



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Eighth Parliament  
First Session**

**Thursday 30 November 2023**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Thursday 30 November 2023**

**The PRESIDENT (The Hon. Benjamin Cameron Franklin)** took the chair at 10:00.

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

## *Documents*

### PARLIAMENTARY DEPARTMENTS

#### Reports

**The PRESIDENT:** I table the following reports:

- (1) Report of the Department of the Legislative Council for year ended 30 June 2023.
- (2) Report of the Department of Parliamentary Services for year ended 30 June 2023.
- (3) Report of Parliament of New South Wales—Financial Performance 2022-2023.

## *Budget*

### BUDGET ESTIMATES 2023-24 TIMETABLE

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:01):** I move:

- (1) That, further to the resolution of the House of 12 September 2023 referring budget estimates 2023-2024 to the portfolio committees for inquiry and report, as amended 11 October 2023, and the resolution of the House of 21 November 2023 adopting the 2024 sitting calendar, the 2023-2024 additional budget estimates hearings be scheduled as follows:

<b>Day One:</b>	<b>Tuesday 20 February 2024</b>
PC 3	Education and Early Learning, Western Sydney
PC 4	Small Business, Lands and Property, Multiculturalism, Sport
<b>Day Two:</b>	<b>Wednesday 21 February 2024</b>
PC 1	Premier
PC 4	Agriculture, Regional New South Wales, Western New South Wales
<b>Day Three:</b>	<b>Thursday 22 February 2024</b>
PC 2	Health, Regional Health, the Illawarra and the South Coast
PC 1	Aboriginal Affairs and Treaty, Gaming and Racing, Veterans, the Central Coast, Medical Research
<b>Day Four:</b>	<b>Friday 23 February 2024</b>
PC 6	Transport
PC 5	Police and Counter Terrorism, the Hunter
<b>Day Five:</b>	<b>Tuesday 27 February 2024</b>
PC 7	Planning and Public Spaces
PC 5	Women, Seniors, Prevention of Domestic Violence and Sexual Assault
<b>Day Six:</b>	<b>Wednesday 28 February 2024</b>
PC 2	Water, Housing, Homelessness, Mental Health, Youth, the North Coast
PC 8	Customer Service and Digital Government, Emergency Services, Youth Justice
<b>Day Seven:</b>	<b>Thursday 29 February 2024</b>
PC 1	Industrial Relations, Work Health and Safety
PC 6	Regional Transport and Roads
<b>Day Eight:</b>	<b>Friday 1 March 2024</b>
PC 1	Treasurer
PC 8	Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections
<b>Day Nine:</b>	<b>Monday 4 March 2024</b>
PC 5	Families and Communities, Disability Inclusion
PC 1	The Legislature
<b>Day Ten:</b>	<b>Tuesday 5 March 2024</b>
PC 6	Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism
PC 3	Skills, TAFE, Tertiary Education
<b>Day Eleven:</b>	<b>Wednesday 6 March 2024</b>
PC 5	Attorney-General
PC 8	Local Government
<b>Day Twelve:</b>	<b>Thursday 7 March 2024</b>
PC 7	Climate Change, Energy, the Environment, Heritage
PC 1	Finance, Domestic Manufacturing and Government Procurement, Natural Resources



- (2) That for the purposes of the 2023-2024 additional budget estimates hearings:
  - (a) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.15 a.m. to 10.45 a.m., and from 11.15 a.m. to 12.45 p.m., then from 2.00 p.m. to 3.30 p.m., and from 3.45 p.m. to 5.15 p.m., with 15 minutes reserved for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m., if required; and
  - (b) the portfolio of The Legislature be examined by Opposition, Crossbench and Government members from 9.15 a.m. to 11.00 a.m., and from 11.15 a.m. to 1.00 p.m.
- (3) That for the purposes of the 2023-2024 additional budget estimates hearings:
  - (a) the committees must hear evidence in public;
  - (b) the committees may ask for explanations from Ministers, Parliamentary Secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure;
  - (c) Ministers be invited to appear for the morning sessions only unless requested by committees to appear also for the afternoon session;
  - (d) witnesses, including Ministers, may not make an opening statement before a committee commences questions;
  - (e) members may lodge supplementary questions with the committee clerk by 5.00 p.m. within two business days following the receipt of the hearing transcript; and
  - (f) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members.

**Motion agreed to.**

#### *Committees*

### **PROCEDURE COMMITTEE**

#### **Membership**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:02):** I move:

That the resolution of the House of 24 May 2023 appointing the Procedure Committee be amended as follows:

- (1) In paragraph (2) (b) insert ", Pauline Hanson's One Nation" after "Legalise Cannabis Party".
- (2) In paragraph (2) (b) insert ", and any Independent member" after "nominated in writing to the Clerk".

**Motion agreed to.**

#### *Motions*

### **SEPTEMBER**

**The Hon. NATASHA MACLAREN-JONES (10:02):** I move:

That this House notes that:

- (a) STEPtember is an annual international fundraising event aimed at raising awareness and funds for research and support for people with cerebral palsy;
- (b) STEPtember encourages participants to take 10,000 steps a day from 1 to 30 September, promoting physical activity, health, and wellness, while also raising crucial funds to improve the lives of individuals living with cerebral palsy;
- (c) cerebral palsy is a neurological disorder that affects muscle coordination and body movement, and supporting initiatives such as STEPtember can contribute to enhanced research, medical interventions, and support services for individuals living with this condition;
- (d) STEPtember aligns with the values of promoting inclusivity, community engagement, and health awareness within the New South Wales community; and
- (e) acknowledging and supporting initiatives such as STEPtember can create a positive impact on the lives of those affected by cerebral palsy and contribute to the advancement of research and care in the field.

**Motion agreed to.**

### **LIFELINE HARBOUR TO HAWKESBURY SYDNEY**

**The Hon. NATASHA MACLAREN-JONES (10:03):** I move:

- (1) That this House notes that 2023 marks the sixtieth anniversary of Lifeline Australia supporting Australians in times of crisis.
- (2) That this House further notes that:
  - (a) there are 41 Lifeline centres across Australia supported by over 10,000 volunteers and 1,000 employees and Lifeline Harbour to Hawkesbury Sydney is one of 14 Lifeline centres in New South Wales;

- (b) for over 55 years Lifeline Harbour to Hawkesbury Sydney has been providing telephone and face-to-face crisis support and suicide prevention services and programs to people in the local government areas of Hornsby, Ku-ring-gai, North Sydney, Ryde and Willoughby;
- (c) Lifeline Harbour to Hawkesbury Sydney is managed by a small number of staff and around 700 skilled volunteers, who provide support across a range of areas within the charity and work in partnership with Lifeline Northern Beaches to provide psychological treatment groups sessions and telephone support; and
- (d) on Saturday 9 September 2023, Lifeline Harbour to Hawkesbury Sydney held their annual Sapphire Gala Ball to raise funds to continue supporting the local community, which was attended by:
  - (i) the Hon. Natasha Maclaren-Jones, MLC, shadow Minister for Families and Communities, Disability Inclusion, Homelessness and Youth;
  - (ii) Ms Felicity Wilson, MP, member for North Sydney;
  - (iii) Mr Rory Amon, MP, member for Pittwater and shadow Assistant Minister for Planning and Public Spaces, Housing and Youth;
  - (iv) Mr Matt Cross, MP, member for Davidson and shadow Assistant Minister for Transport, Roads and Infrastructure;
  - (v) Mr Julian Leeser, MP, Federal member for Berowra; and
  - (vi) Councillor Barbara Ward, Ku-ring-gai Deputy Mayor, who is also a volunteer with Lifeline.
- (3) That this House acknowledges:
  - (a) suicide is the leading cause of death for Australians between the ages of 15 and 44;
  - (b) the suicide rate among Aboriginal and Torres Strait Islander people is twice that of non-Indigenous people;
  - (c) people living in rural communities are twice as likely to take their life than those living in metropolitan areas; and
  - (d) each year over one million Australians contact Lifeline for support.
- (4) That this House extends its heartfelt appreciation to the staff and volunteers of Lifeline Australia for their service and commitment to supporting Australians in times of need.

**Motion agreed to.**

**POLICE CITIZENS YOUTH CLUB NEWCASTLE**

**The Hon. NATASHA MACLAREN-JONES (10:03):** I move:

- (1) That this House notes that the Police Citizens Youth Club [PCYC] Newcastle has been providing life changing programs and support to young people in the region since 1939.
- (2) That this House further notes that:
  - (a) PCYC Newcastle is one of the oldest clubs in New South Wales, first operating in Newcastle's Civic Wintergarden, before moving to the former Wickham School of Arts building in 1952 and then to the current, purpose-built club at Broadmeadow in 1965; and
  - (b) for over 84 years PCYC Newcastle has been empowering vulnerable and at-risk young people by providing practical life skills and programs, including:
    - (i) the Rise Up Programs, delivered in partnership with the NSW Police Force Youth Command, which work to break the cycle of disadvantage through crime prevention and which include the Fit for Work and Fit for Life early intervention programs;
    - (ii) out of school hours [OOSH] activities;
    - (iii) safer drivers courses; and
    - (iv) vocational education.
- (3) That this House commends the NSW Police Force Youth Engagement Officers and youth case managers for their collaboration and support in fostering positive outcomes for young people, which have contributed to reducing re-offending rates by 60 to 70 per cent.
- (4) That this House acknowledges the vital assistance volunteers provide at all PCYCs, including Ruth Mitchell, the longest serving volunteer from PCYC Newcastle, who for over 32 years has been supporting the Duke of Edinburgh's Award at the club.
- (5) That this House recognises the efforts and dedication of PCYC Newcastle staff, including the club manager Paula Rowlett and her team for their unwavering dedication and commitment to the betterment of the Newcastle community.

**Motion agreed to.**

**KOREAN NATIONAL FOUNDATION DAY**

**The Hon. SCOTT FARLOW (10:03):** I move:

- (1) That this House notes that:

- (a) Gaecheonjeol, also known as National Foundation Day, is celebrated in the Republic of Korea on 3 October annually, and celebrates the formation of the first Korean State of Gojoseon in 2333 BC;
  - (b) in 2021-22, the Republic of Korea was Australia's third largest export market and fourth largest trading partner, forming 6.5 per cent of Australia's total trade at a valuation of AUD \$68.7 billion;
  - (c) New South Wales is home to 72,476 people with Korean ancestry, including 53,046 people who were born in the Republic of Korea, according to the 2021 Census; and
  - (d) Korean culture is a significant addition to the vibrant, diverse, multicultural fabric of our society and establishes greater understanding and people-to-people links between New South Wales and the Republic of Korea.
- (2) That this House notes that:
- (a) on Tuesday 17 October 2023, the Consulate General of the Republic of Korea held a reception on the occasion of the Korean National Day Celebration at the North Building of the Art Gallery of New South Wales; and
  - (b) the event was attended by many individuals representing a diverse array of the New South Wales community, including the following dignitaries:
    - (i) Mr Taewoo LEE, Consul-General of the Republic of Korea, and Mrs Mihyun Chang;
    - (ii) the Hon. Andrew Bell, Lieutenant-Governor and Chief Justice of New South Wales;
    - (iii) Ms Lynda Voltz, MP, member for Auburn, representing the Hon. Chris Minns, MP, Premier of New South Wales;
    - (iv) the Hon. Mark Speakman, SC, MP, Leader of the Liberal Party, member for Cronulla;
    - (v) the Hon. Greg Piper, MP, Speaker of the Legislative Assembly, member for Lake Macquarie;
    - (vi) the Hon. Ben Franklin, MLC, President of the Legislative Council;
    - (vii) the Hon. Natalie Ward, MLC, Deputy Leader of the Liberal Party;
    - (viii) the Hon. Farlow, MLC;
    - (ix) the Hon. Susan Carter, MLC;
    - (x) the Hon. Chris Rath, MLC;
    - (xi) Mr Mark Coure, MP, member for Oatley; and
    - (xii) Mr Matt Cross, MP, member for Davidson.

**Motion agreed to.**

### INTERNATIONAL DAY OF CARE AND SUPPORT

**Ms ABIGAIL BOYD (10:04):** I move:

- (1) That this House notes that:
- (a) Sunday 29 October 2022 was the United Nation's inaugural International Day of Care and Support, a day that aims to raise awareness of the importance of carers and the need to invest in a resilient, gender-responsive, disability-inclusive carer economy;
  - (b) according to Carers NSW, there are currently over 854,300 carers across New South Wales who provide vital care and support to family members, friends, or those in the wider community who live with a disability, mental illness, alcohol or drug dependency, long-term health condition or complications due to age;
  - (c) unpaid care and domestic work remains invisible, undervalued and unaccounted for in national statistics and often neglected in economic and social policymaking;
  - (d) women represent 70 per cent of unpaid primary carers for children and 56.1 per cent of unpaid carers for the elderly, people with a disability or a long-term health condition;
  - (e) women spend 64.4 per cent of their average weekly working time on unpaid care work, as compared to men who spend only 36.1 per cent; and
  - (f) the imbalanced distribution of unpaid duties further entrenches gender inequality, as time devoted to unpaid care restricts women's capacity to fully participate in paid employment, leading them to seek vulnerable forms of employment such as casual or contract work, which limits women's long-term earning abilities, opportunities for promotions and superannuation contributions, and results in significant inequalities for women in retirement incomes.
- (2) That this House:
- (a) applauds the dedication of unpaid carers for members in our community, which is too often overlooked; and
  - (b) calls on the Government to acknowledge the impact of unpaid care work on the social and economic wellbeing of New South Wales residents, and take action to address the gender inequalities caused by the inequitable division of unpaid labour.

**Motion agreed to.**

## WORLD TOILET DAY

**Ms ABIGAIL BOYD (10:04):** I move:

- (1) That this House notes that:
  - (a) Sunday 19 November 2023 was World Toilet Day;
  - (b) the toilet is a symbol of health and dignity, and while it may seem simple, safe, clean and adequate toilet facilities are a basic human right that over two billion people worldwide do not have access to;
  - (c) according to the Australian Institute of International Affairs, in Australia approximately 24 per cent of the population do not have access to an adequate level of sanitation, which is a reflection of the inequities present within this overall highly resourced country, particularly for remote First Nations communities, people with disability, LGBTQIA+ people and girls and women;
  - (d) for the four million people with disability in Australia, being denied equal access to toilets is a daily barrier, with many "accessible" toilets not being truly accessible for all people with disability;
  - (e) every year the Human Rights Commission receives hundreds of complaints under the Disability Discrimination Act 1992 in relation to inadequate access to goods, services, facilities and premises, including toilets, with many existing public and private toilets not being 100 per cent compliant with accessible standards;
  - (f) on 10 November 2021, the New South Wales Legislative Council unanimously passed a motion moved by Ms Abigail Boyd which called on the Coalition Government to support calls for better regulations and prescribed codes of practice within occupational industries, and to enforce mandatory women's amenities on all worksites across New South Wales which are accessible, available, suitable and sanitary;
  - (g) in 2023 in New South Wales, despite all workplaces being legally required to have safe and comfortable toilet facilities for their workers, countless women in occupational industries show up to worksites with either no toilet at all or an inadequate and unsanitary toilet;
  - (h) a national survey by the Electrical Trades Union [ETU] conducted in October 2022 found that:
    - (i) half of workers do not have amenities that are cleaned regularly;
    - (ii) one quarter of workers do not have regular access to toilet paper;
    - (iii) one in five workers do not always have running water in their amenities;
    - (iv) one in six workers do not have access to any onsite amenities at all;
    - (v) one in five women do not have access to sanitary bins;
    - (vi) women workers are 10 per cent less likely to have access to toilets compared to their male peers;
    - (vii) New South Wales, South Australia and Western Australia were the worst States in Australia for providing amenities for women; and
    - (viii) nearly 50 per cent of women have raised an issue in their workplace about inadequate amenities compared to less than 30 per cent of men raising the same issue.
  - (i) the ETU has called on the Federal Government to establish a review into setting minimum health and safety standards for workplace amenities, with a particular focus on the gender disparities in relation to toilet facilities; and
  - (j) these gender disparities in relation to toilet amenities and facilities are resulting in fewer women entering occupational industries and more women workers leaving these industries.
- (2) That this House calls on the Labor Government to take urgent and immediate action to eliminate barriers to toilet access through robust policy and legislation including strengthening minimum accessibility standards and enforcing requirements for mandatory accessible, available, suitable and sanitary women's amenities in all workplaces and worksites across New South Wales.

**Motion agreed to.**

## INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

**Ms ABIGAIL BOYD (10:05):** I move:

- (1) That this House notes that:
  - (a) Saturday 25 November 2023 is the International Day for the Elimination of Violence Against Women, with this year's theme being "invest to prevent violence against women against women and girls", emphasising the need for funding prevention strategies to proactively put an end to gender-based violence;
  - (b) in 2023 so far 51 women have been killed in Australia, 30 of which were allegedly killed at the hands of a male intimate partner or ex-intimate partner, according to the activist project Counting Dead Women Australia which collects figures based on media-reported crimes;
  - (c) the overwhelming majority of domestic and family violence related crimes involve coercive control by the perpetrator in the weeks, months and years leading up to it, with the Domestic Violence Death Review Team having found that 111 out of 112 of intimate partner homicides studied between 2008 and 2016 in New South Wales were preceded by coercive control;

- (d) criminalising coercive control is only one legislative step toward ending violence against women, and it is vital that this is underpinned by robust, trauma-informed and evidence-based training across all levels of society including police, health, legal and judicial systems;
- (e) violence against women will not be solved by simply installing street lights on dark streets, which is an infrastructure initiative that should be installed for the safety and access of all people on said streets, and brandishing initiatives such as this as a spend for "women" ignores the nuanced reality of violence against women which is overwhelmingly overrepresented by domestic and family violence and abuse; and
- (f) the domestic violence sector received a significant underspend of funding in the 2023-24 NSW Budget, which Domestic Violence NSW [DVNSW] has said is not even enough to meet minimum service demands, after having called for:
  - (i) \$145 million annual funding increase for the specialist domestic and family violence sector in New South Wales;
  - (ii) \$20 million annual funding for sexual, domestic and family violence prevention initiatives in New South Wales;
  - (iii) \$1.35 million annual funding for DVNSW to support a quality focused, trauma informed, specialist domestic and family violence sector in New South Wales; and
  - (iv) \$10 million investment to roll out specialist workers for children and young people in every frontline domestic and family violence service in New South Wales.
- (2) That this House calls on the Government to take urgent action to eliminate violence against women in our State through policy, legislation and funding that is grounded in genuine consultation with and leadership of victim-survivors, experts, advocates and representatives.

**Motion agreed to.**

**WOMEN WITH DISABILITIES VICTORIA EMPLOYMENT PROJECT**

**Ms ABIGAIL BOYD (10:05):** I move:

- (1) That this House acknowledges the launch of the employment project by Women with Disabilities Victoria and the Victorian Government in early November 2023, which:
  - (a) supports women with disabilities to secure work in the health, social and disability service workforce, in recognition of the valuable skills, qualifications, expertise and lived experience that women with disabilities can bring to these industries; and
  - (b) will receive funding from the Victorian Government for a two-year project, following the success of the State funded Sharing Our Expertise - Building Employer Confidence to Employ Women with Disabilities program.
- (2) That this House notes that:
  - (a) women, girls and non-binary people with disability face disproportionate barriers to employment, education and accessing vital services, and there is a significant lack of data collection in New South Wales in relation to these barriers identified in the final report of the disability royal commission;
  - (b) nationally, the rate of labour force participation between men and women with disabilities has been disparate for decades, with more men with disability employed in the labour force than women;
  - (c) the NSW Labor Government has committed to the target of having 5.6 per cent of public sector jobs filled by people with disability by 2025 where former governments have failed to meet this target with the actual per cent of people with disability in the public sector declining since 2013 and currently sitting at 2.5 per cent according to the NSW Public Service Commission;
  - (d) peak disability advocacy organisations have long been calling for government investment in breaking down barriers to employment for people with disability, in relation to the public sector as well as the private sector; and
  - (e) the disability royal commission made several comprehensive recommendations for inclusive employment, including that:
    - (i) State and Territory governments adopt specific and disaggregated targets to increase the public sector proportion of employees with disability at entry, graduate and executive levels and employees with cognitive disability, which are supported by clear employment pathways into the relevant public services, measures and programs to support recruitment and progression and the provision of adequate supports;
    - (ii) State and Territory government departments and agencies should be required to establish overarching targets of people with disability comprising at least seven per cent of the public sector workforce by 2025, and at least nine per cent by 2030; and
    - (iii) State and Territory governments adopt procurement policies that favour businesses and entities who demonstrate they provide employment opportunities for people with disability in open, inclusive and accessible settings, including people with intellectual and cognitive disability.
- (3) That this House calls on the Government to urgently prioritise targeted investment in improving employment outcomes for people with disability.

**Motion agreed to.**

**CABBAGE TREE ISLAND**

**Ms SUE HIGGINSON (10:06):** I move:

- (1) That this House notes that:
  - (a) Cabbage Tree Island on the Richmond River in Ballina Shire is home to descendants of the Numbahing Clan, who have lived permanently on the island for 120 years;
  - (b) on 28 February 2022, residents were given just three hours to evacuate as the river rose more than six metres;
  - (c) Cabbage Tree Island residents have lived in pod communities in the town of Wardell ever since; and
  - (d) last week the Government announced it would review a decision not to rebuild the community.
- (2) That this House acknowledges:
  - (a) the staunch advocacy of Aunty Susan Anderson, whose grandfather survived a massacre at Evans Head and was granted the land at Cabbage Tree Island in the 1880s; and
  - (b) the work of the member for Ballina, Adjunct Professor Tamara Smith, MP, who has worked with the local community and advocated to the Government to secure the review.
- (3) That this House thanks the Resilient Lismore project for their tireless work to support the community of Lismore.

**Motion agreed to.**

**RESILIENT LISMORE**

**Ms SUE HIGGINSON (10:06):** I move:

- (1) That this House notes that:
  - (a) Resilient Lismore is a registered charity and grassroots community run organisation founded during the 2017 Lismore floods;
  - (b) it connects locals in need with volunteer help, information and services and has established a community hub providing free food;
  - (c) it supports Lismore and surrounding communities develop their capacity to prevent, prepare for, respond to and recover from natural disasters and crises; and
  - (d) it aims to build community resilience to mitigate the impact of poverty and disadvantage that result from natural disasters.
- (2) That this House further notes that:
  - (a) Resilient Lismore has established the "Two Rooms" project which is powered by incredible volunteers;
  - (b) the "Two Rooms" project was established in the aftermath of the 2022 Lismore flood with the aim of rebuilding homes and re-establishing safe and secure housing;
  - (c) to date the project has restored more than 100 homes to safe, secure and more liveable conditions; and
  - (d) the "Two Rooms and a Bathroom" project in conjunction with the Reece project has restored essential plumbing to more than 70 households.

**Motion agreed to.**

**NORTHERN RIVERS COMMUNITY HEALING HUB**

**Ms SUE HIGGINSON (10:07):** I move:

- (1) That this House notes that:
  - (a) the Northern Rivers Community Healing Hub is a self-organising network of First Nations and non-First Nations community members;
  - (b) its aim is to create a community healing space that is based on the practices of First Nations people; and
  - (c) the group was established after the devastating 2022 floods and supports flood recovery for those in need in the Northern Rivers.
- (2) That this House further notes that:
  - (a) the organisation offers services including:
    - (i) trauma-informed counselling;
    - (ii) yarning circles;
    - (iii) weaving;
    - (iv) group activities;
    - (v) telehealth; and

- (vi) free tea, coffee and food.
- (b) the healing practice activity has directly benefited 639 people across the community through outreach in the pod villages of Coraki and Lismore, tents at the Nimbin Aquarius Festival and Murwillumbah Kinship Festival, and workshops for a Queer Flood Recovery.
- (3) That this House thanks the Northern Rivers Community Healing Hub for its effort to foster healing in the community.
- (4) That this House calls on the Government to guarantee long term support for the Northern Rivers Community Healing Hub.

**Motion agreed to.**

## INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN VIGIL

**The Hon. AILEEN MacDONALD (10:07):** I seek leave to amend private members' business item No. 688 for today of which I have given notice by inserting in paragraph (2) (e) "nationally" after "taken" in paragraph (2) (e).

**Leave granted.**

**The Hon. AILEEN MacDONALD:** Accordingly, I move:

- (1) That this House notes that:
  - (a) on 24 November 2023, Orange Council held a vigil on the eve of the International Day of Elimination of Violence Against Women, kicking off 16 days of activism against gender-based violence; and
  - (b) the guest speaker was the Women's Safety Commissioner, Dr Hannah Tonkin.
- (2) That this House further notes that:
  - (a) councillor David Mallard said he had brought this issue to the council as he was disturbed by crime statistics showing that Orange had the twelfth highest rate of domestic violence in New South Wales last year, with 402 incidents;
  - (b) the trend was showing an annual increase of 13.4 per cent increase in domestic violence related assaults in Orange;
  - (c) the Deputy Mayor shared a personal story from his childhood as to why he supported 16 days of activism, which was his story to tell and was very moving;
  - (d) on display at the vigil were 53 pairs of shoes each with a name beside them and a story of a women's life who had been taken as a result of domestic violence; and
  - (e) at the conclusion of the vigil, a bell was rung 53 times to represent each life taken nationally by domestic violence this year.
- (3) That this House calls on all levels of government to continue to invest in gender-based violence prevention.

**Motion agreed to.**

## PEOPLE WITH DISABILITY AUSTRALIA REPORT

**Ms ABIGAIL BOYD (10:08):** I move:

- (1) That this House notes that according to People with Disability Australia [PWDA], in a report entitled *Building Access End of Project Report* published in November 2023:
  - (a) women, non-binary people and children with disabilities face significant barriers to accessing domestic, family and sexual violence services, with:
    - (i) a concerning 100 per cent of women with disabilities having experienced fear and mistrust of services and authorities;
    - (ii) 71 per cent of women with disability feeling unwelcome when accessing domestic and family violence services;
    - (iii) 57 per cent of women with disabilities having avoided seeking support due to negative past experiences including dismissal, discrimination and experiencing further harm; and
    - (iv) 28 per cent of women with disability reporting fear of having children removed from their care if they accessed services.
  - (b) compared to women without disability, women with disability are twice as likely to experience sexual violence in their lifetime;
  - (c) while women with disability experience all the same forms of domestic and family violence that other women experience, they are at risk of additional forms of domestic and family violence, including forced sterilisation, seclusion and restrictive practices;
  - (d) women with disability are frequently not believed upon disclosing their experiences of domestic and family violence [DFV] and this can normalise their experiences of violence and oppression; and

- (e) initiatives like PWDA's Building Access Project that educate and inform service providers around inclusion and accessibility offer a demonstrated solution to ensure victim-survivors with disability are able to equitably access domestic, family and sexual violence services.
- (2) That this House affirms that the opportunity for women with disability to access domestic, family and sexual violence services equitably to women without disability, is a human right.
- (3) That this House calls on the Australian Government to commit to a national roadmap ensuring that domestic, family and sexual violence services are accessible, safe and inclusive for women, non-binary people and children with disability.
- (4) That this House calls on the Government to commit to delivering domestic, family and sexual violence services in New South Wales which are accessible, safe and inclusive for women, nonbinary people and children with disability, specifically by working with victim survivors with disability and representatives to create and fund initiatives which understand the nuanced reality of the experiences that victim survivors with disability face.

**Motion agreed to.**

### **DUKE OF EDINBURGH INTERNATIONAL AWARD**

**The Hon. NATASHA MACLAREN-JONES (10:09):** I move:

- (1) That this House notes that:
  - (a) for over 63 years, the Duke of Edinburgh International Award Australia has been empowering young Australians to tackle new challenges, acquire essential life skills, and realise their full potential regardless of their location or circumstance;
  - (b) the award is available to young people between the ages of 14 to 24 years old and has been implemented in 130 countries, with the support of award partners and volunteers, including schools, organisations, governments, and businesses; and
  - (c) the award operates on a 100 per cent self-funding model to ensure donations are directed towards supporting young people, particularly for individuals with disabilities and those experiencing forms of disadvantage, so that they are able to complete the award.
- (2) That this House recognises that:
  - (a) in November 2023, His Royal Highness the Prince Edward, Duke of Edinburgh, KG, GCVO, visited Sydney at the invitation of the Duke of Edinburgh National Board; and
  - (b) during the working visit, His Royal Highness met with volunteers, participants and award supporters and partners including the Police Citizens Youth Club [PCYC] Woolloomooloo, and hosted seven Award Centres in the community, including Orange City Council, Stepping Stone House, Corrective Services NSW, PCYC and Youth Off The Streets, IntroConnect, and Multicultural Communities Council of Illawarra Inc.
- (3) That this House notes that:
  - (a) the Parliamentary Friends of the Duke of Edinburgh's International Award was first established by the Hon. Natasha Maclaren-Jones, MLC, chair, and Mr Clayton Barr, MP, member for Cessnock, deputy chair, in 2014, and then re-established in 2019 and again in 2023, to raise awareness of the award in the community and support young Australians to participate in the award; and
  - (b) the Parliamentary Friends of the Duke of Edinburgh's International Award hosted The Duke of Edinburgh Supporters Dinner at New South Wales Parliament House on Tuesday 21 November 2023, with His Royal Highness the Prince Edward, Duke of Edinburgh, KG, GCVO.
- (4) That this House acknowledges the over 66,000 volunteers who support the delivery of the award and thanks these volunteers for giving their time to assist in the delivery of the Duke of Edinburgh's International Award Australia.
- (5) That this House notes in anticipation of International Volunteer Day on 5 December 2023, His Royal Highness and Volunteering NSW CEO, Gemma Rygate, presented long service medals to 32 volunteers, representing 104 individuals who qualified for a 10-year, 20-year, or 30-year long service medal in New South Wales this year.
- (6) That this House commends the Duke of Edinburgh's International Award Australia and its CEO, Peter Kaye, AM, ESM, for facilitating the visit and their commitment to supporting and empowering young people to participate in the Duke of Edinburgh.

**Motion agreed to.**

### **INTERNATIONAL DAY OF PERSONS WITH DISABILITIES**

**The Hon. NATASHA MACLAREN-JONES (10:09):** I move:

- (1) That this House acknowledges that:
  - (a) the 2023 International Day of Persons with Disabilities [IDPD] will be held on Sunday 3 December 2023 and promotes the rights, wellbeing and dignity of persons with disabilities across the world; and
  - (b) this year's theme is "United in action to rescue and achieve the Sustainable Development Goals [SDGs] for, with and by persons with disabilities" and aims to raise awareness about the benefits derived from integrating persons with disabilities into all aspects of political, social, economic and cultural life.
- (2) That this House affirms its commitment to:



- (a) fostering an environment that promotes inclusivity and eliminates barriers for persons with disabilities in all aspects of life;
- (b) recognising and valuing the unique contributions and perspectives that persons with disabilities bring to our community; and
- (c) supporting initiatives that aim to enhance accessibility, education, employment and overall wellbeing for persons with disabilities.

**Motion agreed to.**

### **INTERNATIONAL VOLUNTEER DAY**

**The Hon. NATASHA MACLAREN-JONES (10:09):** I move:

- (1) That this House acknowledges International Volunteer Day 5 December 2023 to honour and celebrate the diverse and invaluable contributions volunteers make in our communities.
- (2) That this House notes:
  - (a) the vital role of volunteers in providing essential services and support to those in need, particularly with rising cost of living pressures;
  - (b) in New South Wales, 4.3 million volunteers actively engage in various volunteer activities, contributing around 900 million hours annually, which is valued at approximately \$178 billion a year in work hours;
  - (c) the impact rising cost of living pressures have on volunteers' ability to contribute time and resources; and
  - (d) the role public and private sectors play in creating opportunities for individuals to contribute their skills and time towards building a more compassionate and inclusive society.
- (3) That this House expresses gratitude:
  - (a) to all volunteers who generously give their time, skills and energy, often in the face of economic challenges, to make positive and lasting impacts in various fields; and
  - (b) to volunteer organisations, community groups and non-government organisations for their pivotal role in facilitating and coordinating volunteer efforts, amplifying their collective impact.
- (4) That this House thanks each and every one of our volunteers for their dedication and investment in volunteering across New South Wales.

**Motion agreed to.**

### **MUSEUM OF CONTEMPORARY ART DIWALI CELEBRATION**

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

- (1) That this House notes that:
  - (a) on 7 November 2023, the New South Wales Diwali celebration was held at the Museum of Contemporary Art, hosted by the Minister for Multiculturalism, the Hon. Stephen Kamper, MP, and the Hon. Mark Buttigieg, MLC, was honoured to attend, along with:
    - (i) representatives from many community groups, temples and other organisations;
    - (ii) Mr Edmond Atalla, MP;
    - (iii) Mr Warren Kirby, MP;
    - (iv) Mr Nathan Hagarty, MP;
    - (v) the Hon. Daniel Mookhey, MLC;
    - (vi) Ms Donna Davis, MP;
    - (vii) the Hon. Mark Speakman, SC, MP;
    - (viii) Ms Julia Finn, MP; and
    - (ix) the Hon. Tara Moriarty, MLC.
  - (b) the event was vibrant in its celebration of Diwali, the Festival of Lights, with a recitation of Sanskrit by children of the BAPS Swaminarayan Mandir Temple, a lamp lighting ceremony and wonderful dancing in the Bharatanatyam style by the Samskriti School of Dance troupe;
  - (c) the Premier, the Hon. Chris Minns, MP, and the Minister for Multiculturalism, the Hon. Stephen Kamper, MP, both addressed the event; and
  - (d) the event was made possible with the support of SBS and CommBank.
- (2) That this House congratulates the Hon. Stephen Kamper, MP, Minister for Multiculturalism, and Multicultural NSW for organising this great event.

**Motion agreed to.**

**TRIBUTE TO RON REDMAN**

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

- (1) That this House notes with sadness the recent passing of Ron Redman, a lifelong and committed member of the Electrical Trades Union, and expresses deep condolences to Ron's family, loved ones and friends.
- (2) That this House notes that:
  - (a) Ron Redman joined the Electrical Trades Union as a 15-year-old electrical apprentice in 1947, and later represented his work colleagues as the shop steward where he worked at St George County Council; and
  - (b) as an electricity supply union representative to the New South Wales State Council, Ron was dedicated to improving the rights and conditions of workers, and this endured, with Ron attending Electrical Trades Union events up until the pandemic and his health stopped him.
- (3) That this House acknowledges the Electrical Trades Union expressed pride for the legacy Ron leaves behind for electrical workers in New South Wales.
- (4) Vale, Ron Redman.

**Motion agreed to.**

*Documents***LOCAL AND COMMUNITY PROJECT GRANTS****Tabling of Documents Reported to be Not Privileged**

**The Hon. DAMIEN TUDEHOPE (10:10):** I seek leave to amend private members' business item No. 705 as follows:

- (1) In paragraph (1) omit "be laid upon the table by the Clerk" and insert instead "be returned to the Clerk by 5.00 p.m. this day, subject to redactions of contact person numbers and contact person emails, except for the full domain names which are to remain unredacted".
- (2) In paragraph (2) omit "on tabling" and insert instead "on receipt".

**Leave granted.**

**The Hon. DAMIEN TUDEHOPE:** Accordingly, I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, dated 27 November 2023, on the disputed claim of privilege regarding local and community grants decisions, this House orders that the Cabinet Office and Premier's Department document number (a) (1) in the return received by the Clerk on 6 November 2023, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk by 5.00 p.m. this day, subject to redactions of contact person numbers and contact person emails, except for the full domain names which are to remain unredacted.
- (2) That, on receipt, the document is authorised to be published.

**Motion agreed to.**

*Motions***TRIBUTE TO DR HARI HARINATH, OAM**

**The Hon. NATALIE WARD (10:12):** I move:

- (1) That this House notes that:
  - (a) Dr Gorur Krishna Harinath, OAM, known as Dr Hari, arrived in Sydney in 1971 from Hyderabad in India as a medical doctor with a degree in tropical medicine and hygiene;
  - (b) Dr Hari served the health needs of his local community in Kogarah Bay through his longstanding family medical practice;
  - (c) during his time as Chair of Multicultural NSW, he helped transform the advisory board which attracted qualified and respected people across New South Wales and worked tirelessly to promote a harmonious inclusive multicultural Australia;
  - (d) Dr Hari became the chairman of Cricket NSW and a board member of Cricket Australia;
  - (e) Dr Hari was awarded an Order of Australia Medal in the 2009 Queen's Birthday Honours for his service to cricket through executive roles at both State and national level, and to the community he loved;
  - (f) Dr Hari was awarded a Pravasi Bharatiya Samman (Medal) by the President of India in 2017, which is the highest honour conferred to Indians living overseas; and
  - (g) Dr Hari passed away on 18 November 2023 surrounded by his family.
- (2) That this House recognises Dr Hari for his commitment to medicine, a multicultural New South Wales and devotion to promoting cricket in Australia.

**Motion agreed to.****AUSMUSIC T-SHIRT DAY****The Hon. JACQUI MUNRO (10:12):** I move:

- (1) That this House congratulates the winners of the 2023 ARIA awards, including:
  - (a) Genesis Owusu, winner of Album of the Year, Best Hip Hop/Rap Release and Best Independent Release presented by PPCA;
  - (b) Troye Sivan, winner of Best Solo Artist and Song of the Year;
  - (c) Teenage Dads, winner of the Michael Gudinski Breakthrough Artist Award; and
  - (d) Jet, on their induction into the ARIA Hall of Fame.
- (2) That this House celebrates Ausmusic T-Shirt Day, marked on Thursday 30 November 2023, to applaud Australians working in the music industry and raise money for Support Act, a mental health charity for music workers doing it tough.
- (3) That this House recognises the impact of the Australian music industry, including that:
  - (a) 97 per cent of Australians report listening to recorded music;
  - (b) wholesale revenue from recorded music was \$609.6 million in 2022;
  - (c) Australia's live music sector comprises around 41,000 workers;
  - (d) the live music sector was heavily disrupted by COVID-19 with an 80 per cent fall in the number of promoted events from 35,800 in 2019 to 7,300 in 2020; and
  - (e) the 2022 PWC Entertainment & Media Outlook estimates the music industry will grow by 11.2 per cent over the next five years and be worth \$2.3 billion.
- (4) That this House notes the attendance at the 2023 ARIAs Awards Ceremony of:
  - (a) the Hon. John Graham, MLC;
  - (b) Ms Julia Finn, MP;
  - (c) Ms Cate Faehrmann, MLC; and
  - (d) the Hon. Jacqui Munro, MLC.

**Motion agreed to.***Documents***TABLING OF PAPERS****The Hon. PENNY SHARPE:** I table the following papers:

- (1) Aboriginal Land Rights Act 1983 and Government Sector Finance Act 2018—Report of the New South Wales Aboriginal Land Council for year ended 30 June 2023.
- (2) Animal Research Act 1985—Report of the Animal Research Review Panel for year ended 30 June 2023.
- (3) Casino Control Act 1992 and Government Sector Finance Act 2018—Report of NSW Independent Casino Commission for year ended 30 June 2023.
- (4) Crime Commission Act 2012 and Government Sector Finance Act 2018—Report of New South Wales Crime Commission for year ended 30 June 2023.
- (5) Director of Public Prosecutions Act 1986—Report of the Office of the Director of Public Prosecutions for year ended 30 June 2023.
- (6) Environmental Planning and Assessment Act 1979 and Government Sector Finance Act 2018—Report of the Independent Planning Commission for year ended 30 June 2023.
- (7) Fisheries Management Act 1994—Report of NSW Recreational Fishing Trust for year ended 30 June 2023.
- (8) Food Act 2003 and Government Sector Finance Act 2018—Report of NSW Food Authority for year ending 30 June 2023.
- (9) Government Sector Finance Act 2018—Reports for year ended 30 June 2023:
  - Administration of Agricultural Statutory Authorities
  - Art Gallery of New South Wales Trust
  - Australian Museum Trust
  - Board of Surveying and Spatial Information
  - Centennial Park and Moore Park Trust
  - Department of Communities and Justice, volumes 1 and 2
  - Department of Enterprise, Investment and Trade
  - Department of Planning and Environment, volumes 1 and 2

- Department of Premier and Cabinet  
Department of Regional NSW  
Destination NSW  
Fire and Rescue NSW  
Greater Cities Commission  
Heritage Council of NSW  
Hunter and Central Coast Development Corporation  
Independent Pricing and Regulatory Tribunal  
Insurance and Care NSW (icare), volumes 1 and 2  
Judicial Commission of New South Wales  
Legal Aid New South Wales  
Legal Profession Admission Board  
Library Council of New South Wales  
Local Land Services  
Long Service Leave Corporation  
Lord Howe Island Board  
Museums of History NSW  
Natural Resources Commission  
New South Wales Government Telecommunications Authority (trading as NSW Telco Authority)  
New South Wales Rural Fire Service  
New South Wales State Emergency Service  
Northern Rivers Reconstruction Corporation  
NSW Architects Registration Board  
NSW Biodiversity Conservation Trust  
NSW Crown Solicitor's Office  
NSW Department of Education – Interim Annual Report  
NSW Education Standards Authority  
NSW Electoral Commission  
NSW Energy Corporation (EnergyCo)  
NSW Environment Protection Authority (EPA)  
NSW Environmental Trust  
NSW Police Force  
NSW Skills Board  
NSW TrainLink, volumes 1 and 2  
NSW Trustee and Guardian  
Office of Transport Safety Investigations  
Parliamentary Counsel's Office  
Parramatta Park Trust  
Place Management NSW and Luna Park Reserve Trust  
Public Service Commission  
Regional Growth NSW Development Corporation  
Rental Bond Board  
Rice Marketing Board for the State of New South Wales  
Royal Botanic Gardens and Domain Trust  
State Insurance Regulatory Authority  
State Records Authority NSW  
Sydney Metro, volumes 1 and 2  
Sydney Opera House Trust  
Sydney Trains, volumes 1 and 2  
Technical and Further Education Commission (TAFE) NSW  
Trustees of the Anzac Memorial Building  
Trustees of the Museum of Applied Arts and Sciences  
Western Parkland City Authority  
Western Sydney Parklands Trust.
- (10) Greyhound Racing Act 2017—Report of Greyhound Racing New South Wales for year ended 30 June 2023.
- (11) Greyhound Racing Act 2017 and Government Sector Finance Act 2018—Report of Greyhound Welfare and Integrity Commission for year ended 30 June 2023.

