in preparing the report. As I have said numerous times through debate on this bill, clearly a lot of the impacts as we move towards net zero, particularly when it comes to renewable energy sources and projects, will be in the regions. The Opposition wants to make sure that the agricultural industry is part of the consultation in relation to preparation of the annual report. We also note that, as mentioned in the Minister's second reading speech, this report will be able to be looked into by the parliamentary committee that also will be established. The Opposition thinks it is important that the impact on agriculture is discussed as part of that annual report and that members of Parliament have the opportunity to further interrogate those issues through the parliamentary committee process that also will be established. I ask members to support the amendment.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (22:54):** The Government supports the amendment, which will ensure the commissioner is consulted in the preparation of the annual report. The Government has no problem with that.

**The Hon. EMMA HURST (22:55):** I briefly state that the Animal Justice Party does not support this amendment. As I outlined earlier, the animal agribusiness industry is a major contributor to the climate crisis. The role of animal agribusiness often is overlooked; more than that, it is often hidden. To consult with the Agriculture Commissioner means that the Minister could be influenced by the person lobbying to ensure that we do not deal with this very big cause of climate change. We cannot continue to ignore this industry's detrimental impact on the environment. In fact, we will never get to net zero if we continue to ignore it. I state for the record that my concern with this amendment is that consultation with the Agriculture Commissioner could mean lobbying to ensure that the agriculture industry's contribution to climate change is not properly dealt with, which would fly in the face of the bill. That is why the Animal Justice Party will not support the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Sarah Mitchell has moved Opposition amendment No. 16 on sheet c2023-125I. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The CHAIR (The Hon. Rod Roberts):** As the Hon. Tania Mihailuk is not in the Chamber to move her amendment, we will move on to The Greens amendments on sheet c2023-150A.

**Ms SUE HIGGINSON (22:56):** By leave: I move Greens amendments Nos 3 and 4 on sheet c2023-150A in globo:

**No. 3 Review of Act**

Page 11, proposed section 25(1), line 3. Insert "and purpose" after "policy objectives".

**No. 4 Review of Act**

Page 11, proposed section 25(1), line 5. Insert "and achieving the purpose" after "objectives".

These amendments are about a very straightforward provision: the review of the legislation. These amendments will ensure that the review of the legislation will examine the purpose as well as the objectives of the legislation. The reality is that these amendments are very simple and straightforward because the legislation assumes things about climate change and global average temperatures that are increasing and that are very likely to continue to change. The reality is that tonight the bill that is being agreed to by this Committee will, in its current form, put New South Wales on the path to temperature increases beyond two degrees Celsius. We know that the evidence given to the inquiry into this bill is that limiting global temperature increases to 1.5 degrees is likely to be impossible, thanks to the past 40 years of inaction on climate change.

Let's face it: There is nothing in the Climate Change (Net Zero Future) Bill that expressly provides that we will stop burning coal and gas and that we will stop pulling them out of the ground. We know that right now they continue to be the single biggest contributor to our greenhouse gas emissions. We also know that if we are to genuinely achieve the purpose as well as the objectives of this legislation, that is the thing we should have been here tonight to do. We know that we have had 40 years of inaction on climate change—40 years.

**The Hon. Mark Latham:** You have said that 15 times.

**Ms SUE HIGGINSON:** I will say it one more time: 40 years of inaction on climate change.

**The Hon. Sarah Mitchell:** Say it again.

**Ms SUE HIGGINSON:** We have had 40 years of inaction on climate change. Tonight we have made a small but significant step. With the amendments that have been put forward, we have made that step even more significant than it would have been. But the reality is that, as the Paris agreement is overtaken by climate change and is likely to be surpassed by other agreements, the purpose of the Act needs to be reviewed and kept contemporary. I and the experts to the inquiry into the bill and across the world are saying that keeping warming below 1.5 degrees Celsius is likely to be impossible. I honestly hope that everyone sincerely understands the implications of that. It does not mean a whole lot to most in here, but it will mean everything to younger people, to the people who are not yet here. We must take action for them. This is not me saying this—

**The Hon. John Ruddick:** It looks like the member is saying it.

**Ms SUE HIGGINSON:** This is not me alone saying this. This is what the experts have said. If members do not understand what busting past 1.5 degrees and getting to two degrees means and are not concerned about that, then they, sure as hell, better take a good look at what three degrees means, because that is the trajectory that the attitude in this place will drive us to. It is a terribly frightening future. But tonight we have made a small but significant step to try to circuit-break that future. I can certainly say it was not because of the likes of the One Nation party and the people who were formerly from the One Nation party. We will take action in spite of them.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:01):** This is an amendment about a review. We support it.

**The CHAIR (The Hon. Rod Roberts):** Ms Sue Higginson has moved The Greens amendments Nos 3 and 4 on sheet c2023-150A. 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. PENNY SHARPE:** 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. PENNY SHARPE:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:03):** I move:

That this bill be now read a third time.

I thank the public servants from the Office of Energy and Climate Change, who have worked extremely hard on this bill and have worked through a lot of amendments, which has been a complicated process. I place on record my thanks to the Chamber for building broad support for this bill. It is important for the future of New South Wales. In particular, I thank Cris Hickey, Bec Watson, Justin Koek, Phoebe Coleman, Alex Krautil, Chelsea Judy, Sarah Biggins-Gilchrist, Lachlan Prot and Lachlan Penninkilampi for their efforts. New South Wales is in good hands with such dedicated public servants committed to the public interest and supporting the Government to get this bill through the House.

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

**Motion agreed to.**

## **ENERGY LEGISLATION AMENDMENT BILL 2023**

### **First Reading**

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

**The Hon. PENNY SHARPE:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**The Hon. PENNY SHARPE:** According to standing order, I declare the bill to be an urgent bill.

**Declaration of urgency agreed to.**

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

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

**Motion agreed to.**

## **CASINO CONTROL AMENDMENT BILL 2023**

### **First Reading**

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

**The Hon. PENNY SHARPE:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**The Hon. PENNY SHARPE:** According to standing order, I declare the bill to be an urgent bill.

**Declaration of urgency agreed to.**

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

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

**Motion agreed to.****GREATER CITIES COMMISSION REPEAL BILL 2023****First Reading**

**Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.**

**The Hon. PENNY SHARPE:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**The Hon. PENNY SHARPE:** According to standing order, I declare the bill to be an urgent bill.

**Declaration of urgency agreed to.**

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

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

**Motion agreed to.****TRANSPORT ADMINISTRATION AMENDMENT (TAHE) BILL 2023****First Reading**

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

**The Hon. PENNY SHARPE:** According to standing order, I table a statement of public interest.

**Statement of public interest tabled.**

**The Hon. PENNY SHARPE:** According to standing order, I declare the bill to be an urgent bill.

**Declaration of urgency agreed to.**

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

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

**Motion agreed to.****ENERGY LEGISLATION AMENDMENT BILL 2023****Second Reading Speech**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:11):** On behalf of the Hon. John Graham: I move:

That this bill be now read a second time.

I am pleased to introduce the Energy Legislation Amendment Bill 2023 to the Legislative Council. The Government commissioned the Electricity Supply and Reliability Check Up earlier this year to kick the tyres on the energy road map to ensure that we had the right measures in place to meet our renewable energy and storage targets. We are pleased to be progressing the first round of legislative amendments to implement the check-up's recommendations.

Since the bill was introduced in the other place, it has been amended in two ways. First, the bill no longer seeks to amend the definition of long-duration storage infrastructure under the Electricity Infrastructure Investment Act. The check-up recommends a review of New South Wales' long-duration storage needs—that is, what minimum duration of storage is required to firm up a new energy system based on renewable energy. That work is currently underway and I intend to consult with industry on the appropriate minimum duration for individual long-duration storage projects in New South Wales. Second, the bill has also been amended to require that the board of the Energy Corporation of New South Wales must include at least one board member with skills

and experience in community engagement. Community engagement is critical to ensuring that the energy transition can proceed in a timely manner and that our regional community benefit from this transition. The Government is deeply committed to this. The Government supported both of these amendments in the other place.

The Electricity Infrastructure Roadmap was enacted in 2020 with support from across the Parliament. I am hopeful that today we can maintain broad support for the successful implementation of the roadmap. Transforming our electricity system will provide New South Wales households and businesses with a reliable supply of clean, affordable electricity and support the green jobs of the future. Today we are getting on with the task of supporting the renewable energy transition. I understand that the bill has reasonably good support across the Chamber and we should be able to proceed quickly.

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

### **Leave granted.**

The Electricity Infrastructure Roadmap [the Roadmap] sets out how New South Wales will deliver its electricity system transition strategy. The legislative amendments proposed in this bill will help smooth the delivery of the energy transition.

The bill amends two existing pieces of legislation that provide the framework for implementation of the Roadmap: the Electricity Infrastructure Investment Act 2020, which I will refer to as the EII Act; and the Energy and Utilities Administrations Act 1987, which I will refer to as the EUA Act.

The bill implements some of the Government's response to the recommendations of the Electricity Supply and Reliability Check Up [the Check Up], to assist Roadmap entities to successfully deliver on their functions. There are no large policy shifts introduced in this bill, keeping intact the current policy intent which continues to enjoy multi-party support.

I will address each schedule to the bill individually. I turn first to the amendments in schedule 1 to the bill. In total 15 amendments are made to the EII Act. They are minor amendments to some of the existing arrangements for entities who play critical roles in delivering the Roadmap. They can be categorised into three areas of amendment, being changes to the: Energy Security Target Monitor, or ESTM; the Consumer Trustee; and miscellaneous amendments.

The first of the amendments relate to the ESTM. The purpose of the ESTM amendments are to enable a New South Wales-based ESTM to oversee ongoing management of electricity supply reliability and the exit and entry of new generation capacity. This implements the New South Wales Government's response to recommendation three from the Check Up report.

The amendments require the secretary to exercise the functions of the ESTM rather than the Independent Pricing and Regulatory Tribunal if a person or body has not been appointed in the role. That is consistent with the existing approach where the Secretary takes on the functions of the Consumer Trustee in the absence of an appointment of the Consumer Trustee. As a consequence to the ESTM amendment, the terminology prescribed in reference to the default Consumer Trustee provisions will be amended to ensure consistency between both sections.

The proposed bill also allows for the secretary to delegate those functions to an employee of the department and any person exercising those functions will be protected from personal liability. The proposed bill will enable the ESTM to share protected information with the Australian Energy Market Operator [AEMO] when the ESTM considers this necessary in the course of exercising the ESTM's functions. For example, information may be shared if AEMO continues to carry out the technical modelling to inform the ESTM report. Consequential to that, amendments in the proposed bill prevent AEMO from disclosing any protected information it receives, without the Minister's approval.

An example of what protected information could be includes information that stakeholders disclose in confidence when being interviewed by the ESTM. It is important that that information stay protected, so that the ESTM has up-to-date and accurate information for the energy security target and stakeholders have confidence in how the information will be protected when disclosing this information. The bill also amends section 76 of the EII Act to enshrine the ESTM as an authorised officer who can issue penalty notices for offences under the Act.

I turn now to the amendments relating to the Consumer Trustee. Section 31 of the EII Act sets out how the Consumer Trustee considers the Infrastructure Planner's recommendations when authorising a network operator to carry out a Renewable Energy Zone or REZ network infrastructure project. The EII Act prescribes that the Consumer Trustee may, after considering the Infrastructure Planner's recommendations, recommend to the Minister that a direction be given to a network operator for a REZ infrastructure project to be carried out. The Consumer Trustee may alternatively authorise the network operator to carry out the infrastructure project.

The section further prescribes that if the Consumer Trustee authorises the network operator to carry out the infrastructure project, they must set a maximum amount for the prudent, efficient and reasonable capital costs for the development of the infrastructure project and advise the regulator of this amount. The section lastly prohibits that maximum amount being disclosed to any person and allows for the regulation to prescribe the eligibility criteria and selection process for network operators who may be authorised or directed to carry out a network infrastructure project.

The proposed bill clarifies this process by creating a new head of power in Section 31 of the EII Act. This head of power will allow the Minister to make a regulation about the exercise of the Consumer Trustee's functions under this section. This amendment is consistent with a range of existing heads of power that enable the Minister to make regulations about how the Consumer Trustee will carry out its independent functions. For example, recommendations about long-term energy service agreements and the matters to take into account when preparing the infrastructure investment objectives report.

The bill also amends the minimum infrastructure investment objectives for long-duration storage. The primary purpose of these amendments is to make the original policy intent explicit. That is, that long-duration storage has to have at least two gigawatts of capacity that can be dispatched for at least eight hours. Two gigawatts times eight hours is 16 gigawatt hours. We are proposing to amend Section 44 to make this explicit and provide certainty to the market about the minimum infrastructure investment objectives.

The bill preserves the Consumer Trustee's independence in deciding which mix of projects and duration is needed to achieve the minimum infrastructure objectives. The bill also amends when the Consumer Trustee must prepare the Infrastructure Investment Objectives report stipulated in section 45 of the EII Act. The section as currently particularised creates a potential interpretation that they must publish on an exact day, which is not the intent. This bill clarifies that the two-year cadence is approximate.

Then there is the risk management framework. Section 51 of the EII Act provides that the Minister for Energy may require the Consumer Trustee to amend the risk management framework following a review of the risk management framework by the regulator. The proposed amendments will ensure that any amendment to the risk management framework must be in accordance with a recommendation made by the regulator following their review. The amendment will clarify the protective nature of the Minister's power so that they may only make a direction to the Consumer Trustee if it is consistent with a recommendation from the regulator.

The bill also proposes miscellaneous amendments that relate to the scheme financial vehicle [SFV] and correcting cross-referencing errors. The bill amends section 55 of the EII Act, which relates to payments out of the Electricity Infrastructure Fund. It is a minor amendment to allow the SFV to recover administrative costs directly from the Electricity Infrastructure Fund, subject to Ministerial authorisation. Administrative costs include legal and insurance costs, which the SFV currently recovers via the financial trustee. Without these amendments, the administrative costs process is complex and lacks transparency. The proposed amendment streamlines the SFV's administrative processes and provides greater transparency as costs will be in its own name. It will also bring the process in line with other entities such as the Consumer Trustee and the financial trustee, which recover their costs directly from the Electricity Infrastructure Fund under section 55(b) of the EII Act. It is a minor statutory revision that addresses an omission in the legislation.

When the EII Act was made it was envisaged that the financial trustee would have a greater role in the administration and operation of the SFV. However, the SFV has a more substantive role in its operation than was originally envisaged. The ability to recover operating costs will address practical issues with invoicing and will enable the SFV to procure legal advice and insurance in its own name. The last proposed amendment to the EII Act is to correct a minor cross-referencing error in the application of division in section 36 that arose from when the original bill was passed by both houses in Parliament. It ensures that the Minister is satisfied of relevant matters before authorising network operators to carry out a priority transmission infrastructure project.

I now turn to schedule 2 of the bill. Schedule 2 amends the EUA Act related to the governance arrangements for the Energy Corporation of New South Wales [EnergyCo]. EnergyCo is constituted as a corporation under the EUA Act. The EUA Act sets out the governance arrangements for EnergyCo. EnergyCo has functions under the EUA Act, and functions as the Infrastructure Planner under the EII Act for New South Wales' Renewable Energy Zones and priority transmission projects. The amendments in schedule 2 recognise the important role that EnergyCo is playing in the energy transition under the bipartisan Roadmap. Schedule 2 makes changes to EnergyCo's governance arrangements to establish a formal governance board and associated reporting structure for EnergyCo. The amendments will support EnergyCo moving to a mature operating state with improved decision making and risk management processes, as committed to by this Government in response to recommendation eight of the Check Up. The amendments are largely based on the model used for Sydney Metro under the Transport Administration Act 1988, which are appropriate for EnergyCo as a general government statutory body established under legislation.

The key differences between the amendments set out in the bill and the Sydney Metro model are that:

- Under the Sydney Metro Model, it is the transport secretary rather than the Minister who issues the statement of expectations. The secretary may also appoint one director. These provisions give the Department of Transport more control over functions and determines the service priorities. In the model proposed in the bill, the Minister has control and there is no role for the Department except in the appointment of the CEO.
- Under the Sydney Metro model, the Board exercises employer functions in relation to the CEO who is employed in the transport service under the Government Sector Employment Act 2013 [GSE Act]. In the model proposed in the bill, the CEO is employed in the Public Service under the GSE Act. and employer functions are exercised by the secretary.
- There are also some other differences, such as shorter terms for board members in the bill.

The amendments will:

- Introduce a governing board that consists of between three and eight members appointed by the Minister, which will replace the secretary and advisory board, once dissolved, which currently manage EnergyCo under the EUA Act;
- Retain a Ministerial power of direction and control which prevails over a policy or direction of the board to the extent of an inconsistency;
- Enable a chief executive officer to be appointed by the secretary and be responsible for the day-to-day management of EnergyCo;
- Introduce provisions about the members and procedure of the board;
- Enable advisory committees to be established to provide advice to the board, including provision for the continuation of existing committees and power to dissolve committees;
- Require EnergyCo to determine its service delivery priorities having regard to the Minister's expectations;
- Require EnergyCo to prepare a statement of corporate intent for each financial year and to exercise its functions under the EUA Act and any other Act, including EnergyCo's Infrastructure Planner functions under the EII Act, in accordance with the statement of corporate intent. Regulations will set out further details of the reporting requirements.
- Update existing delegation powers to reflect the new governance arrangements.

Lastly, schedule 2 makes other minor and consequential amendments, omits redundant provisions and inserts a standard provision to enable savings and transitional regulations to be made. Schedule 2 will commence on proclamation, which enables EnergyCo to continue to be managed under the existing governance arrangements until the board and chief executive officer are ready to be appointed. The changes in schedule 2 are necessary to introduce a governing board and associated reporting structure for EnergyCo to address Recommendation 8 of the check up, within the existing legislative framework. Schedule 2 does not change EnergyCo's functions under the EUA Act or the EII Act. Schedule 2 also does not change the Minister for Energy's power of direction and control of EnergyCo.

Making these changes now is a priority for the Government and will enable the new governance arrangements to be put in place for EnergyCo in the first half of 2024. These changes will better enable EnergyCo to deliver on its functions as Infrastructure Planner for NSW's Renewable Energy Zones and priority transmission projects with sufficient ministerial oversight, while maintaining the flexibility to act quickly and with a view to its long-term delivery mandate. The amendments recognise the important role EnergyCo is playing in the energy transition and reflects the move from the set-up phase to a mature organisation. The amendments set EnergyCo up for success in delivering its functions and is an important step in the evolution of the bipartisan roadmap. I commend the bill to the House.

### Second Reading Debate

**The Hon. AILEEN MacDONALD (23:13):** I lead for the Opposition in debate on the Energy Legislation Amendment Bill 2023. First I acknowledge the collaborative approach of the Government in discussions with the shadow Minister, Mr James Griffin, MP, in the other place. It is pleasing that the Government engaged and has considered our concerns. In September 2020 the Coalition Government released the Electricity Infrastructure Roadmap, a 20-year road map to replace coal-fired power stations with clean energy sources. The road map was made possible by the Electricity Infrastructure Investment Act 2020. I could go into detail but it is technical and we do not want to be here all night so, in summary, the Act was to coordinate investment in new generation, storage and network infrastructure in New South Wales, and for other purposes. I am advised that the amendments made by the bill are in response to the Government's O'Reilly report. My colleague in the other place has placed on record the Opposition's view on the bill and its position.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:14):** In reply: I welcome the continued support across the Chamber for delivery of the road map and for the energy transition in New South Wales. I thank the Hon. Aileen MacDonald for her contribution.

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

**Motion agreed to.**

### Third Reading

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:15):** I move:

That this bill be now read a third time.

**Ms ABIGAIL BOYD (23:15):** I wish to speak to the third reading because the second reading debate moved a little too quickly. I will not be long. On behalf of The Greens and as spokesperson for energy, I indicate that we will be supporting the legislation. The bill amends the Electricity Infrastructure Investment Act 2020 and the Energy and Utilities Administrations Act 1987. The intent of the legislation is to implement some of the government response to recommendations emerging from the Cameron O'Reilly report entitled *NSW Electricity Supply and Reliability Check Up*. The check-up made clear the parlous state of our renewable energy transition a mere two years on from the passage of the energy road map. At a time when we need to be going further and faster, the much-lauded Renewable Energy Zones continue to languish in inaction.

The bill makes various amendments relating to the Energy Security Target Monitor, confers various regulation-making powers and makes other largely administrative changes. It places slight restrictions on the process for amending the statutory risk management framework that applied to the road map scheme, which I am told is designed to provide greater confidence and certainty for road map participants. Those are all technical tweaks that have arisen following the check-up and we support them insofar as they are all working in harmony together to accelerate and drive forward the absolutely urgent energy transformation that we are so vitally interested in seeing succeed.