- (12) Harness Racing Act 2009—Report of Harness Racing New South Wales for year ended 30 June 2023.
- (13) Legal Profession Uniform Law Application Act 2014—Report of the Office of the NSW Legal Services Commissioner for year ended 30 June 2023.
- (14) Liquor Act 2007 and Government Sector Finance Act 2018—Report of the Independent Liquor and Gaming Authority for year ended 30 June 2023.
- (15) National Parks and Wildlife Act 1974 and Government Sector Finance Act 2018—Report of Jenolan Caves Reserve Trust for year ended 30 June 2023.
- (16) Personal Injury Commission Act 2020—Review of the Personal Injury Commission for year ended 30 June 2023.
- (17) Personal Injury Commission Act 2020 and Government Sector Finance Act 2018—Report of the Office of the Independent Review Officer for year ended 30 June 2023.
- (18) Professional Standards Act 1994—Report of Professional Standards Councils for year ended 30 June 2023.
- (19) Protection of the Environment Administration Act 1991—Report of NSW Environment Protection Authority (EPA) entitled *Regulatory Assurance Statement 2022-23* for year ended 30 June 2023.
- (20) RSL NSW Act 2018—Report of New South Wales Returned and Services League for year ended 30 June 2023.
- (21) Rural Assistance Act 1989 and Government Sector Finance Act 2018—Report of New South Wales Rural Assistance Authority for year ended 30 June 2023.
- (22) Thoroughbred Racing Act 1996—Report of Racing NSW for year ended 30 June 2023.
- (23) Transport Administration Act 1988 and Government Sector Finance Act 2018—Report of Department of Transport for NSW for year ended 30 June 2023, volumes 1 and 2.
- (24) Veterinary Practice Act 2003 and Government Sector Finance Act 2018—Report of the Veterinary Practitioners Board of NSW for year ended 30 June 2023.
- (25) Work Health and Safety Act 2011—Report of SafeWork NSW entitled *NSW Dust Disease Register Annual Report 2022-23*.
- (26) Zoological Parks Board Act 1973 and Government Sector Finance Act 2018—Report of the Zoological Parks Board of New South Wales (trading as Taronga Conservation Society Australia) for year ended 30 June 2023.

## AUDITOR-GENERAL

### Reports

**The CLERK:** According to the Government Sector Audit Act 1983, I announce receipt of the Auditor-General's Financial Audits Report entitled *Enterprise, Investment and Trade 2023*, dated 30 November 2023, received out of session and published this day.

### Committees

## STANDING COMMITTEE ON STATE DEVELOPMENT

### Government Response

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 51 of the Standing Committee on State Development entitled *Feasibility of undergrounding the transmission infrastructure for renewable energy projects*, tabled on 12 September 2023, received out of session and published this day.

### 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:** On behalf of the Hon. John Graham: I postpone Government business order of the day No. 3 until a later hour of the sitting.

**The Hon. PENNY SHARPE:** I postpone Government business order of the day No. 4 until a later hour of the sitting.

### Bills

## CLIMATE CHANGE (NET ZERO FUTURE) BILL 2023

### Returned

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly returning the bill with amendments.

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

That the Legislative Assembly's message be considered in Committee forthwith.

**Motion agreed to.**

### **In Committee**

#### **Consideration of the Legislative Assembly amendments.**

*Schedule of amendments referred to in message of 29 November 2023*

**No. 1 Targets for reducing net greenhouse gas emissions**

Page 5, clause 9 (5) (b), line 25. Omit "subsection (2)". Insert instead "subsection (3)".

**No. 2 Members of Commission**

Page 6, clause 13 (3) (h), line 31. Omit "New South Wales,". Insert instead "New South Wales."

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:25):** I move:

That the Committee agree to the Legislative Assembly's amendments.

I explain to the Committee what is going on, because I do not think we have had this happen so far in the new Parliament. Some small amendments to the bill needed to be passed in the Legislative Assembly last night. I advise that they tidy up typos. Members would recall that there was some complex manoeuvring in the Committee stage. I give a big shout-out to Annette from Parliamentary Counsel for working it out and making sure it is tidied up. The Government moved these amendments. They were not controversial; they were passed unanimously in the other place. The first amendment fixes a cross-reference that should say "subsection (3)" but instead says "subsection (2)" in the ratchet mechanism. The second amendment is a comma in clause 13 (3) (h) that needs to be changed to a full stop. We are dealing with the big issues this morning! I will not keep the House any longer, except to say that well-drafted legislation is very important. Grammar is important. The Parliamentary Counsel's Office has saved us from ourselves. I hope that the Committee agrees to these important grammatical amendments.

**The CHAIR (The Hon. Rod Roberts):** The question is that the Committee agree to the Legislative Assembly's amendments.

**Motion agreed to.**

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

That the Chair do now leave the chair and report that the Committee has agreed to the Legislative Assembly's amendments.

**Motion agreed to.**

### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### **Messages**

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

That a message be forwarded to the Legislative Assembly advising it that the Legislative Council agrees to the Assembly's amendments.

**Motion agreed to.**

## **24-HOUR ECONOMY COMMISSIONER BILL 2023**

### **Returned**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly returning the bill without amendment.

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

### **Returned**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly, returning the bill with an amendment.

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

That consideration in Committee of the Legislative Assembly's message be set down as an order of the day for a later hour of the sitting.

**Motion agreed to.**

## **CRIMES AMENDMENT (PROSECUTION OF CERTAIN OFFENCES) 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 sessional order, I declare the bill to be an urgent bill.

**The PRESIDENT:** The question is that the bill be considered 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.**

### *Committees*

## **JOINT SELECT COMMITTEE ON THE NSW RECONSTRUCTION AUTHORITY**

### **Establishment and Membership**

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

MR PRESIDENT

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

That notwithstanding anything to the contrary in the standing orders:

- (1) In accordance with section 93 of the NSW Reconstruction Authority Act 2022, a joint select committee, to be known as the Joint Select Committee on the NSW Reconstruction Authority, be established.
- (2) The committee is to review
  - (a) the NSW Reconstruction Authority Act 2022 to determine whether—
    - (i) the policy objectives of the Act remain valid; and
    - (ii) the terms of the Act remain appropriate for securing the objectives.
  - (b) the operations of the authority regarding any disaster in relation to which the authority exercises functions.
- (3) A review under (2) is to be undertaken as soon as practicable—
  - (a) for a review under (2) (a)—after the period of 12 months from the date of assent to the Act; and
  - (b) for a review under (2) (b)—after the disaster to which the review relates.
- (4) A report on the outcome of a review under subsection (2) is to be tabled in each House of Parliament within—
  - (a) for a review under subsection (2) (a)—2 years after the date of assent to this Act; and
  - (b) for a review under subsection (2) (b)—12 months after the disaster to which the review relates.
- (5) The committee is to consist of 10 members, as follows:
  - (a) six Legislative Assembly members; and
  - (b) four Legislative Council members
- (6) Mr Clayton Barr shall be the Chair of the committee.
- (7) Mr Philip Donato, Ms Liza Butler, Mr Warren Kirby, Ms Tamara Smith and Mr Richard Williamson be appointed to serve on such committee as members of the Legislative Assembly.
- (8) The committee have leave to make visits of inspection within the State of New South Wales, and other States and Territories of Australia.
- (9) The committee will have leave to sit during the sitting or any adjournment of the House.

- (10) That at any meeting of the committee four members shall constitute a quorum, but the committee must meet as a joint committee at all times.
- (11) A message be sent acquainting the Legislative Council of the resolution and requesting that it appoint four of its members to serve on the committee.

Legislative Assembly  
29 November 2023

GREG PIPER  
Speaker

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

That consideration of the message be set down as an order of the day for a later hour of the sitting.

**Motion agreed to.**

### *Bills*

## **CASINO CONTROL AMENDMENT BILL 2023**

### **Second Reading Speech**

**The Hon. DANIEL MOOKHEY (Treasurer) (10:34):** On behalf of the Hon. John Graham: I move:

That this bill be now read a second time.

I thank the Opposition and the crossbench members for their constructive engagement on this matter.

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

**Leave granted.**

The Government is pleased to introduce the Casino Control Amendment Bill 2023.

Through this bill, the Government is seeking to authorise the Treasurer to enter into a jobs guarantee agreement with The Star, clarify regulatory actions that are not subject to compensation from the Government and rectify an inadvertent omission in relation to major change approvals involving close associates of a casino.

Among other matters, this bill supports agreements that have recently been made with both New South Wales casinos, The Star and Crown Sydney, to increase duty paid by casinos.

As permitted by the Casino Control Act, casino duty rates are set out by agreement between the Treasurer and a casino, in a duty and responsible gaming levy agreement.

On 20 November 2023, I signed new agreements to increase the duty rates for both casinos.

As part of the negotiations with The Star in respect of those duty rate revisions, The Star committed to a jobs guarantee and to commence a cashless gaming trial in advance of its legislated requirement to implement cashless gaming.

The current bill provides the legislative foundation for the jobs guarantee. Following the passage of this bill, further binding agreements with The Star will be signed to provide the details of The Star's jobs guarantee and cashless gaming commitments.

The Star casino has agreed to enter into a Jobs Guarantee Agreement with the Government to protect over 3,000 jobs related to its Sydney operations over the next six years.

However, legislative powers are required to authorise the Treasurer to enter into this agreement and to apply penalties where the guarantee is not met.

The provisions of this bill will authorise the Treasurer to enter into a jobs guarantee agreement with The Star, through which The Star will guarantee a minimum number of persons are employed in relation to the Sydney casino. The bill will also authorise the Treasurer to impose financial penalties on The Star for failing to employ the minimum number of persons.

These amendments will allow the Government to protect the jobs of thousands of staff supporting The Star's Sydney casino until 1 July 2030.

Under the Casino Control Act 1992, the Government is not required to pay compensation to a casino operator for the regulatory actions described in section 156 of the Act. These are important provisions enacted last year in response to the Bergin inquiry.

They are important because they ensure the Parliament and the NSW Independent Casino Commission are able to properly regulate casinos without fear that doing so will result in casinos being entitled to compensation under commercial agreements. This is what the public expects.

This bill clarifies the provisions in the Act to ensure that no compensation is payable where an Act affects or overrides a commercial agreement between the Crown and a casino operator or imposes a tax, duty or levy, or the Government makes an announcement or statement or takes other action taken in preparation for a regulatory action.

The amendments in this bill make it clear that these actions are captured under section 156.

Under section 35 of the Casino Control Act 1992, casinos must obtain prior approval from the NSW Independent Casino Commission for any "major changes" in their operations. This includes people who become close associates of a casino. Close associates include senior executives, shareholders and related companies. Close associates must obtain approval from the commission to ensure they are "suitable" to be associated with a casino.



When the Casino Control Act 1992 was amended in 2022, it expanded the definition of "close associates". It also amended section 42A of the Act to allow the commission to designate certain close associates to be exempt from having to obtain regulatory approval, having regard to the degree of control or influence of the close associate over the casino business.

The amendments made in 2022 omitted to address a similar provision for close associates in the "major change" provisions in section 35 of the Act.

That omission means that an exempt close associate is still required to undergo an onerous probity assessment under the "major change" provisions. This is contrary to the legislative intention and undermines the purpose of the exemption created under section 42A of the Act.

This bill amends section 35 of the Act so that, when a "major change" involving a person becoming a casino's close associate is considered, the commission can have regard to whether the close associate holds or would be eligible for an exemption granted under section 42A of the Act.

The wording of the amendment will enable the commission to approve a major change involving a close associate in situations where the close associate is exempt or is assessed as being eligible for an exemption, where they have not yet been formally granted the exemption.

This bill provides important measures for the ongoing regulation of casino taxation and operations.

I commend the bill to the House.

### Second Reading Debate

**The Hon. DAMIEN TUDEHOPE (10:35):** I welcome the Treasurer's swift second reading speech on the Casino Control Amendment Bill 2023. The Opposition will be supporting the bill. The bill allows the Treasurer to enter into a jobs guarantee agreement with a casino operator and clarifies that the announcement of the two duty rates and certain other actions do not give rise to compensation from the Crown. Building on the strong regulatory foundation laid by the Coalition while in government, now is the time to ensure that jobs are maintained and protected and that our casinos operate to the benefit of the city of Sydney. This confidence is possible only thanks to the former Government's strong response to the Bell and Bergin inquiries, which uncovered a deeply concerning prevalence of money laundering in our casinos.

The Casino Legislation Amendment Bill 2022 addressed these issues by ensuring that the State's two casinos complied with stringent controls under the supervision of an independent regulator. The creation of the State's first Independent Casino Commission guaranteed that a strong, independent body would be responsible for the decision-making on licensing as well as disciplinary matters. The regulator has been strong in its response to the issues raised by the inquiries, with a record \$100 million fine for the failure to stem criminal activities and money laundering within the casinos. The Opposition stands proudly on its record of implementing a considerable reform agenda, which set up a platform to allow our casinos to operate with the confidence of the public.

It is critical that the Government respond appropriately to any issues found in our casinos. After all, our casinos employ thousands of people and make a significant contribution to our local community. It is also important that our casinos pay their fair share of tax and make an equitable and substantial contribution to the New South Wales community and to our State's public services. That is why the former Coalition Government last year increased the rate on gambling tables and poker machines, which was at the time forecast to raise an additional \$364 million in revenue over three years. The Government has now sought to rewrite the tax policy for casinos in New South Wales. It has entered into a jobs agreement to ensure that more than 3,000 workers keep their jobs over the next six years and has shifted tax to maintain the viability of our casinos.

I turn to the third part of the bill, which rectifies an inadvertent omission regarding a major change to approvals involving close associates. The third part of the bill amends section 35 of the Act and clarifies that, when major changes involving a person becoming a casino's close associate are considered, the commission can have regard to whether a close associate holds or is eligible for an exemption granted under section 42A of the Act. This change enables the commission to approve a major change involving close associates, in situations where close associates are exempt or assessed as being eligible for an exemption where they have not yet been formally granted the exemption. The Opposition does not oppose the bill.

**Ms CATE FAEHRMANN (10:38):** As The Greens' spokesperson for gambling harm reduction, I reluctantly support the Casino Control Amendment Bill 2023. However, at the Committee stage we will be moving a relatively minor but important amendment in relation to the jobs guarantee agreement. The genesis of the bill goes back quite a number of years. The Star Entertainment Group has had the luxury of operating on prime Sydney waterfront since 1997. Since then it has had a monopoly on the operation of a casino in New South Wales. That was until the approval of Crown Sydney in 2015. However, before Crown Sydney could even open it was blocked from doing so after its parent company admitted to potential money-laundering activity in its VIP accounts. The Bergin inquiry, commissioned under section 143 of the Casino Control Act, comprehensively investigated the conduct of Crown Resorts Ltd.

The inquiry reported in February 2021, finding extensive and extremely serious problems at the casino, including money laundering, links to organised crime and poor governance practices. Let us not also forget that the Star Entertainment Group was able to successfully lobby the former Government to ensure that Crown Sydney was barred from operating poker machines in its first 15 years of operation. Just 18 months later, the Star was subject to an inquiry of its own. The Bell review found that the Star Entertainment Group was unfit to hold its Sydney casino licence. The operator was hit also with a \$100 million fine, the maximum allowable penalty under the law. In finding the Star unsuitable, the Bell report referenced "a systemic cultural problem" that flowed from the top down. In response to the review, Phillip Crawford, the head of the NSW Independent Casino Commission [NICC], stated:

The NICC has resolved that it is no longer in the public interest that The Star should remain in control of that licence, and that The Star is not currently suitable to be the holder of that licence.

But instead of stripping it of its licence, the NICC imposed an independent monitor on the Star, thereafter allowing the casino to keep operating under supervision, notwithstanding myriad serious legal and regulatory breaches. Members of this place should not be confused by the Star not having its licence revoked. In its response the casino commission made it very clear that:

If it were not for ... the public interest to protect the thousands of jobs at risk, there might have been a different outcome.

For all intents and purposes, the casino received a mass bailout. In December last year the former Coalition Government announced proposed increases to casino tax arrangements that would have brought New South Wales tabletop and poker machine taxes in line with Victoria, somewhere in the vicinity of 60 per cent. But what did this Government do as soon as it got elected? It immediately rushed to bail out the casino by striking a deal to transition pokies tax increases over time, with a view to reaching the full rate by the end of the decade. That means that the Star's poker machines will be taxed at 20.91 per cent until 30 June 2024 before rates increase to 22.91 per cent from 1 July 2027 until 2030. That is extraordinarily low compared to rates imposed in Victoria, where poker machines are taxed almost three times as much in both casinos and pubs and clubs.

What does New South Wales supposedly get in return? We get the protection of jobs in the industry. We have a name for that. It is called "too big to fail." No other business gets the hand-holding and special treatment that we have seen the Star receive this year. I cannot name any other business in New South Wales that has the luxury of the Treasurer saying, "Just pay the tax that you think that you can afford," and certainly not one with a proven history of facilitating organised crime and money laundering through systemic governance, risk and cultural failures. Let me be clear, all the Government has done is send a message that if a business is big enough and it can threaten enough jobs, its poor management and regulatory misconduct will be overlooked.

The bill, which allows the Government to enter into an agreement to crystallise the term of its deal with the Star, enshrines into legislation the message that casinos in New South Wales are too big to fail. The way the bill has come to be reflects that. To date the public has little to no visibility of the proposed jobs guarantee agreement, yet that is what the legislation is about—making sure that that the agreement is presented to this place. The Government has outlined the length of the agreement and the sliding tax rate between now and 2030 but little else has been shared. Media releases from the Government have announced concessions in favour of the casino—apparently before the legislation is even passed—to enable those agreements to be entered into. We are being told that if the Star's financial performance before 1 July 2030 is stronger than assumed in its forecast, adjusted rates will result in the Government collecting more taxes. However, the details of that arrangement have not been published.

Under the bill, it is proposed that once the agreement is finalised, the agreement must be tabled in Parliament within 10 sitting days. Ten sitting days from today is a long time—in 2024, in fact. That is the level of transparency and accountability we can expect from this Government, particularly when it deals with big corporations, and that is extremely concerning. The one commendable aspect of the bill is the amendment of section 156 of the Act to ensure that additional taxes, penalties, levies or duties would not give rise to compensation by or on behalf of the relevant casino operator. I have met with the United Workers Union [UWU], which talked me through the situation with the more than 3,000 employees at the Star, and that is a relevant consideration. I thank the UWU for running a good campaign. It is loyal and protective of its workers, particularly workers in that casino—one only has to look at the bill before the House today. We support the bill because of that work by the union and those discussions that we had. We support the bill.

**The Hon. DANIEL MOOKHEY (Treasurer) (10:45):** In reply: I thank the Hon. Damien Tudehope and Ms Cate Faehrmann for their contributions. I reject everything that Ms Cate Faehrmann said—

**Ms Cate Faehrmann:** Except about the unions.

**The Hon. DANIEL MOOKHEY:** —with the exception of the praise for the United Workers Union [UWU]. But I welcome her support. I inherited the Star matter in the first week that I became Treasurer and the

first people that I met with were the UWU workers, who were concerned about the livelihoods of their members. Working people should not have to pay the price of the mismanagement of staff. I commend the bill to the House.

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

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole.

**Ms CATE FAEHRMANN (10:46):** I move The Greens amendment No. 1 on sheet c2023-180B:

No. 1      **Tabling of jobs guarantee agreement**

Page 4, Schedule 1[5], proposed section 157(6), line 27. Omit "10 sitting days". Insert instead "3 business days".

It is a simple amendment. It changes the time within which the Government needs to table any jobs guarantee agreement that it makes under the Act from 10 sitting days—we know there are not many sitting days next year and if an agreement is tabled after the bill passes, we will see it until potentially March, if not April. I am amending it to three business days. Once an agreement is signed, there is no reason why the Government cannot immediately move to present it to the Parliament so it can become public. I commend the amendment to the House, noting that I believe the Government will move an amendment to make it ten business days, which I support.

**The Hon. DANIEL MOOKHEY (Treasurer) (10:48):** I move:

That The Greens amendment No. 1 on sheet c2023-180B be amended by omitting "3 business days" and inserting instead "10 business days".

I support the amendment.

**The Hon. DAMIEN TUDEHOPE (10:48):** The Opposition supports the amendment to the amendment moved by the Hon. Daniel Mookhey.

**The CHAIR (The Hon. Rod Roberts):** Before I put the question, I draw to members' attention that it is the practice and tradition of this place to circulate amendments prior to the House resolving itself into Committee of the Whole. I may accept or reject late amendments. I accept the amendment in this case, as the Clerk and I can understand it, but I reinforce the preference that amendments should be circulated beforehand.

Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2023-180B, to which the Hon. Daniel Mookhey has moved an amendment. The question is that the amendment of the Hon. Daniel Mookhey to The Greens amendment No. 1 be agreed to.

**Amendment of the Hon. Daniel Mookhey to The Greens amendment No. 1 agreed to.**

**The CHAIR (The Hon. Rod Roberts):** The question now is that The Greens amendment No. 1 as amended be agreed to.

**Amendment as amended agreed to.**

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

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY:** I move:

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

**Motion agreed to.**

#### **Adoption of Report**

**The Hon. DANIEL MOOKHEY:** I move:

That the report be adopted.

**Motion agreed to.**

#### **Third Reading**

**The Hon. DANIEL MOOKHEY:** I move:

That this bill be now read a third time.

**Motion agreed to.**

**24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) BILL 2023****In Committee****Consideration of the Legislative Assembly amendment.**

*Schedule of amendment referred to in message of 29 November 2023*

**No. 1 Special entertainment precinct**

Page 34, Schedule 4.4[3], lines 5–7. Omit all words on the lines. Insert instead—

- (3) A special entertainment precinct may be established by—
- (a) the council for the area in which the precinct will be located, by identifying the precinct in a local environmental plan that applies to the land on which the precinct will be located, or
  - (b) the Minister in a State Environmental Planning Policy, but only at the request of the council for the area in which the precinct will be located.

**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) (10:52):** I move:

That the Committee agree to the Legislative Assembly's amendment.

By way of brief explanation, in the same spirit in which the Government accepted a range of amendments in this place, there was one sensible clarification in the other place. I thank the member downstairs who moved that amendment, and we bring it for the Council's assent.

**The CHAIR (The Hon. Rod Roberts):** The question is that the Committee agree to the Legislative Assembly's amendment.

**Motion agreed to.**

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

That the Chair do now leave the chair and report that the Committee has agreed to the Legislative Assembly's amendment.

**Motion agreed to.****Adoption of Report**

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

That the report be adopted.

**Motion agreed to.****Messages**

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

That a message be forwarded to the Legislative Assembly informing it that the Legislative Council agrees to the Assembly's amendment.

**Motion agreed to.****INDUSTRIAL RELATIONS AMENDMENT BILL 2023****Second Reading Speech**

**The Hon. DANIEL MOOKHEY (Treasurer) (10:55):** I move:

That this bill be now read a second time.

I am proud and humbled to stand before the House on behalf of my colleagues, the labour movement and the people of New South Wales to fulfil one of the Government's major election commitments. I am proud to introduce into this place the Industrial Relations Amendment Bill 2023 on behalf of this Government and the labour movement. It has been a very long and difficult 12½ years for so many of our essential workers—our hardworking nurses, firefighters, paramedics, road workers, hospital cleaners, bus drivers and police, who have performed a magnificent job for the people of New South Wales for a very long time. For 12 years since June 2011, our essential public servants did not have the ability to meaningfully negotiate for a fair and decent wage increase. That is because their wages were capped by the force of law.

Section 146C of the Industrial Relations Act was introduced, which paved the way for a decade of wage suppression in both the public and private sectors in New South Wales and nationwide. The Industrial Relations Commission of New South Wales basically had its hands tied, and its role as an independent umpire was null and

void. Bear in mind that the Industrial Relations Commission had, for over 100 years, been the independent umpire between workers and their employers. It was a fair system. The Government made a commitment to remove the wages cap; to listen to our essential workers; to respect, respond and rectify many of the issues that were left untreated for the past 12 years; and to work through the issues that had been sitting on the backburner for those 12 years. We have equally made a commitment to introduce a new cooperation-based industrial relations system that takes into account the State's finances.

A key priority of the Minns Government's election commitments was to make those reforms here in New South Wales. That is why the Government asked the former Deputy President of the Fair Work Commission, Anna Booth, and the Hon. Roger Boland, who has vast experience in the field of industrial relations—including nearly 14 years as a judge of the Industrial Court of New South Wales and over five years as President of the Industrial Relations Commission—to establish the commission's pioneering mutual-gains-based bargaining program. Mr Boland and Ms Booth provided their findings to the Government and made recommendations in four broad categories, being the introduction of a mutual gains bargaining approach—alternatively known as an interest-based bargaining approach—particularly in the New South Wales public sector; the structure, powers and functions of the Industrial Relations Commission of New South Wales; the modernisation of the Industrial Relations Act; and taking into account how any of the proposed changes may impact on the local government sector.

During the review, Mr Boland and Ms Booth met with and consulted 40 individuals and organisations that have either an interest or a stake in the operation of the New South Wales industrial relations system. That included members of trade unions and employer groups, as well as members of the legal profession. First and foremost, the taskforce's report found that there is no desire for the Federal system of industrial relations regulation to apply to the New South Wales public sector or local government. Users generally believe the New South Wales system, based on the Industrial Relations Act 1996, has largely stood the test of time. If I can refer members to that time, it was the late and great the Hon. Jeff Shaw who introduced the Industrial Relations Act 1996.

Many members are aware that there has been a very long and considered consultation process to change and rebuild that Act and make it modern and proactive. We are building on those efforts, but we are also rebuilding what those opposite destroyed over the past 12 years in government. Their wages cap, via section 146C of the Act, severely limited the commission's capacity to conciliate and arbitrate disputes and had a stultifying effect on its ability to resolve those disputes out of what seems to have been a concern that any recommendation or resolution that was arbitrated might breach section 146C of the Act and the policy underpinning that section.

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

*Members*

#### **REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**The Hon. PENNY SHARPE:** The Hon. Courtney Houssos is not at question time today. If members have any questions for her, I am happy to take them on her behalf.

*Questions Without Notice*

#### **THE HON. STEPHEN LAWRENCE AND THE HON. MARK BUTTIGIEG COMMENTS**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Leader of the Government. The Premier has responded to the adjournment speech given on Tuesday night by the Hon. Stephen Lawrence by refusing to endorse his remarks on Israel and warning him against indulging in incendiary rhetoric. In the take-note debate yesterday, the Parliamentary Secretary for Multiculturalism called on the Opposition to stop raising matters of concern, such as the Sydney Theatre Company protest, in this Chamber. Tania de Jong, soprano and daughter of Holocaust survivors, has described that protest as extremely damaging, upsetting, reckless and dangerous.

**The Hon. Mark Buttigieg:** Point of order: My point of order is based on the misrepresentation and mischaracterisation of what I said yesterday. I said that the Opposition should participate in harmony. It is a misquote.

**The PRESIDENT:** There is no point of order.

**The Hon. DAMIEN TUDEHOPE:** What steps is the Government taking to ensure that Jewish people, including those whose families experienced the Holocaust, feel safe in New South Wales in the face of repeated calls for the erasure of the State of Israel by pro-Hamas supporters?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:01):** I thank the member for his question. Quite simply, we are doing everything we can. No person in New South Wales should feel unsafe in their own city or within their own

community. The rise of antisemitism is something that we absolutely reject, and it is something that this Government is focused 24/7 on actually dealing with. There is an incredible amount of work going on across government to manage the challenges that we have with the conflict in the Middle East and the impact that that has on our local communities. It is a difficult time for everybody, and it is something that we are sensitively trying to work through with groups like the Faith Council and others.

I would point out, in terms of dealing with this matter more broadly—without wanting to anticipate what is on the *Notice Paper* for later today—that some of the changes that we are making in relation to the crimes amendment legislation are also part of the way in which we deal with this. This is a very serious matter and the Government has a very clear message to all people in New South Wales: every person should be treated with respect and dignity. Every person, no matter what their faith or background, deserves and is entitled to be treated and to live free of violence and fear in their own communities.

These issues are challenging; there is no doubt about that. There are communities, both within the Palestinian community and beyond, and in particular within the Jewish community, who are having a very difficult time of it. It does no-one any good to use outlandish and unhelpful rhetoric. What we do need is a calm focus on community harmony and on keeping dialogue open, treating each other with respect and celebrating the thing that makes New South Wales one of the best jurisdictions in the world, which is that we are a multicultural, multi-faith community that is able to coexist even when things are tough.

**The Hon. DAMIEN TUDEHOPE (11:03):** I ask a supplementary question. I accept the concern expressed by the Leader of the Government. However, given that concern about the rise of antisemitism, what is the Government doing about it in relation to its own backbench?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:03):** I refer to my previous answer.

*Later,*

**The Hon. Anthony D'Adam:** Point of order: Earlier in question time the Hon. Damien Tudehope asked a question containing a very serious imputation directed to two members of this House. He suggested that the Hon. Stephen Lawrence and the Hon. Mark Buttigieg were antisemites. The member cowardly embedded that very serious imputation in a question. I ask the Hon. Damien Tudehope to withdraw that imputation or clarify for the House whether he does indeed contend that those honourable members are antisemites.

**The Hon. Mark Latham:** To the point of order: The member asked the question 15 minutes ago. I will allow for the slow-moving processes of the member—

**The PRESIDENT:** Order! The Hon. Mark Latham has the right to be heard in silence.

**The Hon. Mark Latham:** —but if offence was taken, the point of order should have been taken by the members who were referred to, on the spot, at the time. But there has been a delayed reaction of 15 minutes, during which time someone has received a text message from someone else seeking a point of order to be raised. That makes a mockery of the process of this Parliament. If the imputation was embedded in a question and a member thought it was out of order, a point of order should have been taken at the time of the question. It is too little, too late. It is completely absurd to say that this is a valid point of order.

**The Hon. Stephen Lawrence:** To the point of order: Firstly, the Hon. Mark Latham has invented arguments that are not in the standing orders. There is no prescription in the standing orders that points of order be taken within any particular time. In respect of such a serious imputation, I suggest that the President should consider that matter in the process of ruling on the point of order.

**The Hon. Anthony D'Adam:** His comment was gutless and despicable.

**The Hon. Stephen Lawrence:** I do not think there is any requirement for the individual member who takes offence to take a point of order. That is certainly not in the standing orders. The Hon. Mark Latham is wrong on both accounts. While I do not need to say it, I did take offence at the question. As a new member, I did look at the standing orders to try to work out a way to proceed. I am grateful that my colleague has taken the point of order. The wording of the question from the Hon. Damien Tudehope is ironic given the wording of the speech I gave, and that baseless smear has been repeated. I suggest that the member should listen to or read my speech.

**The Hon. Damien Tudehope:** To the point of order: The Hon. Anthony D'Adam has alleged that I made an imputation, which I do not accept. By taking a point of order, the member has in fact made that imputation himself. To the extent that the member suggests there was an imputation, no such imputation was intended by me. The only person who made that point in this place was him. I suggest to him that it would be more appropriate in future to not take such a point of order.

**The PRESIDENT:** For the benefit of all members, I will be very clear about what I am going to do. While I am happy to take further contributions to the point of order, I will reserve my ruling for now and advise the House accordingly. Members are welcome to make final contributions to the point of order, noting that it is cutting into question time.

**The Hon. Chris Rath:** To the point of order: Three months ago the Hon. Mark Latham called me the godson of Milton Friedman. I took a huge amount of offence to that. I ask that he withdraw that because three months ago I was deeply offended by the imputation.

**Ms Sue Higginson:** To the point of order: In relation to the temporal nature of when a point of order regarding offence is taken, it is really important that this House recognises that taking offence can sometimes take a little bit longer than the immediate moment. Sometimes offence settles and then a response takes place. There must genuinely be an allowance of some time for a member to take a point of order. While the proximity and temporal nature of points of order are important, to not uphold the point of order due to immediacy would do a great injustice to points of order relating to offence.

**The Hon. Wes Fang:** Point of order—

**The PRESIDENT:** Is it on this point of order?

**The Hon. Wes Fang:** No.

**The PRESIDENT:** The member will resume his seat. If there are no further contributions to the point of order, as I have foreshadowed, I will consider the point of order, reserve my ruling for now and advise the Chamber later today. I call the Hon. West Fang on a further point of order.

**The Hon. Wes Fang:** The Hon. Anthony D'Adam called the Hon. Damien Tudehope gutless and cowardly. I ask the member to withdraw those comments. The member also interjected on other contributions to the point of order and on the President, so I ask that he be called to order.

**The PRESIDENT:** To the second part of the member's point of order, I note there were interjections from members on all sides of the House. I will consider the first part of the point of order in my reserved ruling.

### GOVERNMENT PERFORMANCE

**The Hon. PETER PRIMROSE (11:03):** My question is addressed to the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast. Will the Minister please update the House on the important work she is doing in the Housing, Water and Mental Health space?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:04):** I will. It is the last question time for the year—touch wood—and the Coalition has been a very bad Opposition this year. I thought about giving Coalition members a lump of coal, but then I thought, "That's what they want! That's what they wish for." This is *The Twelve Days of Christmas in Housing, Water and Mental Health*:

On the first day of Christmas, Labor gave to me  
scrapping the rental seeker diary.  
On the second day of Christmas, policies with glee:  
Sydney desal plant expanded and preventing mass fish deaths in Menindee.  
On the third day of Christmas, Labor's mental health decree:  
Lifeline boost and Kids Helpline, more crisis support available for free.  
On the fourth day of Christmas, policies with glee:  
TA restrictions lifted—it's seven days now, thanks to Labor's decree.  
On the fifth day of Christmas, rivers in unity,  
Connectivity Panel, Menindee action: that's Labor's water strategy.  
On the sixth day of Christmas, a housing reprieve:  
more redevelopment accelerator funds, Sydney's date with density.  
On the seventh day of Christmas, Labor gave to me  
two constitutionally protected water utilities.  
On the eighth day of Christmas, more water policies:  
finalised three more regional water strategies.  
On the ninth day of Christmas, another housing decree  
ending the sale of public housing property.  
On the tenth day of Christmas, more support for those in need,  
extended homelessness funding, more assertive outreach—it makes me so happy.  
On the eleventh day of Christmas—this one is a bit twee,  
but I published housing waiting lists monthly.  
On the twelfth day of Christmas, what do I want under my Christmas tree?  
Another three years of Labor governments kicking goals—yippee!

I thank the team effort across my office for *The Twelve Days of Christmas in Housing, Water and Mental Health*. The point is that so much has been done. Housing has obviously been this Government's top priority. My work, particularly in the social and affordable housing space, has been to arrest 12 years of decline and over \$3 billion of public housing sold. We have put a stop to that, and we have started the work with our Commonwealth partners through the social housing accelerators to actually bring more housing online.

I finish up with one of the things we have done that I am most proud of. There were 12 properties in Daceyville that had been vacant and neglected since 2020. They were on a to-sell list with the Land and Housing Corporation. We have pulled them off that list. The Government used funds to redevelop those properties, and now there are 12 families moving into public housing properties in just the suburb of Daceyville alone. That is thanks to the policies of this new Government. Labor governments clearly make a difference.

### **SOUTH COAST TIMBER INDUSTRY**

**The Hon. SARAH MITCHELL (11:07):** My question is directed to the Minister for the Environment. Timber businesses on the South Coast are facing the prospect of laying off staff before Christmas due to rolling stop-work orders imposed by the Environment Protection Authority in Tallaganda State Forest and Flat Rock State Forest. The Government has had almost 100 days so far to work across agencies to resolve that issue. Will the Minister guarantee that she will have that issue resolved soon, so that those workers are not unemployed at Christmas?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:08):** I thank the member for her question. It is something that she would also be aware of.

**The Hon. Sarah Mitchell:** You should be aware of it.

**The Hon. PENNY SHARPE:** I am very aware of it. As I have said in this House on many occasions, the forestry industry is important in New South Wales. It operates under a number of rules to manage its challenges, which include things like threatened species. There are very clear rules in relation to that. The Environment Protection Authority has issued three back-to-back stop-work orders in Tallaganda State Forest. The most recent was issued on 10 November and expires on 20 December. I am very pleased to say that Forestry Corporation is continuing to work with the Environment Protection Authority to find a pathway to resolve those issues. The issues are not straightforward, but they are very important. The work continues. We are aware of the issues. I make the point—which I have made on many occasions—that forestry and the environment can coexist, and absolutely do. But that relies on following and paying attention to the rules. That is what the Government is working through.

**The Hon. SARAH MITCHELL (11:09):** I ask a supplementary question. Would the Minister elucidate that part of her answer where she said that the Environment Protection Authority and the Forestry Corporation are working together to resolve those issues? Is there a potential or proposed time line as to when those matters will be resolved?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:09):** As I said to the member, the stop-work order is in place until 20 December. Obviously, as the issues are being worked through, if that can be removed faster, it will be.

### **PARAMEDIC WAGES**

**Dr AMANDA COHN (11:09):** My question is directed to the Leader of the Government in the Legislative Council. New South Wales paramedics are the worst paid in the country. Last week the Australian Paramedics Association (NSW) announced that it would escalate its industrial action by only responding to lights and sirens emergency calls for 12 hours tomorrow, 1 December, unless the Government was willing to enter into genuine negotiations with the union and make a serious pay offer that reflects the skills of paramedics and their value to the people of New South Wales. Instead, the Government has taken the Australian Paramedics Association (NSW) to the Industrial Relations Commission. Why has the Minns Labor Government, which won an election on a promise to look after our essential public sector workers, sought to hamper that industrial action in court rather than, at a bare minimum, paying paramedics what they would earn in other States?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:10):** I thank the member for her question and make the following points. Paramedics have been under a system of wage suppression for the past 12 years, making the issues we are currently working through collaboratively with them very challenging. We know how important the work of paramedics is to New South Wales, which is why the budget committed over \$2.5 billion to invest in the State's frontline healthcare workforce, including paramedics, nurses, midwives, allied health workers and clinicians. We are working through the issues. Again, I point to an important bill on the *Notice Paper* for today about establishing



a proper industrial relations system in this State so we can corroboratively work and negotiate with our workforces. We have to do many things as we try to deal with that.

We are trying to deal with a budget that was \$187 billion in debt, a \$7 billion black hole and the funding cliffs that we found littered across government, whether it was the nurses who are not funded or things in the environment portfolio that were not funded. Everywhere that we turned, projects that had been announced had then quietly been cancelled while the previous Government tried to parade itself around. The Government is doing a number of things. It is supporting essential workers to do their jobs so they can deliver for the people of New South Wales, whether that is by now having the best-paid teachers in the country, by working through nurse-to-patient ratios or by recruitment and retention of essential workers, paramedics being key.