The major substance of the bill lies in schedule 2 with the formation of the Energy Corporation of New South Wales board, or EnergyCo. The intent of the bill is to properly formalise EnergyCo as a full entity and give it greater powers and authority in order to fulfil its functions as infrastructure planner. The bill leaves the composition of the board relatively wide, but I understand from conversations with the Minister's team that the broad intent is for the board to have a similar make-up to that of the advisory committee.

In determining the final make-up of the EnergyCo governing board, I urge the Government to consider including voices that are able to strongly advocate for workers and communities. In the rollout of new renewable energy projects, we run the great risk that in responding with the appropriate urgency social considerations may fall by the wayside. It would be a tragedy if we lost the hard-won gains of the union movement over generations, which built up jobs in the traditional energy industries and supporting occupations into well-compensated vocations that could support a worker throughout their entire working career. There is so much economic opportunity latent in the clean energy transition and we need to make sure we safeguard that economic opportunity for the workers of this State rather than leaving it prey to the tentacles of global capital.

Unfortunately the bill will do absolutely nothing to reverse the disastrous privatisation of our energy network. A strengthened EnergyCo is welcome, but unfortunately it will be constrained by the neoliberal market-led approach championed by both major parties. The market is finally groaning into much-delayed action and billions of dollars of private investment are beginning to be funnelled into new renewable energy generation. It is incumbent on this Government to ensure that the transition is a just one and that its benefits are fairly distributed, and that it does not simply result in a wealth and power accumulation of astonishing scale. With those comments and with thanks to the House for its indulgence, The Greens support the bill.

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

**Motion agreed to.**

## TRANSPORT ADMINISTRATION AMENDMENT (TAHE) BILL 2023

### Second Reading Speech

**The Hon. DANIEL MOOKHEY (Treasurer) (23:19):** On behalf of the Hon. John Graham: I move:

That this bill be now read a second time.

I am very pleased to introduce the Transport Administration Amendment (TAHE) Bill 2023. What better time to talk about TAHE than now? The purpose of the bill is to make it clear that the principal objective of the Transport Asset Holding Entity of New South Wales is to undertake its activities in a safe and reliable manner. With the bill, the Government ensures that TAHE will focus on maximising the safety and reliability of its transport assets rather than maximising commercial returns. The bill marks the beginning of the end of the billions of dollars of intra-government transactions that were required under the previous operating model. The Government is committed to developing an optimal model for the delivery of transport services in New South Wales while providing for focused and strategic asset management and assurance. No doubt the House knows I could speak at great length about the Transport Asset Holding Entity, and I have spoken at great length about the Transport Asset Holding Entity. With that, perhaps I can forego such an opportunity and spare the House even more.

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

#### Leave granted.

This bill is part of the transition to a new operating model for TAHE. As outlined by the Treasurer on 9 September 2023, the implementation of the new operating model will be done in three stages.

In the first stage of this reform, I made a direction to the Board of TAHE under the State Owned Corporations Act 1989 that, to the extent possible while it is a State-owned corporation, it operates in a fashion that is less guided by the commercial imperative and is more like other non-commercial New South Wales Government businesses.

This direction was made after consultation with the Treasurer and the board of TAHE and aligns with the Treasurer's statements about the future of TAHE.

This shift in focus will enable longer term investment in rail assets, the transport network, and broader Government objectives.

This bill is the second stage of the transition. The change proposed by this bill supports and strengthens the intent of the direction I have already made. It makes it clear that the primary objective of TAHE is to conduct its activities in a safe and reliable manner. The other objectives, which include being a successful business, will be secondary to that overriding objective.

The safe and reliable management of assets is critical to delivery of essential transport services to passengers across the State. This Government is committed to improving the reliability and resilience of the Sydney Trains network. The Sydney Trains Review has been commissioned with an initial focus on the reliability and resilience performance, asset management and planning.

The initial report of Sydney Trains Review, released in May of this year, identified that over 50 per cent of major incidents causing delays to passengers can be attributed to the performance of rail infrastructure, and that the performance of infrastructure is declining.

The Government's Sydney Rail Repair Plan is now well underway at an estimated cost of \$97 million, the biggest coordinated program of rail maintenance ever undertaken in Sydney. This plan will address the maintenance backlog that has led to equipment failures and passenger disruptions.

The next phase of the Sydney Trains Review will move to delivering longer term solutions for the rail network. The expert independent panel has indicated that, as part of this work, it will consider the governance, development and delivery of asset management strategies and plans.

The findings and recommendations of this critical review due later this year will inform the further development of the transport operating model and the process to overhaul TAHE and improve the management of transport assets.

The third and final stage of the transition of TAHE will be to remove its status as a State-owned corporation. My colleague the Treasurer will introduce legislation in mid-2024 to complete this phase. At that time the organisation will be renamed.

The changes to TAHE and the transport operating model are being made in the context of the broader Public Sector Review which is considering the structure of the public sector.

Our government will always keep people at the heart of our decisions, and it's clear that we need to align our agencies with the most important issues facing our communities.

The Public Sector Review calls out the importance of our role to put community first, increase efficiency, reduce duplication, and drive delivery of priority services.

One of the guiding principles for the review is that each department should consider its purpose and focus, so that resources are deployed appropriately to deliver on the Government's priorities - housing, jobs and employment, transport, education, health and energy.

I note the real potential for TAHE to be a contributor to not only the transport priorities of this Government but also the housing objectives. In the future TAHE can increase its focus on maximising the value of its transport assets, especially surplus land near railway stations that could be repurposed to help solve the State's housing shortage.

A team at Transport has been established to consider how we need to refine Transport's operating model for the future and are well underway with this piece of work.

I now turn to the detailed provisions of the bill.

**Schedule 1** makes amendment to the Transport Administration Act 1988 to reorganise the prioritisation of the objectives of TAHE.

The Act currently sets out five objectives and provides that all are of equal importance.

These objectives are:

1. To undertake its activities in a safe and reliable manner
2. To be a successful business
3. To exhibit a sense of social responsibility
4. To conduct its operations in compliance with the principles of ecologically sustainable development

AND

5. To exhibit a sense of responsibility towards regional development and decentralisation.

The amendment does not remove any of these objectives. Nor does it amend the wording of them. Rather, it singles out the objective that TAHE is to undertake its activities in a safe and reliable manner as the primary objective.

The other four objectives are to be treated as of equal importance amongst themselves, but not as important as the primary objective.

This bill will ensure we move in an orderly fashion towards a new operating model for the strategic management and assurance of the State's transport assets, which is vital to ensure the ongoing delivery of safe and reliable transport services as well as realising social objectives such as expanding housing supply.

I commend the bill to the House.

### Second Reading Debate

**The Hon. NATALIE WARD (23:20):** I thank the Treasurer for his comments. I lead for the Opposition in debate on the Transport Administration Amendment (TAHE) Bill 2023. It comes as no surprise to the Opposition that the approach by the Government is to minimise and change TAHE for its own purposes. The Opposition does not support the reduction of commercial returns in such an entity. I thank the Treasurer for minimising his speech tonight. He has spoken quite enough in this House about TAHE. That said, and putting on record our position on commercial returns, I happily inform the House that we do not oppose the bill. I had considered many lengthy amendments, but I will save them for another day. With my thanks to Sinclair Hill, I put on record that this is another inconsequential bill moved by a government that really does not have an agenda except in the last week of Parliament.

**The Hon. Penny Sharpe:** We have net zero.

**The Hon. NATALIE WARD:** Be grateful we are not opposing the bill. The bill provides TAHE with the new principal objective that it undertake its activities in a safe and reliable way. Previously, TAHE had five priorities of equal importance. The bill effectively puts the safety objective above other objectives. That is not for me to question. The Government's spin is that the bill is the second of three steps in its election commitment to abolish TAHE. However, following the election, it is now walking that back.

The Government has provided very little rationale as to why the legislation needs to be changed, suggesting there could be more legislation regarding the operations of TAHE in the future. We will wait and see; we have had no indication to spare the House to date. Nonetheless, to reorder the priorities of TAHE will make no material difference to its operating model or the experience of customers who use the New South Wales transport system every day. It is not there to enhance it. The Government's vision for transport is to reward objectives and pay people to write reviews, and those objectives and reviews do not get people moving around a city or back home to their families faster or more efficiently. With that, I conclude my comments. I anticipate I will have more to say, but the Opposition does not oppose the bill.

**Ms ABIGAIL BOYD (23:23):** On behalf of The Greens, I indicate our enthusiastic support for the Transport Administration Amendment (TAHE) Bill 2023. It is extraordinary that in 2023, in one of the richest places in the world, we are having an argument—well, not an argument but a civilised discussion at this hour—about whether public transport systems should be run primarily for safety or for profit. If one asked people on the street what they think their public transport systems should be run for, I cannot imagine many of them would put profit at the top of their list. It seems extraordinary that that is where we got to with the previous Coalition Government, and Andrew Constance famously talked about how the previous Government did not want to be in the business of public transport and wanted to privatise it out to everybody else. It was ridiculous then and it remains ridiculous. We very much welcome the first steps towards restoring our transport assets to being run in a safe and effective manner and not being hived off into an entity that is supposed to make a profit or is run as some sort of grotesque business outfit. I have not had the chance to say this very much in this House this year, but I am really pleased with this piece of legislation from Labor. The Greens wholeheartedly support this change away from the State-owned corporation of TAHE under this new Government, and we look forward to completing it in the new year.

**The Hon. DANIEL MOOKHEY (Treasurer) (23:25):** On behalf of the Hon. John Graham: In reply: There I was generously sparing the House my wisdom on TAHE until I was provoked by the barbs and fighting words from the Hon. Natalie Ward. Nevertheless, I resist the provocation and simply thank her for her contribution. I thank Ms Abigail Boyd, who has been along the entire journey with many of us in the House as we have gone about repairing TAHE. I will quit while we are ahead and 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.**

### Third Reading

**The Hon. DANIEL MOOKHEY:** On behalf of the Hon. John Graham: I move:

That this bill be now read a third time.

**Motion agreed to.**

## GREATER CITIES COMMISSION REPEAL BILL 2023

### Second Reading Speech

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:27):** I move:

That this bill be now read a second time.

An excellent speech was made by the Minister in the other place. I seek leave to have the second reading speech incorporated in *Hansard*.

**Leave granted.**

I am pleased to introduce the Greater Cities Commission Repeal Bill 2023 (the bill).

The bill is another step in this Government's commitment to create a clear line of accountability for the operation and management of planning across the public sector, and to streamline and create greater efficiencies in the planning system.

To achieve this, the bill will repeal the Greater Cities Commission Act 2022 (Greater Cities Commission Act) and remove the Greater Cities Commission (the Commission).