Those are the things we are working through. Of course, we also committed another 500 paramedics across rural and regional New South Wales. There is always going to be a bit of disagreement. There always has been on those matters, but members on our side of the House are not afraid of that. We value and respect all of our essential public sector workers for the jobs that they do. We are establishing a better system that removes the wages cap and helps us negotiate properly with essential workers so we can look after them and have them stay in New South Wales and provide the services that all of us deserve. But we can also repair the budget that we were left. If we do not repair the budget, we will not have the money to pay them into the future, because the interest rate payments—

*[Opposition members interjected.]*

If members opposite want to talk about the fact that they did not fund 1,200 nurses, we can talk about that. I know they hate it, but we can talk about all of that. I thank the member for her question. We are working carefully with paramedics and will continue to do so.

#### STATE BUDGET AND COST OF LIVING

**The Hon. GREG DONNELLY (11:13):** My question without notice is addressed to the Treasurer. Will the Treasurer remind the House how the Minns Labor Government's first budget stabilised the State's fiscal position and lowered its debt while sustainably delivering essential services and cost-of-living support for all people in New South Wales?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:14):** I thank the member for his excellent question. As the people of New South Wales gather around the Christmas tree in a few weeks, they can take great solace in the State's stabilising fiscal position because of the work that the Minns Labor Government has done all year to repair the State's finances so that we are in a better position to help families with the fundamental cost-of-living challenges they are facing. I am sure the House would recall that when we came to power in April, the State was destined to owe its creditors \$187 billion by 2026, paying over \$7 billion in interest payments.

Instead, this year we have managed to reduce that number by \$14.8 billion. It was the first budget in eons to reduce debt without privatisation. That means we are in a much better position to assist families with the cost-of-living challenges that they are dealing with now, and we are in a better position to begin the hard work of turning around 12 years of neglect of our schools, hospitals and other essential services that people rely on. It was about respecting those who are delivering those services. It also means we are in a better position to provide meaningful cost-of-living relief, and there are two measures this year that we are particularly pleased about. The first is our ability to roll out energy relief, right now, to those households who need it the most.

**The PRESIDENT:** Order! Opposition members will cease interjecting.

**The Hon. DANIEL MOOKHEY:** Equally, the roads Minister and I are excited that we are on the verge of introducing the \$60 per week toll cap. I could not help but hear the Minister for Housing say that she was above attacking the Opposition one last time, but, I have to say, I am certainly not. If members do not want to take my word for how good our mandated cost-of-living plan is, I simply say that it has been endorsed by a Nick Greiner and Liberal Party review. By the way, this answer is authorised by Bob Nanva of 377 Sussex Street, Sydney. As it turns out, according to the Liberals, Labor's cost-of-living narrative was particularly pertinent amongst young voters, with no other policy coming close. On top of that, it is not hard to see how a voter who needs cost-of-living relief now might be unmoved by a promise to improve cost of living as a mere downstream effect of a long-term economic plan. It was correct then; it is correct now. We will take the support of former Premier the Hon. Nick Greiner and, next year, we will keep delivering the cost-of-living support that the people of New South Wales expect.

**Dr Amanda Cohn:** Mr President—

**The Hon. Mark Latham:** She just asked a question.

**The PRESIDENT:** To explain for members, the crossbench gives me a speaking order. The next question was to be asked by Ms Abigail Boyd, but she has ceded her question to Dr Amanda Cohn.

### CONVERSION PRACTICES LEGISLATION

**Dr AMANDA COHN (11:17):** My question is directed to the Leader of the Government in the Legislative Council. The Minns Labor Government took to the election a promise to, by the end of this year, ban gay conversion practices, which Chris Minns described as dangerous and damaging. Legislation has not been introduced. The Premier has said that more time and consultation was needed to get the legislation right. Why was that vital consultation not done either before the election or during the first eight months in government?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:18):** I thank the member for her question and for her interest in the issue. That was an important announcement and commitment from the Labor Government, and it is something we have been working through assiduously with members of the LGBTQI+ community, faith councils and various faith leaders. Those who have been paying attention to the issue for a while—and I am one of them—are aware that there are differing views around how to deal with it. The Government is absolutely committed to introducing and passing that important bill and it has a message for LGBTQI+ people: You are perfect the way you are, and we will make sure that you are able to live safely in your community as you work through and go on what is sometimes a very challenging journey.

Having said that, different discussions have been had on that matter. The Government is not embarrassed or defensive about the fact that we have decided to take a bit more time on the bill because it will be incredibly important to those who have been subjected to and harmed by conversion therapy. People have lost their lives as a result of that. We must ensure that we get the bill right. Sometimes that process takes more time. Consultation has been undertaken. A consultation paper has gone out and discussions are continuing within government. The matter is too important to get wrong. We must work through it. While I know that Dr Amanda Cohn was not attempting to create a gotcha moment, for Opposition members to try to do that demeans them all. We need to work through the issues properly. The Government will do that. We look forward to bringing the bill to the House next year.

**Dr AMANDA COHN (11:20):** I ask a supplementary question. I thank the Minister for her answer and appreciate her recommitment to doing that. In her answer the Minister stated that it would "take a bit more time". What is the time frame for that work? When can we expect to see legislation before the House?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:20):** The Government will take the time it needs, but it will not be a long period of time. I make the point that this is not my portfolio area. I cannot introduce the bill in the time frame that I would like because it is not my portfolio. The Premier has made a very clear commitment to the matter. The Attorney General is working extremely hard to deliver this legislation. The Government is not trying to bump the matter to the never-never. We want to get it done as soon as possible, but it will take a little bit more time.

### ROZELLE INTERCHANGE

**The Hon. NATALIE WARD (11:26):** My question is directed to the Minister for Roads. Yesterday the Minister informed the House that he first saw the sign that led motorists to believe that the Iron Cove Link tunnel was a tolled road in the media. Will the Minister commit to returning to the standard practice of previous roads Ministers by reviewing and approving signage related to major new interchanges before the opening of those interchanges to the public in order to avoid unnecessary confusion and congestion?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:27):** I thank the member for her question. I answered this question in the House yesterday. I am happy to provide some more information to the House on the Rozelle interchange. The Government is focused on action. We acted immediately after the matter was brought to my attention. As I told the House yesterday, I first became aware that the site was a problem on Monday morning, before the Monday peak, at approximately 7.30 a.m. I have looked back at my messages regarding when it was brought to my attention that that might be a problem. By that time Transport had already swung into action. Variable messaging signs went up along that corridor, making it clear that that particular road was toll free. As I informed the House yesterday, motorists could be forgiven for thinking that, as they approached WestConnex, given the arrangements and contracts that were put in place under the former Government, this might have been another toll sting, or another chance to add—

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

**The PRESIDENT:** Order! I cannot hear the Leader of the Opposition because Opposition members are interjecting.

**The Hon. Damien Tudehope:** The member's question was quite clear, and the Minister is not being directly relevant to it.

**The PRESIDENT:** The Minister has strayed from the question. He will return to the substance of the question.

**The Hon. JOHN GRAHAM:** I am thankful for the President's guidance. I am delighted to update the House on the improvements to travel times this morning, particularly on the City West Link. I acknowledge that there are still frustrations for motorists. I have been up-front about that in the House and in public yesterday. The good news is that travel times for the morning peak on the City West Link have improved each day. We are monitoring things closely, but the fact that trucks from the Sydney Metro—

**The PRESIDENT:** Order! The Minister will resume his seat. Members would be wise to read the adjournment speech of the Hon. Bob Nanva last night. It was an excellent speech, and it reflects on this place very poorly. A culture is developing of questions being asked and then Ministers are heckled for the entirety of their response. That is not intelligent and it is not appropriate for this Chamber. I will not countenance it next year. Members will not only be called to order but they will also be removed from the Chamber, and not just until the end of question time. I encourage all members to stop huffing and puffing and to consider their actions in the Chamber during question time. The Minister has the call.

**The Hon. JOHN GRAHAM:** The Government is very grateful for the diversion of trucks from the Sydney Metro and Western Harbour Tunnel projects. It was not a general diversion of trucks. [*Time expired.*]

**The Hon. NATALIE WARD (11:31):** I ask a supplementary question. I appreciate the Minister's response. It was very interesting but not in any way related to the question. However, the Minister indicated that he is focused on action. I am pleased he is focused on action and on the signage along the corridor. In relation to that focus, could the Minister elucidate his answer by explaining why no-one noticed a large sign reading "TOLL" with an arrow pointing to the word. The Government would not mislead motorists into thinking the new tunnel was tolled. This is toll mania from the Government—a tolled tunnel.

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

**The PRESIDENT:** Unsurprisingly, a point of order has been taken by the Hon. Anthony D'Adam.

**The Hon. NATALIE WARD:** If the honourable member was taking a point of order on props, I am very happy to provide a copy. We have copies for everybody in the Chamber. We brought them for the Minister's assistance. They are not props; they are just for assistance. Will the Minister tell us why no-one noticed the sign?

**The PRESIDENT:** Order! The Hon. Natalie Ward will resume her seat. All members know that props are not appropriate in this place, and they will cease to wave them. The Minister has been asked a question. He can answer it as he sees fit.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:32):** I want it noted that I have not objected to the Opposition's use of props on this occasion. I thank the member for the supplementary question, because I want to make this clear: We are very grateful for the two projects that have diverted their trucks, but that is not a general ban on freight. We are grateful to the truck drivers of the city.

**The Hon. Natalie Ward:** Point of order: I did not ask about the trucks. The Minister might want to talk about the trucks, but I asked, very specifically, about the sign that says "toll". I have provided assistance. With all the diligence and dealing with the trucks, no-one noticed the sign. I ask that you draw the Minister back to the specifics of the supplementary question.

**The PRESIDENT:** The Minister was being directly relevant.

**The Hon. JOHN GRAHAM:** As I said to the House yesterday, I have freely given credit to the former Government and former Minister for building WestConnex and for their enthusiasm for the project. It is remarkable how Opposition members want the acclaim and benefit but will not accept responsibility for any changes that unfold as it opens. They are running a mile from that. On the specific question, I am grateful for the guidance of the shadow Minister for Transport and Roads. I assure her that not only did my team and I act but Transport was already acting on Monday morning, as I became aware of the issue and as it was drawn to the public's attention, which is appropriate. We have made further changes since, including the changes to the trucks. Nothing is off the table as traffic settles in. This morning there were still frustrations, but things are certainly settling well.

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

I welcome to the Parliament staff from the Department of Education, who are participating in training conducted by the Parliamentary Education and Engagement team. I apologise for some of what you are seeing today, but I welcome you nonetheless.

### PEABODY ENERGY

**Ms SUE HIGGINSON (11:35):** My question is directed to the Minister for Housing. United States mining giant Peabody Energy is currently demolishing houses that it owns in the Wollar village. Residents are being forced out because of the negative health impacts of Peabody's Wilpinjong coalmine. The same area will require more housing associated with the planned renewable energy boom, the Wollar Solar Farm and the Central-West Orana Renewable Energy Zone. The Mudgee region, like everywhere in New South Wales, is suffering a chronic housing crisis, while a United States giant demolishes housing in an area subject to a huge population expansion. Will the Minister intervene to ensure that sound and permanent housing can be protected, relocated or otherwise used instead of being knocked down for no benefit?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:36):** I thank the honourable member for her question. I was not aware of the actions of Peabody Energy until they were brought to my attention when she handed me a slip of paper about 10 minutes ago. One of the challenges is that Peabody Energy is a private company, and my capacity as the Minister for Housing to intervene in its decisions is potentially limited. However, if Ms Sue Higginson thinks there is an opportunity to engage with them about the potential relocation of housing, I am more than willing to do so.

The honourable member is absolutely correct that Mudgee, like all of regional New South Wales and particularly areas associated with the renewable energy zones, is in the grips of a chronic housing shortage. I thank her for bringing the matter to my attention, and I am willing to talk to Peabody Energy about opportunities for the potential reuse or relocation of its housing. I do not want to speak for that company, which I have not engaged with, but a number of infrastructure companies involved in delivering big infrastructure projects have been incredibly useful partners in discussing how to provide housing for the workers needed to deliver the projects and then potentially reuse that housing as a legacy contribution to ongoing housing shortages.

There has been positive engagement with infrastructure companies involved in delivering the renewable energy zones and other projects on how we can use things like modular housing. That is part of the modular housing taskforce launched on Monday. Of course I am going to talk about that. Part of that taskforce's role is to consider how to use modular housing as key worker housing in the short term and then transfer the ownership and management of that housing, perhaps to local government or the Land and Housing Corporation. I would be happy for it to be with Homes NSW as a legacy contribution to social and affordable housing once it is no longer required as worker housing. If there is an opportunity to engage with Peabody Energy about whether it would be willing to transfer ownership of some of that housing, I am more than happy to have that conversation.

We talk a lot about Sydney and the date with density, but the regions are doing it tough too in the housing crisis. Unbelievably low vacancy rates put a massive strain on their economic and productive capacity. They cannot get houses for workers in the regions and it is one of the key driving forces for the modular housing taskforce. We are actively engaged in dialogue with private companies. I thank Ms Sue Higginson for bringing this opportunity to my attention. I would be happy to follow up to see whether there is indeed the potential for relocation or other use of this property.

**Ms SUE HIGGINSON (11:39):** I ask a supplementary question. I thank the Minister for being so enthusiastic, as always, for taking on ideas around housing. Will the Minister elucidate that part of her answer about engaging with Peabody? What is her timing for doing that, noting that right now that same company has submitted an application to build temporary worker housing at the same time as it plans to demolish housing?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:39):** My intention was to have my staff talk to the staff of the Minister for Energy, potentially, and find a contact at Peabody—I have to say it is not a company that I have previously engaged with—and give them a call.

**The Hon. Daniel Mookhey:** I'll call them.

**The Hon. ROSE JACKSON:** The Treasurer has also offered. I will give them a call or shoot them an email saying, "Look, this matter is being raised with me. Would there be the potential for dialogue about it?" That was my intention. I cannot tell the member whether I will be able to do that today or tomorrow, but I appreciate that there is some urgency. I can give her a commitment that through my colleagues I will track down a contact

at Peabody Energy. I will draft an email to them or give them a phone call and say, "Hey, this has been brought to my attention. We're really keen to talk to people about housing in the regions."

I have to say I am not across the detail the member provided about an application by Peabody Energy to build temporary worker housing in Mudgee, but I reiterate that there is real enthusiasm to try to chase every rabbit down every hole and talk to anyone who might be willing to have a conversation with the New South Wales Government about what we can do to confront the housing crisis. For the member's information, I had a really useful meeting that was facilitated by the member for Tamworth, Kevin Anderson—good on him—about some of the worker challenges in Tamworth.

**The Hon. Bronnie Taylor:** Kevie!

**The Hon. ROSE JACKSON:** I give him credit. We really want to support the industry there to grow. We have big worker challenges there so we have been talking about what we might be able to do to facilitate some key worker accommodation in Tamworth. There is some urgency about that. It sounds like there is some urgency about Wollar village. I am always willing to have those conversations. I thank Ms Sue Higginson for bringing it to my attention.

### GOVERNMENT PERFORMANCE

**The Hon. CAMERON MURPHY (11:41):** My question without notice is addressed to the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage. How has the Minns Labor Government acted on its commitment to energy and the environment since coming to Government?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:41):** I thank the honourable member for his question and inform the House that it has been, I am told, 250 days since Labor won the election, and it has been 250 days of very detailed work when it comes to climate change, energy, the environment and heritage. As we finish the year, I want to share with the House the progress that has been made to date. One of the first things that the Premier and the Minister for Water did after the election was to go to Menindee, stand by the banks of the river and acknowledge the challenges there, like fish kills, and deal with a community that was very distressed and had not been heard. We got the chief scientist to do the work, and we are now improving all ways in which we manage those rivers. For the first time the community has some trust and hope that the Government can fix the problems through updated water-sharing plans, active management of water flows and independence but, most importantly, by listening to the locals in Menindee, for whom we are very grateful.

This Government also made the very sensible decision not to raise the Warragamba Dam wall, which protects the World Heritage Blue Mountains area but also, importantly, protects and recognises the songlines of the Gundungurra people as one of few songlines that are left. That was a very important decision we made. We got to work very quickly on saving one of our most iconic species, the koala. The current budget has over \$170 million of new funding to save that iconic animal. Work is well underway on creating the Great Koala National Park and the Georges River National Park. We are working through the issues to create what is going to be (a) an amazing conservation outcome and (b) a world-leading tourist destination—the Great Koala National Park. The Government is very proud to have progressed that.

We are doing the work that is required to update and to review our Biodiversity Conservation Act, which has been shown to not work. We warned of that in 2016, but we are now doing the work. I am working closely with my colleague the Hon. Tara Moriarty and across government for us to seriously put in place strong environmental protections to make sure that we turn around the trajectory of threatened species and the extinctions that are occurring. Regarding energy, we introduced the Climate Change (Net Zero Future) Bill 2023, which passed unanimously last night. I thank all members of the House. It sets us up for a better future for our kids and our grandkids as we take action on climate change. We have also put the energy road map back on track with \$1.8 billion worth of new investment and one gigawatt of new renewable energy batteries and virtual power plants announced by the Commonwealth Government. There is more work to do after 250 days, but we are well on the way to turning around what we inherited.

### PORT OF NEWCASTLE PROTESTS

**The Hon. WES FANG (11:45):** My question is directed to the Leader of the Government. A media release from Rising Tide issued on Sunday 26 November 2023 states, "Rising Tide is continuing its blockade of the Newcastle coal port after police permission will expire at 4.00 p.m. today." The Premier has made clear that he would rather the blockade had not happened and that the Minister for Police and Counter-terrorism should not have said that she applauds people for joining the blockade. What steps will the Government take to make sure Rising Tide, who defiantly breached the permit conditions, are never again given approval by the New South Wales police to shut down a major facility in New South Wales?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:45):** I thank the Hon. Wes Fang for his very shouty question. There is no need to shout. We can hear him.

**The Hon. Wes Fang:** Point of order: I take offence at the Minister's contribution about me.

**The PRESIDENT:** There is no point of order. The Minister has the call.

**The Hon. Natasha Maclaren-Jones:** Come on! So they can bag us out, but we can't do it to them?

**The Hon. Bronnie Taylor:** So it's okay if it's Wes.

**The PRESIDENT:** No, it is not okay.

**The Hon. Wes Fang:** It's alright, he's doing the culture. He's the culture in this place.

**The Hon. Emily Suvaal:** Point of order—

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

**The Hon. Emily Suvaal:** The Hon. Wes Fang is reflecting on the impartiality of the Chair.

**The PRESIDENT:** There is no point of order. The Hon. Emily Suvaal will resume her seat. The Minister has the call.

**The Hon. PENNY SHARPE:** I refer again to the Hon. Bob Nanva's adjournment speech last night. The member read onto the record a speech written by a young woman who has been working in his office as an intern. She had some pretty harsh but, in my view, fair things to say about the behaviour in this Chamber, which all members should reflect on. This is a tough Chamber and we have difficult issues.

**The Hon. Wes Fang:** Point of order: My point of order is that the Minister is not even within a bull's roar of the question I asked.

**The PRESIDENT:** I uphold the point of order. The Minister has the call.

**The Hon. PENNY SHARPE:** The Hon. Wes Fang would do well to read that adjournment speech, and I will leave it at that. These issues have been well canvassed. The Premier has expressed his views. The way in which protests are managed is an operational matter for the police. It can be challenging at times, and clearly last weekend was one of those times, but I have nothing further to add.

### GOVERNMENT PERFORMANCE

**The Hon. ANTHONY D'ADAM (11:47):** My question without notice is addressed to the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism. Will the Minister inform the House of some of the highlights of being part of the Minns Government since March?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:49):** "Summer's here and the time is right" for reflecting on the work we have done together as a Parliament in 2023. As Special Minister of State, I was pleased to recently table the NSW Electoral Commissioner's report on the administration of the 2023 State election. I encourage members to read it. Of course, the first thing I did when I received the report was turn to the back page to find out who had won. I was relieved to find the answer.

It is a rare honour to form government. After an election, new Ministers are immediately thrust into new responsibilities. They walk into empty offices with not even a paperclip. However, we did find a couple of things as we opened the drawers in our office. There were hundreds of David Elliott-branded mints and 50 boxes of David Elliott-branded pens. But most intriguing were the Liberal Party talent release forms. It got me thinking of all the Liberal talent that has been released in 2023: Victor Dominello, Brad Hazzard, Rob Stokes, Geoff Lee and Gabrielle Upton. They were all released into the mild streets of Turramurra and Tamarama. Concerningly for the Opposition, two more forms were signed but not dated for Dominic Perrottet and Matt Kean. I looked around for a National Party talent release form, but I am yet to find one. One highlight that passed with the support of all sides of the Chamber were the vibrancy reforms to breathe life into the night-life ahead of summer. I thank members for their support because:

Summer's here and the time is right  
For dancing in the street

Given it is Ausmusic T-Shirt Day today, in the words of David Bowie and Mick Jagger:

It doesn't matter what you wear  
Just as long as you are there

I encourage all members to join us on the steps at 1.00 p.m. today for Ausmusic T-Shirt Day.

### REINDEER EXHIBITS

**The Hon. EMMA HURST (11:51):** My question is directed to the Minister for Agriculture. Why is the Government using taxpayer money, and how much funding is being given, for captive reindeer to be put on display at carnivals and in malls this Christmas, especially since there have been photos circulated recently of another event in New South Wales with reindeers, sparking cruelty concerns?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:51):** I thank the member for her question. I will look into it. I am not sure what funds, if any, the New South Wales Government is contributing to the display of reindeer, but I will check for the member and come back to the House with that. There is an exhibited animals regulation, and there are rules in place for how animals are exhibited. It must be done in accordance with the law and in accordance with the animal welfare requirements that are contained in the Act and the regulation. If people exhibit animals, they are required to do so in accordance with the law. I hope and assume that is what is happening. If it is not, I encourage people to bring specific cases to my attention. In relation to the specifics of the question, I will check and come back.

### COMMUTER CAR PARKS FUNDING

**The Hon. RACHEL MERTON (11:52):** My question is directed to the Minister for Roads. What modelling has the Minister had done on the increased traffic and congestion that could result from the Federal Labor Government cancelling \$79 million in funding for commuter car parks in Kingswood, St Marys and Woy Woy?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:53):** I thank the member for her question and for her interest in this area. As members know, I have been up-front about my views on the issue. As Minister, I have not received specific modelling about the congestion impacts of those specific projects, nor have I requested it. That is appropriate at the moment. I have been clear that the Government is still in discussions with the Commonwealth. I know that the Treasurer is meeting with his counterparts tomorrow, and the National Cabinet will gather very shortly. We will stand up for New South Wales on these issues and we have put a clear view about those projects.

**The Hon. Daniel Mookhey:** In caps.

**The Hon. JOHN GRAHAM:** I congratulate the Treasurer on his punctuation. The New South Wales position has been clear. I am not going to model what might happen at the moment. We are pushing for a better deal. I do not want to wave the white flag on this. We expect a better deal. We need more funding in New South Wales for these infrastructure projects. That is the Government's position. I thank the Federal Government for the discussions, but we will not accept where we are at. I feel confident that the Treasurer will be raising the matter tomorrow and the Premier will do so at National Cabinet. We are hopeful of going forward in this area. I would be delighted to update the House at some future occasion as that happens. As we stand in this place today, that is where the matter rests.

### GOVERNMENT PERFORMANCE

**The Hon. EMILY SUVAAL (11:55):** My question is addressed to the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. Will the Minister update the House on her efforts to better the lives of the people of regional New South Wales?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:55):** I thank the member for her question and her ongoing interest in regional New South Wales. She is a welcome addition to the team from regional New South Wales. Since Parliament last sat, I have continued to travel across regional communities around the State, including Coffs Harbour, Bega, Dubbo, Casino, Lismore and many more. The conversations in those communities have led me to identify three key strategic objectives for my department this year and into the next. The first is about protecting our natural environment. I am pleased to report the passing of the Biosecurity Amendment (Independent Biosecurity Commissioner) Bill in the other place. It highlights the Government's commitment to biosecurity.

The bill shows that the Government is committed to taking appropriate action, unlike the National Party, whose leader proclaimed last night that the National Party's biggest achievement in biosecurity was convening a conference. The National Party convened a conference, a talkfest, to discuss biosecurity issues; it did not get much

work done. That is the highlight of the previous Government. This Government is taking action to address the issues, and I am delighted that the bill passed last night. The second objective is to support farmers and landholders in regional New South Wales. I am pleased to report that the Government has created the \$250 million Drought Ready and Resilient Fund, and repurposed the farm innovation fund to help farmers prepare for drought. Drought is coming, unfortunately, and people need to prepare. That is in place in some parts of the State. The Government has also increased funding for biosecurity responses by over \$250 million and launched a rebate scheme for sheep and goat eIDs, which, at the start of this week, already had over 1,600 applications.

The third objective is to assist and support regional communities to develop. The Government has funded \$1.8 billion in new regional investments. It has launched the Regional Development Roadmap, which includes the \$350 million Regional Development Trust Fund, an update of the Regional Development Act and a regional advisory council. The Government has also acted on long-overdue projects that the National Party could not deliver in government, including the wild dog fence, which is much needed across western New South Wales. Work will be underway before the end of the year, as I said it would be, after the community has waited for four long years. The Government has also put 130,000 cubic metres of sand on Stockton Beach. But I am saving the best for last. I am delighted to announce today that one of the highlights of the year is that the Government has saved the Bunnings sausage sizzle. It is a significant achievement of amending a regulation to save sausage sizzles that are for charities and Bunnings, which community groups use every weekend to raise money for their organisations— *[Time expired.]*

### TRANSPORT FOR NSW EMPLOYEE WORKPLACE SAFETY

**The Hon. MARK LATHAM (11:58):** My question under Standing Order 64 (4) is directed to the chair of Portfolio Committee No. 7 - Planning and Environment, Ms Sue Higginson, who is in the Chamber. Will the committee inquire into the actions of Coffs Harbour environmental officer Ian Brown in threatening senior Transport for NSW manager Rochelle Hicks with killing her, smashing in her face and calling her a white unspeakable? Yesterday Ms Sue Higginson said across the Chamber that "Brownny is a good guy". Will Ms Sue Higginson be putting that view to Portfolio Committee No. 7 as part of a potential inquiry into the matter and the actions of that environmental officer?

**The PRESIDENT:** I am happy to rule on this. It is, of course, in order for members to ask questions of committee chairs and of members of this House on issues within their areas of responsibility. However, as is continuing, longstanding precedent from, for example, presidents Willis, Burgmann, Primrose and, in fact, Harwin, an answer from a committee chair must be confined to the administrative operations of that committee. This question was not in accordance with those previous rulings. Therefore I rule the question out of order.

**The Hon. Mark Latham:** Point of order: Standing Order 64 (4) talks about a question that is consistent with the activities of the committee. Surely, consideration of an inquiry is a committee activity that happens all the time. The question should be in order on that basis.

**The PRESIDENT:** There is also a standing order that discusses the importance of not anticipating. Potentially, what the member has done today is look at anticipating the outcomes, findings and discussion of that committee. The member will resume his seat. That is why previous rulings have restricted the asking of these questions to only the administrative operations of the committee. That is the ruling that is made.

**The Hon. PENNY SHARPE:** We may have just had the last question time of the year. That depends on members, so I encourage everyone to work hard for the rest of the day. The time for questions has expired. If members have further questions I suggest they place them on notice.

### *Supplementary Questions for Written Answers*

#### ROZELLE INTERCHANGE

**The Hon. NATALIE WARD (12:01):** My supplementary question for written answer is directed to the Minister for Roads. Did the Minister or his office see or approve any road signage in relation to the opening of the Rozelle interchange?

#### ROZELLE INTERCHANGE

**The Hon. MARK LATHAM (12:01):** My supplementary question for written answer is directed to the Minister for Roads. Now that WestConnex is open, and given the past statements by Labor frontbenchers doubting the value of the project, will the Minister—

**The Hon. John Graham:** You'll have to provide some—

**The Hon. MARK LATHAM:** Jo Haylen said that you opposed it at one stage. Anyway, that is not relevant to what I am asking. Will the Minister provide the House with an outline of advice he has received about



the effectiveness and the value for money for WestConnex, now that it is open and supposedly functional, notwithstanding all these different problems?

*Questions Without Notice: Take Note*

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. NATALIE WARD:** I move:

That the House take note of answers to questions.

### ROZELLE INTERCHANGE

**The Hon. NATALIE WARD (12:02):** I take note of answers given by Ministers to repeated questions about the Rozelle interchange in question time today. The community of New South Wales is so concerned and was so excited by the opening of WestConnex, which is the final piece in the puzzle. It was taken to three elections and involved years of work and 10,000 jobs. It saves 40 minutes in travel time and avoids 55 sets of traffic lights. It was delivered, packaged up, planned, taken to the election, paid for and built by the Coalition Government as, essentially, the Christmas present to the Labor Party. All the new Government had to do was cut the ribbon. It is astounding to me that its members could not do even that. They could not even get the signage right.

**The Hon. Sarah Mitchell:** We know that they like to cut.

**The Hon. NATALIE WARD:** They like to cut. But it seems to me that they could not. One of the basic things in this job is to do the job. When you are appointed as a Minister, it is not about making your mates departmental liaison officers or secretaries; it is about actually delivering for the people who elected you. Those people expect that you will do what you said before the election you would do, that you will not put tolls on the Harbour Bridge. They expect that, when large infrastructure opens, you have done the preparatory homework and have the signage out. It is mortifying to me that the Minister does not seem to be able to answer a simple question about whether he saw the signage.

When I was in that position before the M4-M8 opening, I made sure we had the signs in place. It is a simple exercise. "Are the signs up? Will people know where to go? Do we have wayfinding?" I was so insistent on it that I was labelled difficult and annoying. I made sure that we asked and asked, because we wanted to make sure that we got it right. It is an important job to do, because people need to find their way through this magnificent infrastructure. Ministers are here for them, not for themselves. In this day and age, it is a simple thing to open this project. We opened the M4-M8 link. That went ahead easily. Kids were there. We cut the ribbon. Off they went. Cars went through. We opened NorthConnex, which is fantastic. Off people went on their way. The Metro North West Line opened up on time and under budget.

It was all done and delivered. All the Government had to do was put the signs up. Josh Murray, the communications guy with no operational experience, cannot get even the signage on this project right. That is what you get when you appoint a high-risk guy with no operational experience, a guy who is all about the press release and the spin, all about resisting orders under Standing Order 52. It is just devastating for the people of New South Wales. Even today the signs are up. The Hon. Wes Fang drove through this morning and was held up and was quite concerned. The Hon. John Graham had promised him no tolls, and now he has a toll on this toll-free road. Even the Hon. John Graham seems to be confused. [*Time expired.*]

### GOVERNMENT PERFORMANCE

**Ms SUE HIGGINSON (12:05):** I take note of the environment Minister's answer on what the Government has done in relation to the environment. The Minister spoke about steps taken to protect one of our most iconic species, the koala, from falling further down that dark slippery slope towards extinction. Some things have been done. But I fear that, if the measure of success is genuinely to turn the trajectory of extinction around 180 degrees and head in the direction of species recovery, we are at the point of political failure. We are doing things, but we are so far behind when it comes to our State's koalas. This Government came to power with a promise to create the Great Koala National Park and to do some other things about south-western Sydney's koalas and Georges River National Park. The reality is that we are not going far enough or fast enough.

Right now we are still heading down the path towards extinction, and not only of our koalas. The greater glider, a forest-dependent threatened species, is hanging on, literally. I know the science and understand the land management challenges happening across the State, and I can stand here with my hand on my heart and say that things are not looking good. There is one simple thing that the Government could and should do. I urge the Government to look at doing this next year. It should be an absolute environmental priority. It will require the environment Minister to work with the agriculture Minister. It is time to end the logging of our public native forest estate. It is a small area of New South Wales in the scheme of it but not small in terms of bang for our buck, environmental protection and actually doing something meaningful to end the trajectory of extinction for those

forest-dependent threatened species. End the industrial-scale logging. Logging is to land what whaling was to the oceans. It is an industry of the past. It is a practice of colonialism. If we want timber, we should grow the trees.

#### **THE HON. STEPHEN LAWRENCE AND THE HON. MARK BUTTIGIEG COMMENTS**

**The Hon. MARK BUTTIGIEG (12:08):** I briefly take note of the comments by the Leader of the Opposition about the attribution of antisemitism that my honourable colleague pointed out. I will point out some of the misinformation and misunderstanding. Those opposite do not even know what antisemitism is. I am probably the only person in this Chamber who has a Semitic background, coming from a Maltese background. "Semitic" refers to the Arabic peoples in general as well as the Jewish people.

The idea that I would be anti-myself, anti-Jewish or anything else is fanciful rubbish. What I said yesterday was that instead of moving deliberately divisive motions designed to try to wedge us, why do members opposite not preach unity and harmony? Maybe some members opposite should come out to the many functions I attend with both the Arabic and the Jewish communities and show a sign of unity across the political divide that in New South Wales we care about the humanitarian crisis in the Middle East, which is affecting both the Jewish and the Arabic peoples. Instead they try to fit us up with some sort of antisemitism platform. It is rubbish and it has to stop. If members opposite are serious and really cared about those communities, they would not come to this place and try to stoke up division. It is petty and it politicises a very serious situation.

My colleague the Hon. Stephen Lawrence was simply exercising his right to express his views in this Chamber about the imbalance in reporting the debate that is going on in the public arena. From a New South Wales point of view, to the degree that we have influence over that debate—and we do not have much influence over what is going on over there—we can use our multiculturalism and pluralism. Both of those communities in this State are suffering as a result of what is going on in the Middle East. We can use our status as New South Wales parliamentarians to build bridges with those communities. I am happy to go to those Arabic and Jewish communities with my colleagues on the other side of the Chamber any time they want to. If they just say the word, we will do it.

#### **SOUTH COAST TIMBER INDUSTRY**

**The Hon. SARAH MITCHELL (12:11):** I take note of the answer given by the Leader of the Government about the issues for the timber industry on the South Coast. I thank members of that industry, who have been open, honest and frank in discussions with members of the Opposition—me and Mr Dugald Saunders from The Nationals and the Hon. Natalie Ward, who has been involved as shadow Minister for the South Coast. Thousands of people are employed in the timber industry on the South Coast alone. Some are waiting to see whether they will still have a job by Christmas. That is not a situation that anybody wants to find themselves in. The Minister said today that the discussions and the work between the Environment Protection Authority and Forestry Corporation is ongoing. There is a date of 20 December but that is cutting it very fine for those who are staring down the barrel of the festive season with their families, wondering whether they will have money to put food on the table.

We raise the issues respectfully and diligently in this House because they are the concerns that people are bringing to us. It is a major industry and Forestry Corporation is a major employer on the South Coast. People are concerned about the precarious position that they are in because of the actions—or inactions—of this Government. The Minister indicated in her answer is that she is aware of the issue but what we see from Government members is a lot of talk—"We will look at this. We will talk about that. We will socialise this. We will see what we can do." But they have got to act. When people are wondering whether they will be able to feed their families and buy Christmas gifts, there is no time to wait. It is important that the issue is resolved. It is important that the Minister—and other Ministers with a role to play—puts the issue front and centre and finds a resolution. We bring the issue to the House because we fight for the communities and for the crucial sectors in regional New South Wales day in, day out. As Nats that is what we have been elected to do. It is an issue that we will keep pursuing.

#### **PARAMEDIC WAGES**

**Dr AMANDA COHN (12:13):** I take note of the response from the Leader of the Government to my question about pay for paramedics. I acknowledge the extraordinary work of paramedics around the State—as well as delegates for the Health Services Union and the Australian Paramedics Association—who want to be doing the work that they trained to do of saving lives and providing expert medical care around the State, rather than being tied up in the Industrial Relations Commission fighting a Labor government. The Minister gave two reasons that paramedics have not been given a fair pay rise by this Government.

The first was about the budget deficit or the so-called budget black hole. Budgets are all about priorities and this Government has been able to pay teachers the highest wages in the country—as it should be and as The Greens support—but has not found the money to pay paramedics a fair wage. This Government has found

the money to pay trainee police officers—as all trainees should be paid on their mandatory placements—but has not found the money to pay paramedics. It is a very small workforce. There are fewer than 5,000 paramedics in our State and they deserve pay and conditions that reflect their expert skills and the value that they provide to the people of New South Wales. The Minister also cited the complexity of the industrial relations system. I acknowledge that a bill is before the House this week on that subject, but that did not stop teachers getting a pay rise that made them the best paid teachers in the country—again, as they should be.

I argue that it is possible to give an essential workforce a significant pay rise commensurate with their skills and their value while the other issues are resolved with the Industrial Relations Commission. I urge the Minns Labor Government again to sit down with paramedics, the Health Services Union and the Australian Paramedics Association to offer them, at a minimum, pay and conditions commensurate with other States. That is the only thing that will stop the exodus of paramedics out of this State. It is all well and good to say that an extra 500 paramedics are being recruited for rural and regional New South Wales, but that is adding more while we are losing more to other States. The exodus has to be stopped before more paramedics are recruited into an absolutely crumbling health system. I stand in solidarity with paramedics with their ongoing industrial action this week.

### ROZELLE INTERCHANGE

**The Hon. CAMERON MURPHY (12:15):** I take note of the answers of the roads Minister in relation to the questioning about the Rozelle interchange. The problem was squarely caused by the former Liberal-Nationals Government. It should be no surprise to anybody that motorists in this city are now avoiding tunnels because, in their minds, a tunnel is equated with a toll road. In my experience, I remember under the last Government when the M8 motorway had clear signage so people could exit at Erskineville and Alexandria. Then WestConnex opens and suddenly the signage is not so clear. It is confusing. A number of times I have gone through that tunnel and ended up in Ashfield—the first exit—and been stung by a toll operator for tolls in both directions for mistakenly exiting and having to find a way to get back on WestConnex to get back to my original destination. In this climate, where every penny counts, people are avoiding toll roads.

The natural view of any driver is, "It is a tunnel therefore it must be tolled. I do not want to get stung for another \$6 or \$7." Our Government is doing something about that with our \$60 weekly cap on tolls. That will make an enormous difference to commuters. But there is confusion. Once people understand that the new Government is building roads that will not be tolled, then usage will level out and normalise over time. The confusion should not be a surprise to anybody because it is a creation of the former Government's policy of tolling absolutely everything. It should have put new roads in place without tolls because the State has already paid for them—like the M5. Instead, the previous Government put those roads back on the auction block. It sold them to private investors and now they have tolls for the foreseeable future—someone's lifetime. All of the roads that were paid off are now tolled again. It is squarely the fault of the former Government that the State is in that position. Although those opposite said, "Motorists are avoiding it; what a disaster," it is a disaster of their own making and they ought to own it.

### THE HON. STEPHEN LAWRENCE AND THE HON. MARK BUTTIGIEG COMMENTS

**The Hon. SCOTT FARLOW (12:18):** I take note of the answer given today by the Leader of the Government to the question from the Leader of the Opposition about the support that the Government is providing for our Jewish community. There is no doubt that there are concerns within our community, and particularly in our Jewish and Islamic communities across New South Wales. It is important that we have a harmonious society in this State, but it is also incumbent on all of us to be mindful of the feelings within our community at this stage—and particularly within our Jewish community, where we have reports of students who cannot go to school wearing their uniforms because of fear of what they will encounter on the trains and their pathways to school.

Some Jewish friends said the other day that people are leaving their schools because they do not want to be associated with a Jewish school. They fear for the safety of their children in those schools. We have seen reports that every one of the 19 Jewish schools across Australia have had to take on increased security at this time. Antisemitism is being felt in our State and in our nation at the moment. With all due respect to the Hon. Mark Buttigieg's background—which I respect—to say that members on this side of the Chamber do not even understand what antisemitism means and to try to define it away from the Jewish community is an offence to our Jewish community across this State.

I put on record the definition of antisemitism from the dictionaries that are provided in this House. It is, of course, "against the Jewish people". Members in this place should take note of that. We need to be mindful of all our communities. People in our midst have come from Israel and Gaza and are seeking refuge in our society. The other day I saw that the grandfather of one of my son's friends at school was here, and I asked why he was here. He is from Israel, and my 10-year-old son said, "Dad, he's come because of the war, and he's come to get away

from the war." Hundreds of Palestinian people have arrived in this country to seek refuge, fleeing from Gaza. This country needs to be a safe place for all, and we need to ensure that in our society. We need to ensure that our remarks are able to encompass that safety for all in our society. Later today in this Parliament, we will have people here whose families are being held hostage in Gaza by Hamas. We need to be very mindful of our words, and we need to be very mindful of what we say to our community in New South Wales.

#### **THE HON. STEPHEN LAWRENCE AND THE HON. MARK BUTTIGIEG COMMENTS**

**The Hon. STEPHEN LAWRENCE (12:21):** I take note of answers to the one or two questions to the Leader of the Government about the speech that I gave in the House the other day and some things that have occurred since. I took some momentary offence, if I can put it that way, to what the Hon. Damien Tudehope said. On reflection, I suppose his question was not completely without ambiguity in circumstances where the definition of antisemitism has been so broadened—and that is not a controversial thing to say because various guidelines exist internationally around its definition, which has been expanded—and in circumstances where those things are so contentious. The offence was only momentary; I do not really continue with it. It is hard to take that accusation seriously or be offended in a sustained way by it because it is so foreign to the way that I look at the world, the way that I look at humanity and the way that I was raised by my family. It does not really strike any chords with me, so I give the Hon. Damien Tudehope the benefit of the doubt in that respect.

In response to the things that the Leader of the Government said in the answer, the speech that I made was an attempt to bring a truthful perspective. It was focused very much on things that happened in 1948 and 1967 that are beyond contention and things in respect of the occupation that are beyond contention. It was not an attempt to be incendiary or to stir up problematic things, but rather an attempt to bring some truth and reality to it. People who comment on it could elect to focus on the precise details of what I said and state that with which they do not agree, because that was really the intent of it—to raise what I certainly see as facts that are beneficial to the debate.

The Minister's answers discussed multicultural harmony, and that is a crucially important thing. But it is not something that one can just invoke as a slogan and therefore further and advance. It has to have meaning to it. Multicultural harmony in the context of those sorts of issues is best achieved by even-handedness, and that is particularly so when dealing with community segments that already feel alienated and are disadvantaged in lots of ways. Frankly, in the aftermath of September 11, for example, we saw laws, policies and approaches that furthered alienation and exclusion. We saw disastrous consequences of that. The foreign fighter epidemic has been well and truly identified as in part going back to that sort of alienation, so we need to be very careful about this stuff. [*Time expired.*]

#### **REINDEER EXHIBITS**

**The Hon. ROBERT BORSAK (12:24):** I take note of the answer to the question we heard today about reindeer being used in displays for Christmas. A simple search of the Australian zoos' exotic animals register will show there are in fact no reindeer—or, better put, caribou—in Australia whatsoever. If there were, I would have shot and eaten one by now; that is for sure. Members who ask questions should show some respect by actually having some modicum of knowledge or getting their staff to do some research so they understand what they are talking about. By the way, I have eaten reindeer steaks as part of a cultural experience with the Indigenous Sami people in Sweden. I understand that the Treasurer will be travelling to Scandinavia over the holiday break, and I recommend reindeer steaks to him. He will absolutely love them.

**The Hon. Rose Jackson:** He said he had already eaten reindeer. He has already tried it.

**The Hon. ROBERT BORSAK:** I am sure he will be eating reindeer. The honourable member who asked the question should also experience it if she gets a chance. It will help support an Indigenous industry in Europe in the best possible way, and they are delicious. It certainly beats the creation of fake meat that we debated yesterday in this place. The Hon. Emma Hurst talked about eating fake meat and recommended that I try it. I can definitely say to her that I will never try it. I do not want to poison myself. Please go ahead and try the real meat of reindeer steaks.

#### **TEACHER POLITICAL DISCOURSE**

**The Hon. RACHEL MERTON (12:26):** I take note of question on notice No. 1451 regarding the Department of Education's Controversial Issues in Schools policy. I asked the Minister to clarify if it is appropriate under the policy for a public school to ask and record how 10-year-olds would vote on a contentious political issue without being offered anonymity. I asked the question following reports that such a vote was conducted in a primary school in the inner west of Sydney. Students were reportedly asked how they would vote in the Indigenous Voice to Parliament referendum. Teachers identified each student, recording their names and email addresses. I struggle to see how such an activity in the classroom is appropriate. Section 1.3 of the Controversial Issues in Schools policy states:

- 1.3.1 Schools are neutral places for rational discourse and objective study.
- 1.3.2 Discussion of controversial issues in schools should allow students to explore a range of viewpoints and not advance the interest of any particular group.

The reported conduct and the environment experienced by the concerned student had them fearful of being ostracised for their beliefs and views on the referendum. It would have taken a very brave student in that environment to say publicly that they were not supporting yes, despite more than 60 per cent of Australians voting no in the referendum. Fortunately, the student reported the experience to their parents, and I thank the student for sharing the experience.

We all know the priority given to the Teachers Federation by the Labor Government. Ministerial diary disclosures and the recent wages deal clearly remind us of that elevated status. I commend the Hon. Sarah Mitchell for calling out the Teachers Federation yesterday for its call to action, encouraging staff to engage in political protest in support of Palestine and urging its members to wear the Palestinian keffiyeh and advocate for the end of bombing in Gaza. That was accompanied by reports of the federation instructing teachers, "If any principal tries to stop you, get the federation to talk to the principal." 2GB's Ben Fordham had more to say on the matter. I call on the Government to uphold its Controversial Issues in Schools policy to ensure schools are neutral places for rational discourse and objective study. We owe that to New South Wales students. I also put on record that I recognise the passion and diligence of the Hon. Courtney Houssos, who represents the Minister in this Chamber. She has raised the issue with me, and I very much appreciate her interest in it.

#### **THE HON. STEPHEN LAWRENCE AND THE HON. MARK BUTTIGIEG COMMENTS**

**The Hon. ANTHONY D'ADAM (12:29):** I make a few comments on record about a couple of the suggestions that were implicit in the discourse around the question from the Leader of the Opposition to the Leader of the Government in this House. Antisemitism is a very serious issue, and it is something that we should all be concerned about. But I think that what we are seeing in this place, and certainly broadly in society, is the weaponising of antisemitism for political purposes. I think that is a very disturbing phenomenon. It was implicit in the question from the Leader of the Opposition that the events at the Sydney Theatre Company involved some level of antisemitism. The wearing of the keffiyeh as a gesture of solidarity with the Palestinian people is not antisemitic. It is not antisemitism. It is a completely legitimate way to demonstrate solidarity and support because of what is going on in Palestine.

Many people are dying as a consequence of a horrible conflict. To suggest that wearing the keffiyeh is somehow antisemitic is wildly off the mark, and I think it is a pretty low effort in terms of the type of underlying political motivation that is clearly embedded in that type of suggestion. I think the suggestion that any comment around Israel or any criticism of Israel is antisemitic also needs to be challenged. Israel is a country; it is not the Jewish people. It is a State, and its conduct should be subject to criticism just as we criticise China or Russia or any number of State parties in the world. Israel should be subject to the same level of criticism and should be fair game. Making comments about Israel's conduct is not antisemitic; it is just legitimate commentary on the behaviour of a State party in the world.

#### **TAKE NOTE OF ANSWERS TO QUESTIONS**

**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) (12:31):** I will end with a couple of comments about question time today. I think it was a really powerful summary of the work that the new Government has been doing. We are not even a year into our first term—what is hopefully our first term! The contributions from the Treasurer focused on his work on budget repair, and the contributions from the Leader of the Government focused on her work on energy and the environment—what a turnaround in that space. She did not even get to speak about her Heritage portfolio, which is another area where she has been doing an incredible amount of work.

The Deputy Leader of the Government contributed on his work on the night-time economy and the arts. That has really picked up in leaps and bounds. I think everyone who enjoyed the Post Malone concert in the Domain last night could see that we are heading into what will hopefully be a fun summer in Sydney. A little less rain would be good, except for filling up the dams. Other than that, it was a great night, and it is good to see so much in the pipeline over summer. Hopefully there will be some dancing in the streets. Obviously, I have been doing work on housing, homelessness and mental health. The work of the Minister for Regional New South Wales and her efforts to get right across the regions to talk to people have been simply outstanding. Members heard a strong summary of the work that has been going on in the mere months that my colleagues have been in their portfolios. There have been really outstanding contributions, and it makes me quite excited and optimistic. If all of that can be achieved in a relatively short amount of time, what will the next few years have in store for New South Wales?

I also comment briefly on the answers to questions to the Minister for Roads in relation to the horrendous traffic that we have seen. I really have sympathy because I absolutely hate sitting in traffic. It is one of those lived experiences that people have every day, and they do expect their State governments to be on top of that and to take action and do everything that they can. That is a fair expectation. The Minister for Roads has demonstrated incredibly responsive action to the issues we have seen. In her questions, the shadow Minister noted that she has been described as difficult based on her attention to detail on the signs. From one difficult woman to another, I would tell her to keep being difficult.

If the Hon. Natalie Ward is watching, I hope she will keep asking the difficult questions, because I always think that the Minister for Roads is absolutely across his brief. He is very honest and open. He takes responsibility for where things could be done better, and clearly sets out the actions he has taken. I think that is a really refreshing approach from the Minister for Roads. There is no bombast or defensiveness, but there is a clear and honest articulation of the work that has been done and the work that still needs to be done. All in all, it is a positive end to the year. I wish members a merry Christmas and a happy new year. I cannot wait for question time in 2024.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**LOCAL SMALL COMMITMENTS ALLOCATION**

In reply to **the Hon. DAMIEN TUDEHOPE** (29 November 2023).

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism)**—The Minister provided the following response:

- (1) No.
- (2) The decision was approved by the Executive Director, Local Small Commitments Allocation Program Office within the Premier's Department in accordance with section 3.2 of the Local Small Commitments Allocation Guideline.

*Documents*

**AUDITOR-GENERAL**

**Reports**

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** According to the Government Sector Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled *Regional Road Safety*, dated 30 November 2023, received out of session and published this day.

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

*Bills*

**INDUSTRIAL RELATIONS AMENDMENT BILL 2023**

**Second Reading Speech**

**Debate resumed from an earlier hour.**

**The Hon. DANIEL MOOKHEY (Treasurer) (14:02):** As I was saying before public accountability interrupted me, we are very excited to be introducing this legislation today.

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

**Leave granted.**

There is no doubt the wages cap has had a repressive effect on public sector bargaining, modernising awards and genuine engagement between employees, their unions and public sector agencies.

This blunt, unsophisticated instrument will be replaced by a resumption of genuine, meaningful public sector bargaining in New South Wales.

It is important that any new arrangements provide the best chance of achieving both sustainable public finance outcomes and desirable terms and conditions of employment for employees.

Improving productivity in the public sector is important to underpin the joint achievement of these objectives.

Both the taskforce and this Government believe taking an interest -based approach to bargaining and consultation is the best possible way of advancing this.

During the taskforce's consultations there was a general consensus about the need to improve the structure, powers and functions of the Industrial Relations Commission.

Both Mr Boland and Ms Booth made recommendations aimed at restoring the commission to an integrated court and tribunal.

Amongst other things, this will mean that the Industrial Court will once again exercise jurisdiction regarding prosecutions under the Work Health and Safety Act 2011 as well as the powers transferred to the Supreme Court and other courts in 2016.

During the consultations it was made apparent that the prospect of approaching the District Court or Supreme Court to resolve industrial disputes was perceived as a deterrent that ultimately limited accessibility to workplace justice.

The bill before the House intends to rectify these perceptions by creating a one-stop shop for workplace justice in New South Wales.

The bill gives effect to an election commitment to abolish the former Government's wages cap on the public sector and implements a number of recommendations made by Mr Boland and Ms Booth.

Specifically, the bill finally repeals section 146C of the Industrial Relations Act 1996; adds a new, more consultative mutual gains bargaining approach to allow workers and their unions to engage with government agencies; establishes an industrial relations court that would have jurisdiction to resolve work health and safety matters and other workplace issues; amends section 146 of the Act, "General functions of Commission", to provide that when it is exercising its functions in relation to public sector employees, it must also take into account the New South Wales Government's fiscal position and outlook; adds an object to the Act to encourage strategies to attract and retain skilled staff where there are skills shortages so as to ensure the effective and efficient delivery of public services; and makes consequential amendments to other New South Wales legislation.

The former Coalition Government's wages policy had a detrimental effect on public sector bargaining and failed to effectively incentivise parties to pursue workplace reforms.

The New South Wales Labor Government was elected with a clear mandate to abolish the wages cap.

The bill before the House delivers on this commitment to repeal section 146C of the Industrial Relations Act to ensure that the Government can once again negotiate effectively with public sector workers to promote potential increases in real wages while returning benefit to the people of New South Wales.

The adoption of a new bargaining approach, the mutual gains bargaining approach, in the public sector will be achieved by a combination of amendments to the Industrial Relations Act set out in a new chapter 2A and the issuing of a Premier's memorandum outlining the New South Wales Government's fair pay and bargaining policy for the public sector.

The bill will insert a new chapter 2A in the Industrial Relations Act that will include principles of mutual gains bargaining at section 129L and modernise the good faith bargaining provisions that already exist in chapter 3.

Under chapter 2A, the parties will give written notice to the commission of their intention to commence mutual gains bargaining.

The commission will then act as a facilitator but, if the parties agree, they can appoint their own facilitator.

It is expected the facilitator will attend meetings and take a proactive role in facilitating the mutual gains bargaining process for the parties.

However, it is important to note that the use of facilitators is not compulsory.

If the parties do not wish to use a facilitator, they are under no obligation to do so.

Following this collaborative, mutually beneficial approach to bargaining, once an agreement is reached it can be submitted to the commission, with the outcome being a new award or enterprise agreement.

As per the new section 129P, in circumstances where mutual gains bargaining has been unresolved, after consulting with the commission the facilitators will provide the commission with written notice and provide a report, which will include matters that remain in dispute in the negotiations.

Once this has been received by the commission, it will be taken to be the notification of an industrial dispute under section 130 of the Act and the usual conciliation and arbitration provisions of chapter 3 will apply to the parties, with certain modifications, as provided for in section 129Q (3) of the bill before the House.

The New South Wales Government's fair pay and bargaining policy will enable public sector employees and unions to engage effectively with government agencies through a cooperative approach to bargaining, departing from the traditional adversarial approach to industrial relations.

The policy aims to restore the sector to being an employer of choice and a leader in innovative work practices.

The fair pay and bargaining policy refers to two types of consultative forums that will support mutual gains bargaining across the public sector to facilitate discussions on the Government's financial position and delivery of reform improvements.

Firstly, a peak engagement council will be established, comprising representatives of Industrial Relations, Unions NSW and Treasury.

This council will provide a forum to share information, have an ongoing dialogue about the fiscal position and outlook of the State and the performance of agencies across the public sector, and track bargaining outcomes.

Secondly, engagement councils in each agency will be established, comprising senior decision -makers and the relevant union representatives to facilitate the delivery of reform improvements.

The engagement councils should provide an ongoing consultative forum for agencies, including driving, monitoring and recording improvements in public service delivery.

Upon being elected in 2011, the former Government immediately set about tearing apart the Industrial Court, and in 2016 eventually abolished this important institution.

The bill before the House will rebuild the New South Wales Industrial Relations Commission into a modern body that operates both as a tribunal for an arbitral purpose and as a separate industrial court for judicial purposes.

The bill provides for the new Industrial Court to be established as a superior court of record with equivalent status to the Supreme Court and the Land and Environment Court.

Turning to the Industrial Court's jurisdiction, schedule 1.2 to the bill provides that the court will again deal with the judicial functions transferred by the former Government in 2016 that are currently exercised by the Supreme Court.

This includes small claims, contravention of dispute orders, proceedings for declarations of right and the cancellation of the registration of industrial organisations.

Prior to its transfer in 2011, the work health and safety jurisdiction had resided in the Industrial Court since 1983. Schedule 2.35 to the bill provides that the Industrial Court will once again have jurisdiction to deal with certain offences under the Work Health and Safety Act 2011.

The amendments that the bill makes to section 229B of the Work Health and Safety Act 2011 will mean that proceedings for offences against the Act or the regulations will again be able to be heard before the Industrial Court, as well as summarily before the Local Court.

This includes proceedings for category 1 offences alleged to have been committed by corporations —the most serious offence under the Work Health and Safety Act.

Category 1 offences alleged to have been committed by individuals will be prosecuted on indictment before the District Court of New South Wales and a right of appeal will lie with the Court of Criminal Appeal in the same way that it currently does for persons convicted on indictment in criminal proceedings generally.

The amendments to the Criminal Appeal Act 1912 made by schedule 2.12 to the bill, provide that if a person is convicted of an offence by the Industrial Relations Commission in Court Session they may appeal to the Court of Criminal Appeal but only if they have first exercised any rights that they have to appeal to the Full Bench of the Industrial Relations Commission in Court Session under the Industrial Relations Act 1996.

In these amendments the term "person" includes corporation.

The bill reinstates the offices of President, Vice President and Deputy President who will be able to be appointed as judicial members of the commission.

The fact that the Industrial Court and the commission will be part of the newly constituted Industrial Relations Commission will permit a judicial member of the Industrial Court to switch roles immediately and act in either a conciliation or arbitration role as a presidential member of the commission.

The bill before the House reinstates the offices of president, vice-president and deputy president.

The people appointed to those positions will be judicial members of the commission.

The fact that the Industrial Court and the commission will be part of the newly constituted Industrial Relations Commission will permit a judicial member of the Industrial Court to switch roles immediately and act in either a conciliation or arbitration role as a presidential member of the commission.

That will provide enormous flexibility and cost savings to the State's industrial stakeholders.

The bill also provides for the least amount of disruption to the industrial parties on the commencement of the Industrial Court by ensuring that the impending proceedings will continue to be heard in the relevant court until their completion.

Section 146 of the Industrial Relations Act deals with the general functions of the Industrial Relations Commission and what it must consider when exercising those functions.

Currently, under section 146 (2), the commission must take into account the public interest when exercising its functions and must have regard to the objects of this Act, the state of the economy of New South Wales and the likely effect of its decisions on that economy.

The bill will add to those considerations by making it clear that the commission must also take into account the fiscal position and outlook of the New South Wales Government and the likely effect of the exercise of the commission's function on the position and outlook.

That amendment in the bill only applies when the commission is exercising its functions in relation to public sector employees.

There will also be an important addition to the objects of the Act in section 3, namely, "to encourage strategies to attract and retain skilled staff where there are skill shortages so as to ensure effective and efficient delivery of services".

Finally, schedule 2 deals with amending other pieces of New South Wales legislation, consequent on the re-establishment of the Industrial Court.

These include updating references to the reinstated Industrial Court, as well as enabling the transfer of proceedings between the Supreme Court and Industrial Court, and providing that the Industrial Court has jurisdiction to deal with and to hear appeals from the Local Court in relation to certain offences under the Work Health and Safety Act 2011.

I say in conclusion that the Minns Government was elected with a mandate to scrap the wages cap and deliver public sector pay rises and a mandate to fix essential services by investing in the workforce that delivers essential services.



We have introduced not only the recent pay rise but also an Essential Services Fund to ensure long-term improvements in pay. Now we are delivering on our promise to fix our State's industrial relations system, which, after 12 years of the Coalition Government, is in desperate need of reform.

The bill before the House will ensure that the New South Wales industrial relations framework is modern and effective, with an independent Industrial Relations Commission that is accessible to workers, practitioners and all users.

The mutual gains bargaining provisions will promote cooperation and mutual interest between government and public sector unions to achieve outcomes which benefit the citizens of New South Wales accessing public services, the workers who deliver the services and the New South Wales Government.

The bill will implement the Boland and Booth recommendation that the Government appoint judicial officers with special expertise in industrial matters, including work health and safety.

The outcome of the amendment bill before the House will be a rebuilt, modern New South Wales Industrial Relations Commission that operates both as a tribunal for arbitral purposes and as a separate Industrial Court for judicial purposes to ensure that workers and employers will once again have a one-stop shop for workplace justice at their disposal.

I commend the bill to the House.

### Second Reading Debate

**The Hon. DAMIEN TUDEHOPE (14:02):** Before I commence, I have just seen that Henry Kissinger has passed away. I wish I could invoke Henry Kissinger in relation to this debate. I speak on behalf of the Opposition on the Industrial Relations Amendment Bill 2023. During her second reading speech, the Minister in the other place claimed that introducing the bill fulfilled one of the Government's major election commitments. The Minister also claimed:

... the bill was the fruit of a review conducted—at taxpayers' expense—by the former deputy president of the Fair Work Commission, Anna Booth, and the Hon. Roger Boland.

The Hon. Roger Boland was the former president of the Industrial Court. The Government's purported commitment to transparency is once again found to be hollow. The Government is keeping the report of this review secret so that members and taxpayers are unable to judge for themselves whether the reviewers gave value for money or whether the bill now before us actually reflects and gives effect to their recommendations. The bill was introduced in the other place at 3.44 p.m. last Thursday following a surprise motion to suspend standing orders, not just to allow the bill to be introduced and read a second time by the Minister without notice, but for the second reading debate in the Legislative Assembly to take place on Tuesday 28 November in violation of the five-calendar day rule. Why was the process so rushed?

The rush shows. A close reading of the bill from the beginning will come to an abrupt halt at line 14 on page 3 in the first substantive section headed "Principles of mutual bargaining". It reads, "mutual gains bargaining is to be is a collaborative approach to bargaining". I am not sure what the phrase "is to be is" actually means. Perhaps the Treasurer will enlighten us as to what that means and what the effect of that phrase is. Perhaps he knows what it means. Perhaps the Minister in the other place knows what it means. I wonder whether the Minister actually read the bill before introducing it, or—as is probably the case—was it introduced in too much of a rush? With such an obvious flaw on the first substantive page of the bill, I wonder what other errors it contains.

In relation to the substance of the bill, I note that the New South Wales Government has always engaged in a bargaining process. It does not matter who was in government, there was a bargaining process entered into with industrial organisations representing public sector employees for the purpose of seeking mutual agreement on awards, including wage rises. Whether it is under this particular regime or under the previous iteration of this regime, there is a bargaining process. The bill represents a change to some of the processes to be adopted, but it does not for one minute move away from the obligations of parties to engage in a bargaining process.

In fact, people often refer to the dispute last year with the Rail, Tram, and Bus Union, and members often mistakenly form the view that it is exactly that sort of bargaining process which this legislation will cure. Of course, that bargaining process took place under the Fair Work Act. In fact, many of the provisions of the Fair Work Act, the sentiment of which appears in this Act, impose obligations on the employer to act in good faith. It did require mutual bargaining to take place and it took place over long periods of time to establish that the bargaining was actually taking place between the employer and the relevant union.

Whether it is under this system or the previous system, bargaining must and does take place. With all of the hype that has been generated about this being the most marvellous piece of legislation of all time, what is really at the heart of it is a regression to a process which existed before 2011 and which, in many respects, was an entirely discredited bargaining system that delivered a process in which public sector wages ate so much of the budget that the budget was paralysed from ever delivering proper infrastructure projects.

In fact, I recall reading Carl Scully's lament about being the infrastructure Minister. I think the current Premier worked for Carl Scully. He lamented that, as an infrastructure deliverer, he never had the ability to deliver

essential infrastructure because when he went to the Expenditure Review Committee [ERC], there was never any money to be able to deliver it. The previous Government said that it needed certainty around the wages component of the budget. That certainty allowed us to be a good government for everyone because we made sure that the so-called leftover money, or other money in the budgetary process, could deliver infrastructure projects. In his short second reading speech to the bill, the Treasurer suggested that overturning the past 12 years of suppression—as he labelled it—of public sector wages would, in fact, deliver a new era of bright new skies for public sector workers.

However, the Treasurer did not address the fact that under the previous Government's 2.5 per cent wage cap, public sector wages increased by 4.2 per cent in real terms over a decade. That wage increase of 4.2 per cent was 68 per cent higher than real wage increases in the private sector, which were just 2.7 per cent over the same period. During 11 of the 12 years of the previous Government, the Coalition delivered real wage increases to the public sector. The 2.5 per cent wage cap delivered real wage increases for public sector workers at a time when there was close to zero inflation. In fact, any proper analysis of the real wage increases that were delivered gives the lie to the suggestion that the wage increases delivered by the current Government, pursuant to its negotiations with various public sector workers, were the largest wage increases in over a decade.

In absolute terms that might be true, but in real terms that is just not true. In fact, under this Government real wages have gone backwards, whereas under the previous Coalition Government real wages increased. In many respects, the so-called reforms that the Government is formalising are not inherently objectionable. However, the Opposition has not been persuaded that sufficient care has been taken in the bargaining process to consider the various potential principles that could be adopted. The Treasurer would know that the bargaining has to be done with some sort of approval from the ERC. Bargaining parameters are approved to ensure that the relevant Minister who is providing advice to his or her department understands what the Government can afford when offers are made. In fact, that was acknowledged in the budget process.

The last budget contained a \$3.6 billion fund for additional wage increases over the forward estimates, which is fine. But that reflects that, in many respects, there is a \$3.6 billion wages cap. We want the Government to work within that so it does not spend more than was allocated and to ensure that we live within our means. For example, proposed section 129L refers to the key needs, interests and core needs of the parties. That is part of the problem the Opposition has with the manner in which the bill has been drafted. The key needs, interests and core needs of the parties are meant to be taken into account, but the question must be asked: Are those needs synonymous, overlapping or distinct? Is every interest a core need, or are some merely key needs?

**The Hon. Daniel Mookhey:** We are trying to enforce some discipline.

**The Hon. DAMIEN TUDEHOPE:** The Treasurer has just reminded me that he is trying to impose some discipline.

**The Hon. Jeremy Buckingham:** You need Kean; that is what you need.

**The Hon. DAMIEN TUDEHOPE:** We need Kean needs. The tone of proposed chapter 2A brings to mind former President Barack Obama's astute statement that substantive disagreements between parties cannot be reduced to a matter of "Let's all hold hands and sing *Kumbaya*". Government members and their unions mates—or masters—are keen to light the campfire, toast marshmallows, reach for the guitars and sing *Kumbaya*. That will be the new bargaining system. Proposed new section 129P does acknowledge the reality that, after a while, even *Kumbaya* can have too many verses and no agreement can be reached. The bill would also establish the Industrial Court of New South Wales. In 2013 the then President of the Industrial Relations Commission, the Hon. Justice Roger Boland, advised the New South Wales Government that by the end of the year there would only be enough judicial work for one Industrial Court judge. By 2016 it became apparent that it was inefficient to maintain a single-member Industrial Court, and its remaining functions were transferred to the Supreme Court.

In reinstituting the Industrial Court, the Government has not identified any failings of the Supreme Court in carrying out its industrial law functions, although I do note that the Treasurer's and the Minister's position was that the new system and the separate Industrial Court provides for an expeditious dispute resolution. The re-establishment of the Industrial Court will come with costs and possible inefficiencies. Given the lack of transparency surrounding the bill, an adequate and persuasive case for a new court has not been made out. The key claim made by the Government is that introducing the bill fulfils one of its major election commitments. While it is true that the Labor Party promised its union mates and masters that it would not only abolish but scrap, smash and trample on the public sector wages cap, it also sought to cover its back from any suggestion that, in doing so, it would be fiscally incompetent. On 15 March 2023 the Labor Party submitted its wages policy to the Parliamentary Budget Office. I am sure the Treasurer remembers that.

**The Hon. Daniel Mookhey:** You don't need to remind me.

**The Hon. DAMIEN TUDEHOPE:** No, I will remind you. By agreeing to the Parliamentary Budget Office [PBO] publishing that request as well as the costings, which it did on 20 March 2023, Labor's wages policy became an election commitment. The policy clearly states that all public sector wage rises beyond the targets contained in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014, as it then stood, would be "linked to productivity improvements, done by negotiation through an interest-based bargaining framework". The PBO, as instructed by the Labor Party—on the budgetary assumption that "the Government will identify offsetting productivity savings to preserve budget neutrality"—costed the wages policy at exactly \$0 over the provisions in the *2023 Pre-election Budget Update*.

The PBO rightly expressed serious reservations as to whether Labor could keep its promise of budget neutrality. We now know that it was right to do so. The 2023-24 budget shows public sector wages from 2023-24 to 2026-27 exceeding the total assumed as a base in Labor's election policy request to the PBO by a massive \$8 billion. That figure was confirmed in budget estimates hearings by the Secretary of Treasury. The Premier's Department confirmed in budget estimates that, in relation to the 4.5 per cent wage rise for public sector workers, there was no requirement for productivity reforms.

The bill, in the spirit of *Kumbaya*, seeks to have everyone sit down as part of the bargaining process and identify productivity outcomes. There is no indication about what the impacts would be in the event that none can be identified. In fact, one of the great tragedies of any review of the Industrial Relations Act is that there is no attempt to provide any clarity about what "productivity outcome" means. So there is no requirement in the bill for productivity reforms in relation to a wage rise offer that, on the Government's own costings, amounted to \$618 million per year.

The bill includes a provision that in the exercise of a function about public sector employees the Industrial Relations Commission must have regard for "the fiscal position and outlook of the Government and the likely effect of the exercise of the commission's function on the position and outlook". According to *Budget Paper No. 1* and confirmed by the Treasurer in an answer to a question on notice from budget estimates, budget expenditure on employee and superannuation expenses for 2026-27 represents 46.3 per cent of total expenditure. That is exactly the scenario that Carl Scully alluded to in his lament on previous governments. The bill essentially contracts out to the Industrial Relations Commission responsibility for nearly 50 per cent of the State's budget.

While the commission will be able to receive submissions from the Government, as one of the parties to a dispute, on the fiscal position and outlook and the likely effect of any decision of the commission on that position and outlook, that is a very risky and fiscally irresponsible approach to managing the State's budget. When the 2024-25 budget is presented, half the expenditure for the forward years—expenditure on public sector wages and related components—will need to be based on best guesses about what wage rises the commission may decide upon, a rubbery budget if ever we will see one.

On top of the \$8 billion increase in public sector wages, the Government has included in the employee expenses line of the 2023-24 budget \$3.6 billion in a so-called Essential Services Fund to cover further wage rises over the next four years. Given that a single per cent wage rise across the public service adds nearly half a billion dollars to budget expenditure, which cumulates each year, it is doubtful if the \$3.6 billion will be enough. However, that is the Treasurer's prediction. In the final analysis, unlimited public sector wage rises must result in some combination of increased taxes, cuts in services, increased debt and reduction in the number of public sector workers. I foreshadow that the Opposition will move two amendments to at least attempt to restore some integrity to the bill. The Opposition will oppose the bill.

**The Hon. JEREMY BUCKINGHAM (14:23):** I make a short contribution to debate on behalf of the Legalise Cannabis Party in support of the Industrial Relations Amendment Bill 2023. In 2016 the Liberal Government transferred the judicial functions of the Industrial Relations Commission to the New South Wales Supreme Court. That decision affected thousands of teachers, police, paramedics, nurses, public hospitals, salaried doctors and council workers.

For over a decade the Liberal Government, rather than participating in a collective bargaining process, imposed an annual cap on allowable wage increases, unilaterally dictating wage increases for 430,000 people who worked in State public services. The ongoing imposition of pay caps had a cumulative effect, and the trajectory of public sectors wages diverged further and further from its pre-cap path. It resulted in a degraded public sector, causing increased reliance on consultants and contractors. Between 2017-18 and 2021-22, New South Wales government agency annual reports disclosed a total spending of around \$1 billion on consultants. The bill repeals the wages cap, restores the Industrial Relations Commission's judicial functions and allows for mutual gains bargaining, whilst recognising that the Government's fiscal position must be taken into account. It was a key promise that Labor made to the electors of New South Wales. The Legalise Cannabis Party will not get in the way of what is an excellent reform that was taken to the people of New South Wales and overwhelmingly supported.

As I said, the Government made the election commitment to abolish the wages cap and fix the recruitment and retention crisis in the public sector. In June 2023 the Government established an Industrial Relations Taskforce, led by Ms Anna Booth and the Hon. Roger Boland, to make recommendations about implementing changes to support cooperative, productive and efficient workplaces within a modernised industrial relations system. The content of the bill has been well ventilated and is apparent to everyone, so I will not labour that point other than to say that it is a good reform. It will deliver for the public sector workers of New South Wales. I commend the bill to the House.

**The Hon. ROD ROBERTS (14:26):** I make a brief contribution to debate on the Industrial Relations Amendment Bill 2023. I support the bill. Along with my colleague the Hon. Mark Latham, we have argued for quite some time for the abolition of the public sector wage cap. In fact, it was one of the key policies that we took to the last election. It is my belief and assertion that the wage cap is a blunt and restrictive tool that in a time of low inflation may—and I emphasise "may"—have been appropriate. However, in 2023 it is not fit for purpose. The cap has placed public sector workers and their families in a financially dire position. Inflation has run at around 8.5 per cent for some time. There have been 13 recent interest rates rises, along with massive cost-of-living pressures and increased fuel prices coupled with skyrocketing electricity prices. While I am on that, where is Albo's \$275 discount on energy bills, because there are thousands of people in desperate need of energy bill assistance due to Chris Bowen's obsession with the mantra of renewable energy at any cost. I digress.

I have watched that economic policy failure unravel before my eyes. My son is a teacher in the public system. His wife, my daughter-in-law, is a health professional in the public health system. I have watched them firsthand struggle with the interest rate rises, cost-of-living pressures at the supermarket, ever-inflating energy bills and, living in the country, huge fuel bills, because there is no public transport out there, my friends. While everything is soaring up around them, the wage cap offered them a meagre 2.5 per cent. Young families—and old, for that matter—are going out the door backwards. Coupled with that scenario is that the stagnant wage growth in New South Wales has been detrimental to the ability of the public sector to both recruit and retain staff. I have been particularly vocal about this in relation to the falling number of police officers and, as I outlined in the Chamber on Tuesday, the subsequent rise in crime as a result of that. But it is not only police. This morning Dr Cohn talked about the plight of New South Wales paramedics, and I commend her for raising that situation.

Paramedics, like the police, are being poached by interstate offers of better pay and conditions in places like Victoria and Queensland. The teacher ranks were equally decimated because of the poor pay and remuneration that they received, and thankfully that has been rectified. But it is not only those professions that have suffered; the pain has been felt across the public sector. So let us get rid of the that bloody cap. However, with the cap gone—or going, hopefully—clearly something needs to replace it. That is what the bill sets out to achieve. We heard from the Treasurer, I think—I stand corrected if it was not and I note his presence in the House—that a huge number of industrial awards agreements and instruments are due to expire. I am not sure of the exact figure but that is irrelevant at the moment, really.

**The Hon. Daniel Mookhey:** It is 75.

**The Hon. ROD ROBERTS:** I thank the Treasurer and acknowledge the interjection. That is a huge number of awards that are about to fall off a cliff into the never-never. Something needs to be there to replace them. A robust and workable industrial court that can adjudicate on those forthcoming wage claims needs to be put in place. Before that can happen, though, a framework needs to be put in place. Judges and staff need to be recruited and appointed to their roles. Much work needs to be done and this bill will enable that. Before I conclude, I place on record something else in relation to the bill. This building is always full of rumours, speculations and innuendos. In fact, politics in general runs exactly the same way. It has been brought to my attention that some union operatives who consider themselves to be union heavyweights—they think the floor underneath them needs reinforcing they are so heavy—are claiming credit for convincing me to support this bill. Let me tell the House that no union heavyweights have approached me about this matter.

For them to go around spruiking, claiming credit and puffing out their chests, saying to their members, "It is because of my good work that we have Rod Roberts on board," is a complete fallacy. Prior to the 2023 election, both I and the Hon. Mark Latham said the cap needs to go. We have always said that. For the record, the only union that has approached me and has spoken to me has been the NSW Police Association, in particular Tony Bear and secretary Pat Gooley. They lobbied me and canvassed the matter with me. They said, "Rod, not only will this help our union, it will help all public service unions." They advocated on behalf of all the public service. They are the ones who spoke to me. As I said, they did not need to convince me because they already knew my position. They came to make sure I did not change my mind. I am not a person who flip-flops and changes my mind. I state that for the record to smack on the nose a couple of the so-called union heavyweights who are getting around saying, "Look at me. You need to thank me, guys, because I've managed to convince some of the crossbench to support us." I support the bill.

**Ms ABIGAIL BOYD (14:32):** As The Greens spokesperson for treasury, finance and economy, for industry, jobs and trade and for work, health and safety, and as a proud unionist, I contribute to debate on the Industrial Relations Amendment Bill 2023. This is an important bill. It is a bill that has been a long time coming. After 12 years without a proper pay rise—12 years under a hostile, anti-worker Government and an anti-worker industrial relations regime—our public service has been left splitting at the seams and crying out for relief. The shameful mismanagement of our greatest public asset, our workforce, over the past decade of conservative rule has a long tail and we will not fix that overnight. It is in that context that this well overdue reform emerges.

Labor recognised the issue and made an election commitment to reform the industrial relations regime in New South Wales and to abolish the cruel and economically damaging public sector wages cap. Labor chose to vote against abolishing the wages cap last year, but does not like to talk about that. The Greens policy has always been for the abolition of the wages cap and for the reformation of the Industrial Relations Commission to ensure it is an independent and neutral body, free from the undue influences of conservative governments of all stripes. I acknowledge the work of my colleague the member for Newtown, Jenny Leong, for being a strong voice and advocate on these issues as well. We are glad to see this bill taking these steps. The main objects of the bill before us are:

- (a) to amend the *Industrial Relations Act 1996* to—
  - (i) re-establish the Industrial Relations Commission in Court Session, and
  - (ii) provide for mutual gains bargaining, and
  - (iii) require the Industrial Relations Commission ... to take into account the New South Wales Government's fiscal position and outlook in the exercise of the Commission's functions about public sector employees, and
  - (iv) repeal section 146C concerning the duty of the Commission to give effect to government policies on conditions of employment of public sector employees prescribed by the regulations,

The bill makes other related consequential changes. I point particularly and crucially to the fact that the legislation before the House removes section 146C of the Industrial Relations Act 1996, which, as we say, previously required the Industrial Relations Commission to give effect to government policies on the employment conditions of public sector employees prescribed in regulations. In effect, this was the provision that enabled the imposition of the public sector wages cap. The Greens support the majority of substantive changes proposed in the bill and we welcome, finally, the final removal of the wages cap from legislation. We also absolutely welcome the re-establishment and reforming of the industrial relations system by the re-establishment of the Industrial Court and acknowledge the work of unions, the union movement, members and the commitment of the Labor Government over this year, and the then Labor Opposition over many years, in attempting to re-establish that court and to provide an independent umpire for workers' protection in this State.

The Government will make much of its mutual gain bargaining framework. I for one am relieved that it remains voluntary. It sounds to me like it is just another case of requiring workers to trade conditions for salary increases. I wonder how exactly the Government is expecting to find productivity improvements from teachers, nurses and paramedics. These workers are already at breaking point and have been working at 110 per cent capacity, if not more, for years and years. Thankfully, with the removal of the wages cap and the reassertion of the independence of the IRC, we will see unions once again able to run work value cases. This is where our public sector workers will see the greatest gains. We all know full well that our public servants have been chronically undervalued, and any fair-minded commissioner will surely find the same. An element of this bill I am particularly pleased to see is the re-establishment of the Industrial Court, turning the Industrial Relations Commission into a one-stop shop for industrial disputes and arbitration as well as providing a separate industrial court for judicial purposes. This means returning the work health and safety jurisdiction to its rightful home, within an expert institution, to the benefit of all parties.

I turn now to the amendment of section 146 (2), which will require the commission to take into account the New South Wales Government's fiscal position and outlook, and the likely effects of the exercise of the commission's function on the position and outlook. In what I understand was a bit of a compromise to the unions, this bill also inserts a new object of the Act, which is "to encourage strategies to attract and retain skilled staff where there are skill shortages so as to ensure effective and efficient delivery of services". And it is in these two proposed amendments where this bill gets far more controversial. Much has been made of the Government's commitment to scrap the wage cap. The Minister tells us that they are achieving that goal by repealing section 146C. As we say, section 146C is that section under which the commission must, when making or varying any award or order, give effect to any policy on conditions of employment of public sector employees declared by regulations to be such a policy—excellent. So it looks like the wages cap is scrapped, or is it? Proposed new section 146 (2) requires the commission to take into account a different, but not entirely dissimilar, consideration when it comes to public sector wages—the "fiscal position and outlook" of the Government.

Instead of referring to a wages policy of the Government, presumably, the commission can now look to the Government budget documents as an indicator of the levels of wages that the government of the day can currently afford. On the face of it, we might think that looks like a far more independent and valid way for the commission to determine wages but, in reality, it is anything but. No-one can stand in this place and tell me with a straight face that the budget is not manipulated by the government of the day, and the truth is that what a government can reasonably afford to spend on any particular item of expenses is a product of countless government decisions along the way—decisions that it could make differently, if it were incentivised to do so. For example, a government might have a poorer fiscal outlook because it has chosen not to raise royalty rates on coal sufficiently. A government might have a poorer fiscal outlook because it has chosen to let casinos off the hook of paying higher taxes. It might have a poorer fiscal outlook because it has chosen to prioritise infrastructure costs and have made more borrowings and hence have higher debt repayments—not the current Treasurer, in particular.