The bill also transfers the strategic planning functions of the Commission under Part 3 of the Environmental Planning and Assessment Act 1979 (the Planning Act) to the Secretary of the new Department of Planning, Housing and Infrastructure (Planning Secretary).

The creation of the Department of Planning, Housing and Infrastructure on 1 January 2024 provides an opportunity for the Government to further streamline strategic planning across the State.

In addition, the terms of the Acting Chief Commissioner, Dr Deborah Dearing, and the Central River City Commissioner, Mr Peter Poulet, expire on 31 December 2023.

The confluence of these dates serves as an obvious inflection point to consider the future of planning and the ongoing role of the GCC and its functions.

Strategic planning should be performed by the agency accountable for and resourced to deliver great outcomes for the people of New South Wales.

A core goal of the new department will be to facilitate the delivery of more homes in New South Wales. The alignment of strategic planning functions under one roof is critical to the department achieving that goal.

The commission has played an important role in recent years—most notably in relation to developing a strategic vision for the Greater Sydney region. On behalf of the Government, I take this opportunity to thank the commission and its commissioners for their contribution to the State in creating that vision.

And I would like to thank the Commissioners by name: Dr Deborah Dearing, Acting Chief Commissioner and Eastern Harbour City Commissioner; Ms Natalie Walker, Social Commissioner; Ms Meg McDonald, Environment Commissioner; Mr John Lydon, Economic Commissioner; Mr Matt Endacott, Lower Hunter and Greater Newcastle City Commissioner; the Hon. Robyn Parker, Central Coast City Commissioner; Ms Jacki Johnson, Illawarra-Shoalhaven City Commissioner; Mr Peter Poulet, Central River City Commissioner; and Ms Billie Sankovic, Western Parkland City Commissioner.

On behalf of the Government and the State, I thank you for your service.

We know that to confront the housing crisis we must look critically at all aspects of the planning system and ask what is focused on delivery and what is not. Whilst the commission will leave a strong legacy and foundation of research and consultation, it is time to focus all our resources in one place.

It is significant in that regard that the Government's decision to remove the commission will:

- bring all strategic planning functions under one roof and enable a more coordinated response to emerging planning issues including the shortage of housing across the State;
- improve the consistency of decision-making and integrated planning outcomes;
- improve the capacity of the State to facilitate the delivery of housing and infrastructure in both metropolitan and regional areas more efficiently;
- directly consult with stakeholders and translate that feedback into planning for the future; and
- remove red tape and improve strategic planning and coordination across the State.

Importantly, the bill removes duplicative functions to simplify the plan making process without compromising on good planning outcomes.

The bill demonstrates the Government's commitment to removing impediments in the planning system that can delay development assessment time frames, and therefore the delivery of key infrastructure across the State.

To address that, the Government has already redirected the bulk of the commission's staff into the Department of Planning and Environment.

I want to reiterate that we have benefited from the consultation and research that the commission has undertaken. That vision will be a foundation for the ongoing work but we can and should now bring that capability under the new agency to be established on 1 January 2024.

But with that work now done this bill aims at the next logical step in adding more resources focused on delivery while retaining staff to continue working on research and consultation working with the Secretary.

### **Provisions of the bill**

Turning now to the specific provisions of the bill.

Schedule 1 to the bill amends the Planning Act to transfer the strategic planning functions of the commission as set out in part 3 of the Planning Act to the planning secretary.

Item [1] of the bill makes consequential amendments to the definitions provision of the Planning Act, by updating or introducing the definitions for "six cities region", "city" and "designated Sydney districts". These changes were required because those terms were either defined under the Planning Act by reference to the Greater Cities Commission Act, or not defined at all. These definitions provide context for the planning secretary's strategic functions under part 3 of the Planning Act.

Item [2] of the bill, introduces a new regulation-making power that enables the Governor to make regulations to extend or reduce the size of the six cities region as and when required. The power to make such a regulation provides the Government with the flexibility it needs to focus strategic planning resources on those parts of the State that require it most. As the strategic planning needs of the State will undoubtedly change over time, the need for flexibility is crucial and will ensure the Government can respond to those needs as quickly as possible.

Items [3] to [7] of the bill amend the Planning Act to remove various references to the commission and introduce definitions for "dwelling" and "housing target". The new definitions clarify the meaning of "planning priorities" under the Planning Act.

Item [8] of the bill transfers responsibility for preparing strategic plans from the commission to the planning secretary. This includes the preparation of both regional strategic plans and district strategic plans under division 3.1 of part 3 of the Planning Act.

Importantly, the bill does not change the process for making strategic plans and it does not change the content of those plans. It is still a requirement for strategic plans to address, among other things, the basis for strategic planning in the region or district having regard to economic, social and environmental matters.

In preparing strategic plans, the planning secretary must still have regard to any environmental planning instrument applying to the region or district, the State disaster mitigation plan and any relevant disaster adaptation plans, as well as any other government policies or plans in force at the time the plan is prepared.

At the same time, a district strategic plan prepared for a district within the six cities region must still address the planning priorities, including the number of net additional dwellings required for each local government area within the district for the next five, 10 and 20 years. The same plan may include a target for development consents to be granted to achieve those additional dwellings.

To ensure consistency in the implementation of strategic plans across the State, the bill also provides that a district strategic plan for a district outside the six cities region can also include housing targets for each local government area within the district.

Importantly, the bill will make it clear that the publication of housing targets before a strategic district plan has been prepared and published can occur. This enables the Government to set expectations early and work with local councils to deliver on those targets.

Items [9] to [14] and [18] of the bill repeal or replace various references to the commission throughout the Planning Act. Where necessary, references to the commission were replaced with "planning secretary". These are all consequential amendments arising from the Government's decision to remove the commission.

Items [15] and [16] remove the requirement to consult with the Greater Cities Commission before making an environmental planning instrument. With the repeal of the Greater Cities Commission Act and the removal of the commission, those provisions of the Planning Act requiring consultation with the Greater Cities Commission become unnecessary.

Items [17] of the bill makes consequential amendments to section 7.31B of the Planning Act by clarifying the meaning of "planning priorities". This change was made to ensure consistency with other provisions of the Planning Act that refer to the housing targets.

Item [19] of the bill repeals the Commission and transfers its rights, assets and liabilities to the Crown. It also abolishes the offices of the Chief Commissioner and City Commissioners, as well as all committees established under the Greater Cities Commission Act.

Item [19] also includes various savings and transitional provisions consequent to the repeal of the Greater Cities Commission Act. For example, the bill provides that any act, matter or thing done or omitted to be done before the abolition of the Commission, by or in relation to the commission is taken to have been done or omitted to be done by the planning secretary.

It also provides that a reference in a document to the commission, is to be read as a reference to the planning secretary. These transitional arrangements will ensure that the important work of the Commission can be continued and taken forward by the planning secretary and the department.

Item [20] of the bill inserts schedule 9 into the Planning Act. Schedule 9 identifies the six cities region, the cities that make up the six cities region, and the local government areas that comprise the cities. Schedule 9 replicates schedule 1 to the Greater Cities Commission Act without any changes. To be very clear, the bill does not change the land that constitutes the six cities region.

Schedule 2 to the bill makes various miscellaneous amendments to other legislation that includes a reference to the Greater Cities Commission Act or the commission. These changes ensure consistency across the statute book, and avoid the potential for ambiguity to arise with respect to the interpretation of those instruments. All amendments in schedule 2 to the bill are consequential in nature.

I want to make it clear that the bill only makes those changes which are necessary to transfer the strategic planning functions of the commission to the planning secretary. The bill does not in any way alter those functions in making them the responsibility of the planning secretary.

It's now time for the Government to push ahead and deliver on its election commitment to reduce red tape and find efficiencies in the planning system—particularly given the challenges facing our State.

The bill is a significant step in delivering on the Government's commitment to the people of New South Wales.

I commend the bill to the House.

### Second Reading Debate

**The Hon. SCOTT FARLOW (23:28):** I lead for the Coalition in debate on the Greater Cities Commission Repeal Bill 2023. New South Wales has signed up to a National Cabinet agreement for an expanded housing target of 377,000 homes over the next five years—a target the Premier signed up to without even bothering to seek the advice of the Department of Planning and Environment as to whether it was achievable. The Coalition agrees with the urgent need to build more homes and wants the New South Wales Government to work collaboratively towards that goal with councils and stakeholders, not against them. The Greater Cities Commission is an independent agency tasked with coordinating the planning system with infrastructure and jobs in local communities. The commission has worked to bring together government agencies, councils and the private sector to encourage enhanced cooperation to deliver a holistic approach to the planning for Sydney's future.

We need to structure the planning system in the State in a way that matches the housing growth of Sydney and surrounding areas with its progress in infrastructure and employment. The Government's proposal to abolish the Greater Cities Commission takes away a final element of independence for the planning system in New South Wales. The Minister for Planning and Public Spaces appeared before Portfolio Committee No. 7 on 3 November, just this month, and answered questions about the future of the Greater Cities Commission. I asked the Minister:

Will the Greater Cities Commission survive until mid-next year?

The Minister's answer was:

There's no plans to introduce legislation to get rid of the Greater Cities Commission. They've a job to do, right. We expect them to do that.

That was only two weeks or so before this legislation was introduced. The Minister for Planning and Public Spaces said this month to a sworn hearing of budget estimates in the Legislative Council:

There's no plans to introduce legislation to get rid of the Greater Cities Commission.

And yet here we are tonight, dealing with this legislation to abolish the Greater Cities Commission. One of two things has happened here, and it cannot be both. Either something has dramatically changed, and the Minister has rushed a piece of legislation to this Parliament in the space of 2½ weeks, bypassing the usual consultation that any responsible government would engage in, or the Minister misled the Legislative Council at budget estimates by stating very clearly that there was no plan to introduce legislation to abolish the Greater Cities Commission, when in fact there was.

I would be very surprised if the Minister would mislead the budget estimates hearing before the Legislative Council. I would expect it out of some of his useless colleagues, but not him. The Minister must urgently clarify the following points. When did the Minister direct the department to develop legislation to abolish the Greater Cities Commission? When was legislation developed to abolish the Greater Cities Commission? When was the Minister briefed on proposed legislation to abolish the Greater Cities Commission? On what date did the Government decide to abolish the Greater Cities Commission? If any of that occurred before 3 November, then the Legislative Council has clearly been misled by the Minister and we reserve our right to consider further action on that front.

The Government must clarify when the proposal to abolish the Greater Cities Commission was raised as a matter of priority. Whatever the answer is, it is concerning. In 2015 the Greater Sydney Commission was established with bipartisan support, with then Labor leader Luke Foley telling the Legislative Assembly the following:

... too little of Sydney's long-term urban planning has been sustained or is sustainable.

He also said:

Our State government is characterised by siloed departments rarely working together and never working towards agreed metropolitan goals.

Foley was correct, and that is why Labor supported the establishment of the Greater Sydney Commission. The principles of what Luke Foley said still apply. The member for Wollongong, now Minister, told the Legislative Assembly in 2022, when the expansion of the remit for the commission was passed:

It had been Labor's view at the time that the establishment of the commission could provide the means to end the development wars that frustratingly and increasingly beset Sydney and to give the importance of strategic planning its dominance.

Luke Foley was correct in 2015. The member for Wollongong was correct in 2022. Sadly, the Minister for Planning and Public Spaces has it wrong in 2023. As such, it is hard to understand why the Labor Government is now abolishing the very body which brings State government, local government and stakeholders together with the objective of ensuring housing, infrastructure and jobs.

The purpose of the Greater Cities Commission Repeal Bill 2023 is to repeal the Greater Cities Commission Act 2022 and abolish the Greater Cities Commission. The bill transfers the strategic planning functions of the commission as set out under part 3 of the Environmental Planning and Assessment Act 1979 to the secretary of the department in which the Environmental Planning and Assessment Act is administered, the planning secretary, and makes consequential amendments to other legislation to support the transfer of strategic planning functions to the planning secretary. I note that this would be effective as of 1 January 2024. Multiple sections in the Environmental Planning and Assessment Act 1979 are being rewritten to replace mentions of the "Greater Cities Commission" and "strategic planning authority" with the planning secretary. Clause 3 of the bill repeals the Greater Cities Commission Act and by implication the Greater Cities Commission Regulation 2022.

Schedule 1 to the bill amends the Environmental Planning and Assessment Act to transfer the strategic planning functions of the commission to the planning secretary. It also includes provisions consequent to the enactment of the bill including the abolition of the commission, including all commissioners and committees, the transfer of the commission's rights, assets and liabilities to the Crown, and provisions of a savings and transitional nature. Schedule 2 amends various other pieces of other legislation to remove or replace references to the Greater Cities Commission Act or the commission. Those changes are consequential to the amendments made by clause 3 and schedule 1 to the bill. Ultimately, the Opposition's assessment is that the Department of Planning, and in particular the planning secretary, gains more power under those changes. Much of the work of the commission is

transferred to the planning secretary, which is an acknowledgement by the Government that the work the commission has done has been broadly successful.

The Minister stated positively during the Legislative Assembly's second reading debate that the Greater Cities Commission has "changed the way we think about our cities" and "will leave a strong foundation for the future". The Opposition agrees, and the work should continue. As such we pose the question: Why does the Greater Cities Commission need to be abolished? People are generally sceptical about the effectiveness of government agencies, so when we have an agency doing overwhelmingly good work, as acknowledged by the Government, why abolish it? The independent Greater Cities Commission has an important role in ensuring the connection between new housing and improved infrastructure: a role that we are not satisfied will continue under the planning department alone. The Greater Cities Commission is best to lead the holistic approach to the provision of infrastructure to support development.

Mistakes have been made in the past that have had serious consequences for the planning of Sydney. The Carr-Iemma-Rees-Keneally Labor governments of 1995 to 2011 were a particular hallmark. The establishment of the Greater Sydney Commission by the Coalition in 2015 was a self-aware admission that politicians do not always have the answers and that government departments are often lacking in their dialogue and shared objectives. The Department of Planning, under its various different names, has made decisions throughout the past about the location of new housing in isolation from the objectives of other departments and the capacity of local councils. The Government risks repeating those same mistakes by abolishing the Greater Cities Commission.

The Greater Cities Commission has a helpful independence from the planning department and the politicians that allows for short-term and political decision-making to be cast aside and long-term strategic planning to be prioritised. By transferring the strategic planning functions of the commission into the Department of Planning, the Government admits in its legislation that the work of the Greater Cities Commission has been a force for good. The Government has not explained how that process being undertaken under the planning secretary will lead to better outcomes.

Perhaps most contentiously, the Greater Cities Commission is responsible for the setting of housing targets for each local government area. It is obvious that areas right across Sydney will have to take on increased housing targets. The Opposition does not oppose that, but it must be embarked upon with a sense of realism front of mind. The targets need to be ambitious, but achievable, whilst ensuring that each area in Sydney has the appropriate amenities to support each resident who lives in the local area. The Greater Cities Commission has improved the way we consider the connection between housing and infrastructure and the planning for that pathway forward. The Government's proposed abolition of the Greater Cities Commission is the Government throwing its hands up in the air because it did not get what it wanted by way of dramatically increased housing targets in areas it is ideologically opposed to.

The Minister would be wise to further clarify to the House the justification and reasoning that the Greater Cities Commission gave when draft housing targets by local government area were provided to the Government, as reportedly occurred in October. Did the independent planning experts advise the Government that increased housing targets in areas closer to the city were unworkable? Is the Government abolishing the Greater Cities Commission just because it did not get the advice it wanted, even if that advice was true, from the independent expert? By forcing higher housing targets in areas that do not have the infrastructure to cope, the Government is setting our State up for disaster. It is a matter of practicality and functionality for people actually living in those areas and those who will move there in the future.

The planning Minister told the Legislative Assembly last year that "servicing new housing lots or allowing for additional density, where approved, is often being delayed by lack of access to the basics" and "infrastructure delay is contributing to house price increases because it is holding back housing supply". The Minister was right in 2022, yet the Minns Government in 2023 has no plans for essential infrastructure to come before or at the same time as increased housing. If the Government does want to proceed with higher targets in communities where the Greater Cities Commission has advised that more housing is unable to be realised with the current provision of infrastructure, it must plan for more—a lot more. Where will the schools be? Where will the hospitals be? How will the roads be improved? That is no small task, and it is exactly what the Greater Cities Commission is supposed to answer.

The Coalition joins local communities across Sydney that have absolutely no confidence that this Labor Government will fund that critical infrastructure. Labor Governments have always forgotten that there are communities north of the harbour bridge that have acute infrastructure needs. That is a whole part of Sydney that Labor pretends does not exist when it comes to the budget. If Labor wants more housing in the communities it loves to target, it must deliver the infrastructure—period. The Minister should get in the car tomorrow morning and drive through the northern beaches and the northern suburbs of Sydney in peak hour to see how the road

infrastructure copes with the current population. He will probably be late for work, as I am sure members in this Chamber can attest.

The Government has a duty to the local communities that it wants to adopt more housing to first outline how it will deliver the supporting infrastructure for the new residents it intends on moving in over the next few years. Simply building more homes and not ensuring improved infrastructure is ready when the moving vans turn up in the street would be repeat of mistakes made in the past when it comes to planning in this city. Instead, this Labor Government will tell local communities to get out of the way when they express concerns about the existing infrastructure coping with more people moving into the area and will not outline a plan for improvements. That will end in more traffic congestion, bigger class sizes at schools and longer waiting times for health care. The decision by the Minns Government to abolish the Greater Cities Commission is yet another way the Government is belittling local government and instituting a top-down, State-Government-knows-best approach to planning. Somebody should tell the member for Parramatta, Donna Davis, about the State Government knowing best about all things planning because she said on Facebook in December 2021:

The State Government must desist from pushing councils around, who are generally responding to the views and concerns of their community about development.

Rezoning and urban renewal are complex matters and Councils are best positioned to navigate the necessary assessments.

The member for Parramatta, who is a treasure trove of quotes, also said in 2021:

The State Government is carrying a big stick threatening Councils into submitting to the state's development targets.

...

I will continue to voice the concerns of my existing community in planning our future city - not just the state government and their boffins.

I wonder if she is singing off the same song sheet in the caucus today. It appears that the member for Parramatta has gone silent, except for bizarrely speaking in the other place during debate about shopping trolleys. Meanwhile, the Minns Government is ordering local councils, who were elected by the way, what they will do and how they will do it. The Labor Government does not listen and does not care about the voices of local government in the planning system or local communities, even when they become Labor MPs. The Coalition is concerned that regional communities included in the Greater Cities Commission reforms in 2022 will miss out from the benefits of the Coalition Government's reforms if the objectives of the commission are absorbed into the planning department. The City Commissioner for the Lower Hunter and Greater Newcastle, Matt Endacott, has stated in support of the role of the Greater Cities Commission:

Its independence allowed it to say things many other government agencies shy away from.

The Coalition could not agree more. That is why it set the commission up. The bill removes that independence and the ability of city commissioners to speak up on behalf of the needs of their areas. Will the Central Coast, the Hunter and the Illawarra always receive the same attention within the department as they do from the Greater Cities Commission and its dedicated commissioners? Or will the department adopt a city-centric approach to planning? Considering the commissioners of the Greater Cities Commission will be abolished, the Coalition struggles to believe the regions will receive the attention they deserve.

The Premier and the Minister for Planning and Public Spaces must tell the people of New South Wales why they know better than the independent planning experts. The Minister for Planning and Public Spaces must clarify why he told budget estimates on 3 November that "there's no plans to introduce legislation to get rid of the Greater Cities Commission" yet a little more than two weeks later did it anyway. History will tell us if this bill leads to better communities or to a single additional home being built—I doubt that it will. This House has the option to keep the Greater Cities Commission and the good work the commission has done, keep the independence in the planning system and keep the experts at the table. Hopefully the House will take the opportunity to continue the work of the Greater Cities Commission to advance the building of more housing, connected with infrastructure to support that development and the State. The Coalition opposes the bill.

**Ms CATE FAEHRMANN (23:42):** As The Greens spokesperson for infrastructure and cities I contribute to debate on the Greater Cities Commission Repeal Bill 2023 and indicate that we will not be supporting the bill unless our amendments are supported. The Greens did not support the establishment of the Greater Cities Commission last year and we did not support the establishment of the Greater Sydney Commission in 2015. We made the point very clearly at the time that the commission was a grossly undemocratic vehicle that took powers away from local councils. The bills gave the commission the power to prepare and implement district plans for the six districts of Greater Sydney, which were binding on local councils. Councils were then required to amend their local environmental plans to accord with district plans. We made the point at the time that a better model for regional planning involves democratic joint organisations of councils with strong statutory backing taking the lead on regional planning in their communities.

The Greens opposed those two bills. Labor on the other hand supported the establishment of the Greater Sydney Commission and supported its later iteration the Greater Cities Commission. The commission's plans contain some protection for the environment and agriculture, particularly via the metropolitan rural lands, and the plans it has developed have provided a shift in focus from a single CBD. The Greens support that. The commission has been criticised by the development lobby for producing glossy plans with few outcomes and adding an additional layer of bureaucracy. That alone should make us all extremely concerned.