**The Hon. Daniel Mookhey:** Thank you.

**Ms ABIGAIL BOYD:** My remarks apply to all potential Treasurers. So rather than being subject to a wages cap under a regulation, public sector workers in this State could just as easily be subject to a wages cap of sorts that is a creation of the Treasurer of the day's making—the budget. Thankfully, the commission must only take the fiscal position and outlook into account, rather than being obliged to apply a wages cap, as was previously the case. But this amendment is a curious inclusion from the Labor Government, one that has made us, and many in the union movement, uncomfortable about its application in practice. This becomes doubly important when you consider the particular budget handed down by the Treasurer this year.

Cue the Essential Services Fund—\$3.6 billion over four years set aside to fund increases in public sector wages. It is an actual line item for the commission to refer to when determining exactly how much of a wage increase the Government can afford to pay the public sector workers of this State. Nurses, paramedics, teachers, prison officers, police and childcare workers are all fighting it out for a piece of the \$3.6 billion pie. These two amendments cannot be logically separated. The Government is saying, "Yes, we're scrapping the wages cap, but only if you accept that wages will be constrained by what we declare to be our fiscal position and outlook." Rather than it being an across-the-board "everyone gets 2.5 per cent" style of cap, it is a cap on the total amount available for increases, which the various unions then have to battle over to get a decent deal for their members. It is just as arbitrary. Budgets are about choices—the choices of the government of the day—just as the wages cap was a choice of the previous Government.

It is no wonder that unions fought hard to include the new object, designed to sway the commission to side with the sectors suffering most from skills shortages—never mind the unskilled workers in the public sector, like the cleaners, who would benefit from simply having a fair wage. It is telling that the attempt by my colleague the member for Newtown, Jenny Leong, to balance this object out with reference to unskilled workers was unsuccessful. Ideally, the reference to fiscal outlook would be removed from the bill, but the late hour at which the bill has come to us, and the threats to the union movement filtered back to members in this place that we must pass the bill unamended, have stymied attempts to strengthen the bill and address those valid concerns. I sincerely hope that the anticipated "part two" of this legislation will be proposed in better faith. Industrial relations legislation is vitally important for many workers in this State, and we will create better legislation if we are able to scrutinise its contents properly, with input from a broad range of stakeholders.

Workers in this State have been an afterthought and a punching bag for far too long. The Greens believe that the workers of this State deserve respect, and for their contribution to our shared prosperity to be properly recognised through their wages and conditions. For too long, workers have shouldered the burden of government mismanagement of the State's finances and lack of ambition on proper economic reform. Unlike the major parties, The Greens are not in the pockets of the bosses. We will not stop pushing for a more equitable redistribution of wealth from the big end of town. We will not back down on demanding our workers are paid what they are worth. We look forward to continuing to pursue an unashamedly pro-worker agenda and keeping the Government accountable to the people who elected them. The Greens support the bill.

**The Hon. MARK BUTTIGIEG (14:42):** I speak in debate on the Industrial Relations Amendment Bill 2023. I start by congratulating the Minister, Ms Sophie Cotsis, for bringing this important piece of legislation to the Parliament. It is a quintessential Labor piece of legislation, restoring the Industrial Relation Commission to its pre-eminent role as a clearing house for industrial negotiations and disputes, and work health and safety prosecutions. The reality is that those opposite participated in a conscious neutering of the previous commission. The Leader of the Opposition pretty much admitted that was the case. The argument that the Leader of the Opposition just made—and people can check *Hansard*—was that the previous Government needed a wage cap to suppress the wages of working people for 12 years in order to fund its infrastructure program. That is basically what the Hon. Damien Tudehope said. He said, "If you don't have a wage cap, you can't fund the infrastructure."

Fast-breaking news for the Opposition leader: This Government was elected on a platform to redress that imbalance. That is the reason that we are on this side of the House. Working people in New South Wales—nurses, paramedics, teachers, bus drivers and all of the people who those opposite did not want to reward—are now being rewarded with a decent wage rise because the Government has abolished the wages cap. The reason those opposite instituted the wages cap was to denude the commission of its capacity to serve as a clearing house. The reality is that wages and conditions form an integral part of a negotiation if a person is going into a negotiation and going to the commission. For those opposite to pretend that because there is still a commission in place with a wages cap that is functional means that they either do not understand how industrial relations bargaining works or they purposely want to denude the commission, which is exactly what they did.

The previous Government also removed the judicial functions of the commission. We heard in evidence this week—which the Opposition, to its credit, backed in—that the reason that SafeWork NSW has taken 10 years to bring a successful prosecution is because no-one had faith in the process of the outsourcing of those judicial functions to the District Court and the Supreme Court. The reason that it has taken a brave person like Theo Seremetidis, the Transport Workers' Union and SafeWork NSW to bring this prosecution is because the reality is when you have a non-specialised jurisdiction trying to carry out specialised prosecutions, like work health and safety, it does not work.

That was proven throughout the previous Government's reign. The Government is carrying out the restoration of those functions. Those opposite have dismissed the mutual gains process, which is basically an interest-based bargaining process whereby unions and their members get together with employers to try to work out common ground and clear the decks of 90 to 95 per cent of the things that they negotiate and agree on. The remainder is then sorted out through the clearing house that is the commission. That gives productivity uplifts and stops the disputation.

The Government is restoring a functional clearing house to give unions meaningful access to a bargaining process and a commission that they actually have faith in. The previous Government's system was purposely designed and successful in denuding the commission and removing the ability of unions to get outcomes for their members. This Government is restoring that ability, and it makes no apologies for it. The legislation is a very important reform. In fact, it is the most important reform that this Labor Government is instituting now and will institute for a while.

Some 600,000 public sector workers will now have access to a clearing house regime that is accessible to both unions and employers. It will get fair and reasonable outcomes on behalf of its members both in terms of the commission's role in being able to genuinely broker wages and conditions negotiations and also the very important judicial functions that will now be prosecuted under the commission given that those judicial functions have been restored. It is an important bill. I thank the Minister in the other place, Ms Sophie Cotsis, for bringing the bill. I thank the Treasurer for advocating so hard. I acknowledge all of my colleagues and the union movement, which has lobbied for years to reinstate what was a good system and what will be a good system again.

**The Hon. CHRIS RATH (14:48):** Like the Leader of the Opposition, I draw a rather long bow here and, on a different type of IR, pay tribute to one of the greatest minds of international relations of all time, Henry Kissinger, who passed away today aged 100. Vale, Henry Kissinger. On a different form of IR, industrial relations, I start by saying that the Industrial Relations Amendment Bill 2023 is incredibly rushed. To bring it up in the final week by establishing urgency is disgraceful.

As I said on an earlier occasion, the Government has not done its homework for the entire year, and now, just in the final week, it is trying to cram for the final exam. It is quite disgraceful that the Government is doing it in that way when the bill could have been brought on for debate and discussion far earlier. I do not know what Government members are trying to avoid—maybe an awkward Christmas party with the union movement or an awkward final admin committee meeting for the year. Mark Morey may be calling them nonstop, saying, "Get this bill through, this week. I can't wait. I need this. This is my Christmas present. I want this. Bob Nanva, I need this through the upper House right now." Regardless, they have brought it on, and here we are.

As legislators in our State and particularly as members of the Legislative Council, which is often referred to as the house of review, our role is to closely scrutinise items of proposed legislation against two reference points: the proposed legislation's legal effects in practice and the intent behind it being brought before the Parliament. It therefore shames me that a bill that falls so far short of the community's expectations in both regards would be brought to this place. I will be unambiguous: In practice, the Industrial Relations Amendment Bill 2023 will critically endanger the future fiscal security of our State. In theory, it is unmistakably drafted for one reason: to reward the vested interests of Labor's union paymasters.

What has become abundantly clear upon reading this bill is the total sham of a process Labor has undertaken to spuriously justify it. Make no mistake: This bill is drafted not to serve the taxpayers of New South

Wales but to make the taxpayers of New South Wales serve the interests of Labor's union mates. Is it any surprise that we are seeing such blatantly self-interested legislation from NSW Labor when, in its first six months since forming government in March, its Ministers have officially met with union bosses and their union mates more than 350 times? There is a revolving door at 52 Martin Place for the trade union bosses.

I will dive more deeply into the deceptive intent behind the bill later in my remarks. First, however, I turn to the practical effects of the bill's provisions. Schedule 1.1 [1] amends the Industrial Relations Act 1996 by defining a new set of terms of reference with respect to bargaining for public sector working conditions. The euphemism NSW Labor uses is "mutual gains bargaining", which is "consensus seeking in nature". Schedule 1.1 [2] allows the Industrial Relations Commission [IRC] to recommend "mutual gains bargaining" to parties involved in a dispute, most notably the Government, and allows the commission to take into account, in its later decision-making, any failure to undertake bargaining. It is clear to me that the role of schedule 1.1 is to provide legal mechanisms to force the Government to meet with union representatives only to be battered with their demands, however extraordinary they may be.

It is important to note that, despite this legislation relying so heavily on interest-based bargaining and mutual gains, neither term is properly defined. The only clarification provided is that "mutual gains" refers to parties' "key needs". What is a key need? A party's interest, perhaps, or its gain? The bill's definition is incomplete at best and relies on circular logic at worst. I suspect that this ambiguity is intended by the Government. In years past, the unions have made outrageous demands of governments, undoubtedly under the premise of a "key need" that is "mutually beneficial" to the people of New South Wales.

We all remember that just last year, in 2022, the Rail, Tram, and Bus Union [RTBU] claimed that graffiti on train carriages caused them to fail minimum maintenance and safety standards. Unsurprisingly, the RTBU maintained that it was purely an unmet core need for the safety of rail workers. Yet any rational person can recognise that the RTBU's perfidious claims were political stunts designed to shut down Sydney's trains and generate anger toward the Perrottet Government just before an election. The bill in practice seeks to entrench the unions' vested, political interests, which so happen to consistently benefit the Labor Party and not the people of New South Wales.

Moving to schedule 1.2, the bill goes to the length of recreating the Industrial Court of New South Wales. There are a number of reasons why that is a poor proposal. In 2016, when passing legislation that abolished the court, then Minister John Ajaka astutely observed:

The current constitution of the IRC, being both a court and a tribunal in a single body that exercises both judicial and non-judicial functions, is uncommon.

He went on to note that, in the Federal jurisdiction, the Federal Court or the Federal Circuit Court, rather than the Fair Work Commission, deals with industrial relations matters. An argument for a separate, specialised industrial court could be made if there were enough disputes it could be called upon to adjudicate. However, because of the referral to the Commonwealth of our State's industrial relations powers over private sector employees and employers in late 2009 under Labor, when it was previously in government, I cannot see how that is the case. In 2015, immediately prior to the Industrial Court's abolition, the court heard only 37 matters. That stands in contrast to 766 in 2005, when the court still held adjudicative power over private sector employees and employers.

The Supreme Court of New South Wales' civil division alone, which deals with industrial relations disputes, among many other items, received over 3,586 filings in 2022 and dispensed with over 3,000 in the same year. For reference, the incorporation of a mere 37 industrial relations matters a year into the Supreme Court's civil division reflects a miniscule 1 per cent increase in the civil division's workload. I struggle to understand how it can possibly be more efficient to establish an entirely new superior court of record, of equivalent authority to the Supreme Court of New South Wales, simply to manage 1 per cent of the Supreme Court's cases.

Sometimes I question why we in the Opposition even attempt to rationalise bills such as the Industrial Relations Amendment Bill 2023. NSW Labor knows what it is doing. Functionally, it is redesigning the existing commission and re-establishing a court to legitimise and intervene in matters previously resolved by government policy. The clearest example of that is found in schedule 1.3 [4], by which the Minns Labor Government would abolish section 146C of the Industrial Relations Act 1996. More commonly, that section is known to establish the power to legislate a public sector wages cap. I have spoken on many occasions in this place on why repealing section 146C of the Industrial Relations Act would be a poor policy decision for our State. I will not reiterate all of those arguments but will touch on a few.

Even the Labor Party recognised that wage growth unaccounted for by productivity increases will become unsustainable. Leading into the March election, NSW Labor pledged that any remuneration increases would be linked to productivity increases. When the Government is hoping to facilitate wage increases of 4.5 per cent or more, productivity increases are not simply nice to have. In our current inflationary economic environment, they



are a necessity if the Government seeks to avoid those wage increases being simply inflated away. Why is it, then, that the entire 40-page bill contains only a single reference to productivity growth—one minor item on a list contained within a subsection? If Labor were committed to honouring its election commitment, why did the Minister for Industrial Relations mention productivity only once in her lengthy second reading speech? As much as the Minister seeks to convince the people of New South Wales that this bill is about balancing interests in New South Wales' industrial relations framework, the reality is that the bill advances the interests of only one party: Labor's union mates.

The Government should not forget that, according to the current budget, by 2027 public sector employee expenses will cost New South Wales taxpayers nearly \$59 billion annually, comprising 46 per cent of the total budget. The bill seeks to recklessly surrender the power of the New South Wales Government to control 46 per cent of its budget. The New South Wales Labor Party is openly seeking to contract out nearly half of our budget to the Industrial Relations Commission. We only need to look to the recent past, for those who forget the past are condemned to repeat it.

When the New South Wales Labor Party was last in government, Labor Minister Frank Sartor said about wages that "a very significant economic rent was being paid to New South Wales public sector workers. This annual extra severely restricted the Government's capacity to fund vital infrastructure projects such as new rail lines." That is what he said in his post-mortem analysis of the previous Labor Government, but the current Labor Government is repeating the same mistake. If we look further south to Victoria we can see what a good Labor Premier said. In his autobiography Steve Bracks said:

In this, we again had to distinguish ourselves from New South Wales, which was rubber-stamping some of the highest wage increases in the country for police, nurses and teachers. John Brumby had gone to see New South Wales treasurer Michael Egan in pursuit of a consistent approach to wages rises around the country, but he had come back saying that we couldn't rely on Sydney for help. Michael Egan had told him that the New South Wales approach to these things was to 'just give the unions what they want'. That sounded like a recipe for disaster. We knew we had a better approach.

A Victorian Labor Premier said that, but the current New South Wales Labor Party is repeating all of the same mistakes after being elected to government here. You would think that it would look back at its failure over that 16 years and learn from it, but it has not. Nothing in the bill reflects Labor's election promise to match public sector wage rises with increases in productivity gains. It is a bill that, in practice, risks the fiscal security of our State for generations to come—in perpetuity.

There are few pieces of legislation introduced by the New South Wales Government that can have as much impact on our State's future as this bill. In its current form the Industrial Relations Amendment Bill 2023 will create the potential for unsustainable, uncontrollable and permanent public sector wage increases that risk the future of our State's finances. Given the extreme risk that the bill in its current form represents, the intent behind its introduction must be scrutinised. From a legislator's perspective, it is immediately clear upon reading the bill that it is not designed with the best interests of the people of New South Wales in mind.

I turn now to what is clearly the true object of the bill: the paying back of favours to the unions for their many years of loyal political donations and campaigning for the Labor Party. It should not be forgotten that all 60 Labor MPs are required to be union members under their own party's rules. That mandatory requirement stands in stark contrast to only 12.5 per cent of Australia's workforce—12.5 per cent of the workforce, but 100 per cent of those opposite. The requirement can only speak to why Labor received more than \$6 million in donations and affiliation fees from unions in the four years preceding the 2023 election. Labor got \$6 million over four years and its members all have to be members of a trade union, so we know who really runs the show.

Over half of its administration committee—its internal governing body—is made up of union officials. It receives millions of dollars in donations and its members of Parliament are required to be members of unions, so it does not come as any surprise that every now and then Labor must pay its dues by means of legislation. The bill is plainly and simply the Labor Party serving its union bosses. The extent of union influence on this Government should be of real concern to the people of New South Wales and those seeking integrity in this Government because the potential for conflicts of interest are enormous. Do not take my word for it: I am certain that many residents of our State would like to believe that there are multiple informed reasons that justify the implementation of the bill.

I now turn to the statement of public interest. The first alarm bell is that the statement is less than a page-and-a-half long. That is shorter than the statements for the vast majority of legislation already passed by the Minns Labor Government and shorter than the statements of public interest for all except one of its unsubstantial miscellaneous bills. One would think that when it controls 46 per cent of the budget and is one of its key election commitments, there might be a slightly longer statement of public interest. In the first paragraph of the statement of public interest the claim is made that the policy is based on the recommendations of the Industrial Relations Taskforce and the evidence received by the taskforce from consultation with stakeholders. The reality is—and the

New South Wales Minns Labor Government knows it—that the Industrial Relations Taskforce established by this Government on 5 June this year is, and was from its inception, a sham. It is a sham body that was designed for one purpose: to provide some form of supposedly independent authority for Labor's objective to give as much power to its donor trade unions as possible.

Let's inspect the supposed impartiality of the New South Wales Industrial Relations Taskforce. In its terms of reference the taskforce is presented with a background briefing immediately hostile to the previous Coalition Government. It places blame for a number of economic pressures facing New South Wales on the Coalition's existing industrial relations legislative framework. Were that true it would be rational to ask the taskforce to provide an objective analysis of the existing system's faults and propose a range of solutions. Instead the terms of reference supplied to the taskforce contain 11 considerations that make explicit directions, including that the taskforce must find "what assistance unions could be given to enable the uptake of interest-based bargaining", and discuss "the utility of an integrated industrial court".

It seems bizarre that a taskforce that has the main job of performing a comprehensive review would be directed as to what kind of solutions it is to consider. Also of note is that there were only two announced members of the taskforce. One was a former national secretary of the Textile, Clothing and Footwear Union of Australia and the other a vice president of the Australian Council of Trade Unions. Neither of those taskforce members are or have been employers themselves, as one would expect when Labor is attempting to skew the taskforce's findings in favour of the unions.

Moving to the section of the statement outlining the pros and cons of each option, one of the supposed cons of the current system—or an alternative system that includes the appeal jurisdiction of other courts—is that they are too legalistic. I have some revolutionary and perhaps distressing news for the Minister for Industrial Relations: courts are inherently legalistic. Their very purpose is to interpret the law and its legal principles. I certainly hope Labor does not intend to find another means of adjudicating civil liability and criminal guilt outside of the courts. Labor seemingly cannot bear to contemplate that courts may inherently be legalistic.

The motion brought debate on the bill forward to Tuesday 28 November in contravention of the five-day calendar rule, in what was clearly the panicked realisation of Labor that the Industrial Relations Amendment Bill 2023 could not possibly be passed by both Houses before the end of the year otherwise. That is a complete disgrace. It seems that Chris Minns urgently wants to deliver the unions their Christmas present. It might be an awkward Christmas party if he were not to get it through this year. While unions check their lists twice and find Chris Minns and the Labor Party to be on the top of their nice list, further concern by the people of New South Wales will arise from the rushed manner in which Labor has attempted to debate the bill. If Labor was genuine in its claim that the Industrial Relations Amendment Bill 2023 was drafted in the interests of New South Wales as a whole and is its most efficient industrial relations system, why is it not allowing the Opposition and the crossbench sufficient time to scrutinise it?

**The Hon. BOB NANVA (15:08):** In the limited time available to me in this debate, I will not traverse the many substantive details of the bill outlined by the Treasurer in his speech; nor will I have anywhere near the amount of time I would need to respond to each of the assertions made by the Opposition Whip. However, I make a number of points about the industrial relations context in which the bill is being moved. When reforms like these are debated and pursued, it can be *de rigueur*, as demonstrated by the Opposition Whip—whom I am very fond of but vehemently disagree with on those points—to fixate on trade unions, union bosses, union masters and union mates. There is an absolute fixation on it, but a simple point needs to be made about bills like this: They are about workers. That is fundamentally what we are doing.

When we fixate on union mates and union bosses, using them as a trope to argue against the substance of a reform or as a brace to make the none-too-subtle criticism of the entwined history and the joint fate of the industrial and political wings of the labour movement—neither of which is fair or particularly helpful—we lose sight of the fact that reforms like these, at their core, are about workers. I remind Opposition members of that as they engage in further debate on the bill.

So many ordinary frontline workers have felt a sense of despair for so long because for too long decent people who did the right thing and served the public felt devalued and debased by the previous Government. Hospital cleaners, child protection workers, corrections officers, transport workers, paramedics, firefighters, teachers and nurses have too often been let down by an industrial relations framework that has done a better job of facilitating and rewarding workplace conflict than cooperation.

For far too long the framework could only conceptualise productivity improvement through the superficial lens of dollars and cuts while ignoring the real opportunities to reform structures, systems and processes. None of that is to mention the unfairness of the wages cap, so it is no accident that frontline workers have seen the lowest rate of wage growth for decades. It is no surprise that they have seen significant degradations in their working

conditions, and it is not a revelation that they have had little incentive to renew service delivery models. They have no incentive to cooperatively bargain with their employers.

When one in five teachers resigns after their first five years and when 7½ thousand nurses walk out the door, that outcome was not unforeseeable or due to circumstances beyond anyone's control. It should have been obvious long ago that they were, in no small part, by-products of an industrial relations setting that on any key performance indicator has failed and is continuing to fail. When we debate industrial reforms, members would do well to have more perspective and exercise more circumspection on the real task at hand. That is how we provide those despondent, yet deserving, frontline workers more freedom from deprivation, danger and insecurity so that governments like ours have the human infrastructure they need to deliver the services that they have vowed to provide.

I am afraid no system will be perfect, not even the Treasurer's. Workers will inevitably find themselves wanting more of their governments, just as governments will invariably ask more of those workers. That creates tensions in any negotiation. But the least we can do is devise and refine an industrial relations framework that supports and promotes workers, not one that is routinely weaponised against them as the former Government did for the past 12 years. In the months and years ahead, it will become more apparent that further step changes may be required to the framework proposed in the bill. But that is entirely appropriate, given that industrial relations should evolve and not remain static in the face of failures or the loss of confidence in its ability to deliver amongst those it is designed to serve.

I am proud to be a former union secretary and Labor member in this place. I believe services can be better delivered now and for the next generation if workers and their representatives can speak up from the shop floor and be heard—not derided—by people in this Chamber. I genuinely believe that the standard of living in this State has been built up over many years by the efforts of those workers and their trade union representatives, strengthened by a succession of Labor governments.

It may be anathema to some, but reforms like these evidence the worth of a political and industrial movement that remains committed to organising, campaigning, negotiating pragmatically and being outcome driven. Having once stood in meal rooms and on picket lines demanding respect and an end to the wage cap, advocating for balanced reform to the industrial relations system, I am pleased to finally stand in this Parliament to vote for a bill that does just that. I commend the bill to the House.

**The Hon. MARK LATHAM (15:14):** I spoke on the question of urgency for the bill and made a few points. I have been sparked into a further contribution by the speech of the Hon. Chris Rath, who said that there are not enough productivity measures in the bill. The Liberal Party has more front than Mark Foy's and more hide than Jessie the elephant to be lecturing the Parliament on that.

**The Hon. Chris Rath:** I'm new.

**The Hon. MARK LATHAM:** You are very new, and that is why I will give you a little lesson in what happened in the last four or five years of the former Coalition Government. There is no doubt that the mandate to get rid of the wages cap through this legislation is firm and concrete. It is evidence based and there is no reason to think the Government cannot implement the abolition of that very crude, unnecessary mechanism. The question always was, if we get rid of the wages cap, what replaces it? The born-again argument from the Liberal Party has been productivity-based bargaining.

**The Hon. Chris Rath:** It is the Government's argument.

**The Hon. MARK LATHAM:** It is their argument too. We are all productivity-based bargainers now. We have all joined the productivity bandwagon. The Hon. Chris Rath, who is one of the more dynamic sons of Milton Friedman that we have seen in this Chamber over the years—

**The Hon. Chris Rath:** I'm offended.

**The Hon. MARK LATHAM:** No, the point of order will come in about half an hour. It is a sleepy old Chamber; it is a delayed reaction. The member said that there are not enough productivity measures, but it is worth reminding the Chamber of the productivity record in the New South Wales public sector as it stands today after 12 years of Coalition government and eight months of Labor Party government. We have welcome to country ceremonies eating up time. Marcia Langton, thankfully, promised that if the Voice was defeated, we would get no more welcome to country ceremonies. I hope that is being implemented, because during the COVID period every speaker on some of those public service webcasts where they talk to each other and have their meetings online would start their comments by doing their own welcome to country. It is not sufficient to do one at the beginning of the meeting; every single person who contributed to the dialogue had their own welcome to country. It was completely meaningless and purely symbolic in terms of dealing with the serious issues of Indigenous

people in New South Wales—school truancy, child sexual abuse, drug abuse, unemployment, welfare dependency. Those real things are never wiped away and never solved by a thing called a welcome to country.

Then, in our public sector, the rainbow flag raising ceremonies have been through our departments and agencies. The rainbow cake cutting events were an old special down at the NSW Treasury. They had those dynamic conservative Ministers in charge, Perrottet and Tudehope, the glamour twins of conservative politics in New South Wales. The public servants said, "You can be as conservative as you like. We are having our rainbow cake cutting events in the middle of the day, and you can sort out your budgetary arrangements." No wonder the budget blew out and the deficit and debt just kept rising, because there was more cake cutting than cost cutting down at the NSW Treasury.

Then they instituted harmony councils, reconciliation units and critical race theory training. Seriously? White privilege walks—that is the one where they read out your skin colour, your age, your education level and your income level and separate the people to hate each other on the basis of those identity characteristics. The white people end up at the back of the room and the non-white and gender diverse end up at the front. What does that have to do with serving the people of New South Wales in the public sector? What does that have to do with productivity? It is just another massive time-waster. The *pièce de résistance* of all the productivity absurdities, now thankfully abolished—I will give this Government credit on one single front—is the *imaginarium* at *icare*. At huge expense, they had a special room full of crystals and mirrors.

**The Hon. Daniel Mookhey:** It was \$5.3 million.

**The Hon. MARK LATHAM:** A \$5.3 million design room, an *imaginarium*, where they would go in like new-age zombies to work out all the good ideas for the future of the State. They could not work out the sound management of *icare*, which was falling to bits, but they were in that room with crystals and mirrors at huge public expense, wasting public sector time, talking about the different issues and problems facing the world. It was under a Liberal Party Government, that *imaginarium*. Imagine how much time they wasted.

Then, of course, there is pronoun training—that helps the people of New South Wales, who just want to be known as what they have always been called. There are wellbeing and mental health sessions, now that everyone has a mental problem. If you want to have a day off or take a bit of time away, of course: you have a mental problem. "How to laugh" sessions—that was a beauty from Water Infrastructure NSW. The whole State was drowning in water. There were floods everywhere, and Water Infrastructure NSW had a clown—a literal clown—on its internal staff webcast to teach them how to laugh. What was funny about the floods? They are the sorts of people who go to the kids' cancer unit and laugh it up. What was funny about the floods, when people were drowning and homes were being lost? Water Infrastructure NSW paid taxpayers' money to learn how to laugh. It should just have brought me down there—I would have given them a few old belly laughs about how stupid they were.

The Department of Education in Parramatta, under the Hon. Sarah Mitchell—she is against these things now that she is a born-again advocate for fiscal restraint—had yarning rooms of a special Indigenous design. I think there are one or two Indigenous people down there, but they had their own yarning circle rooms. We should not worry that our school results have been the fastest falling in the Western world, or that we have critical problems with our curriculum, teaching methods and pedagogy, because at least there is a yarning circle room to help the Indigenous people at the Department of Education.

Then there is Jim Betts, my old mate. The Hon. Chris Rath needs to ring Jim Betts. He has got a job there—a little sinecure, as they do in the transport sector—with Albo in Canberra. Jim Betts brought in busker entertainment for the long-suffering public servants in the planning department. You have to wonder. Housing supply? No, don't worry about housing supply! What has that got to do with planning? Urban design, solving the problems of Western Sydney, a more efficient city—no, there was no need for that in the Jim Betts planning department. He brought in a busker to entertain staff on the online webcast. That was such a compelling and effective example of productivity in the public sector that he was promoted by Gladys Berejiklian to be the head of the Premier's Department. The Liberal Party has a hide to lecture us about productivity when a guy who thought productivity was busker entertainment ended up, for five minutes, head of the Premier's Department. Even Perrottet thought, "That's too much," and they turfed him off for a soft landing at infrastructure in Canberra.

There were plenty of LGBTIQ WTF alphabet hand-wringing sessions everywhere. There was unconscious bias therapy—that is my favourite item for productivity under a Liberal government. You have to do unconscious bias training and therapy on the basis that you have lost your marbles. You could be running major services in New South Wales, but there are voices in the back of your head—unconscious bias. How do they know it? Because it is unconscious. None of us ever understand. But there are voices in the back of your head telling you all these wretched things about bias, and you need to clear them out of your head. That was something that occupied the public sector, then and now.

Another favourite is the Bruce Pascoe book club in the planning department. Under Betts the department was not attending to housing supply or good strategic planning to solve the problems of transport and issues in Western Sydney; they had a group who would sit around in work time reading a book of fiction. They read Bruce Pascoe's nonsense, now completely discredited, that when Captain Phillip arrived here in 1788 there were villages, advanced agriculture, housing: all the hallmarks of a civilisation similar to the West. Serious people, of course, always thought that was nonsense and knew the historical record.

From Manning Clark on the left to Geoffrey Blainey on the right, they called it out. Some leading academics have completely debunked it. But at Jim Betts' planning department it occupied time that should have been spent on the major issues: the housing affordability crisis and housing supply. Those are things that the new Government is doing. The new Government has abolished the imaginarium. I assume that there is no Bruce Pascoe book club at the planning department under Paul Scully, but that they are actually getting on with real planning and fixing housing supply in New South Wales.

The list continues: Wear it Purple Day, IDAHOBIT Day—I can imagine what IDAHOBIT Day is about. There is cultural sensitivity training, plus the whole list of Indigenous days that are celebrated by the productivity-laden public sector under a Liberal government: National Sorry Day, Close the Gap Day, Harmony Week, National Reconciliation Week, Mabo Day, NAIDOC Week and, of course, the International Day of the World's Indigenous Peoples. I keep adding to the list to always keep my friend, the Leader of the Opposition, fully informed about the things he did not abolish when he was a Minister.

Revenue NSW used to have the World Pride Morning Teaquality, which was yet another morning tea. I do not know if there is an obesity problem in the public sector, but they had so many morning teas, with their custard tarts and sugar-laden drinks, that one has to wonder if there was any work being performed. Unfortunately, the answer was no. There was also training at Revenue NSW to learn Aboriginal place names—of course, the conservative Minister had no problem with that. Shouldn't they be training people to raise more revenue to ease the burden on the taxpayer and do something about the budget deficit and debt? I see that the Treasurer is having a good old smirk about the list. I am glad. For the Treasurer, I am more entertaining than the busker. The list is shameful. Of course, there was training at Revenue NSW on how to do a welcome to country. Well, that would be a hard task. You would need a PhD to work that one out.

That is the end of my list. I think it demonstrates the point that the Hon. Chris Rath needs to understand, which is that productivity under the last Government was a complete and absolute joke. The public sector was turned into a sub-branch of different political causes and movements. I joke that if you were to go through and perform each of these functions every day at your workplace, by 4.30 p.m. you would finally get around to doing some actual work for the taxpayers and people of New South Wales. I am sure I have even missed some. I had some informants in the public sector who said how painful this was. There was not much time at the end of the working day to actually do things for the people of New South Wales.

In the way of politics, the former Government has been turfed out. I spoke to a senior figure from the former Government yesterday. He said, "Why did we ever have any of these things in place—this list of political junk occupying the working day?" And then he said that it was under the theory advocated by Don Harwin. You had to bring your whole self to the workplace: your sexuality, your politics, your unconscious bias, the voices in the back of your head, the fact that you could not laugh—you had to learn to laugh. You had to get a busker. All your mental health problems, your lack of harmony, your hunger for the rainbow cake—you had to bring all those things. Your whole self had to come to work. I just wonder how many people feel like that.

I look around this Chamber. It would be horrifying if everyone brought their own private habits into the Chamber. We are unruly enough. We had the famous adjournment speech from the Hon. Bob Nanva saying how bad it is. There are some things in life that are intensely private, and people do not want to bring them to the workplace. I bring to this workplace my political self for judgements and assessment and voting on the matters that are important before the Chamber. I do not know of anyone in my fairly broad acquaintance list who wants to bring their whole self—every single aspect of their life—to the workplace. There is a thing called privacy. There is a place called the family home, and the knowledge that certain things are known only to you and your loved ones. To bring all of that to the workplace has got nothing to do with productivity. It should not be happening. People should bring their work-self to work.

**The Hon. Anthony D'Adam:** Point of order: The member needs to take his seat because I am taking a point of order. I have listened to the member. He has been given a high degree of latitude, but he is way off the long title of this bill. The member should be brought back to the long title of the bill.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I remind the member to stay within the bounds of the debate even though wide latitude is given.

**The Hon. MARK LATHAM:** I was wrapping up. I just wanted to outline the farce of the arguments in the debate about productivity. Clearly, under the former Government, there was a higher priority given to political-type programs and causes in the public sector than actual productivity. The former Government did not negotiate a single productivity advancement anywhere in the public sector over 12 years. It allowed this junk to flourish. The new Government, even though it is from the other side of politics, has knocked off a couple of them. It has a lot more work to do—a classic example is giving teachers a massive pay rise without asking for productivity improvements in return.

**The Hon. Daniel Mookhey:** I'm asking—1,200 teachers are coming back to the classroom.

**The Hon. MARK LATHAM:** No, there is nothing in the agreement about productivity. I could have given a list of seven or eight things that would dramatically improve student outcomes in New South Wales. These things are self-evident. The only way to run an effective public sector—the subject of this bill—in the absence of the crude, unnecessary wage cap, is productivity-based bargaining. We need it to start and we need lots of it. Most importantly, the Government needs to rip up and abolish this list.

**The Hon. RACHEL MERTON (15:28):** I speak in opposition to the Industrial Relations Amendment Bill 2023. What a tawdry situation we face today. The Government has wandered aimlessly through the past six months with no vision and no legislative agenda. Suddenly, with Christmas looming, a hugely consequential bill has been presented to the House with urgency. On Tuesday night after Tuesday night, this House has risen early because of a lack of Government business. Labor had 12 years to think about an agenda, yet Government business has commenced on possibly the last parliamentary sitting day for the year.

Why are we having this debate today? We have been told the bill emanates from a review conducted by the Hon. Roger Boland and Anna Booth of the Fair Work Commission. Where is that? Why can we not see that? Why was one of the standing orders in the other place, the five-day rule, ignored before the bill was introduced? The rule allows members to give consideration to a bill before being expected to speak and vote on it. Why should a bill of this consequence not have that degree of review and consideration by legislators? With the sudden realisation that the legislative record for 2023 was pretty non-existent and the cupboard was pretty bare, this ordinary piece of legislation is, quite simply, a Yuletide gift to the trade union movement.

The reason the bill is before us now is so transparent you could wrap your leftover Christmas ham in it. You can always tell it is Christmas when the Labor Party is in power. As inevitably as little-known uncles and cousins turn up at your front door for Christmas Day lunch, Labor has a big legislative gift it wishes to hand over to its trade union masters. That sack of presents is what is contained in the bill. It is the Labor Party's big pay back to the trade union movement for its tireless election campaigning for the Minns Government. It is the Labor Party payback for the army of trade union activists and officials who manned the polling booths and spent the past number of years campaigning relentlessly against the former Government.

The unions themselves are making the point loud and clear: The bill is all about meeting the Government's commitments to the big trade unions who we saw on the front line for Labor. For instance, look at what the Fire Brigade Employees' Union said to its members:

Following weeks of negotiations with public sector Unions, the NSW Labor Government has finally introduced the first tranche of reforms to the Industrial Relations Act and System.

These reforms were a key election commitment to public sector unions, including the FBEU ...

Those unions want the reward for standing on polling booths. They want the reward for the rivers of funds provided to the Australian Labor Party. According to the Australian Bureau of Statistics, those unions in New South Wales represented just 11.7 per cent of the workforce in 2022. That is down from 16.6 per cent in 2016. Almost 5 per cent of the entire State workforce walked away from the unions in just five years. Those unions represent little more than 11 per cent of New South Wales workers, yet they have 100 per cent control of the Government—a point well made by my colleague, the Hon. Christopher Rath. The Government's priority is not the people of New South Wales; it is the trade union bosses of New South Wales. Again, the Fire Brigade Employees' Union say that it and other public sector unions welcome the changes which "will come just in time for our 2024 award negotiations". When we see comments like those, we can see why the Government sought urgency on the bill.

What are the details of the bill? The bill abolishes section 146C of the Act, which provides the Government the power to regulate a wages cap. It also requires the Industrial Relations Commission to consider "the fiscal position and outlook of the New South Wales Government". Labor is removing the public sector wages cap at the demand of its union masters and in a high inflationary environment. There was a legitimate reason why a cap existed. When we were in government, some 41 per cent of the State budget was associated with employee-related expenses. A blowout in wages means less money for infrastructure like roads, metros, schools, hospitals and cost-of-living relief. The Parliamentary Budget Office warned that increasing public sector wages would have a

significant impact on New South Wales finances. Earlier this year, the independent Parliamentary Budget Office reviewed both the Coalition and Labor election promises and found that a 1 per cent wage rise on the current cap would increase government costs by \$2.6 billion over three years.

With this bill, Labor is now trying to repay its public sector union mates while also claiming to be fiscally competent by linking wage increases to productivity improvements. The fig leaf of cover, purportedly given to the Industrial Relations Commission to manage those costs, fools no-one. We remember Labor's pledge, in opposition, that public sector wage rises would be budget-neutral and would be offset by productivity gains. We saw how long that promise lasted. Now we are told to have faith in the Industrial Relations Commission to rein in Labor's spending. It may be Christmas, but it is hard to be a believer. The 2023-24 budget showed us just how far out of control Labor's public sector wage spending is and how far it is in debt to the trade union movement.

The 2023-24 budget demonstrates that public sector wages are now projected to exceed the cost that Labor took to the election by some \$8 billion. By 2027 the public sector wage bill will be nearly \$56 billion. That means that 46 per cent—heading towards half—of all government expenditure will be on wages and related expenses. Somehow, Labor expects us to believe that, through the bill, the Industrial Relations Commission will act as a brake on all of that. The commission is expected to consider:

... the fiscal position and outlook of the Government and the likely effect of the exercise of the Commission's function on the position and outlook.

So Labor is relying on the commission to buy it fiscal credibility. It is hoping it can hide behind the commission when its union masters again come knocking and demanding further unsustainable wage increases. What a ham-fisted and reckless way to manage the State's budget.

The bill does plenty for the loyal trade unions that handed out the how-to-votes and attended the rubber chicken fundraising dinners. It does nothing to ensure the State lives within its means. The protection against uncapped and ongoing trade union wage demands are flimsy, and the ones left to pick up the pieces will be everyday New South Wales families and workers who will invariably see their services cut and their taxes increased as the Labor Government tries to keep its trade union masters happy each time a new demand is made for another wage rise.

Another part of the bill and another of the Christmas gifts to the trade union movement is the re-establishment of the Industrial Court of New South Wales. Hiving out responsibility for the judicial function of the Industrial Relations Commission from the Supreme Court to a reheated Industrial Court is wasteful, bureaucratic and costly. The Industrial Court was abolished just seven years ago, and its matters were transferred to the Supreme Court. Why was that done? The court, originally a creation of the Carr Labor Government, was abolished in 2016 by the Coalition Government, for a very good reason. By 2015 only 37 matters commenced in the Industrial Court compared with 766 matters in 2005, given the growth in the Federal jurisdiction in that area. That is just 5 per cent.

The maintenance of a standalone Industrial Court in such circumstances made no sense. Moving its matters to the Supreme Court made the handling of cases more efficient. There were obvious efficiencies of scale associated with handling matters under the larger jurisdiction and resources of the Supreme Court. There was also a much larger number of judges through the Supreme Court to handle industrial relations cases. It has been good for the taxpayer too. We hear members on the other side speak about the Industrial Court bringing fairness back to industrial relations in this State as part of the bill. Are they suggesting the Supreme Court of New South Wales is not fair? Are they really suggesting the Supreme Court is not an independent umpire? There is no justification for replacing the Supreme Court with a reinstated Industrial Court, unless Labor and the trade union movement somehow think they will get a better deal for themselves and their supporters. What is the real reason?