When developer lobby group Urban Taskforce is strongly campaigning for a particular outcome, we know the community's interests have been left in the dust. In May this year, the lobby group Urban Taskforce ramped up its campaign to get the new Minns Government to scrap the commission, attacking the Greater Cities Commission for focusing on livability, for goodness sake, as though that is a crime. When the new Labor Government moved to scrap the Greater Cities Commission, it was strongly welcomed by Urban Taskforce and the powerful developers it represents. When Labor announced it would scrap the Greater Cities Commission, the AFR reported that:

The property industry was pleasantly stunned. One apartment developer spent \$260 million on land in Sydney the day of Minns' announcement. The lot was suddenly worth more; he was worried the seller would realise. He didn't.

Mirvac's shares rose 7 per cent in one week. Billionaire Harry Triguboff, owner of Meriton, became even richer. Architects began, mentally, redrawing plans upwards.

When it comes to planning laws, Labor has a very strong track record of amending the laws—so-called reforming of the laws—to be pro-developer and anti-community. Before the announcement that it was scrapping the commission, the Government also announced that residential developers would benefit from a 30 per cent uplift in height and a 30 per cent uplift in density for projects worth upwards of \$75 million in return for 15 per cent social and affordable housing or 30 per cent on government-owned land. Like the previous Government—but in some ways Labor's history with developers is more intense in New South Wales—this Government is driven by the developer lobby and, increasingly, by the mainstream media. All three—the developer lobby, mainstream media and the Government—like to lay the blame for poor housing delivery on councils and red and green tape, or in other words the regulations that provide for communities to have a say in determining their own future.

The goal of the Greater Cities Commission was to facilitate the holistic planning of six cities from Shoalhaven in the south to Newcastle and the Hunter in the north while delivering housing targets to accommodate a rapidly growing city. The bill maintains the six cities and the plans already developed but shifts all control to the planning secretary. It is very unclear how that centralisation of power will use the plans of the commission to deliver housing to the incredible need of the so-called missing middle. The Greens are very concerned that the loss of community consultation and council planning powers that resulted from the establishment of the Greater Sydney Commission and then later the Greater Cities Commission are continuing with this bill and with the transfer of the commission's powers to the planning secretary and the department.

Yes, we need to build a lot more houses but this should not be 100 per cent developer driven. The community and councils should not be shut out of these decisions. On that note, it is extremely concerning to hear that Local Government NSW was not consulted on the bill. The Greens opposed the establishment of the Greater Sydney Commission and the Greater Cities Commission and the way in which council powers and local communities were overridden. For those powers to simply be invested in the planning secretary without wider consultation and an understanding of the implications of doing this, and at two minutes—almost literally—to midnight, is untenable. Yet that is what the bill does.

Building houses that profit developers at the expense of the community should not be the end game, but from day one that has been the Minns Government's agenda. That is what the bill does. For us to have any faith in the bill to repeal the Greater Cities Commission, we would need to be assured that, in the preparation of regional and district strategic plans, councils are not only genuinely consulted, but also, critically, that their local environmental plans are given due consideration. It is lazy and condescending to criticise councils for not delivering on housing and then to essentially strip away the powers they have to help deliver it.

Local councils' local environment plans and community strategic plans must be considered at the strategic planning phase or the Government runs the risk of alienating the very communities it seeks to serve and it runs the risk of setting councils up to fail both financially and with regard to the provision of roads, libraries, waste management, pools, parks and town centres. The Greens believe there has not been adequate consideration given to all of the implications of the bill. At this point, I signal that we will be moving amendments to require the consideration of local environmental plans in regional strategic plans and district strategic plans. We have heard back from the Minister's office that it will not be supporting the amendments we have been talking to it about. That means we cannot support the bill.

**The Hon. RACHEL MERTON (23:50):** I speak in opposition to the Greater Cities Commission Repeal Bill 2023. I commend my colleague, the Hon. Scott Farlow, for his comments on the bill, and I recognise his work as shadow Minister for Planning and Public Spaces. The bill is deeply disappointing and symptomatic of a government that wants to play politics with the planning of Sydney. In 2015, when the Greater Sydney Commission was established by our side of the House, it enjoyed bipartisan support. Back then Labor did not think there was a need to politicise every piece of public policy. The motivation of the former Liberal-Nationals Government was simple: It was better metropolitan planning across Greater Sydney for the benefit of all the community. The aim was simple: Let's bring State government, local councils and stakeholders together for better planning, whether it be the development of housing, the building of infrastructure or the delivery of services.

In 2022 our side of the House, in Government, rolled in the Central Coast, the Illawarra, Newcastle and the Hunter as part of the six cities strategy to create the Greater Cities Commission. Labor, to its credit, supported the establishment of the Greater Cities Commission. Back then Labor understood the value of the Greater Cities Commission bringing stakeholders, the community, councils and government together when it came to long-term strategic planning for our metropolis. What has happened in the course of a year? The Government, devoid of an agenda, has discovered a new platform: Ignore the interests of local communities, and dismiss anyone who disagrees with Labor's new vision of suburbs filled with street after street of build-to-rent high-rise as an insular and selfish nimby.

Housing access and affordability is a big concern to New South Wales, particularly to families in Greater Western Sydney. The ability to own one's home was an Australian hallmark. Our home ownership rates were well above those of the rest of the world. Beyond a roof over one's head, home ownership provides broader benefits, including family, social stability and long-term financial security. We have a government that thinks that defending the great Australian suburban backyard is somehow akin to being a greedy landholder or some sort of a modern kulak. Rather than genuinely challenge the Federal Labor Government's lousy and mean-spirited agenda of cutting billions of dollars out of this State's fair share of infrastructure spending in an historically high immigration environment, the Government thinks the answer is open-slasher development. In that environment, any potential opposition to the Government's plans to flatten Sydney suburbs needs to be silenced.

We have already seen councils, purely trying to represent the interests of their local communities, being monstered. Now we see the Greater Cities Commission Repeal Bill, which will abolish the Greater Cities Commission, the independent commission and the Act. The strategic planning functions of the commission will be transferred to the planning secretary and the bureaucracy through this shonky, cobbled-together bill. Its role will be absorbed into the bureaucracy. The commission and the independence it has demonstrated from the department and everyday retail politics will be no more. Its work of establishing distinct district plans for Greater Sydney, developed with genuine consultation, and of finding solutions for our infrastructure and development needs, will be no more. Let's not forget the regions that were included in the commission in 2022 after our side of politics expanded the commission's responsibilities. There has been no plausible justification provided by the Government for the abolition of the independent commission.

This bill really demonstrates an ugly side of the Government. It says, "Agree with our agenda or else." Why is the Government afraid of independent decision-making by the likes of the Greater Cities Commission? Labor has shown it has got form. We have seen the gaslighting of local councils that dared question Labor's planning agenda. Now we see the destruction of the independent Greater Cities Commission. All that this suggests to any observer is that the Government has zero interest in taking the community with them on their agenda. This is a glass-jawed government unable to cope with those not wholly signed up to its high-rise cookie-cutter apartment block agenda.

Of course, the Minister for Planning and Public Spaces has a role to play in making decisions in relation to planning and development. That is the Government's right; no-one disputes that. And, of course, Sydney and beyond needs more housing. We need sensible planning of housing and infrastructure. The answer, though, is not the sudden destruction of an independent commission that is doing its job in delivering the strategic planning we need and the handing over of its responsibilities to the Minister's own bureaucracy. There were very good reasons for the Greater Sydney Commission and then the Greater Cities Commission to have enjoyed bipartisan support in this place, even a year ago. This disingenuous bill is a tawdry attempt by the Government to crab-walk away from strategic planning that is independent and involves the community. It is the work of a government terrified of opposition to its plans to change the face of Sydney. The people of Sydney, the Hunter, the Central Coast and the Illawarra deserve much more than that retrograde step. I oppose the bill.

**Ms SUE HIGGINSON (23:56):** I reinforce the strong and worthy comments made by my colleague, Ms Cate Faehrmann, and express my concerns and reservations regarding the Greater Cities Commission Repeal Bill 2023. Perhaps now is an appropriate time to remind the Government of the position it put itself in back in the old days. What comes to mind are the Sartor days of planning. We have to be very careful when we walk away from

engagement and of the idea that less is best, because it is not. It is not good planning. It is not the way to do planning. We know that when we have more engagement and input from local planning bodies and local communities, it leads to better decision-making, better social cohesion and, more often than not, better environmentally sustainable development. That is what planning is about. The Government wants to create a more streamlined and efficient planning system, but repealing the Greater Cities Commission and centralising to the secretary, a relatively unaccountable body, is very concerning.

Firstly, the Greater Cities Commission has played a vital role in developing the strategic vision for the Greater Sydney region, and while its contribution has been far from perfect, it was seen by some as an effective consultative authority. It is crucial to recognise that consultation is essential for informed and inclusive planning decisions and success. The strong legacy of the commission in research and consultation should not be discarded lightly, and if it is absolutely necessary, then there should be clear and effective requirements for the planning secretary to undertake consultation early. The bill emphasises the need for a coordinated response to emerging planning issues, including the shortage of housing across the State. However, it is concerning that, by centralising strategic planning functions, the Government will exclude the diverse voices and perspectives of local communities and independent experts. Effective planning requires a nuanced understanding of the unique needs and characteristics of different regions, and local input is critical to achieving that.

The Minister has promised that direct consultation between the secretary and the community will occur, but that is within the Environment Planning and Assessment Act already, with strategic plans getting 45-day community consultation periods. The question arises: How will this consultation be ensured, and will it be as inclusive as the processes currently in place under the Greater Cities Commission? It is imperative that the consultation process remains robust, transparent and accessible to all stakeholders, including community members who are already directly impacted by planning decisions. More than just that, the process for decision-makers in local government should begin well before a plan is placed on public exhibition, and it should be expressly provided for to raise those legitimate expectations and fulfil them.

The bill aims to remove red tape and improve strategic planning and coordination across the State, but this should not come at the expense of thorough consideration and community engagement. The Government must strike a balance between streamlining processes and ensuring that planning decisions are well informed and reflective of the diverse needs of the communities that they affect. While we understand the Government's intention to enhance efficiency in the planning system, we urge careful consideration of the potential consequences of repealing the Greater Cities Commission. The focus should be on finding ways to improve coordination and efficiency without sacrificing the valuable contributions of the commission in research and consultation. Greater consultation processes and a commitment to involving local communities in planning decisions are vital to ensuring that the future planning system truly meets the needs of the people of New South Wales. It is for those reasons that we do not support the bill without amendment.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** According to the resolution of the House this day, it being 12.00 a.m. proceedings are interrupted.

*Adjournment Debate*

#### ADJOURNMENT

**According to resolution, members made the following statements.**

#### STATE OF ISRAEL

**The Hon. STEPHEN LAWRENCE (00:00):** The State of Israel has been under formal investigation for alleged war crimes by the prosecutor of the International Criminal Court [ICC] since 2021. We could excuse the majority of Australians for being completely unaware of this most serious matter. Such is the one-sided alternative reality presented in most of the Australian media on the Israel-Palestine issue, and indeed in this Chamber, where almost every sitting period we are subjected to propaganda from the Opposition, made without qualification, on Israel as a paragon of human rights and democracy. The reality is that Australia is an outlier, a place where the dominant perspectives on Israel and Palestine simply ignore inconvenient facts—facts such as, firstly, the ethnic cleansing of Palestinians in 1948 and then in 1967, and the denial of a right of return; and, secondly, the suite of laws and policies that constitute the ongoing occupation of Palestinian territories, the illegal settlements, the discriminatory land, immigration and freedom of movement laws.

That suite of laws and policies are clearly designed to achieve the domination of one group over another and to deny the legitimate national aspirations of the Palestinian people—a cruel, unsustainable and explosive situation, one that threatens world peace and security. The formal ICC investigation, which relates to the period from 13 June 2014 to the present, is not fully transparent for understandable reasons, but is widely understood to focus on two main issues, the first being the use of force by Israel and certain Palestinian armed groups. This

initially included the use of force in the 2014 Gaza war and other activities on the border of Gaza and Israel. However, the chief prosecutor has recently announced that the events of early October in southern Israel and the Israeli response are within the breadth of the investigation he is conducting. The second is the settlement policies of Israel.

As I said, the precise investigation details are unclear, but international criminal law has much to say that is potentially applicable to the steady expansion of settlements across the Palestinian territories, which are accompanied by a range of discriminatory policies. The fourth Geneva Convention makes it an international crime for a state to transfer its civilian population into occupied territory. Further, the 2002 Rome Statute of the International Criminal Court and the 1976 United Nations Apartheid Convention make illegal "inhumane acts committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group." This is a legal test and does not invite ultimately pointless comparisons to South Africa. The Israeli Prime Minister, when the investigation was announced, labelled it "pure antisemitism", an egregious smear against eminent international lawyers and part of a recent trend of expanding the definition and meaning of "antisemitism" and using it to silence discussion of these important matters.

Australia is in the difficult position of being both a member state of the International Criminal Court and, of course, a staunch ally of Israel. The Israel-Palestine problem tests our alliances, our principles, our commitment to international law standards, our indispensably important community harmony and even our basic grasp on truth and reality. We have two choices. We can continue to live in the alternative reality in which we pay lip service and all but ignore the facts on the ground, and where effectively unconditional support for Israel is a litmus test to be applied by wide sections of the media and political elite. Alternatively, we can engage with reality, accept the facts on the ground, including the shifting of international sentiment on this issue, and be a real part of an international movement to bring truth and justice to this intolerable and dangerous situation. As ICC Prosecutor Khan outlined recently in a formal statement on 30 October 2023, Lady Justice should be blind and "justice is every child's birthright, every civilian's entitlement". We can help to bring about a solution to an intolerable, dangerous and unsustainable situation that is a grave threat to the people of Israel and Palestine, and indeed the entire world. There is a rising tide of truthful voices on this issue in Australia demanding exactly that.

#### CHRISTIANITY

**The Hon. CHRIS RATH (00:05):** The following *Bible* verse from 1 Peter 5:6-7 sits on my desk in Parliament to remind me that God loves us, that He is here for us when we face great adversity, and that we should trust Him and accept His will, especially when the stress and anxiety of politics all too often consume our lives as legislators:

Humble yourselves, therefore, under God's mighty hand, that he may lift you up in due time. Cast all your anxiety on him because he cares for you.

I have not spoken about my faith in this place, except in a cursory way, since being elected 20 months ago. It is not to say that my faith is not an important part of my life, or that it is an afterthought. So why has it taken so long? I, like so many Christians, find it almost uncomfortable to express my faith in this highly secular world. We rightly have a separation of church and state in this country. It is as much to protect the church from the state as it is to protect the state from the church. But this separation does not mean that our faith cannot guide us as members of Parliament. There is indeed no neutral or unbiased world view when it comes to legislating. The Christian is no more or less clouded by their worldview than the atheist is by theirs. I cannot prove that God exists, just as the atheist cannot prove that He does not. But I have faith that God exists, just as the atheist has faith that He does not. I find myself agreeing with C. S. Lewis:

I believe in Christianity as I believe that the sun has risen: not only because I see it, but because by it I see everything else.

Unfortunately, over recent years, Christianity has been demonised by the left to the point where so many, including myself, feel as if their private faith should now remain entirely publicly hidden. We should not feel this way. Christianity should be celebrated, for it has been a powerful force for good in the world. At its heart lies the beliefs and principles of compassion, humility, forgiveness, salvation and human dignity.

I wanted to focus on the dignity of all human beings because, whilst we take it for granted today, 2,000 years ago it was a truly revolutionary concept that Christianity insisted upon. Humans should not be used as a means. This is based upon the belief that all men and women are created in the image and likeness of God, and it is this idea of intrinsic human dignity that gradually shaped Western civilisation. This is centred on the belief that we should all try to love our neighbours as we love ourselves. This emphasis on the inherent dignity of the individual reflects not only the Judeo-Christian foundation of the West, but also the classical liberal philosophy that underpinned its subsequent enlightenment development. The inherent dignity of the individual, as opposed to moral relativism, is at the centre of human freedom. If individual liberty is not predicated on inherent human dignity, then what is its foundation? Anything else is ultimately arbitrary.

Once dignity is undermined, freedom is in danger. That is why we see the two values of human dignity and human freedom the centre of universal human rights. The first article of the United Nations Declaration of Universal Human Rights starts with "All human beings are born free and equal in dignity and rights." The atheist may not believe in natural law, but they do owe it to Christianity every time they espouse the most basic of universal human rights. To finish where I started, Christianity has been a powerful force for good in the world, and it should be celebrated not demonised. Of course, our world is imperfect. That is because we are all sinners—I know I certainly am. But God loves us anyway because we are made in his image. I conclude with another quote from the great C. S. Lewis. He said, "The Christian does not think God will love us because we are good, but that God will make us good because he loves us."

### PAULINE HANSON'S ONE NATION

**The Hon. TANIA MIHAILUK (00:10):** Given that this is our last parliamentary sitting for 2023, I briefly reflect on my time in Pauline Hanson's One Nation since joining in January this year and on formally becoming a member of the Legislative Council in May. Despite some of the most recent hiccups, no individual acts of bastardry or tyrannical fits of an aggrieved few can ever be an impediment to Pauline Hanson's One Nation's ability to champion our nation's values and capture the hearts and minds of Australians keen to protect our Australian way of life. Despite the recent challenges, my humble view is that Pauline Hanson's One Nation indeed has a bright future. I have had the pleasure for 10 months now to meet some wonderful One Nation members and supporters, and I thank them wholeheartedly for their guidance, encouragement and enthusiasm. I thank our fearless Federal leader, Pauline Hanson, for her determination and leadership.

I also pay tribute to our hardworking and much-valued national and New South Wales State executive members. I have been honoured to represent One Nation in recent months at community rallies and many different meetings. There have been rallies protesting the destruction of the pristine New South Wales coastline due to the threat of offshore wind turbines. There have been rallies around the Voice and a plethora of issues that our members are very concerned about. One Nation is supporting regional coastal communities like Port Stephens and Illawarra in their battle against Federal Labor's draconian decision to look into building offshore wind farms that have the potential to destroy marine life that these communities depend on.

Our party has also been front and centre in fighting the draconian left-wing agenda that threatens to dismantle the very freedoms and cherished virtues that have made our country the envy of the world. The Labor Party has signalled that it will try to push through its Conversion Practices Prohibition Bill, and One Nation will be the voice for parents and faith communities who are at risk of having their most basic parental rights eroded further by this "woke" agenda. Parental rights will be a major issue in 2024 for One Nation NSW, as we fight off the Labor Government's attempt to bully parents and diminish parental influence over their own children. The Conversion Practices Prohibition Bill may allow children to make gender-altering treatment without requiring their parents' permission. Related to this is the politicisation of the classroom by teachers. One Nation NSW has introduced legislation into Parliament that will ban the political indoctrination of our children at school. With declining NAPLAN results in our classrooms, the focus must once again be on academics and not activism.

The unrelenting pursuit of an economically unfeasible agenda of net zero was passed tonight. One Nation will continue to oppose this, and I was a lone voice tonight in opposing the net zero targets and, indeed, the bill in the end. The net zero agenda is destroying, and will destroy, our environment, destabilise the viability of our natural resources industries and threaten to continue to nosedive our country into economic distress. We were once dubbed the lucky country, but does anyone really feel lucky anymore? Instead of addressing the deepening economic problems, the second half of the year was dominated by the expensive and divisive Voice to Parliament referendum, which the Labor Party dearly wants to forget now. One Nation led the way in resisting the media scrum and left-wing army in taking on the Labor-Greens Voice. It took months for the Liberals to even pipe up. Once the polling nosedived, the New South Wales Liberals backed it. It became very clear that particular communities in Western Sydney and regional communities were very much opposed to this divisive agenda. I thank One Nation leadership, particularly from our Federal leader, for being strong on this issue from the get-go. I was delighted to play a part, albeit small, in opposing the Voice.

I also take this opportunity to say to my One Nation members that I look forward to attending more meetings, particularly in regional New South Wales. We have planned a number of mobile offices and meet and greets in the coming months and the new year. I am delighted that we have invigorated a number of One Nation members who have not been active for a number of years but would now like to be more active. They have reached out to my office and to the One Nation NSW office, indicating their interest in playing a more active role in fighting the left-wing agenda that has cursed us in New South Wales but that One Nation NSW will continue to fight against. Again, I thank the members and the leadership of One Nation for their support.

## FASHION AND TEXTILE INDUSTRY

**The Hon. Dr SARAH KAINE (00:15):** I acknowledge the contribution to this speech of Georgia Coleman, an intern in my office. While some may scoff at the mention of fashion in Parliament, let's remember that the fashion and textile industry contributes over \$27 billion to the Australian economy, or 1.5 per cent of Australian GDP. The fashion and textile industry generated \$7.2 billion in export revenue in 2021. That represents around 1.7 per cent of national exports—more than double the value of Australia's wine and beer exports. While the fashion industry makes a significant contribution to our economy, it is also responsible for significant environmental impacts due to the immense waste created, through both the manufacture of clothing and textiles and consumer practices.