This flawed and hurriedly banged together bill is simply a Christmas present from the Government to its trade union mates. Giving is good at Christmas, but not when it is at the expense of the people of New South Wales. The process of proper parliamentary review and scrutiny has been shamefully ignored by a government whose only focus is to repay the trade unions that played a pivotal role in delivering it government. This is a big reform. We are presented with a bill cobbled together with no examination, no scrutiny and no discussion, and all within the panic of Christmas time.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (15:38):** I speak proudly in support of the Industrial Relations Amendment Bill 2023. The bill is simply about the Government's commitment to improve the lives of working people across New South Wales, particularly our incredibly hardworking public sector. Our "union mates"—as Opposition members refer to them—are our police officers, teachers, allied health workers, corrections officers, and the amazing teams of scientists and researchers who work across our primary industries. We made an election commitment to take care of those people. We took that to the people of New South Wales. We said that it was

time for our hardworking public sector workers and workers across New South Wales to have a fair go. That election commitment has received plenty of scrutiny. We said that we would provide a system for those workers to negotiate better pay and conditions for the incredibly important work they do. We did that for many reasons.

First of all, it is the right thing to do to invest in our public servants who do incredibly important work to keep our State running and functioning in the fantastic way that it does. They deserve to be paid appropriate and fair wages. We also made that commitment because plenty of those workers were leaving the public sector in droves. We faced an incredible shortage of teachers in our schools because of that. Nurses were not supported by the previous Government; their existing jobs were not budgeted for. Losing key workers across New South Wales was becoming a crisis for the State. Labor had to grapple with that in opposition. We raised it with former Government members plenty of times, but they did nothing about it because they have certain views about workers, unions and the people who represent workers. That is really what unions are. They are not so scary. They are groups of people who gather together to negotiate better pay and conditions for workers.

It is a well-known fact that people were leaving our workforces in droves, and the previous Government did nothing about it. Labor took a plan to the election and people voted overwhelmingly for us to deliver on that plan. The bill before us is a key step towards delivering that commitment to support our workforce in New South Wales, including our teachers, nurses, police officers, health workers, corrections officers—all of the key staff who keep our State functioning. The bill will deliver on an essential election commitment to officially abolish the draconian wages cap that was introduced by the previous Government. Former Government members have engaged in hand-wringing in debate on the bill.

The bill is urgent because this debate has been going for 12 years. When the Coalition came to government, one of the first measures it undertook was to implement an appalling wages cap that gave our workforce in New South Wales nowhere to go to negotiate fairer pay and conditions. There were no incentives to innovate or develop policies and procedures that are necessary for the public sector of the future. The former Government just introduced an arbitrary wages cap that deliberately suppressed wages for our workforce, and now we are paying the price. That is why the bill is urgent. After 12 long years of wage suppression, our public sector workforce has essentially gone backwards in real financial terms, and that is not acceptable. Members opposite have made the argument that there is a choice between building infrastructure and increasing wages for people, which is preposterous. Labor can, will and is doing both.

We do not just build things across New South Wales. We must invest in people because it is people, particularly in those sectors that I mentioned, who keep the State functioning, and we cannot afford to lose them. We have to invest in them and reward them for the incredible work they do. A key part of the bill involves revamping the Industrial Relations Commission and re-establishing the Industrial Court. That will be essential to deliver on the election commitment we made and to allow our public sector workers and their unions to go to an independent body to have these matters dealt with, including mutual gains bargaining frameworks, which also forms part of the bill. It is really simple: Everyone gets together to work out where there is common ground and where matters are contested.

We will come together and treat people like adults, which public sector workers are, and work to produce innovative and better industrial agreements. As we have heard, 75 industrial agreements are about to fall off a cliff. The bill will provide a mechanism so that where there are issues that cannot be agreed to under this process, there is an independent body that can sort out those remaining issues. Under the current framework, there is nowhere for people to go. It is a choice of take it or leave it, and that is not the way to treat our professional workforce in its attempts to negotiate the working conditions and pay that they are entitled to. We must provide them with a process through which to develop innovative practices so that their work can be done in a better way for the people of New South Wales now and into the future.

I certainly respect our public sector workers. They are perfectly capable of negotiating in a mutually beneficial way. They operate in the interests of the taxpayers of New South Wales, just as the Government does. I have full faith that the process will give everybody an opportunity to make sure that we have a better functioning public service and that our public service workers are treated with the respect that they deserve. This plan will deliver in spades for taxpayers through much more innovative and respectful ways of working for the people of New South Wales. I wholeheartedly endorse the bill. I hope we can pass the bill today or this week. It is urgent, after 12 long years of wage suppression. That must come to an end. It is time to do better by our public sector.

**The Hon. CAMERON MURPHY (15:45):** I contribute to debate in support of the Industrial Relations Amendment Bill 2023. I thank Minister Sophie Cotsis, who is in the gallery, for introducing this most important piece of legislation to the Parliament. It was a core election commitment of the Labor Party. Despite what the Opposition has said, the bill is all about workers. As others have said, the bill removes the wages cap and, importantly, provides a comprehensive and fair industrial relations system for workers. Other members have spoken about the wages cap and various elements of that. I will speak about another of the most important parts



of the legislation. As a former industrial law practitioner, I think one of the most shambolic elements of the previous industrial law arrangement was the small claims arrangements.

I would often take on pro bono small claims work on behalf of workers and, particularly, unions. I remember one claim in particular for \$879 for what is described in the legislation as an underpayment of wages but which is, in fact, wage theft by the employer. Opposition members may not know that those matters end up in the State court system, which is a shambolic mess. I would end up on the industrial list in the Downing Centre, where matters were constantly adjourned and we would never get heard. I would also end up in a situation where a claim would be heard in the Local Court, but there would be no specialised industrial court magistrate with the knowledge or skills to deal with the matter. It is so important to have judges who have that specialised industrial knowledge.

Despite what the Opposition may think about the matter, it is important that the court is able to deal with those claims. While industrial matters can be dealt with in the current court system, under the bill we will create a specialist Industrial Court. We need judges who have an understanding of industrial legislation and know what they are doing. When I used to appear before magistrates, my matters would be interrupted by criminal matters that came in, such as urgent bail applications and sentencing, which took priority over industrial matters. Those industrial matters were just not reached. After all the effort of going to the court with the client, time after time their matter would be not reached. While a few hundred dollars is not important to many members in this place, it means the world to a worker who relies on it to pay their rent and living expenses or, in the case of the client I mentioned, to rent a holiday park caravan over the Christmas period for their family. Those are the things the bill covers. It is about a fairer industrial relations system—one that delivers for workers.

Claims like the one I mentioned, I hope in the future, and larger ones, will end up in a specialist industrial court that will know exactly what it is doing and be in a position to deliver the type of justice that workers have been crying out for. I am conscious that it is the end of the session and people are looking forward to going home, but I wanted to make that simple point about the bill. While I could talk for 20 minutes, in the interests of brevity, I will just say that I commend the bill to the House. It is a core election commitment. It will remove the wages cap. It will be fairer for workers, and there will be plenty of things for the industrial relations court to do under a Labor Government that will fund it properly and ensure that it puts the interests of workers first.

**The Hon. Dr SARAH KAINE (15:50):** I place on record my support for the Industrial Relations Amendment Bill 2023 and make a brief contribution to debate. The Minister and my other colleagues have described many of the details. I briefly add my reflections, specifically about the mutual gains bargaining amendments. I was reflecting on an exchange in this House yesterday when I spoke to a motion that the Hon. Mark Buttigieg moved about health and safety representative Theo Seremetidis and his win against Qantas, which unfairly stood him down over raising work health and safety concerns. During my contribution it was implied, through an interjection from the Hon. Chris Rath, that the result was not so much about a win as about legislation allowing for a fair outcome. At the time I took issue with that and still do, to a point. But I accept that for brave workers like Mr Seremetidis to achieve fair outcomes, not only in work health and safety but also in other areas of wages and conditions, the legislative framework must be grounded in respect and recognition of workers and their elected representatives.

No-one is suggesting that the insertion of the mutual gains bargaining provisions means that bargaining will be easy, and I note the Hon. Damien Tudehope's earlier comments suggesting that we are going for *Kumbaya* moments. We are not suggesting that at all. I am well aware of the academic debate about what is also known as interest-based bargaining. The version we are adopting promotes an approach that clearly signals how we expect the parties to engage in bargaining. The principles are listed in the bill. A couple of things are important to highlight. It is a collaborative approach. It is not an unrealistic approach. It does not suggest we will agree on everything, but it is based on a collaborative approach. It aims to not only achieve outcomes but also, importantly, create, maintain or strengthen good relationships between the parties. Some of the principles listed in the bill are difficult to achieve, and there will be aspects between parties that are hard to reconcile.

*[An Opposition member interjected.]*

There may be a danger that some of the principles will be seen as mere platitudes—some nice words. But words are important. Words signal our intent. They commit us to a path to which we can be held accountable. Through the bill we demonstrate our commitment to anchor our treatment of workers and their representatives with respect and a desire to reach consensus. We recognise that that practice is not always easy and that there will be disagreements, but we are not scared of that. We are not frightened of workers or their representatives. We acknowledge that those workers are equal citizens of our State whose democratic choice for representation should not be met with disdain or, worse, animosity. I commend the bill to the House. I commend the Minister for introducing it, and I look forward to the outcomes on behalf of New South Wales workers.

**The Hon. ANTHONY D'ADAM (15:54):** I support the Industrial Relations Amendment Bill 2023, which is very important legislation. I make some comments about the overarching agenda behind the bill. Yesterday in the take-note debate, I referred to the importance of institutions to the success of Australia. I see the bill as a first step towards the restoration of an important institution in this State—the Industrial Relations Commission. The commission has been in existence since the turn of the last century, and it has fulfilled a critical role in mediating the contending interests of employers and employees. In the period when we had a private sector jurisdiction in New South Wales, it was with private sector employers and, since the referral, with public sector employees.

There are underlying tensions in the employment relationship that require a mediating third party, and the bill takes important first steps to restore that critical institution that was attacked by the Liberal Party from the moment it got into office. It neutralised the critical functions of the Industrial Relations Commission, with its legislated wages cap. It was not just a wages cap. It was an impediment to the commission's exercise of the full range of its arbitral powers and was therefore a significant diminution of the role it had played up until that time. The second attack on the institution of the commission was the removal of the Industrial Court from its cohabitation with the Industrial Relations Commission and the transfer of its jurisdiction to the District Court and Supreme Court. That decision was an erosion of that institution. With the restoration of an industrial court, steps are now being taken to restore the integrity of that institution, which needs to be independent to fulfil its intended role.

The decision of the previous Government to put in place a wages cap was a fundamental breach of faith and an overarching exercise of legislative power. There is an old expression about how one cannot be both poacher and gamekeeper, but that is exactly what the Liberal Government sought to do. It wanted to use the legislative power vested in the Parliament to advance the interests of the Government in its capacity as an employer. Those two functions need to be separated out. We need an independent umpire to determine fair wage outcomes and preserve the basic rights of workers to bargain and negotiate with their employer on fair terms.

When I was at the Public Service Association, we sought to challenge the validity of that decision in the International Labor Organization because it breached some fundamental conventions of the rights of workers around free bargaining. The restoration of the commission's arbitral functions and the elimination of section 146C means that the commission can now play that critical arbitral role. It can be the fair umpire in the relationship. While it will take account of the Government's fiscal and bargaining position, as it should, it will still exercise an independent role in the process of wage setting for the public sector.

I briefly address the question of productivity. I had the experience of operating in the industrial system that existed in the New South Wales public sector before the Coalition was elected in 2011 and for a time after that. In the previous iteration, there was always an account of productivity. I think there is a misconception about how workers operate, and an assumption that workers do not want to do their best job by finding ways to be more efficient and ways to do their job better. I think the teaching service is a good example of that misconception. Teachers go to work and they want to do their best by their kids. They have been engaging in improved productivity over the full period of the operation of the wages cap. All those productivity increases were still occurring, but they were not being properly recognised and remunerated for them. Now the opportunity exists with a new system in which those types of productivity initiatives are recognised, are rewarded and can be taken account of.

**The Hon. Damien Tudehope:** This is the first time I have heard someone try to give a definition of what a productivity increase is.

**The Hon. ANTHONY D'ADAM:** If the Leader of the Opposition wants me to go into the very flawed criteria that were put in place—the muzzle—of what fit into the definition of productivity and what fell outside the definition of productivity, it was ridiculous. It was a way of cheating the workforce out of the productivity contribution workers had been making. This bill, with the changes we have introduced, will be a very significant step towards improving and enhancing productivity in the public sector—something that was constrained under the previous regime and that now, hopefully, will be unleashed.

**The Hon. EMILY SUVAAL (16:00):** I join in debate on the Industrial Relations Amendment Bill 2023. I begin by commending the Minister, who has done a lot of work in bringing this bill to the House. I thank the more than 400,000 public sector workers in New South Wales for all their efforts, including over the past 12 years of conservative reign, when things were quite challenging. Having organised workers in our public sector within that period, I feel I have a unique perspective to offer this debate as someone who tried to get matters before the Industrial Relations Commission, tried to win underpayments cases on behalf of workers and faced incredibly challenging situations.

I will put a couple of matters on the record from my perspective. The first of those is with regards to the wonderful Rail, Tram and Bus Union and its members. It is fair to say that over the past few years those members

have faced some challenging circumstances, not least when they thought they had reached an arrangement that then was overturned. That happened on a number of occasions. They reached an arrangement and had it overturned, repeatedly. To say that those workers were completely done over is an understatement. I commend them for their efforts and for their ongoing work. In terms of the 2.5 per cent pay increases that were referenced earlier in the debate, I remind members of the 0.3 per cent pay increase that our health workers, our teachers, our police officers and our firefighters got at the height of the COVID pandemic. That was when workers were working double shifts clothed in the most crazy personal protective equipment, and they got a 0.3 per cent pay increase from the former Government for their efforts in getting our State through that pandemic.

I will never forget that—never. I will never forget the level of betrayal those workers felt. They turned up to work every day in challenging and difficult circumstances. The impact of that cap on workers was devastating. Not only was it a cap on their wages, but it also was a cap on their working conditions. This was really felt in the health system, in an environment with increasing acuity and complexity of patients and increasing levels of danger when, for example, they were doing terminal cleans for COVID-19 rooms. We had cleaners who went from doing an infectious clean maybe once a day to having to do five and six a day. The impact that that cap had, not just on health workers' pay but on their conditions, came from 12 years of neglect of their pay and conditions. They are not just contemporaneous.

I again commend the work of the Minister in bringing this bill to the House. In terms of the density of union membership, I wish to correct something that was placed on the record earlier today. I am a member of a union that has, on average, 70 per cent density. In the workforce, 70 per cent are union workers. We are a unionised workforce. This bill is a really important first step in restoring dignity, respect and fairness to our industrial relations system in New South Wales. I commend the Minister and all members in this place for the work they have done to get us here today. It is an important first step. There is more work to do. I commend the bill to the House.

**The Hon. STEPHEN LAWRENCE (16:05):** I add my voice to the chorus of voices in support of the Industrial Relations Amendment Bill 2023. It is a historic bill and it is a privilege to speak on it. I commend the work of the Minister, who has been so hardworking and so useful to the caucus in terms of briefings and so forth, and with briefings to stakeholders as well. I will speak briefly about the absorption into the new Industrial Court of the important work health and safety jurisdiction. It is a complex jurisdiction that involves criminal prosecutions. Having appeared as a prosecutor in quite a number of what were then called occupational health and safety cases, I know how complex it is. Of course, all judges and magistrates do a good job. They work hard and try their very best, but the advantages of speciality in this area should not be understated because it is so different to other aspects of criminal law.

Many cases of work health and safety offences involve physical elements, or *actus reus*, where the elements are very different sorts of conduct to what is involved in most criminal offences. Often the conduct is conduct by omission, for example, or the conduct might also be in conjunction with that falling below a certain standard, perhaps of reasonableness. That is quite different to the run-of-the-mill criminal matter. They are different in their mental element, or *mens rea*. There often is strict liability, or different specific types of *mens rea* are prescribed. To have those sorts of matters always heard in the Local Court, the District Court or the Supreme Court and not to have the benefit of a specialist court with highly trained judicial officers is not a good position. The re-establishment of the Industrial Court is a real strength of this bill.

In the previous existence of the Industrial Court of New South Wales, it was highly respected as a court of record. Its decisions were cited in other types of cases, although it was obviously concerned with industrial matters when interpreting legislation or deciding points of law. The Industrial Court often published judgements that became persuasive and were very respectable to hand up in other courts, so it certainly was a respected institution. If this bill passes, it will be very good to see the return of the Industrial Court to the scene in New South Wales. The abolition of the Industrial Court in 2016 was preceded by the withdrawal of that work health and safety jurisdiction as part of amendments made in 2011. The work health and safety jurisdiction had constituted a large part of the workload of the court and had resided with that court since 1983. That substantial body of case law to which I referred earlier had been established. That jurisdiction was then transferred to the Local Court, the District Court and the Supreme Court, depending on the nature of the offence.

There are three main categories of work health and safety offences. The most serious is category 1, which deals with gross negligence or reckless conduct. Category 2 deals with a failure to comply with a health and safety duty. And category 3 is concerned with failures to comply with a health and safety duty but is less serious than a category 2 offence. If the bill is passed, it will be law that categories 2 and 3, along with category 1 offences committed by corporations, will be able to be dealt with summarily before the Industrial Court or Local Court. Category 1 offences committed by an individual will appropriately continue to be heard by the District Court or Supreme Court on indictment before a jury.

The bill will also transfer injunctions for noncompliance with notices issued by work health and safety officials and matters relating to contraventions of enforceable undertakings from the District Court to the Industrial Court. The reforms in the work health and safety sector will also include the establishment of appropriate appeal mechanisms for the industrial parties. It is the case that for close to 30 years, between 1983 and 2011, the Industrial Court maintained a strong and successful record in resolving work health and safety prosecutions. It is a good thing to see the creation of a new specialist court that will house those prosecutions and bring that specialist focus.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:10):** I make a brief contribution to debate on the Industrial Relations Amendment Bill 2023 and associate myself with the comments made by other Government members. It is an important bill for a Labor government to be introducing. I begin by paying tribute to the Minister for Industrial Relations. I know the Minister's speech in this place, in response to the previous Government, was very long. I think it set a record. It goes to her passion and the immense, deep feelings she has on this issue, so I commend her. I also commend the Treasurer. He has worked on this issue as part of the labour movement and in this place. He has offered an insightful and intelligent contribution as the Government has constructed its response on industrial relations. I also pay tribute to the many hundreds of thousands of union members and leaders who have campaigned for years in order to get industrial relations reform in this State.

There is no doubt that the wages cap has failed. It failed because it suppressed wages for the individual workers concerned, but it has also resulted in poor outcomes for the community. Those workers, as they had their wages suppressed, left work or had a reduced ability to be able to spend those wages within the broader communities. It had serious implications for the broader economy, but it also meant that our communities got poorer public service outcomes. It is unbelievable that, in 2023, we have to talk about this. It is a basic expectation of the community that when their kids go to school, or when they turn up to a hospital, there is an appropriately qualified public service worker in either context—that there is a teacher, a nurse, a doctor or an allied health professional. It is crazy, but it is the result of what the wages cap has done in this State over more than a decade.

I am proud to be part of this Government that is not just removing the wages cap but establishing a new framework to get better outcomes for the workers directly affected and, just as importantly, for the broader community who rely on those public services that are delivered by those important workers. Those opposite have talked about the fact our party was formed by unions. There is no doubt that it was. The bill goes to the core of what the Labor Party is about. It was formed because it understood that we needed an arbitration system. This is a modern, mutually based interest bargaining system, a new arbitration system, that will deliver better outcomes for workers and for the community. I am proud to support the bill, which is why I wanted to make a brief contribution. It is an historic time for our party, for this Government and for the people of New South Wales. I am really proud to stand here as a Minister in this Government and be part of it.

**The Hon. GREG DONNELLY (16:14):** I associate myself by making a relatively brief contribution to debate on the Industrial Relations Amendment Bill 2023. It certainly is an historic day today, with the introduction and, I hope, passage of this legislation. There is nothing that my colleagues have said that I do not wish to be directly associated with; let that stand on the record. I thank all of my colleagues for their contributions. Some of us were around in the early part of the first term of the previous Coalition Government. There are not many left, but there is a handful. I was. I will not go through all of the others who were as well.

I am pleased to see the Minister, the Hon. Sophie Cotsis, joining us in the Chamber today and observing. There was a deep relish, almost a joy, from the Coalition under then Premier Baird when it brought reform, as the Coalition saw it, to industrial relations legislation in this State. Labor saw it more as a defamation than a reform. I will never forget—and I am sure those who were there will never forget—the smiles on the faces of those opposite and the way in which they made their contributions as we were sitting on the other side of the Chamber. They were basically poking us to respond. Their smiles from ear to ear about the way in which they saw that these changes, from their point of view, would provide specific advantage.

**The Hon. Damien Tudehope:** Now the boot is on the other foot.

**The Hon. GREG DONNELLY:** I acknowledge the interjection. That is not quite the case; the case that this Government put is quite different. Given I have limited time, I will not elaborate on that, but this matter is being addressed in a very different context. It is not gleeful boasting and joy; it is a re-establishment of an equilibrium, a balance, a notion of a fair go all around. That is a notion that many of us thought would not leave the cultural fabric of our society. Part of what the Government is doing through the creation and rebooting of the institution of the Industrial Relations Commission and the court is a very deliberate attempt to re-enable that fundamental institution, which has been there for a very long period, to once again continue its work of pulsing through our culture in New South Wales and industrial relations.

If we set aside the notion of a fair go all around, particularly with respect to workers and the relationship between employers and workers, one only has to look to countries overseas where that notion is anathema. For example, in the United States—and I use that as a single example, but there are many others—there is a stratified, two-class society. There are those who can look after themselves and who do very well, are professionally trained and all of that. And there are those who struggle to make a living wage. That is what energises members on this side of the House. It is not just for and on behalf of union workers; we see a remit for and on behalf of all workers in the State of New South Wales, whether they are in a union or not. Obviously, we do it for union members as an immediate priority, but we seek to improve wages and working conditions. Like a rising tide lifts all boats, that is our position with respect to workers in this State, no matter what industry they are in.

I have touched on the rebuilding of the institution. I have heard the arguments against it; I do not think they are particularly persuasive. The re-establishment of the institution is important. The institution of the commission and courts, and the notion of having an umpire or someone with powers to intervene and conciliate or arbitrate, is not an old idea. For most of the last century, that is the way industrial relations was conducted in Australia. One only has to cast their mind back to see that starting to be unpicked in the last decade of the last century. We are now, obviously, into the third decade of this century. Historically, the notion of having an umpire that is independent and has the expertise and professionalism to hear arguments for and against matters and make a determination has been significant to the culture in this country. It removes the need for combat and unnecessary action when there is the capacity for an institution to undertake the bringing together and resolving of differences.

I conclude by sincerely thanking Minister Sophie Cotsis, who was there then and is here now. People at the time said among themselves privately that this defamation that took place would not last and we would eventually get to the point where the opportunity would come to circle back and get to if not exactly where we were then as close as we could. I thank Sophie so much. She was there. I acknowledge that. I also acknowledge the Treasurer and his intelligence, industrial relations acumen and deep experience and understanding of the industrial relations system, not only at the State level but at the Federal level, and of all the implications of the need for the two of them to interact and work together. Working with the Minister has enabled the bringing together of something quite significant. I do not think that the other side has a bloody clue—pardon my using the word—of the intelligence behind the new Act, particularly with respect to the notion of bargaining and what that can mean if it is understood between the parties and undertaken in a genuine way in an attempt to resolve what can sometimes be difficult matters.

I acknowledge the work done by the Cabinet, who facilitated ultimately the approval of the bill, and the Premier of New South Wales, who delegated work to the Ministers but has been there, along with the Deputy Premier, with their backgrounds and experience and proud association and membership of trade unions. It is not as if we do not wear this association as a badge of pride. Trade unions are, were and will be deeply important to members of the Australian Labor Party. The idea of such an association being some sort of wedge or basis for embarrassment of a Labor Party member in any jurisdiction—local, State or Territory, or Federal—is quite farcical when you think about it. Nevertheless, we hear those arguments presented all the time, and we all have a good chuckle. I will leave my words there and thank everybody associated with the bringing of this legislation. I commend the bill to the House.

**The Hon. PETER PRIMROSE (16:21):** I promised all of my colleagues I would be short, so I will be. Like everyone else, I wish to be associated with the Industrial Relations Amendment Bill 2023 and to publicly indicate my absolute support for it. You sometimes feel particularly proud to be in a particular political party and part of a movement. When I first came into this place, I watched in awe as Jeff Shaw and Patricia Staunton worked through the then Liberal Government's industrial relations legislation, clause by clause, piece by piece, hour after hour, and was enthralled by the process but deeply humbled and very proud to be part of the result, which was some excellent industrial legislation that brought fairness back into our system.

Then I watched the new Liberal-Nationals Government tear it to pieces, but I was proud of my side of politics for defending fairness yet again in relation to the industrial relations system. At the same time, I watched Canberra, as WorkChoices, that dark cloud of unfairness, settled over Australia, put down onto the community by the Liberals and Nationals. Today I am again particularly proud of my political party and that the Minns Labor Government is bringing in a fair system. There are times, as I said, when you feel particularly proud. I am always a proud trade unionist. I am today particularly proud to be a member of the New South Wales Labor Party and the Minns Labor Government. I commend the legislation to the House.

**The Hon. DANIEL MOOKHEY (Treasurer) (16:23):** In reply: I will save my broader reflections and thanks to my side of politics until the third reading stage, but I acknowledge and thank members for the contributions made in the second reading debate. I thank the Hon. Damien Tudehope, the Hon. Rod Roberts, Ms Abigail Boyd, the Hon. Mark Buttigieg, the Hon. Christopher Rath, whose passion for wage suppression impressed me though his arguments did not, the Hon. Bob Nanva, the Hon. Mark Latham, the Hon. Rachel Merton,

the Hon. Tara Moriarty, the Hon. Cameron Murphy, the Hon. Dr Sarah Kaine, the Hon. Anthony D'Adam, the Hon. Emily Suvaal, the Hon. Stephen Lawrence, the Hon. Courtney Houssos, the Hon. Greg Donnelly and the Hon. Peter Primrose. Once again the Labor caucus demonstrated our conviction, passion, argument, eloquence and, above all, our discipline, including our time discipline, for which the entire House is grateful. With that, I commend the bill to the House at its second reading stage.

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

**The House divided.**

Ayes .....23  
Noes ..... 12  
Majority..... 11

#### AYES

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

#### NOES

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

#### PAIRS

Graham	Mitchell
Moriarty	Taylor

**Motion agreed to.**

#### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the Industrial Relations Amendment Bill 2023 as a whole. I have two amendments, which are Opposition amendment No. 1 on sheet c2023-195A and Opposition amendment No. 1 on sheet c2023-177B.

**The Hon. DAMIEN TUDEHOPE (16:34):** I move Opposition amendment No. 1 on sheet c2023-195A:

No. 1 **Principles of mutual gains bargaining**

Page 3, Schedule 1.1[1], proposed section 129L(a), line 14. Omit "is to be".

**The Hon. DANIEL MOOKHEY (Treasurer) (16:34):** The Government supports the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Damien Tudehope has moved Opposition amendment No 1 on sheet c2023-195A. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. DAMIEN TUDEHOPE (16:35):** I move Opposition amendment No. 1 on sheet c2023-177B:

No. 1 **General functions of Commission**

Page 25, Schedule 1.3[3], lines 6–8. Omit all words on the lines. Insert instead—

- (c) for the exercise of a function about public sector employees—
- (i) the fiscal position and outlook of the Government and the likely effect of the exercise of the Commission's function on the position and outlook, and

- (ii) if the exercise of the function involves the making of a decision before 1 July 2027—whether productivity improvements have been agreed by the parties that will fully offset any wage increases beyond the targets set out in the repealed *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014*, clauses 6 and 6A, as in force on 15 March 2023.

Section 146 of the Act requires the Industrial Relations Commission in the exercise of its functions to take into account the public interest and, for that purpose, must have regard to certain specified matters. Schedule 1.3 [3] to the bill inserts new section 146 (2) (c), which requires the commission, for the exercise of a function about public sector employees, to have regard to the fiscal position and outlook of the government and the likely effect of the exercise of the commission's function on the position and outlook.

The amendment adds an additional matter to which the commission must have regard in exercising a function about public sector employees. That additional matter only comes into play if the commissioner is making a decision before 1 July 2027. That date was selected because it is the start of the first budget year after the next scheduled State election. The remainder of the provision simply seeks to give effect to the election promise made by the Labor Party—and therefore must be supported—in relation to its public sector wages policy for 2023 to 2027, the term of the Government. The amendment does not seek to operate beyond that period as any party seeking government after the March 2027 election would be free to take a fresh public sector wages policy to the electorate. The additional matter that the commission would be required to have regard to is whether productivity improvements have been agreed by the parties that will fully offset any wage increases beyond the targets set out in the repealed *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014*, clauses 6 and 6A, as in force on 15 March 2023.

The language in the amendment is lifted from the Labor Party's own election policy. I challenge the Government with two alternatives: support the amendment and thereby honour its election promise to ensure that any public sector wage increases beyond the targets set out in the regulation are fully offset by productivity improvements to maintain budget neutrality, or oppose the amendment and thereby admit it has either abandoned its election promise or never intended to keep it. It is a straightforward choice. I commend the amendment to the House and I look forward to seeing whether the Government will keep its election promise or not.

**The Hon. DANIEL MOOKHEY (Treasurer) (16:38):** The amendment moved by the shadow Treasurer is a distortion of what Labor said prior to the election, so the Government will not be supporting the amendment. At the election Labor made it clear that a Labor government would be paying for public sector wage increases by productivity improvements, yes, but also by budget savings. The Government did that in the budget and will continue to do so in the future. The amendment has been drafted in such a manner that it would not just bind the Government's hand; it would bind it to the very wages policy that the people of New South Wales rejected. The amendment states that we are to use "the targets set out in the repealed *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014*, clauses 6 and 6A, as in force on 15 March 2023". On 25 March 2023 the people of New South Wales rejected that policy and voted for our system. We are not rewriting it back into the Act only for the Opposition to make a cheap political point. Instead, we prefer to get on with the job of delivering people sustainable pay increases as we go about improving public services for our citizens.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Damien Tudehope has moved Opposition amendment No. 1 on sheet c2023-177B. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

Ayes .....15  
Noes .....23  
Majority.....8

#### AYES

Carter  
Fang (teller)  
Farlow  
Franklin  
MacDonald

Maclaren-Jones  
Martin  
Merton  
Mitchell  
Munro

Rath (teller)  
Ruddick  
Taylor  
Tudehope  
Ward

#### NOES

Banasiak

Fachrmann

Mookhey

## NOES

Borsak  
Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Donnelly

Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Latham  
Lawrence

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

## PAIRS

Farraway

Graham

**Amendment negatived.**

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

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY:** 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. DANIEL MOOKHEY:** I move:

That the report be adopted.

**Motion agreed to.****Third Reading**

**The Hon. DANIEL MOOKHEY (Treasurer) (16:44):** I move:

That this bill be now read a third time.

I acknowledge the productive manner in which the Committee dealt with the bill. All members qualify—or at least have better grounds to apply—for a productivity-based pay increase. The bill is the culmination of many years of struggle by many people in New South Wales. Hundreds of thousands of essential workers, union members and labour movement activists have fought for 12 years to see the bill pass into law. It is appropriate at the third reading stage that we acknowledge their very hard work. The bill has been improved by the third reading stage. The struggle has involved much leadership from the industrial wing of the labour movement over the past 12 years. It is appropriate that we acknowledge Mark Lennon and Mark Morey, the secretaries of Unions NSW, for their work through that entire period. I also acknowledge the five Labor leaders who have made this a cause for our party and our movement from the moment the bill was introduced back in 2012: John Robertson, Luke Foley, Michael Daley, Jodi McKay and, of course, Chris Minns.

I also acknowledge that for a very long time Adam Searle was the spokesperson for industrial relations and fought very hard for many of the concepts we now enact. I thank very much the hardworking public servants who have supported the design of the bill. I particularly acknowledge deputy secretary Samara Dobbins, Charlie Heuston and Ian Galvin, who have worked very hard on this. I acknowledge the staff of Minister Cotsis: James Hamilton, Ayshe Lewis and Julie Sibraa. They have worked hard to bring the bill to fruition. Like many, I conclude by acknowledging the Minister, Sophie Cotsis, who stood in this Chamber for hours to stop the cap from coming and today has the honour of going into labour movement history as a legend of the movement who both started the fight and finished it. We acknowledge her very hard work in bringing the bill to the House. Henceforth, the Shaw Act will also be known as the Shaw-Cotsis Act. That is an immense tribute to the Minister.

**The PRESIDENT:** The question is that this bill be now read a third time. Is leave granted to ring the bells for one minute?

**Leave granted.****The House divided.**

Ayes .....24  
Noes ..... 14



Majority.....10

## AYES

Banasiak  
Borsak  
Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Donnelly

Faehrmann  
Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Latham  
Lawrence

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

## NOES

Carter  
Fang (teller)  
Farlow  
MacDonald  
Maclaren-Jones

Martin  
Merton  
Mitchell  
Munro  
Rath (teller)

Ruddick  
Taylor  
Tudehope  
Ward

## PAIRS

Graham

Farraway

**Motion agreed to.***Senate***SENATE VACANCY**

**The PRESIDENT:** I shall now leave the chair for the joint sitting. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

[*The President left the chair at 16:50.*]

*Joint Sitting***ELECTION OF A SENATOR**

The two Houses met in the Legislative Council Chamber at 17:03 to elect a senator in the place of Senator the Hon. Marise Payne, resigned.

**The CLERK:** I call for nominations for President of the joint sitting.

**Ms PRUE CAR:** Mr Clerk, I move:

That the Hon. Ben Franklin, President of the Legislative Council, act as President of the Joint Sitting of the two Houses of the Legislature for the election of a senator in place of Senator the Hon. Marise Payne, resigned, and that in the event of his absence the Hon. Greg Piper, Speaker of the Legislative Assembly, act in that capacity.

**Mr MARK SPEAKMAN:** I second the motion.

**The CLERK:** The question is that the motion of the Deputy Premier as seconded by the Leader of the Opposition be agreed to.

**Motion agreed to.****The Hon. Ben Franklin took the chair.**

**The PRESIDENT:** I advise members that a staff member from the Legislative Assembly will be present in the Chamber today to take photographs for use in official publications and on social media.

**Ms PRUE CAR:** I present proposed rules for the regulation of the proceedings at the joint sitting, which have been printed and circulated. I move:

That the proposed rules as printed and circulated be now adopted.

**Mr MARK SPEAKMAN:** I second the motion.

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

**Motion agreed to.**

**The PRESIDENT:** I will now receive nominations with regard to a person to fill the vacant place in the Senate caused by the resignation of Senator the Hon. Marise Payne.

**Mr MARK SPEAKMAN:** I propose Mr Devanand (Dave) Noel Sharma to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Marise Payne. I announce that the candidate is willing to hold the vacant place if chosen. Senator the Hon. Marise Payne was at the time she was chosen by the people of the State publicly recognised to be an endorsed candidate of the Liberal Party of Australia and publicly presented herself to be an endorsed candidate of that party. Mr Devanand (Dave) Noel Sharma is a member of the same political party.

**The Hon. DAMIEN TUDEHOPE:** I second the motion.

**The PRESIDENT:** Does any member desire to propose any other person to fill the vacancy? As no other person has been proposed, the question is that Mr Devanand (Dave) Noel Sharma be chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Marise Payne.

**Motion agreed to.**

**The PRESIDENT:** I declare that Mr Devanand (Dave) Noel Sharma has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Marise Payne.

**Ms PRUE CAR:** I move:

That the President inform Her Excellency the Governor as soon as practicable that Mr Devanand (Dave) Noel Sharma has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Marise Payne.

**The Hon. PENNY SHARPE:** I second the motion.

**Motion agreed to.**

**The PRESIDENT:** I now declare the joint sitting closed.

**The joint sitting closed at 17:08.**

*[The House resumed at 17:20.]*

*Senate*

### **ELECTION OF A SENATOR**

**The PRESIDENT:** I report that at a joint sitting this day, Mr Devanand (Dave) Noel Sharma was elected to fill the vacant seat in the Senate of the Commonwealth of Australia caused by the resignation of Senator the Hon. Marise Payne. I table the minutes of proceedings of the joint sitting.

*Rulings*

### **THE HON. STEPHEN LAWRENCE AND THE HON. MARK BUTTIGIEG COMMENTS**

**The PRESIDENT (17:21):** During question time today I indicated that I would reserve my ruling on a point of order taken by the Hon. Anthony D'Adam upon which the Hon. Mark Latham and the Hon. Wes Fang took further points of order. The original point of order concerned a question by the Leader of the Opposition, the Hon. Damien Tudehope, which referenced speeches in the House by the Hon. Stephen Lawrence and the Hon. Mark Buttigieg and a supplementary question which asked:

However, given that concern about the rise of antisemitism, what is the Government doing about it in relation to its own backbench?

While the topic itself, antisemitism, is of the utmost seriousness, the points of order also raise important issues about the practices of the House. I want to explain at some length the position taken by previous Presiding Officers, for the benefit particularly of new members in this place.

Firstly, I need to consider the issue of a member taking a point of order regarding a reflection or imputation on behalf of another member. The Hon. Anthony D'Adam's point of order was that the Hon. Damien Tudehope "suggested that the Hon. Stephen Lawrence and the Hon. Mark Buttigieg were antisemites". It is well-established practice that when a member is present in the Chamber it is the member at whom the offensive comments were directed who should take a point of order, not another member on their behalf. That said, the Hon. Stephen Lawrence, in response to the point of order, indicated to the House that he did take offence and that he was grateful for the Hon. Anthony D'Adam taking the point of order.

I note that, following the Hon. Stephen Lawrence's statement, the Hon. Damien Tudehope made a contribution in which he stated, "No such imputation was made by me." Given that any suggestion that a member of the House is antisemitic would be highly offensive, does the Hon. Damien Tudehope wish to clarify his comments before I proceed to two further issues?

**The Hon. DAMIEN TUDEHOPE (17:22):** So that it be made abundantly clear, the question I asked was in relation to the potential construing of commentary as antisemitic. I absolutely and categorically say that, in this place, I did not make an accusation or suggest anyone was antisemitic, but some of the material could be construed by others in that way.

**The PRESIDENT:** I further note that during the take-note debate the Hon. Stephen Lawrence indicated:

The offence was only momentary; I do not really continue with it ... I give the Hon. Damien Tudehope the benefit of the doubt.

Noting that it is the member at whom the offensive comments were directed who should take a point of order, not another member on their behalf, and due to the fact that the Hon. Mark Buttigieg did not take a point of order and that the Hon. Stephen Lawrence, in effect, withdrew his during the take note, I therefore regard that point of order as closed. Secondly, there is the issue raised by the Hon. Mark Latham's point of order about when a point of order about imputations can be taken. On this issue, the position from Presidents' rulings is very clear: The point of order should be taken at the time offence occurs. I refer to a ruling from President Ajaka on 18 October 2018 in which he quotes an earlier ruling from President Johnson:

The request for withdrawal of an offensive expression must come from the Member reflected upon and must be made at the time the remark was made and cannot be raised some time later.

I do have some sympathy for the view put by Ms Sue Higginson that taking offence can sometimes take moments or a little longer than the immediate moment. However, on the basis of previous Presidents' rulings and for good order in the House, I uphold the point of order taken by the Hon. Mark Latham. There are alternative courses of action available to a member who wishes to address imputations at a later point. Standing Order 91 permits a personal explanation by leave and Standing Order 92 allows a member who believes they have been misquoted or misunderstood to speak a second time in a debate. Also, during question time, the take-note debate that follows allows a member a three-minute opportunity to address the issue.

Thirdly, I come to the point of order taken by the Hon. Wes Fang that the words used by the Hon. Anthony D'Adam to describe the Hon. Damien Tudehope or his question should be withdrawn. I agree with the Hon. Wes Fang that the words "gutless", "cowardly" and "despicable" are unparliamentary and inappropriate to be used in the Chamber. If the Hon. Damien Tudehope had taken offence and asked that they be withdrawn, I would have directed the Hon. Anthony D'Adam to withdraw those remarks. However, I refer again to the ruling I have cited from President Ajaka that the request for withdrawal must come from the member reflected upon.

Given that the Hon. Damien Tudehope did not himself request the comments be withdrawn, I also regard that point of order as closed. Finally, I ask all members to reflect upon and carefully consider the words they use in debate in this House. It is incumbent on all of us to set an example to the community on how to behave through challenging times.

#### *Personal Explanation*

#### **THE HON. DAMIEN TUDEHOPE**

**The Hon. ANTHONY D'ADAM (17:25):** In keeping with the decorum of the House, I categorically withdraw the suggestion that the Hon. Damien Tudehope is gutless, cowardly and despicable.

#### *Documents*

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

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

**The CLERK:** According to the resolution of the House this day, I table a redacted version of document No. (a) (1), received this day from Deputy Secretary, General Counsel of the Cabinet Office, identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, dated 27 November 2023, on the disputed claim of privilege relating to local and community grants decisions.

#### *Bills*

#### **GREATER CITIES COMMISSION REPEAL BILL 2023**

##### **Second Reading Debate**

**Debate resumed from 28 November 2023.**

**The Hon. MARK LATHAM (17:27):** I strongly support the Greater Cities Commission Repeal Bill 2023 and congratulate the Minister, Paul Scully, on bringing it forward. You can test the merit and longevity of a government organisation by asking this simple question: What are its achievements? I do not think anyone can list any of the achievements of the Greater Cities Commission, because there are none. It is impossible to point to any defining, clever strategic planning from it that has made a positive difference to the people of Sydney. In fact, I would argue that, for the decade of this commission, it has led us down the path of tangents, distractions and measures that took the Government away from the quality planning that a complex city like Sydney requires.

If the question is asked about the highest profile moment in the history of the Greater Cities Commission, one would, regrettably, have to say it involved Daryl Maguire, when the dazzler got hold of one of its offices up on the twelfth floor and thought he would impress his Chinese benefactors with his access to that particular outfit. When the highest profile moment is an association with this Arthur Daley character from Wagga Wagga, associated with the now found to be corrupt Premier Berejiklian, it again points to the merit of the Government's bill and the need to abolish this particular commission.

The Lucy Turnbull sinecure for planning from Potts Point has a lovely water view, but it is not exactly the best place for planning for the great needs of Western Sydney and the outlying suburbs of the metropolitan area. The distraction that it gave us was a concept of planning in Sydney that had not occurred to anyone other than those people at Potts Point. The three cities that they defined ran north to south. The one in the east, the one in the middle and the one in the outer.

Those of us who have lived our entire lives in outer Western Sydney overwhelmingly know that the transport, planning and strategic challenges have never been north-south; they have been overwhelmingly east-west or, most particularly, getting from the west to the east. The people who squint into the sun on their drive to work from Western Sydney in the morning and squint into the sun on their drive home at night are known as the "squinters". East-west access for Sydney has always been the greatest planning challenge. Again, in south-west Sydney we see the example of that each and every morning. Most remarkably, at Narellan Road, which is one of the great planning failures of all time in Sydney's history—and that is a big statement—there is a bank up of three kilometres of traffic at 7.15 a.m. as people try to head east to get onto the M5. Again, that was neglected by the Greater Cities Commission and Lucy Turnbull.

The former member for Camden, Geoff Corrigan, told a story about doorknocking in Mount Annan during his first election. The first fellow who opened his door to Geoff said, "You've got to do something about Narellan Road. To get to my workplace, I've got to leave at 8 o'clock every morning." Geoff said, "I'll do something about it." Four years later when he was doorknocking, the same bloke answered the door and said, "Geoff, I'm now leaving for work at 7.30 a.m. What have you done about it?" Geoff looked down at his shoes, shuffled and said, "This time I'm going to do something for you, old son." The following election when he was doorknocking the bloke became more irate. He said, "Geoff, this time I'm leaving at 6.45 a.m. I've lost 75 minutes of time with my family because of the shemozzle on Narellan Road."

While some improvements were made to the road, they were certainly not proportional to the growth in population to the west through Harrington Park, Oran Park and the Camden population expansion corridor that runs down Camden Valley Way. That is a failure of east-west transport links and planning. The Campbelltown population corridor running from Glenfield to St Helens Park has few links to the great and expanding Camden population corridor that runs from Leppington through to Camden itself, which is why we see that problem on Narellan Road. The commission, in its failed and flawed north-south concept of planning in Sydney, totally missed the practical needs of people like the constituent of Geoff Corrigan. I should finish that story by saying that Geoff lost his seat during the 2011 election with a 20 per cent swing against him.

I am sure the bloke who lost all of that time to travel was one of the voters who turned against him. Otherwise Geoff is a wonderful person. We all love Geoff Corrigan. He was the owner of a Melbourne Cup winner—what a great thing in life—with Vow and Declare. But he did not vow and declare a solution for Narellan Road, and it may well have cost him his seat, certainly with that huge swing. The great planning challenge in Sydney is east-west or, more particularly, getting from the west to the east. Instead of the three north-south corridors that were historically identified by the commission, I would have to say that there are six planning regions to think of in the Greater Sydney metropolitan area.

There are the three radial spokes including the north-west, the west out to Penrith and then the south-west out to Campbelltown and Camden. There are three established planning precincts: the east and CBD, where we are at Parliament House; the North Shore; and the southern Sydney area, mainly in the shire. Those are the six planning regions that I would think of in terms of strategic planning, but they were all overlooked by the commission for a decade. Then there are the bigger planning problems. We talk about a paucity of housing supply, but what has happened at Leppington? Leppington has had a train station sitting there since 2011. There is land

zoned for housing, but nothing is happening. That has been a huge failure over time. Nearby, the Government failed to provide Badgerys Creek airport with an east-west link. Again, the Government went north-south.

It was a flawed concept to build the metro from Badgerys Creek to St Marys. That metro essentially runs through cow paddocks and has wasted \$16 billion in Federal and State taxpayer funds. The benefit-cost analysis that we have finally received from the Government shows that it hardly has any use. What a missed opportunity to expand the existing heavy rail from Leppington to Badgerys Creek. The stations of Glenfield, Edmondson Park and Leppington are already built, so it would be a lot cheaper to get to Badgerys Creek from there. That would provide the east-west access. It would not just service the airport, but it could also pick up the commuters through those growing districts of Oran Park, the Camden Valley Way corridor and all of the areas that we know so well, which could be using stations built to the west of Leppington.

Again, north-south thinking has left Sydney short. I am told by very reliable sources from the former Federal Government that, overwhelmingly, the benefit-cost analysis was in favour of the Leppington extension to Badgerys Creek. That was a missed opportunity. It could have picked up all of those commuters and maximised economic opportunity in the substantial Liverpool and Campbelltown local government and industrial areas. Stuart Ayres knew the benefit-cost analysis for the Leppington east-west rail extension was far higher than the paltry benefit-cost figure for the metro running north-south from Badgerys Creek to St Marys, but electoral considerations and flawed north-south thinking prevailed. People in that district will suffer for a long time to come because of scarce government funds.

How could we waste \$16 billion on a rail line that is in the wrong spot? Sadly, in one of the pork-barrels or boondoggles of the Stuart Ayres era, which was dominated more by press releases than achievement, the Celestino Sydney Science Park at Luddenham was allocated a metro station—for what? That is one of the great planning scandals of all time in Sydney. Again, that is a big statement, but it is true. That science park was first conceived and then approved by the Penrith council and the former Coalition Government some 11 years ago. There were massive promises about science, engineering and manufacturing jobs, none of which have materialised. The only feature of that site at Luddenham is government funding for a water treatment plant and the commencement of the taxpayer-funded government work on a metro line for Badgerys Creek to St Marys.

That science park failed to provide jobs in Western Sydney. Celestino must have been incredibly well connected to the Government. I looked at the documents produced under Standing Order 52 and right from the beginning Gladys Berejiklian, as transport Minister, promised Celestino rail access at the science park. It is an incredible waste of money to fulfil that promise because the only sentient animals out there who can use the metro line are the cows and horses of the paddocks near the empty science park. There is not one single science, engineering or manufacturing job out there and, more shamefully, there has not been a single dollar of investment. This is a planning scandal of the first order. Gladys Berejiklian as the then transport Minister told Celestino in 2012 that it would be getting a rail line and it acted on that.

That was even before Tony Abbott announced the Federal Government decision to build the Badgerys Creek airport. It was scandalous indeed. The Greater Cities Commission, with its failed north-south planning, has added to that problem because it certainly did not say that it was wrong thinking and the wrong place for a metro access point. It is just part of the ongoing failure in outer Western Sydney. I add to the list of failures the concept for Bradfield City, which was again supported by the Greater Cities Commission. I urge members to go out to the semirural Kelvin Park estate. There are five- and 10-acre blocks. I know it well because, back in the day when I was Mayor of Liverpool, the most regular visitor to my office was Roy Medich. He hectored me nonstop about subdivisions—

**The Hon. Greg Donnelly:** Blast from the past.

**The Hon. MARK LATHAM:** It was not his brother. I am still here to tell the story. Roy was a cut above Ron, who had other issues, as we now know. But Roy hectored me nonstop about the Kelvin Park subdivision. I have known of that development for 30 years. I was out there the other day visiting the Badgerys Creek airport site, which is proceeding apace. The only thing to see in the much-touted Bradfield City is one crane, which I assume is in place to build some sewerage or water facility. Stuart Ayres' whole promise of action, jobs and housing supply at Bradfield was a complete myth. The failings of the former Government through the commission and at ministerial level are manifest. Just look at Narellan Road, Leppington, the rail link, Bradfield City and the Celestino Sydney Science Park.

The Government talks about housing supply. My colleague the Hon. Rod Roberts and I have been talking to some of those people who supply housing in Sydney. They say that the worst planning Minister they ever encountered was Rob Stokes. They have their voodoo dolls out and they are putting in the pins. Look at the koala State environmental planning policy, where roundabouts, football stadiums and Warwick Farm Racecourse were deemed koala habitats. That was one of the great planning debacles. Where was the commission when that needed

to be brought into line? Then I come to the housing targets. How did the former Government allow those North Shore councils to get off the hook on housing supply? I congratulate the new Government on the commonsense notion that if Sydney is to grow, and if we are to address the housing affordability crisis, it must grow up rather than out.

The urban expansion of Sydney has gone a long way. In the south-west we are now tracking to Appin. The further the urban sprawl goes, the less efficiency there is, both for those who live there and for Government spending. Sydney must go up. It is a relatively flat, dispersed city, and the Minns-Scully agenda for greater medium and high density is to be welcomed. The North Shore is leafy and people would love to live there, but those councils need to carry their weight. We can no longer tolerate a situation where they completely ignore housing targets and the State Government does nothing about it. There must be penalties, sanctions and action, including removing their planning powers. We must get on with the job of addressing housing supply.

Even on the Coalition side, after 12 years of failure—the young fogies, as someone called them the other day—are addressing the issue. It is one of the great Paul Keating lines. When Tony Abbott came into the Federal Parliament around the same time as me, he was advocating for the monarchy, and Keating labelled him a young fogey. At least the young fogies of today's Liberal Party have got with the pace. They have moved from NIMBY to YIMBY—yes in my backyard. I hope the Hon. Chris Rath is successful in that regard and there can be a bipartisan approach to address Sydney's housing supply needs, because the crisis is real. It is made worse by the rising interest rates, including 13 consecutive interest rate rises. We must have housing supply, and the most efficient, affordable approach is for Sydney to go up rather than out. It cannot expand forever to the outer reaches, because Sydney has natural boundaries of national parks, the Blue Mountains, rivers and the like. We need to have higher densities, and those North Shore councils in particular need to carry their weight and know we have a government that is serious about enforcing sanctions if they do not meet their targets.

The commission needs to go. The Government will free up a whole range of bureaucrats and resources wasted at the commission and at Bradfield to do the real work of proper strategic planning, being realistic about the needs of Sydney, which are much more east-west than north-south. They can get on with the job of housing supply, which is the paramount planning need at the current time, and for decades to come, because none of those things happen quickly. At least the abolition of the commission is a good step in freeing up resources for a better approach to planning that overcomes the litany of failures I read out, takes us closer to reality and gives young people in particular a chance to get their foot in the door of the great Australian dream.

**The Hon. TANIA MIHAILUK (17:41):** I make a brief contribution to debate on the Greater Cities Commission Repeal Bill 2023 and indicate that One Nation will support it. My reasons are varied. I have listened to much of the debate. From the get-go, the commission was a model that was not really the right fit for Sydney or, indeed, New South Wales. I remember when it was first announced in 2015, and Lucy Turnbull was made the inaugural chief commissioner. The three-city model that was originally proposed and remained the main focus for the commission did not really appreciate or understand how Sydney, as a city, operates. There are many parts of the community, including my old community of south-west Sydney, that certainly felt they were never part of what the commission was attempting to do with the Western Parkland, Central River and Eastern Harbour model.

It also had problems regarding the regions and failed to appreciate the connection between Sydney and regional, and indeed rural, New South Wales. That is why the commission was amended down the track to reflect a six-city model that established a connection between Sydney and regional New South Wales. When I think about the number of commissioners, starting with six and ending up with nine, it was clear that there was a constant need to adapt and change as a commission. As somebody who spent some time in opposition questioning many Liberal planning issues, I think the commission ended up becoming a white elephant. That is why I support its disbandment. People in Sydney or indeed New South Wales were not beneficiaries of what the commission attempted to do.

As Baird originally said, it was all about creating 660,000 new homes by 2031. It was all about creating 30-minute cities, and later 90-minute cities with the regions. But it never grasped the difficulties we face, particularly in Sydney, in terms of infrastructure, connections and the way in which people travel within the cities themselves. To do that it needed a better appreciation of how people travel from south-west and Western Sydney to where their jobs are. The idea that jobs would ultimately be 30 minutes away was farcical. It was never going to be achievable. From the get-go, the purpose of the commission never appreciated the stark reality of living in south-west or Western Sydney. That is why a lot of communities—certainly the communities I used to represent—were never particularly in awe of what the commission proposed.

It was a political exercise, in any event. The initial hiring of Lucy Turnbull as the chief commissioner was always a little Liberals helping Liberals exercise in my view. As a former Labor MP in south-west Sydney, I never saw any direct benefit for south-west Sydney of the commission. I respect the Hon. Scott Farlow and some of the arguments in his contribution, but as soon as he mentioned Luke Foley, he lost me. One of the issues I had was

when Luke Foley, having been the shadow planning Minister and later leader of the Labor Party, jumped in support of the commission because he was starstruck by Lucy Turnbull and all the leaks telling him it was a great commission. In reality he should have examined the issues presented at the time. Was it of benefit to Western Sydney? Would there be direct benefit for people in south-west Sydney? How would the regions and rural communities benefit from all the funds and the huge bureaucracy that developed as a result of the Greater Sydney Commission?

Personally, it was something I always had real reservations about. A lot of One Nation supporters, particularly in regional and rural New South Wales, would never have appreciated or even understood how this big white elephant of a commission could help people to get around and connect with their schools, infrastructure and job opportunities. From the get-go, regional and rural New South Wales, as well as many parts of Sydney, were excluded from the process. The focus on the Eastern Harbour and Western Parkland cities, and the idea that people will stay within their own vicinity, is wrong. It is not how people operate. It is not the way people think about their career progression or even send their kids to school, for example. From the get-go, the commission's three-cities model was wrong. It was always doomed to failure. It does not surprise me that Lucy Turnbull stepped down from the position within five years, in 2021. It was clear that that was the start of the end of the commission, so it is probably a good idea that the Labor Party finally put it to rest.

However, some of the reasons Labor introduced the bill have not been made clear yet. The Hon. Scott Farlow was right to point out that in 2022 Minister Scully backed the commission. I think the real reason the Labor Party has moved to disband the commission is that its focus is now entirely on the Net Zero Commission. It is disbanding one commission and setting up a new commission with new commissioners, so its focus is now on net zero. It will not be building new schools or infrastructure in the future. It will not worry about new hospitals—other than Bankstown, because it needs to appease the developers in Bankstown and dump it into the Bankstown CBD. Ultimately, it will not build the schools, the infrastructure or the hospitals that the commission projected from the get-go. It will not do that at all.

What the Labor Party will be focused on now, other than net zero targets, is housing. I accept that Labor will do housing and I accept that it will try to quickly work with Sydney developers to build some high-rise residences. Hopefully, those high-rise developments will not just be in Western Sydney, Bankstown and all the communities that already are doing it tough. Hopefully, some of this development will be in the North Shore and the eastern suburbs where people are already very connected to a whole plethora of infrastructure and transport opportunities. That is where I hope the Labor Party takes its housing direction and agenda—going up. I agree with going up, particularly in low-lying communities such as Glebe, Balmain and a lot of the communities just outside the Sydney CBD that remain at a two-storey level. The high-rise developments need to go right in the heart of the Greens and Independent electorates around the Sydney CBD—and in the Sydney CBD itself, which can cope with a lot more development.

I hope the focus of the department of planning will be on communities that already have a great deal of infrastructure and a plethora of available transport because that is where the housing should go. But I reiterate that my reason for supporting the commission being disbanded is different from why the Labor Party is disbanding the commission. Ultimately, it is clear that the commission was not able to proceed with what it originally had hoped to do. It ended up having too many bureaucrats and people focused entirely on policy and not on the deliverables. Was some infrastructure built by the Coalition? Of course there was. I do not agree with all the infrastructure the Coalition built, but they did build it. There is no question that now most of that work will stop. I think the Labor Party does not want a commission that it cannot control and that will let it know that it is no longer building necessary infrastructure in Sydney and elsewhere in New South Wales.

I support the bill because, as I said, I never thought the Greater Sydney Commission was the right answer for planning in New South Wales. We cannot have a Sydney-centric body and not understand or appreciate how Sydney operates. The most critical parts for me are south-west and Western Sydney and they were always left out of the commission's model and never really benefited from the work of the commission. I am at least grateful for the Labor Party ending the commission, although I will be watching closely as the department ultimately takes on the entire planning role. That will be a lot of work. What else can I say? This Government has a lot of work before it. It has come out really strongly and has said it will fulfill housing targets and have a go at the North Shore and all the NIMBY councils that do not want development in their backyards. Actions speak louder than words. The Government will have to be strong with some councils that simply are not prepared to take on more housing. The Government will need to take much more action beyond just disbanning the commission.

We really need a review of the planning Act. I hope to see that in the new year as well as tougher measures coming from this Government on how it will step in in relation to some of the NIMBY councils on the North Shore, the eastern suburbs and the inner-city areas. Some of those councils are all talk when it comes to waving refugees and migrants into Australia, but they are not prepared to have them in their own backyards

because they do not want high-rise apartments. In the future, the reality for most people will be that, particularly in the city, all that is affordable are apartments. We will wait and see what lies ahead with planning. I will support the bill, but I indicate from the get-go that I will not support any of The Greens amendments.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:54):** In reply: I thank members for their contributions to debate on the Greater Cities Commission Repeal Bill 2023. The Government's view is that strategic planning should be performed by the agency accountable for and resourced to deliver great outcomes to 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. This bill brings together strategic planning functions and regulation which, until now, have been carried out by multiple New South Wales government agencies. I make the point that it seemed under the previous Government that every time it had a problem, it created a new and different body to try to solve it, without reforming and dealing with the body that was supposed to be doing the task.

This bill integrates and aligns strategic planning functions from 1 January 2024. In doing so, it will reduce red tape, improve efficiencies in the planning system and get us moving forward. Finally, on behalf of the Minister and the New South Wales Government, I thank officials of the Department of Planning and Environment who are responsible for drafting this legislation. In particular, I thank James Hayward, Kieran Haydon and Kirsty Thomas.

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

**The House divided.**

Ayes .....20  
Noes .....17  
Majority.....3

#### AYES

Banasiak	Houssos	Nanva (teller)
Borsak	Kaine	Primrose
Buckingham	Latham	Roberts
Buttigieg	Lawrence	Ruddick
D'Adam	Mihailuk	Sharpe
Donnelly	Moriarty	Suvaal
Graham	Murphy (teller)	

#### NOES

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

#### PAIRS

Jackson	Farraway
Mookhey	Taylor

**Motion agreed to.**

#### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. There are two sheets of amendments: The Greens amendments Nos 1 to 6 on sheet c2023-176H and The Greens amendment No. 1 on sheet c2023-197A.

**Ms CATE FAEHRMANN (18:04):** By leave: I move The Greens amendments Nos 1, 2, 4 and 5 on sheet c2023-176H in globo:

No. 1 **Preparing regional strategic plans**

Page 4, Schedule 1[8], proposed section 3.3. Insert after line 20—



- (2A) In preparing a draft regional strategic plan, the Planning Secretary must—
  - (a) consult with the council for each local government area in the region to which the regional strategic plan applies, and
  - (b) obtain independent expert advice in relation to economic, social and environmental matters.

**No. 2 Preparing regional strategic plans**

Page 4, Schedule 1[8], proposed section 3.3(3). Insert after line 23—

- (aa) local environmental plans that apply to land in the region,
- (ab) submissions received from a council for a local government area in the region,
- (ac) advice received under subsection (2A)(b),

**No. 4 Preparing district plans**

Page 5, Schedule 1[8], proposed section 3.4. Insert after line 31—

- (5A) In preparing a draft district strategic plan, the Planning Secretary must—
  - (a) consult with the council for each local government area in the district to which the district strategic plan applies, and
  - (b) obtain independent expert advice in relation to economic, social and environmental matters.

**No. 5 Preparing district strategic plans**

Page 5, Schedule 1[8], proposed section 3.4(5). Insert after line 18—

- (aa) local environmental plans that apply to land in the district,
- (ab) submissions received from a council for a local government area in the district,
- (ac) advice received under subsection (5A)(b),

The proposed amendments add important provisions to the sections that will guide the preparation and development of regional district plans. Amendment No. 1 provides that in preparing a draft regional strategic plan, the planning secretary must consult with the relevant council or councils in the region to which the regional strategic plan relates. It also requires the planning secretary to obtain expert evidence about the economic, social and environmental matters that inform the preparation of the plan.

Amendment No. 2 ensures that the planning secretary can take all relevant factors into account when developing a plan, including any local environmental plans, as well as any feedback received from local councils and any expert evidence the secretary has received about the region. Amendments Nos 4 and 5 insert the same provisions in relation to the preparation of a district strategic plan. I mentioned in my second reading contribution how concerned The Greens are about what seems to be the taking away of the importance and weight of local environmental plans in the development of strategic plans. The amendments aim to restore that balance in the Act. I commend the amendments to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:06):** I speak briefly about the amendments proposed by The Greens. I thank The Greens for their contribution to the debate. There has been some discussion between The Greens and the Minister's office about the amendments; however, the Government does not support them. As members are aware, the bill transfers the strategic planning functions of the commission, as set out under part 3 of the planning Act, to the planning secretary and makes consequential amendments to other legislation to support the transfer of strategic planning functions to the planning secretary. With the creation of the Department of Planning, Housing and Infrastructure on 1 January 2024, efficiency gains can be achieved by bringing all strategic planning functions under one roof. The Government is determined to streamline the planning system in New South Wales, as that was a key election commitment. The Government intends to declutter the system and make the assessment process as efficient as possible to meet the objective of increasing housing supply.

It is important to re-emphasise that the bill does not change the strategic planning functions set out under part 3 of the planning Act or the crucial role of local councils in the preparation of strategic plans, nor does it reduce the importance of strategic planning for the State. The work of the commission will be continued by the planning secretary and the Department of Planning, Housing and Infrastructure. That includes the preparation of both regional strategic plans and district strategic plans for land within the Six Cities Region. The planning Act already provides local councils with an opportunity to comment, consult and engage on draft strategic plans before they are finalised. Most notably, that occurs during the exhibition of draft plans, which must be for a period of not less than 45 days.

Nothing in the bill changes any of those well-established processes covered by the planning Act, and nothing prevents the planning secretary or the department from consulting with local councils during other stages of the process. The Government notes that the planning secretary regularly engages with local councils on a variety of matters, and that will continue moving forward. The amendments proposed by The Greens duplicate requirements that are already imposed under the Environmental Planning and Assessment Act 1979, which is why the Government does not support them.

**The Hon. SCOTT FARLOW (18:08):** Whether the Government likes it or not, local governments are part of our planning system and the delivery of homes in New South Wales. The amendments moved by The Greens are sensible to my mind. I will not say that for all of their amendments, but these ones are sensible amendments. They capture what has been good about the Greater Sydney Commission and Greater Cities Commission: that local government has been engaged by those commissions. The feedback we have received is that local government has supported these commissions because of that engagement. With all due respect to the planning department, I must say there is some cynicism about whether it will consult in the same way. I know that the planning secretary has on many occasions indicated how much engagement it has with local government, and I do not dispute that, but nothing in the bill requires the department to consult with local government. That would be an afterthought, whereas local government has been integral with the Greater Cities Commission in developing those housing targets. I think that The Greens amendments are sensible, so the Opposition will support them.

**The Hon. MARK LATHAM (18:09):** I urge the Chamber to oppose The Greens amendments because they repeat the mistakes of the past. The speech by the Hon. Scott Farlow confirms that councils have been listened to by the failed Greater Cities Commission. That is why we have a housing affordability crisis in New South Wales and in Sydney in particular. Inside the Liberal Party there might be a power struggle or an ideological struggle for the direction the party takes, but I would have thought that the policies of the Hon. Chris Rath, supported by his Young Liberal young fogies, have shown that you need—

**The Hon. Jeremy Buckingham:** The YIMBYs.

**The Hon. MARK LATHAM:** The YIMBYs have beaten the NIMBYs, and we need to understand that councils have been part of the problem much more than the solution. Listening to councils and failing to force the councils to match up to their supply targets is why we have arrived in this spot right now, where there is an urgency in the new Government to increase housing supply. The Greens amendments empower the councils that have failed in the past. The strategic plans need to get on with the job a lot faster than what we have seen in the past. Why would you support amendments to repeat the mistakes of the past?

**Ms SUE HIGGINSON (18:11):** I make a short contribution to support my colleague Ms Faehrmann and explain that The Greens amendments are actually about expressly providing for a certain process and for that process to be followed well. It is interesting to hear the contributions that are absolutely focused on division, nimbyism, yimbyism and why things have failed. We learned in 1979—and we are still trying to learn the same lesson—that participation and engagement are key to good, successful planning. The problem is that we just keep trying to minimise that. We call it green tape, nimbyism or yimbyism. The Greens amendments are simply trying to provide for more collaboration, more unity and more consultation so that we get this right and roll things out.

The housing crisis has nothing to do with consultation processes. They are prescribed in the Environmental Planning and Assessment Act. They have been there. One of the fundamental principles and objects of the Act is public participation, which was inserted into the Act. Our local councils hold so much knowledge about the social and environmental fabric of their local government areas. If we want to get this right and do planning well, members in this place should stop feeding this narrow version, this dichotomy and this division.

The Greens amendments are just seeking to have fulsome engagement and an early, statutory-driven process. Our job here is to support precisely that kind of process so that all the people on the ground, who do the great work we envisage, get to do it with certainty, clarity and unity, knowing that they are supported to actually engage and that that is what we are encouraging, not that it is just assumed or allowed to happen on the side or that it happens anyway. This is a way to actually get it right. That is what motivates The Greens, through our hundreds of Greens councillors across the State, who are saying, "This is how we get there." So I support the amazing amendments of Ms Cate Faehrmann.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 1, 2, 4 and 5 on sheet c2023-176H. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes ..... 18  
 Noes ..... 19  
 Majority..... 1

## AYES

Boyd  
Carter  
Cohn  
Faehrmann  
Fang (teller)  
Farlow

Franklin  
Higginson  
Hurst  
MacDonald  
Maclaren-Jones  
Martin

Merton  
Mitchell  
Munro  
Rath (teller)  
Tudehope  
Ward

## NOES

Banasiak  
Borsak  
Buckingham  
Buttigieg  
D'Adam  
Donnelly  
Graham

Houssos  
Kaine  
Latham  
Lawrence  
Mihailuk  
Moriarty

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

## PAIRS

Farraway  
Taylor

Mookhey  
Jackson

**Amendments negatived.**

**Ms CATE FAEHRMANN (18:21):** By leave: I move The Greens amendments Nos 3 and 6 on sheet c2023-176H in globo:

**No. 3 Affordable housing**

Page 5, Schedule 1[8], proposed section 3.4. Insert after line 15—

- (4A) At least 30% of the net additional dwellings required by a housing target must be affordable housing.

**No. 6 Mediation about planning priorities**

Page 6, Schedule 1[8]. Insert after line 29—

**3.6B Mediation about planning priorities in district strategic plans**

Before making a district strategic plan, the Planning Secretary may arrange for mediation between interested parties in relation to the planning priorities for the district.

Amendment No. 6 relates to mediation powers. It confers upon the planning secretary the power to arrange for a mediation between interested parties about the planning priorities for the district. That is to ensure that where consensus does not exist regarding the priorities or vision for the district, stakeholders are given the opportunity to have their voices heard before changes are made in a manner that may negatively impact their livings or livelihoods. Amendment No. 3 is about affordable housing. It inserts a provision into the Act that stipulates that at least 30 per cent of the net additional dwellings required by a housing target must be provided as affordable housing. It is not good enough that we do not have affordable housing targets in the Act. We know that affordable housing in New South Wales is in crisis. We do not have affordable housing for essential workers. We have a target of 75,000 new homes to be built over the next five years but there is no target to ensure that some of those—30 per cent—be built as affordable housing.

The Government has said that Landcom should ensure that 30 per cent of the homes that it builds on public land as part of the housing infrastructure plan are affordable. The amendment will ensure that that requirement extends to private land. Why should it only be about housing targets on public land? Walker Corporation's Appin Valley development in the South West Growth Area is one such example of developments on private land. That development is expected to deliver close to 13,000 homes but only 187 of those have been allocated as affordable housing. In the nearby Lendlease Gilead stage two development only 15 of the 3,300 homes are designated as affordable. That is completely unacceptable. I urge members in this place to support the amendments. The Greens commend the amendments to the Committee.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:24):** The Government does not support the amendments. The affordable housing amendment proposes that 30 per cent of the net additional dwellings required by a housing

target for a local government area be affordable housing. On this side of the House we fully accept the need for affordable housing but the examples given by the member were undertaken by the previous Government. That is what we are trying to address and this Government is working on a number of fronts to try to improve that.

We made an announcement about the housing State environmental planning policy [SEPP] this week. Affordable housing needs to be provided in the right locations to make sure that the targets are realistic and feasible. There needs to be flexibility. A blanket target of 30 per cent will not work. It will mean that some projects will not be able to begin. That is the main issue members need to understand. We are working hard to increase affordable housing on public land, as Ms Cate Faehrmann previously noted. We need to provide more careful flexibility, which we believe needs to be done through the SEPP and other policies, rather locked into legislation. That is why we do not support the amendments.

**The Hon. SCOTT FARLOW (18:26):** For similar reasons, the Opposition does not support The Greens amendments.

**The Hon. MARK LATHAM (18:26):** The Greens amendments are not workable. Why is it 30 per cent? Why is it not 25 per cent or 35 per cent? The number has just been plucked out of the air. How do we define affordable housing? How can a government micromanage a complex set of housing supply expansions across Sydney to achieve a certain goal? If those proposing the amendments had a genuine commitment to housing affordability they would take the advice of the industry itself, which points out carefully and accurately that the green tape climate change-type provisions that have been loaded on to housing costs in Sydney are adding \$40,000 to a unit and up to \$100,000 for detached housing. There are other ways of achieving affordable housing but The Greens would have a heart attack rather than do those practical things. An arbitrary, random 30 per cent figure for affordable housing can never be measured in the complexity of urban planning and housing supply expansion in Sydney.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 3 and 6 on sheet c2023-176H in globo. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

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

#### AYES

Boyd  
Cohn

Faehrmann (teller)  
Higginson (teller)

Hurst

#### NOES

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

Houssos  
Kaine  
Latham  
Lawrence  
MacDonald  
MacLaren-Jones  
Martin  
Merton  
Mihailuk  
Mitchell

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

**Amendments negatived.**

**Ms CATE FAEHRMANN (18:30):** I move The Greens amendment No. 1 on sheet c2023-197A:

No. 1      **Affordable housing**

Page 5, Schedule 1[8], proposed section 3.4. Insert after line 15—

(4A) A housing target must specify the number of net additional dwellings that must be affordable housing.

The amendment is very simple. Considering the Committee did not support a target of 30 per cent of additional net dwellings being affordable housing, this amendment simply ensures that a housing target must specify the number of net additional dwellings that are affordable housing. It does not say whether it is 10 per cent, 20 per cent, 30 per cent or even 5 per cent, but it puts into legislation the requirement for the Government to ensure that any housing target has an affordable housing target. Surely that is not too much to ask. It is so important to put it into legislation. I urge members to support the amendment for the people of New South Wales, for the essential workers and for everybody who is struggling to find a house. If the Government is committed to building houses and to a housing target, let us make sure it is also committed to setting an affordable housing target within that.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:32):** The Government opposes the amendment. There are many different ways to deliver on the affordable housing targets that we are setting. We disagree with The Greens about this being the way to do it.

**The Hon. SCOTT FARLOW (18:32):** The Opposition also opposes the amendment to indicate an affordable housing target. There is no social housing target either, so it is interesting that The Greens just picked out affordable housing for which to specify a target.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2023-197A. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

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

#### AYES

Boyd	Faehrmann (teller)	Hurst
Cohn	Higginson (teller)	

#### NOES

Banasiak	Houssos	Moriarty
Borsak	Kaine	Munro
Buckingham	Latham	Murphy
Buttigieg	Lawrence	Nanva (teller)
Carter	MacDonald	Primrose
D'Adam	Maclaren-Jones	Rath (teller)
Donnelly	Martin	Ruddick
Fang	Merton	Sharpe
Farlow	Mihailuk	Suvaal
Franklin	Mitchell	Ward
Graham		

**Amendment negatived.**

**The CHAIR (The Hon. Rod Roberts):** The question is that the bill as read 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 without amendment.

**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:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### Documents

### TABLING OF PAPERS

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

- (1) Forestry Act 2012, Government Sector Finance Act 2018 and State Owned Corporations Act 1989—Report of Forestry Corporation NSW for year ended 30 June 2023.
- (2) Government Sector Finance Act 2018—Reports for year ended 30 June 2023:  
Cobar Water Board;  
Infrastructure NSW;  
New South Wales Treasury Corporation;  
NSW Health, together with financial statements volumes 1 to 3;  
NSW Reconstruction Authority;  
SAS Trustee Corporation;  
Sydney Olympic Park Authority; and  
Trustees of the Parliamentary Contributory Superannuation Fund.
- (3) Health Care Complaints Act 1993 and Government Sector Finance Act 2018—Report of the Health Care Complaints Commission for year ended 30 June 2023.
- (4) Health Practitioner Regulation National Law—Report of the Australian Health Practitioner Regulation Agency for year ended 30 June 2023.
- (5) Health Services Act 1997—Report of Cancer Institute NSW for year ended 30 June 2023.
- (6) Report of the NSW Government entitled *NSW Closing the Gap Annual Report 2022-2023*, dated November 2023.
- (7) State Owned Corporations Act 1989—
  - (a) Statement of Corporate Intent of Essential Energy for year ending 30 June 2024;
  - (b) Statement of Corporate Intent of Forestry Corporation of NSW for year ending 30 June 2024;
  - (c) Statement of Corporate Intent of Hunter Water Corporation for year ending 30 June 2024;
  - (d) Statement of Corporate Intent of Landcom for year ending 30 June 2024;
  - (e) Statement of Corporate Intent of Port Authority of New South Wales for year ending 30 June 2024;
  - (f) Statement of Corporate Intent of Sydney Water for year ending 30 June 2024;
  - (g) Statement of Corporate Intent of Transport Asset Holding Entity of New South Wales for year ending 30 June 2024; and
  - (h) Statement of Corporate Intent of Water NSW for the year ending 30 June 2024.
- (8) State Owned Corporations Act 1989 and Government Sector Finance Act 2018—Reports for year ended 30 June 2023:  
Essential Energy;  
Hunter Water Corporation;  
Landcom;  
Port Authority of New South Wales;  
Sydney Water Corporation; and  
WaterNSW.
- (9) Water Industry Competition Act 2006—Report of the Independent Pricing and Regulatory Tribunal entitled *Licence compliance under the Water Industry Competition Act 2006 (NSW): Annual Compliance Report to the Minister*, dated October 2023.

*Committees***JOINT STANDING COMMITTEE ON ELECTORAL MATTERS****Establishment**

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

MR PRESIDENT

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

- (1) That the resolution of the House of 22 June 2023 establishing the Joint Standing Committee on Electoral Matters be amended by replacing paragraph (3), with:
  - (3) All matters that relate to (2) (a) and (b) above in respect of the 25 March 2023 State Election, shall stand referred to the committee for any inquiry the committee may wish to make, including:
    - (i) Whether other entities and individuals whose business relates to property development should be prohibited from making political donations.
    - (ii) Whether it is necessary to address the risk of property developers making political donations through shell companies.
    - (iii) Whether truth in political advertising laws for NSW state elections would enhance the integrity and transparency of the electoral system, taking into account any implications of the Commonwealth's Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

The committee shall report on the outcome of any such inquiry within 18 months of the date of this resolution being agreed to by both Houses.

- (2) That a message be sent informing the Legislative Council of the resolution of the House and requesting its concurrence with the amendment to the terms of reference of the Joint Standing Committee on Electoral Matters.

Legislative Assembly  
30 November 2023

GREG PIPER  
Speaker

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

That the House agrees to the resolution in the Legislative Assembly's message of 30 November 2023 amending the resolution of the Legislative Assembly of 22 June 2023 establishing the Joint Standing Committee on Electoral Matters.

**Motion agreed to.**

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

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

**Motion agreed to.**

**JOINT SELECT COMMITTEE ON THE NSW RECONSTRUCTION AUTHORITY****Establishment and Membership**

**Consideration of the Legislative Assembly message of Thursday 30 November 2023.**

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

- (1) That this House agrees to the resolution in the Legislative Assembly's message of Thursday 30 November, 2023 relating to the appointment of a Joint Select Committee on NSW Reconstruction Authority.
- (2) That the representatives of the Legislative Council on the joint select committee be the Hon. Sam Farraway, Ms Sue Higginson, the Hon. Stephen Lawrence and the Hon. Emily Suvaal.
- (3) That, notwithstanding anything to the contrary in the standing orders, this House requests that the Clerk of the Legislative Assembly set the time and the place for the first meeting.

**Motion agreed to.**

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

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

**Motion agreed to.**

*Bills***CRIMES AMENDMENT (PROSECUTION OF CERTAIN OFFENCES) BILL 2023****Second Reading Speech**

**The Hon. MARK BUTTIGIEG (18:40):** On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Prosecution of Certain Offences) Bill 2023. This bill makes a small but important amendment to section 93Z of the Crimes Act 1900. Section 93Z of the Crimes Act creates an offence that applies when a person, by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons because of their race, religious belief or affiliation, sexual orientation, gender identity, intersex status, or because the person is living with HIV or AIDS. When the offence is committed by an individual, the offence is punishable by a fine of up to \$11,000 or up to three years' imprisonment, or both. This important provision protects people from violence and makes it clear that we in New South Wales expect to live in a safe, harmonious and accepting society.

The amendments proposed in the bill will streamline the process for police to prosecute people who offend against section 93Z. It will do this by amending the Crimes Act 1900 to omit subsection (4) from section 93Z. Subsection (4) currently provides that a prosecution for a section 93Z offence is not to be commenced without the approval of the Director of Public Prosecutions, who I will refer to as the DPP. The requirement for the DPP to approve a prosecution under section 93Z was a part of the original offence introduced in 2018 by the Crimes Amendment (Publicly Threatening and Inciting Violence) Act 2018. This Act consolidated serious vilification offences previously contained in the Anti-Discrimination Act 1977 into a single offence in the Crimes Act 1900. It also transferred responsibility for approving prosecutions from the Attorney General, under the pre-existing serious racial vilification offence, to the DPP under the new section 93Z offence.

Per schedule 1 to the Criminal Procedure Act 1986, section 93Z is a table 1 offence, meaning that, although it carries a maximum penalty of three years' imprisonment, it is to be tried summarily in the Local Court unless the prosecutor or accused person elects otherwise. As a result, section 93Z charges are typically prosecuted by the NSW Police Force in the Local Court. While the requirement for DPP approval was initially introduced as a safeguard to ensure appropriate prosecutions, recent concerns have been raised about the operational effects of this requirement. The time taken to refer matters to the DPP and obtain approval to charge may act as a disincentive for laying charges under section 93Z that relate to conduct otherwise appropriate to be prosecuted under this provision.

It is important to ensure that an appropriate balance is struck between protecting freedom of expression in New South Wales and preventing public acts that threaten or incite violence. It is also important to ensure that there are no unnecessary fetters in place that could impact on the efficient and appropriate prosecution of offences committed by those who publicly threaten or incite violence in this State. The New South Wales Government considers that removing the requirement for DPP approval to commence prosecutions under section 93Z continues to strike the right balance. Removing the DPP approval requirement will also make this offence consistent with the overwhelming majority of other offences in New South Wales, including the offence of displaying Nazi symbols in section 93ZA of the Crimes Act 1900, which includes no such requirement, and other serious and complex offences like fraud, which also include no such requirement.