Australia is the second largest textile industry consumer, with consumers buying about 27 kilograms per person per year. We are followed by Western Europe. New South Wales is unfortunately no exception. A 2021 report for the Environmental Protection Authority found that between 2005 and 2019 an average of 328,904 tonnes of textile products have been imported to New South Wales annually. That is very close to the aggregated disposal data, which estimates 305,531 tonnes of textiles are discarded by residents and business in New South Wales each year. Given that scale, we have the responsibility to inform and educate the people of New South Wales as to how they can reduce their clothing waste to avoid tonnes of clothing unnecessarily ending up in landfill.

We are becoming increasingly aware of how, as consumers, our treatment of fashion as disposable generates huge amounts of fashion and textile waste. Yet, on the whole, the consumption and over-consumption of fashion continues, driven largely by marketing and fast-fashion retailers. The drivers of that consumption were encapsulated by Nina Gbor in her ABC article "War on Waste" in which she said:

Fast fashion is addictive and it's designed to be. It's a super-zooming conveyor belt of new things quickly going out of date or even falling apart, whilst the next thing zips along cooing "buy me". It's convenient and cheap yet never quite satisfies our insatiable desire to keep up with ever changing fashion trends.

We all make decisions about the clothing we buy, even if we are not trying to be the next fashion influencer, and they are influenced by styles, availability and affordability. While only a small proportion of citizens can afford high-end or slow-fashion brands, which are more responsible than fast-fashion brands, there are other accessible ways to be sustainable in our clothing choices. One of the most accessible and probably most well-known sustainable fashion options is sourcing clothing and other items from op shops. Op shops take items that may otherwise end up in landfill and give them an opportunity to find a new home. With the average clothing item only worn 14 times, and 83 per cent of consumers indicating they have bought items they never wear, it is important we have quick and easy ways for consumers to repurpose their clothing and divert it from landfill. Items sold at op shops are generally more affordable than buying directly from high-end or slow-fashion brands, but still provide consumers with a sustainable option.

As I have previously mentioned, I am proud to be a part of—in fact, the convener of—the Parliamentary Friends of Sustainable Fashion. In October, the Parliamentary Friends of Sustainable Fashion participated in an op shop trail—the Hon. Susan Carter came along to that, and we enjoyed it very much—where we visited op shops and vintage stores near Parliament House. While we all had varying success with finding items for our parliamentary wardrobes, it was a good day out and we now have a map of local op shops that can be shared. I am hoping we will have the opportunity to participate in other op shop trails across New South Wales and potentially develop regional maps that help people find sustainable fashion options across the State. While it is definitely exciting to bag a bargain at an op shop, the most sustainable step we can all take is to reduce our over-consumption by asking ourselves, "Do I need to buy anything at all?"

## EUTHANASIA

**The Hon. SUSAN CARTER (00:20):** Today is D-day, or more correctly VAD day—that is, voluntary assisted dying day. Euthanasia is now legal in New South Wales. I recognise that many will welcome this, but I cannot share their enthusiasm. I am concerned for what now lies ahead. One issue is mission creep. Euthanasia always starts out as our current laws do—with tight controls governing when and who can access it. It is badged as a measure of last resort and, according to our health officials, euthanasia is likely to account for 1.5 per cent of all deaths in New South Wales. But in every other jurisdiction that has legalised euthanasia we have seen how those tight controls change over time. Canada is a good comparator. It legalised euthanasia in 2016 and VAD is now the sixth leading cause of death. Death is no longer required to be reasonably foreseeable as a requirement for euthanasia, and there is evidence that it is being offered as an option for disability.

Last year, Christine Gauthier, Canadian Paralympian and veteran, was engaged in discussions with Veterans Affairs Canada about the wait time for the installation of a wheelchair lift or a ramp at her house. She has testified that instead of expedition, she was offered euthanasia as an option. She is not dying. She just has difficulty getting around because of her disability. That is exactly the sort of mission creep that we must resist in

New South Wales. I do not know why, but it appears that in every jurisdiction where euthanasia is offered we see a creeping extension of death being offered as a false solution for the problems of living. I worry that this is because the acceptance of voluntary assisted dying by our laws starts to change our thinking. Life becomes less treasured, perhaps, and death becomes something we use as a control system. Is this change in thinking why, again in every jurisdiction which has legalised assisted suicide, we see the phenomenon of social contagion occurring where the idea of suicide—legalised or not—spreads quickly through schools and communities with devastating consequences?

The Anscombe Bioethics Centre in the United Kingdom [UK] has demonstrated that, in the United States, assisted suicide is associated with a significant increase in total suicide. Of course, we know that in Australia, those most likely to do-it-yourself are our young men and women, who are our most vulnerable to talk of suicide. Again, in Europe, the evidence is that the introduction of euthanasia has resulted in considerable increases in suicide. Investment in palliative care is also a common casualty of legalised euthanasia. A lack of appropriate palliative care is often seen as a driver for euthanasia. When the Northern Territory passed its Rights of the Terminally Ill Act in 1995, there was only one palliative care bed in the whole of the Northern Territory. Research within jurisdictions that have legalised VAD shows that over time palliative care consistently stagnates, or even regresses. Before introducing VAD, Oregon in the United States had one of the highest rates of hospice care in the nation. It now has dropped below the national average and, during a period where nearly 2,000 hospices were introduced across other States, five new hospices were commissioned in Oregon.

Similarly in the Netherlands, palliative care has declined since it introduced VAD. The United Kingdom, where euthanasia is still illegal, has roughly three times the population of the Netherlands and so, on the law of averages, would have three times the palliative care facilities. However, the UK has 183 palliative care facilities to the three in the Netherlands. That is roughly 20 times more access to palliative care on a population-adjusted basis—see the impact of euthanasia? And what has happened to our palliative care funding in New South Wales? How much evidence do we need from how many other countries before we recognise the real challenges which these VAD laws will bring? While preparing for the administration for lethal drugs, what have we done to prepare and protect against the seemingly inevitable consequences? We cannot say we did not know the risks. The evidence is in. We cannot say we were not warned. The academics and researchers have spoken. But we can say that we are shamed, if we have not prepared to protect our most vulnerable from the known risks of legalised euthanasia.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I remind members in the House that it is the custom in this place that we listen to adjournment speeches in silence.

#### KAMAY FERRY WHARVES

**The Hon. MARK BANASIAK (00:25):** When I reflect on my questioning of various Ministers over the Kamay Ferry Wharves, I am taken back to Sir Walter Scott's telling words from his epic poem, *Marmion: A Tale of Flodden Field*. In this historical romance in verse, published in 1808, he wrote:

Oh what a tangled web we weave  
When first we practice to deceive.

I have pursued this line of questioning since 2021, and the lengths Ministers and people within the department have gone to spin this project as a winner—none more so than Howard Collins—is astounding. It seems we have our very own Lord Baelish, also known as Littlefinger, in Transport for NSW. Who is Littlefinger really working for? What is his true motivation? And why does he want the wharves to be built so badly? We will get to that shortly. The lies, mistruths and misdirections start with a 4,500-page document that ignored fish assemblage data for the area. When asked about it, Collins tried to say the document did refer to it, hoping that I would not have read it. When asked at the same time about considerations of commercial ship movements interacting with the ferry service, they said it was far too early to tell—too early to tell, but a 4,500-page document can be produced and not a cover a basic detail like shipping. It should be noted at this point that on 1 September 2021, Mr Howard Collins made the comment:

The purpose of this wharf is to support the ferry services between La Perouse and Kurnell. Really that is its main purpose.

He then contradicts himself on 4 March 2022, when he stated, "This is not about a ferry service," which he reiterated on 26 August 2022. We will delve a little deeper into this phoney ferry shortly. Mr Collins also stated in September 2021 that sediment testing was extensive, which directly contradicts the contamination investigation that showed only two marine boreholes were being tested. If taxpayers are wondering why we are up for \$78 million, the questions I asked on 25 October outline the reason. In estimates hearings, I asked Mr Collins and Rob Sharp, who is also known as Lord Varys, why contracts were signed with McConnell Dowell nine months before they had Federal approval. When I asked if that was normal, Secretary Sharp said, "Normally

environmental approvals et cetera are obtained before you would sign a contract." Who advised the Minister to sign the contract? Was it Littlefinger or Varys, or both?

On 26 August 2022, Mr Collins was asked about the impact on *posidonia australis*, an endangered seagrass that, if damaged or removed without approval, results in fines of up to \$220,000, or two years imprisonment. Mr Collins said, "We really did understand people's concerns that any construction site will disturb or may disturb certain areas". That sounds fair, unless we read the Marine Biodiversity Offset Strategy report co-authored by Professor Adriana Verges, who greenwashes the project by understating its impact on the seagrass and other key habitat by reducing the research area. It is also worth noting that Professor Verges oversees Operation Posidonia, a research initiative that is part of the Sydney Institute of Marine Science, which also produced another greenwashed report funded by the Recreational Fishing Trust *The Science of Gamay*.

I am sure that all the recreational fishers in New South Wales would be pleased to hear that their money went towards funding a report that supports the damage of a recreational fishing haven. The hypocrisy of this seagrass skulduggery came to the forefront when Transport for NSW issued a grant to Professor Verges and Gamay Rangers, the only two groups that seemingly support the project, to investigate—wait for it; you guessed it—*posidonia australis* between La Perouse and Kurnell. When this hypocrisy was laid out before Littlefinger at the most recent estimates hearing, all he could do was shake his head in anger.

I return to the sunken wreck of a ferry proposal briefly. Will there be a ferry service? Was there ever intended to be a ferry service? Perhaps Opposition leader Mark Speakman should have been following estimates hearings before going on 2GB last week, saying his Government was always intending to run a ferry. Maybe he should have checked with Mr Collins first. After all, our Littlefinger has habitually overshared that it is not about a ferry. Many would not have read *Behaving Ethically: A guide for NSW government sector employees*, but I draw members' attention to public servants' requirement to give frank and fearless advice. When asked what frank and fearless advice Mr Collins had given to successive Ministers on this project, the truth was finally revealed. He said:

Employing Gamay Rangers, Aboriginal people—to see those people working on those jobs—I think that was my frank and fearless advice. If we lost that, I think, the community would be quite upset about it.

No. It sounds like Littlefinger promised to Gamay Rangers that it could run a ferry and walked Ministers and us into a \$78 million black hole to keep that promise. There are 78 million reasons why most of the community is more upset about that.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The House now stands adjourned.

**The House adjourned at 00:31 on Wednesday 29 November 2023 until 10:00 the same day.**