I turn to the detail of the bill. Clause 1 of the bill sets out the long title, and clause 2 provides that the bill commences by proclamation. The provisions in the bill will commence on proclamation to enable NSW Police Force staff to undergo training to ensure that frontline and investigating police have a thorough understanding of section 93Z and the circumstances in which it is appropriate to proceed with charges under this section. Schedule 1 [1] omits subsection (4) of section 93Z. No further changes are made to section 93Z by the bill, and the offence itself remains the same. Schedule 1 [2] provides that the amendment to section 93Z will apply to proceedings that are commenced on or after this bill commences, regardless of when the offence was committed. This means that as soon as the NSW Police Force has finalised its training and the legislation commences, police will be able to charge a person with a section 93Z offence without DPP approval.

In conclusion, this bill is just one way that the New South Wales Government will continue to demonstrate its commitment to providing a safe and harmonious community for all people in New South Wales. The bill sends a clear signal that the New South Wales Government recognises that conduct that is violent or incites violence and, as a result, hurts people or makes people feel unsafe because of their race, religion, sexual orientation, gender identity, intersex status, or because they are living with HIV or AIDS, is not acceptable. It must be dealt with swiftly and appropriately, in accordance with the law. I am proud to be able to bring forward legislation in this place that will help to increase safety and the availability of protections for the people of New South Wales. I commend the bill to the House.

### Second Reading Debate

**The Hon. SUSAN CARTER (18:47):** As the Hon. Mark Buttigieg has indicated, section 93Z of the Crimes Act makes it an offence to publicly threaten or incite violence on grounds of race, religion, sexual orientation, gender identity, or intersex or HIV/AIDS status. It is an important part of our criminal justice



framework because it helps us strike the balance between freedom of political expression, freedom of speech and the rights that all members of our community have to feel safe and respected. This legislation is part of the Coalition's proud legacy in working towards that balance. I know that I do not need to rehash the events of the evening of 9 October. They have been covered in this House. I need not describe to honourable members the examples of threats against the Jewish community, not just at the Opera House but in the suburbs of Sydney. We have all seen; we have all heard. But we have yet to see or hear of prosecutions under section 93Z. In fact, there have been no successful prosecutions under that section.

In past years, perhaps, we might have said that we should be grateful for that—that it reflects the success of our multicultural, multi-faith society in building cohesion and respect and ensuring a harmonious community. Recent events, however, raise concerns about why those who have acted in ways which breach that harmony and bring fear to our schools and our suburbs have not been punished. The Act currently requires the Director of Public Prosecutions to provide approval for a prosecution to be brought by the police. The requirement was included in the Act as a safeguard. Given the delicate nature of the balance between freedom and security, it was thought that oversight of that type would ensure appropriate prosecutions. However, the time taken to refer matters to the Director of Public Prosecutions and obtain approval to charge may act as a disincentive for laying charges under section 93Z.

In his second reading speech on the bill and in public statements about the bill, the Attorney General has said that the amendment would facilitate the police authorising a prosecution rather than the Director of Public Prosecutions, as is currently the case. However, it has never been said that the intention of the bill was to facilitate private members of the community, under section 14 of the Criminal Procedure Act, to commence prosecutions, but that is exactly what the bill will achieve. That is the great problem with it. The other matter is that, given the complexity of the matters that have to be dealt with under section 93Z, it is appropriate that only police officers of a certain rank are able to authorise prosecutions on behalf of the police. That is not provided for in the bill at all. All the bill does is remove subsection (4). It is a minimalist amendment, but it causes a range of unintended consequences. We are concerned that the delay in bringing charges in relation to some of the words that have been spoken in recent times, including on the steps of the Opera House, will not be cured by the amendment. It seems to be more a question of the will to bring a prosecution, rather than who ultimately authorises the prosecution.

The effective maintenance of the rule of law requires not just that it is enforced but that it is seen to be enforced and, in so doing, that it sets and maintains standards within our society. Therefore, any delay in referring matters is regrettable. To a large extent, I worry that the horse has already bolted in terms of providing the necessary deterrence and comfort for the community. The Coalition remains concerned that there have still been no public consequences for some of the actions that we have seen and that have brought great division to our society. Accordingly, we are happy to support the removal of the requirement for the approval of the Director of Public Prosecutions in order that it may help give the police the power to initiate prosecutions. Unfortunately, as I have indicated, the bill does more than that, because it does not specify the level of police officer who must authorise a prosecution, and it allows, as has never been recognised publicly, individuals to weaponise the section in order to attack other members of the community. That means the section could be used to achieve the very opposite of what it intends.

The Opposition does not and cannot support the bill as it is currently drafted, because it will have important and unwelcome consequences. By simply removing the requirement for the approval of the Director of Public Prosecutions, the amendment authorises prosecutions to be instituted by any person, because of its interrelationship with the Criminal Procedure Act. We do not want a situation where anyone can bring prosecutions against anyone else for perceived threats or incitement to violence, without some mechanism for weighing those prosecutions. That is not the role of the criminal law, and it runs the risk of the provision being turned into a weapon. It could result in both social division and an undue extra burden on the courts' time, especially where cases are brought that may have no merit in the first place.

The prosecution for an offence of that kind should be a matter for police or the Director of Public Prosecutions, and we propose to seek an amendment to achieve that outcome. To ensure that the balance of freedom and security is maintained, we propose that the prosecution must be brought by a police officer at the level of inspector or above, or by the Office of the Director of Public Prosecutions. That helps to maintain what is a delicate balance between security and freedom by requiring approval and oversight and removing any delays, which are a concern with the compulsory oversight from the Director of Public Prosecutions. Freedom of political expression is vital in a democracy, but so too is the safety of every citizen on every street. That is why the Opposition seeks to amend the bill. If it proceeds in its current form, the Opposition cannot support it, because it will create more problems than it will solve. The question is so important and the legislation has been brought on so quickly that we are happy to have it properly considered by a committee. Accordingly, I move:

That the question be amended by omitting "be now read a second time" and inserting instead:

be referred to Portfolio Committee No. 5 - Justice and Communities for inquiry and report by 7 February 2024.

- (2) That standing orders be suspended to allow the passing of the bill through all its remaining stages during any one sitting of the House upon the order of the day for the second reading being read.

**The Hon. STEPHEN LAWRENCE (18:54):** I state my support for the Crimes Amendment (Prosecution of Certain Offences) Bill 2023, which strengthens the law to further protect people from threats and incitement to violence by making it easier to arrest people and lay charges. It does that by removing the requirement for the Director of Public Prosecutions [DPP] to consent to a prosecution for an offence against section 93Z. The existence of that requirement means, in practice, that if police witness such conduct, they cannot arrest the person or immediately issue them a future court attendance notice. Rather, they would have to gather evidence and then present it to the Director of Public Prosecutions to authorise charges some time down the track. The requirement for the Director of Public Prosecutions to approve a prosecution under section 93Z was originally part of the offence introduced in 2018 and it was intended to act as a safeguard to ensure appropriate prosecutions. It is clear that this was the rationale of the amendment back in 2018, if one looks at things said by then Attorney General Mark Speakman, who spoke of the purpose of the insertion of that requirement, stating:

The requirement for the director's consent will provide a safeguard to ensure that the offence is only prosecuted where appropriate, in accordance with the Prosecution Guidelines.

He also noted:

Importantly, the amendments strike a careful balance between preventing public acts and threats of violence, and facilitating freedom of expression in New South Wales.

Requirements for the consent of the Director of Public Prosecutions, or sometimes the Attorney General, are not unusual, though perhaps they used to be more common. They seem to be used for two reasons: either as a matter of policy to prevent private prosecutions or to ensure a higher level of prosecutorial decision-making. Both are concerned with not inflicting unjustified prosecutions on people. Generally, the Director of Public Prosecutions' consideration of whether to proceed with charging involves an evidentiary test, which requires an assessment of whether "there is enough evidence to provide a realistic prospect of conviction against each defendant on each charge", and a public interest test, which is only considered if the evidential test is passed. This involves a balancing of factors that might have an impact on the public interest both in favour of and against prosecution. I am sure that requirement has imposed an administrative burden on the Office of the Director of Public Prosecutions and creates additional administrative delay within the criminal justice system.

Of course, the requirement now operates to prevent and safeguard against excessive or inappropriate police institution of charges, or so was the rationale stated for its introduction, and I suppose that is quite relevant in the context where police prosecutors in New South Wales prosecute the large majority of criminal cases. The English criminal law text, *Blackstone's Criminal Practice*, outlines another rationale for the principle or the presence of consents to prosecute, being that there are categories of offences where particular sensitivities exist, if I can put it that way. The text suggests the need for a consent requirement by a higher officer in the context of offences where the "weighing of the discretionary factors relevant to the decision to prosecute is likely to be a particularly sensitive and difficult exercise". Some examples that come to mind for me, having practised in the criminal law for some time, include offences relating to incest, for which there have long been requirements for the Director of Public Prosecutions' consent if you prosecute someone who is not a citizen of that country.

Those requirements and types of safeguards can be important in a criminal justice system that sometimes has a tendency to punish minorities and victims, and trespasses, in quite a legitimate way, on fundamental rights such as free speech and other human rights. I suspect that the requirement was introduced in 2018 because of the racial and religious sensitivities involved, and the tendency for religious minorities to potentially be charged, for example, because they may be embroiled in disputes with other minorities, because prosecutions are often complainant driven, and also perhaps because of the free speech issues that arise in relation to speech acts. That is an attribute of the criminal law that I have witnessed over the years: Its tendency to manifest unintended consequences, such as to punish victims and the weakest. Of course, there has been a significant change in the social and political context that immediately precedes the bringing of the bill to Parliament.

In her contribution to debate on the bill, the Hon. Susan Carter referred to some of those matters. I am sure we all saw the videos and the news reports of the videos of the protest at the Opera House in 2023. I was as appalled as anyone by the Holocaust-related chant that was allegedly depicted on that video and reported very widely in the media. At the time I struggled to accept or believe that a large group of people in Sydney in 2023 could chant such a thing. I note, of course, that real questions have since emerged as to whether that particular chant was said. I am sure some members would have seen the story in *The Sydney Morning Herald* some days ago which, in essence, said that police were yet to verify that it had been said and, certainly, no charges had been laid. It seems that questions have been raised about the veracity of the video. I read that *The Sydney Morning Herald* article. The barrister involved in the case, Mr Mahmud Hawila, said:

I had serious doubts after watching a video circulating in the media as well as having reviewed a lot of other footage and spoken to witnesses who were at the Opera House.

I am not sure if this is the opinion of the journalist, but the Herald article went on to say that that particular Holocaust-related chant that was alleged, "which would likely meet the threshold for criminal prosecution", was widely reported to have been chanted. The article goes on to the point that I am getting to, which is to suggest that the other things that were reportedly said, which were certainly highly offensive at the very least, probably would not engage the operation of section 93Z. That important matter reminds members that we need to be careful, in charged environments like that which existed at the time of the protest, about relying upon video clips on social media and, indeed, pictures of photographs that might be circulating.

That was discussed in a briefing to a committee looking into artificial intelligence. We were briefed by a very eminent professor, who made the point that significant social disruption can be caused and significant political developments can be driven by the circulation of things that are not real on the internet. That really is something of our times. I am certainly very relieved that the possibility exists that the chant was not said. I am sure that all members want to know if it was or was not said; I agree with the Hon. Susan Carter in that respect, especially given the concern expressed for community harmony, including by members in this place.

It is simply appalling to consider the possibility that all of the harm, offence and trauma caused by that event and the reporting of that event might have been based on a false pretence. I am sure all members would like to know the truth of the matter. Recently, concerns were raised with section 93Z (4) about the time it takes to refer matters to the DPP and obtain approval to prosecute, and the fact that that may act as a disincentive to laying appropriate charges. It is also true that no case has been successfully prosecuted under the reforms since its introduction in 2018. The current state of the operation of that particular provision in section 93Z (4) has been described as a "bottleneck", as "toothless", as having "proved to be ineffective and impotent" and as "not serving its purpose".

Requiring DPP approval may have fettered the timely and efficient laying of charges by those who threaten or incite violence in this State. It is quite clear that it does currently limit police powers to act swiftly and appropriately. I support the bill on that basis. Members in the other place have raised concerns about the bill giving rise to the prospect of private prosecutions for the offence created by section 93Z. I reiterate comments made by the Attorney General in the other place that there is nothing to suggest that that would be a realistic problem. I note section 9 of the Director of Public Prosecutions Act confers upon the DPP the power to take over any proceedings for an offence that has been instituted by a person other than the DPP and to discontinue or carry on proceedings as is appropriate.

The Attorney General in the other place advised that under the current term of the DPP, there have been no applications to the DPP by private citizens to commence such proceedings. I also note that the Government has moved an amendment to the bill to include a statutory review requirement to address that concern. One practical solution to the issue could be for the Justice department to implement a formal policy to require court staff to report all private prosecutions to the DPP so that any unjustified private prosecution can be taken over and ended. On that basis, I commend the Government for bringing the bill and lend my support to it. I note that review and scrutiny over how the enforcement of that section occurs in practice will be important.

**The Hon. ROD ROBERTS (19:05):** I support the Government's Crimes Amendment (Prosecution of Certain Offences) Bill 2023, which amends section 93Z of the Crimes Act. I have been disgusted and ashamed by the events of the past two months. To have groups of people calling for genocide at one of our country's most prized cultural institutions is a disgrace. For them to engage in acts of "psychological warfare" by driving in convoy formations, like an invading army, into suburbs with high Jewish populations is enraging. To see violence or threats of violence, blatant tribalism and vile religious vilification on the streets of our once-great city sickens me. New South Wales must do everything in its power to bring that behaviour to heel. Psychological warfare is not a form of free speech. Abusing and intimidating grandmothers is not a form of free speech.

By all means, protest for peace, but do it peacefully. Do not bring foreign wars to Sydney streets. As it stands, section 93Z (4)—that is, the reliance of approval from the Director of Public Prosecutions [DPP]—is nothing more than an administrative bottleneck. It is unworkable, unrealistic and, in fact, completely unnecessary. Its removal, which is proposed by the bill, is a necessary step to put the lid on a worsening problem in our State. As proof of that, it was reported recently that no case has been successfully prosecuted under the reform since it was introduced in August 2018, which says to me that something is broken and something new is needed—and this bill is that something.

It is one thing to say that there is no place for racism, antisemitism or vilification based on gender, religion, sexual orientation and so on in our community, but it is another to do something about it. I commend the Government for bringing the bill to the House. But the bill is deficient. I listened carefully to the contribution to

debate on the bill by the Hon. Susan Carter, and I too have very grave concerns about the unintended consequences created by the bill. The bill will remove the DPP's role in deciding whether a prosecution should be commenced or not. There is a role for the DPP, but not just the DPP. The bill needs to be—

[Interruption]

The Hon. Jeremy Buckingham should go and smoke his dope and listen to his music somewhere else.

**The Hon. Jeremy Buckingham:** Be nice.

**The Hon. ROD ROBERTS:** I withdraw my remarks. To rely on the DPP to do anything is an exhausting exercise. I bring to members' attention the case of one Daryl Maguire and Canterbury council in 2018. The findings of the ICAC are still sitting on a desk at the DPP somewhere, gathering dust. We cannot rely upon the DPP and its current method of operation to do anything in a timely matter. These crimes—or alleged crimes—require immediacy. To seek the advice or recommendation of the Director of Public Prosecutions to commence a prosecution is a fallacy. Going further, we allow our police officers to arrest for murder, kidnapping, child sexual assault and other heinous crimes, and to launch prosecutions themselves, but we say they cannot do it for this offence. It makes absolutely no sense.

I mention the amendment foreshadowed by the Opposition, and I need to do it now because I want this on record. The Government will not allow me to swap out of the Committee of the Whole and be replaced in the chair by either the Hon. Peter Primrose or the Hon. Dr Sarah Kaine. That is no reflection on those two members. Let me make that clear. I have already said I support the bill, so it would change no vote whatsoever. It would allow me to participate in the debate and speak to my amendment and other amendments, but that has been taken from me. I understand my role as Chair of Committees. I understand the importance of it. I understand that I get remunerated for it, but the mere fact that I am going to vote for their bill as well makes me seriously consider what this Government is up to.

I turn to the amendment foreshadowed by the Hon. Susan Carter to say that the police need to be able to prosecute but that it must be an inspector of police. I know senior constables and sergeants who have 30 to 40 years of experience. I would much rather rely on their decision-making capacity than an inspector of police who could attain that rank after about 13 to 14 years. An inspector of police carries absolutely no weight. Let us go a bit further and look at the reality of policing. That is what I know. Anybody who doubts that should look at what has happened in this Chamber in the past two months. Police will be reluctant to arrest somebody if they do not believe that they will be given permission to prosecute. So we need an inspector. Let us take a real-life scenario. Let us say it is not about the Jewish population, because section 93Z is not just about religion and antisemitism; it is about threats or incitement of violence for reasons of race, religion, sexual orientation, gender identity or intersex or HIV or AIDS status.

Let us say there is a primary school at Brewarrina, predominantly attended by Indigenous kids. Some white supremacist grub decides to go to the school, stand out the front and vilify the poor kids, racially abusing them with some of the worst phrases any of us could imagine. The local police turn up. Guess what? Do members reckon there is an inspector based at Brewarrina? No, there is no inspector at Brewarrina. The cops turn up and say, "Do we arrest this bloke or don't we? Is the inspector going to approve our prosecution or isn't he?" They say, "Listen, mate. You stand here. Please don't say anything anymore, and don't go away, because our mobile phones don't work out here at Brewarrina. We need to speak to somebody and get some advice. Please stop abusing the kids." By the way, the mothers are trying to herd the kids away. The police say, "Mate, please stop it. We're going to seek advice on whether we can arrest you. Please don't leave while we try to get that advice." That is the practicality of it. That is why we do not need an inspector of police. We need immediacy to put an end to this issue, and that is why the bill does not need an inspector of police.

But the bill does need oversight, as the Hon. Susan Carter alluded to. I have grave fears and I am sure I will be proven right—not that I am Nostradamus; it is just life experience—that if we take away the approval of the DPP and the police, as the bill in its current form proposes, we will open up culture wars. Mark my words. A lot of members do not know this and that is not their fault. It is not their area of expertise. Under section 100 of the Law Enforcement (Powers and Responsibilities) Act, a person other than a police officer—anyone other than a copper—may, without a warrant, arrest a person if the person is in the act of committing an offence under any Act or statutory instrument. That is the citizens' power of arrest we hear about. It is not a fallacy from some American TV show. There is a power of arrest granted to all citizens in New South Wales under section 100 of the Act. I know we cannot use props, but I want members to know because I have seen a few eyebrows raised by members who perhaps did not realise those powers existed.

Under the current bill we will facilitate vexatious complainants arresting people in the street—with the power in section 100 of the Law Enforcement (Powers and Responsibilities) Act—and launching their own

prosecutions because they believe that they have been offended or vilified. What are we opening ourselves up to? They are the unforeseen consequences of a bill put together by people who have no practical experience in policing. I spoke to the Attorney General and expressed my support for what he is trying to do, but I also expressed that it needs to be fine-tuned to be workable. I guarantee we will be back within 12 to 18 months to amend the fiasco, because that is what it will turn into.

The bill should remove the need for approval of the Director of Public Prosecutions only, and it should be augmented by a police officer. At the moment the Police Force is impotent under section 93Z. We saw it at the Opera House when we all said, "Why didn't the cops do something at the time?" Members now know. Here is a chance to do something. But let's ensure the safeguards are in place. Let's not go to the extent of having an inspector, which is absolutely unworkable in this day and age and completely unnecessary. We do not say an inspector has to authorise a charge of murder, kidnapping, child sexual assault or anything like that. Let's give the police the powers they need. Let's put the safeguards in place so that we do not open up a Pandora's box, and let's get some decent, workable legislation.

I cannot move my amendment, so my good friend and colleague the Hon. Mark Latham will move it on my behalf. Once again, I stipulate that the Government would not facilitate me moving it myself, much to my disappointment. My foreshadowed amendment will simply seek to omit section 93Z (4), and insert instead:

- (4) A prosecution for an offence against this section may be commenced only by—
  - (a) the Director of Public Prosecutions, or
  - (b) a police officer.

They are my thoughts on the matter. I see the representatives from the Attorney General's office in the gallery. I saw the Attorney General come in and depart very quickly. I hope common sense prevails. I hope somebody listens to this contribution and sees the practicality behind it. I look forward to my colleague the Hon. Mark Latham moving my amendment.

**The Hon. JEREMY BUCKINGHAM (19:18):** I support the Crimes Amendment (Prosecution of Certain Offences) Bill 2023, which amends section 93Z of the Crimes Act 1900. I do so with some trepidation because I am not a lawyer, but I understand how incredibly sensitive this time is and how incredibly important it is that we speak clearly, carefully and make sure that we recognise and placate the concerns in the community about the rise of hate speech in all its forms and, in particular, the rise of antisemitism, which we have seen clearly in this State and in other jurisdictions. My experience has been, as the section lays out, that if someone is threatening or inciting violence against people on the basis of race, specific religious belief or affiliation, sexual orientation, gender identity, intersex status or HIV/AIDS status, they are guilty of an offence.

The key word for me in that section is "affiliation" because when I was a young man in Tasmania, my very active environmentalist parents expressed the view that there should not be a hydroelectric dam built on one of the last wild rivers in Tasmania. They expressed that by putting a "NO DAMS" sticker on our car. The proponents of the dam were vociferous in their pursuit of that proposal, to the point of inciting hatred and violence against opponents of the dam. I experienced that. I saw stickers that said, "Bulldoze a greenie", and they showed pictures of bulldozers running over the top of people. Some people laughed and thought that was funny, but when I was a child, I had the experience of being in our car, with my mother and her friend, and having our car smashed up. The windows were broken. Some people who were supporters of the dam saw our sticker and smashed up our car, which absolutely terrified me. It had a profound impact on me, so I have some small understanding of being vilified.

The Government is moving to pass laws that can be used to ensure people who recklessly threaten or incite violence are charged, prosecuted and convicted. That is what the community wants. Whatever is our political affiliation, faith, gender or particular identity, that is what the community wants as a bottom line. I welcome this bill. I have spoken at length with the Attorney General and his staff about this legislation because we must be sure that section 93Z (4), which requires the approval of the Director of Public Prosecutions [DPP] before prosecution for an offence under the section is commenced, is removed.

I listened with interest to the contribution of the Hon. Rod Roberts about his belief that the police—not necessarily inspectors, but rank and file police officers—should be able to commence proceedings. I state for the record that up to this point I have not publicly weighed into the debate about what is happening in Israel and Palestine, which is absolutely abhorrent. But in terms of what is happening in New South Wales, my belief is that a group of people gathering at the Opera House and chanting, "Fuck the Jews," should meet the test of recklessly threatening or inciting violence. There was some discussion about whether the other thing that was said, "Gas the Jews", is as bad, whether it was actually said, and whether it potentially meets the test. But the operative words for me in both statements are "the Jews". Whether it is "gas" or "fuck", it is picking out the Jews.

[Interruption]

I note Ms Sue Higginson's reaction. I am making my speech on this issue, and I would prefer her to not groan in the background.

**The Hon. Mark Latham:** It is bullying behaviour.

**The Hon. JEREMY BUCKINGHAM:** Yes. That is exactly right.

**The Hon. Mark Latham:** The hypocrisy of these people is breathtaking.

**Ms Sue Higginson:** Point of order: I ask that the Hon. Jeremy Buckingham leaves me alone. I have done nothing wrong.

**The PRESIDENT:** There is no point of order, but the Hon. Jeremy Buckingham was straying from the long title of the bill. The member will confine his remarks to the leave of the bill.

**Ms Sue Higginson:** Point of order: Could the member please be asked if it is really necessary to recite the actual hate speech here in the Parliament of New South Wales? Is that really necessary here and now during debate on the bill?

**The PRESIDENT:** That is a valid point. I have allowed it twice. I do understand it is important for the Hon. Jeremy Buckingham's contribution, but I ask him, from this point forward, to use, perhaps, a term like "the f-word" because he has made the point well. The member may continue.

**The Hon. JEREMY BUCKINGHAM:** But it is important.

**The PRESIDENT:** I understand that.

**The Hon. JEREMY BUCKINGHAM:** That is what the debate is about. I think that if we make a distinction between either of those words, we are off to la-la land. Both words are abhorrent. In my view, both words meet the test of threatening violence and inciting violence and hatred towards a group of people on the basis of their religion. For me, that is incredibly alarming in 2023. If I was aware of a similar thing happening towards the Muslim community during some of the difficulties we have had, I would be equally alarmed. That is what we have seen. I believe that that is a clear, public, aggressive and threatening display of intolerance, vilification, hate speech and antisemitism. As someone with Jewish heritage, I am incredibly alarmed by that, as any person would be. I understand that some people are concerned that this is happening now, but I am placated by the statutory review in the next year to examine these issues. For the reason that I want to see stamped out hate speech, inciting violence and threatening anyone on the basis of their beliefs, affiliation, race or gender.

I do not think it is the natural disposition of people to commit acts of violence against each other. They have to be whipped into a frenzy. That is what we know. People have to be given agency and they have to be encouraged into it because committing acts of violence against other people goes against so many of our natural tendencies. That is why these laws are so important. They are not being used. They should be used. I welcome the Government taking the stance it has to introduce this bill, which will protect cohesion in our society and ensure that people are not threatened, and violence is not incited in any way against any group in New South Wales in 2023.

**Ms SUE HIGGINSON (19:29):** I speak on behalf of The Greens in debate on the Crimes Amendment (Prosecution of Certain Offences) Bill 2023. The Greens oppose changing the current status of the law. The status quo is important at a time like this and in circumstances like this. The Greens know that vilification is harmful and has deep and lasting impacts on diverse communities. We support in principle the strengthening of protections against vilification and deeply believe that everyone should have the right to safety, regardless of their background, faith or anything else that people are currently protected from in the bill. The Greens are concerned, however, that the bill does little to address the root causes of vilification. In fact, it offers nothing to protect communities from it. It is also the case that the very groups and communities that the Government is purporting to protect have not been consulted properly about this at all.

Faith-based groups, such as the Lebanese Muslim Association, have indicated that they have not had ample time to consider the impacts of the proposed amendments on their communities. The NSW Council for Civil Liberties is on the front line dealing with the law as it intersects with communities, particularly in relation to vilification. The NSW Council for Civil Liberties is calling on members of this place to take the time that should be taken, and engage the processes that should be engaged, to introduce such significant new steps with these laws. The idea that we can continue to place our collective hopes in a law-and-order approach to issues relating to public threats of violence, and that social cohesion can ultimately be addressed through more police and providing police with more powers, is not sound. It does not work, it has not worked and it will not work. Now is the time to take the proper approach.

We see the trauma and the hurt that is playing out in our streets and public places right now because of what is happening in the Middle East. It is happening in an intensified way here because our communities are inextricably connected to those being impacted by the terrible violence taking place in Gaza. The reality is that we have been facilitating the public gathering, the public protest and the public expressions of pain, trauma, hurt and anger. The political conversation has been loud, disruptive and inconvenient, but it is happening. We do not need to provide the police with more powers when we currently do have powers. The fact that these provisions are here is meaningful and it is a deterrent. It is here. They are laws and they are present. The Attorney General has told us that the current prosecutions that have been laid, commenced and completed under this provision have not had great success.

The idea that they have not had great success because the police do not have enough power, and that it is in the hands of the prosecution, cannot possibly be the explanation for prospects and success. That is what I firmly believe after having practised criminal law, as the Hon. Stephen Lawrence, who made an excellent contribution earlier, has. The fact that the police do not have more power could go to why we have not seen more prosecutions, but it cannot go to the lack of prospects of success. Therein lies the real rub that members should be considering—the problem with the elements of the offence itself and the problems with how this offence has been laid out.

The Hon. Susan Carter spoke on behalf of the Opposition to suggest that this Chamber send the bill to an inquiry to hear the voices and evidence of communities, legal experts who are working with these provisions on the front line, police and civil society organisations, and actually inquire into why these laws are not working or could be made better. That is the function of the upper House and its inquiry system. Unfortunately, I am not confident that the Hon. Susan Carter and the Opposition will get the support for an inquiry. The Greens will be supporting it, because it is the right thing to do in a circumstance where you have got members from all over the House with different perspectives. Some of them are a bit out there in terms of the criminal law because some members clearly have no experience of the proper application of the criminal law in New South Wales.

The reality of having civil prosecutions is an absurd proposition given the circumstances, the vulnerabilities, the hurt and the trauma that we are talking about. Vilification is serious. It is deep, it is hurtful and it is long-lasting. To open the door to take those grievances at that level and let communities and individuals take them on with their own hands is State recklessness. It is not what a caring State would do in the circumstances of what is playing out on the streets and in people's hearts and minds right now. It is uncaring, it is reckless and it is not what this Parliament should do. There is a serious case for all members to consider right now, when so many questions have been raised about whether this is an appropriate amendment. Civil society is knocking on doors, making phone calls and sending messages calling for calm and to not take a law-and-order approach by increasing police powers. The status quo, more investigation and more forensic observation and analysis is the right thing to do.

The status quo should be maintained. The Greens understand that the Government wants to be seen to be doing something. The law, in its current state, needs a better examination. But it is not because there are not enough cases being brought; it is to genuinely look at the reason that the prosecutions that have been brought by the Director of Public Prosecutions—the most able prosecution authority in the State—have not been successful. That is the question that members should have been asking the Attorney General. The answer boils down to the fact that the criminal provisions that we have may need revising, and we should be looking at that. We should also be doing a lot of other things to de-escalate and take out the opportunities that people are finding. We should be promoting unity. We should be promoting the end of division.

We do that by providing support to communities when needed, not by taking sides and thinking that the police can sort this all out. Giving police more powers is not the answer. Providing a pathway for individuals to weaponise the legal system and the civil system is not sensible policy. So The Greens will be opposing those steps. We should be doing more, but this is just not the pathway. This is not the remedy. Those are not the steps we should be taking to end vilification and hate crimes in this State. More police powers will not solve this problem. We are here to do the big work and the better work, not take this law-and-order, gutter approach to something as serious as the issue that is playing out. I urge all members not to support the bill but to maintain the status quo and to follow the lead of the Hon. Susan Carter and the Opposition. Let us do some hard work in an inquiry and hear from the people who are impacted and those on the front line.

**The Hon. MARK BUTTIGIEG (19:40):** On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Susan Carter, the Hon. Stephen Lawrence, the Hon. Rod Roberts, the Hon. Jeremy Buckingham and Ms Sue Higginson for their contributions. The debate was a grab bag of miscellaneous positions. The Hon. Susan Carter wants to refer the bill to a committee. The Hon. Rod Roberts says that a police officer but not a private individual should have the ability to prosecute. Ms Sue Higginson thinks that the status quo is correct. I will try to address each of those in turn to the best of my ability.

The Government does not support the bill being referred to a committee. The purpose of the bill is to improve the process for police to prosecute people who offend against section 93Z, in response to recent concerns that have been raised about the operational effects of this requirement. The Government opposes delaying the passage of the bill until, at the earliest, the first sitting week of next year, which would be the likely effect of a referral of the bill to a committee. Also, the bill contains a statutory-review provision, which ensures that a report on the outcome of a review of the effects of the bill's amendments is tabled within 12 months of its commencement. That will ensure that a close eye is kept on the effect of those amendments. Referral of this procedural change to a committee is not necessary or practical, particularly given that the DPP can intervene on cases and that, as I said, there will be a statutory review.

Section 93Z of the Crimes Act 1900 makes it an offence for a person, by a public act, to intentionally or recklessly threaten or incite violence towards another person or a group of persons because of their race, religious belief or affiliation, sexual orientation, gender identity, intersex status or because of living with HIV or AIDS. As we have heard, section 93Z (4) currently requires the approval of the DPP before a prosecution can commence for an offence under the section. In response to recent concerns regarding the limited use that has been made of section 93Z since its introduction and concerns that the operational impact of the DPP approval requirement may have contributed to that, the bill removes section 93Z (4). In other words, the DPP approval is proving to be an impediment to speedy prosecutions.

I address some matters raised during debate. As provided by section 14 of the Criminal Procedure Act 1986, the right of a private individual to commence a prosecution for an offence is the norm in New South Wales. That right applies unless the Act that creates the offence expressly confers the right to institute a prosecution or a proceeding on a specified person or class of persons. As a safeguard against baseless private prosecutions, which is a concern raised during the debate, section 9 of the Director of Public Prosecutions Act 1986 confers upon the DPP the power to take over any proceeding for an offence that has been instituted by a person other than the DPP and to discontinue or carry on the proceeding as appropriate.

In general, the DPP will take over a private prosecution and discontinue where there is no reasonable prospect of a conviction on the admissible evidence, or the prosecution is not in the public interest, or there are reasons for suspecting that the decision to institute the prosecution was based on improper motives or otherwise constituted an abuse of the prosecution process, or the private prosecution was instituted to circumvent an earlier decision of the DPP not to proceed with a prosecution for the same offence. There is nothing to suggest that unfounded private prosecutions are a problem for the New South Wales criminal justice system, despite the right of private individuals to commence proceedings applying to the vast majority of offences in the Crimes Act 1900. However, in response to concerns over this possibility, which was raised by the Legislation Review Committee too, the Government moved in the other place an amendment to include a requirement for a statutory review to be completed within 12 months after the commencement of the provision.

Section 93Z is a provision that serves the dual purpose of signalling to the community where the limits of acceptable public discourse lie and of holding people accountable when their public communications or acts demonstrably exceed those limits and involve intentional or reckless threats of or incitement to violence based on people's race, religion or other characteristics. This bill aims to improve the ability of section 93Z to achieve the second of those purposes by ensuring that charges can be more swiftly laid where it would be appropriate to do so, in line with prosecution guidelines. The Government opposes the referral to a committee and commends the bill to the House.

**The PRESIDENT:** The question is that this bill be now read a second time, to which the Hon. Susan Carter has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....18  
Noes .....20  
Majority.....2

AYES

Boyd  
Carter  
Cohn  
Faehrmann  
Fang (teller)  
Farlow

Higginson  
Hurst  
MacDonald  
Maclaren-Jones  
Martin  
Merton

Mitchell  
Munro  
Rath (teller)  
Taylor  
Tudehope  
Ward



## NOES

Banasiak  
Borsak  
Buckingham  
Buttigieg  
D'Adam  
Donnelly  
Graham

Houssos  
Kaine  
Latham  
Lawrence  
Mihailuk  
Moriarty  
Murphy (teller)

Nanva (teller)  
Primrose  
Roberts  
Ruddick  
Sharpe  
Suvaal

## PAIRS

Farraway

Mookhey

**Amendment negatived.**

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

**Motion agreed to.****In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I have three sets of amendments: Liberal Democratic Party amendments Nos 1 and 2 on sheet c2023-200A, Other amendment No. 1 on sheet c2023-198 and Opposition amendment No. 1 on sheet c2023-167C.

People in the President's gallery will keep the noise down.

**The Hon. JOHN RUDDICK (19:59):** I move Liberal Democratic Party amendment No. 1 on sheet c2023-200A:

**No. 1 Temporary operation of Act**

Page 2, clause 2, line 5. Omit all words on the line. Insert instead—

- (1) Subject to subsection (2), this Act commences on a day or days to be appointed by proclamation.
- (2) Schedule 1 [1A] commences 2 years after the commencement of Schedule 1 [1].

The amendment retains all provisions but adds a two-year sunset clause. That means in two years the Parliament will be required to assess the implementation of the change and, I assume, extend the proposed power at that time. In two years the Parliament, not the Minister, can assess how it has worked. Maybe it will need to be strengthened; maybe it will need to be watered down; maybe there will be no change. But we can have a democratic debate about that. If the amendment is not supported, I will support the bill. I did not support referring it to a committee because that would have meant it was not actioned until well into next year, which would have been an unacceptable delay.

We have a crisis on our hands right now. The Jewish community and many of their friends feel under siege. They feel threatened with physical violence on our streets, and they have good reasons for that fear. The bill obviously will not end the intimidation, but it will go a significant way towards giving many people an increased sense of security. A demonstration at the Opera House two days after the Hamas attack on 7 October—before Israel's military campaign—clearly incited violence, but the police did little. As a result of that, suburbs with large Jewish populations have been menaced. I can only assume that the offenders felt emboldened after the police had earlier either failed to act or lacked the power to act.

We need to send a message to the general community that incitement of violence will not be tolerated. We need to crack down on the incitement of violence and let our Jewish citizens know they will be safe. The bill will go a long way in addressing the current crisis, but I urge the Committee to support the amendment for a two-year sunset clause. If the new arrangement has been working well, the Parliament will renew it. But I fear that provisions of this nature tend to morph into something else.

All the surveillance laws brought in during the war on terror remain on the books and have left us with a permanent surveillance state. The Federal Parliament introduced new laws to deal with terrorism after the horrific Christchurch mosque massacre, but those laws were then used by the Department of Home Affairs to tell social media companies to take down 5,000 posts that were contrary to the Government's COVID narrative. What the hell did that have to do with terrorism? But that is what the Government used. There are endless examples from around the world where laws of that nature expand past their original good purpose. Most police are good but some are not. Having a sunset clause in place will keep our law enforcement in check so they will not expand this

sound bill past its original intention. In two years the Parliament will debate the merits of this bill. If it has been working as intended, we can renew it for another two years.

**The Hon. MARK BUTTIGIEG (20:02):** The Government opposes the amendment. While we appreciate the intent of the amendment, it is not necessary. Sunset clauses are predominantly used in two circumstances. First, they might be used where a legislative amendment introduces powers that are so extraordinary that they should not operate indefinitely without periodic consideration by Parliament as to whether their ongoing use is appropriate. Secondly, they might be used where an amendment seeks to address an issue that is expected to be temporary. Amendments that were made to various New South Wales Acts to facilitate alternative government processes and service delivery pathways during the height of the COVID-19 pandemic are an example of that second type of sunset provision.

The amendment does not fall under either of those categories. It does not provide the NSW Police Force with new powers but merely removes a requirement to obtain the approval of the Director of Public Prosecutions before commencing a prosecution. Not only does the amendment not provide the NSW Police Force with extraordinary powers that warrant periodic parliamentary consideration; to the extent that the NSW Police Force is able to commence prosecutions for the vast majority of offences without seeking external approval, the amendment also makes section 93Z more ordinary.

The amendment is also not intended to address an issue that is expected to be temporary. As was said in the course of debate in the other place, if the effect of the requirement in section 93Z (4) for DPP approval is that it acts as a bottleneck or otherwise impacts on appropriate prosecutions being brought, such an outcome does not serve the public interest in protecting members of the community from vilification. That is no less important than freedom of expression. A person's right to express themselves must not come at the expense of another's right not to be subjected to threats or incitement to violence because of who they are or their religious beliefs or other attributes. That principle will not change over time.

Finally, insofar as there are any concerns about the effect of the amendment made by the Crimes Amendment (Prosecution of Certain Offences) Bill 2023, the Government moved an amendment to the bill in the other place to insert a statutory review provision that requires the report of that review to be tabled in each House of Parliament within 12 months after the commencement of the bill. That will ensure that the effect of the amendments can be carefully monitored and considered. The Government opposes the amendment.

**Ms SUE HIGGINSON (20:05):** The Greens support the amendment.

**The Hon. SUSAN CARTER (20:05):** The Opposition supports the amendment.

**The CHAIR (The Hon. Rod Roberts):** The Hon. John Ruddick has moved Liberal Democratic Party amendment No. 1 on sheet c2023-200A. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....20

Noes .....18

Majority.....2

#### AYES

Boyd  
Carter  
Cohn  
Faehrmann  
Fang  
Farlow  
Franklin

Higginson (teller)  
Hurst  
MacDonald  
Maclaren-Jones  
Martin  
Merton  
Mitchell

Munro  
Rath  
Ruddick (teller)  
Taylor  
Tudehope  
Ward

#### NOES

Banasiak  
Borsak  
Buckingham  
Buttigieg  
D'Adam  
Donnelly

Graham  
Houssos  
Kaine  
Latham  
Lawrence  
Mihailuk

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

## PAIRS

Farraway

Mookhey

**Amendment agreed to.****The Hon. MARK LATHAM (20:16):** I move Other amendment No. 1 on sheet c2023-198:**No. 1 Who may bring prosecution**

Page 3, Schedule 1[1], line 4. Omit "93Z(4)". Insert instead—

93Z(4). Insert instead—

- (4) A prosecution for an offence against this section may be commenced only by—
- (a) the Director of Public Prosecutions, or
  - (b) a police officer.

Chair, I proudly announce myself here as the Other's other. Given that the amendment is listed as Other, and I am the Other's other, I move it on behalf of the Other. In our great tradition, I note that we have expert advice on this. The amendment speaks for itself. You outlined it earlier. Never argue with the experts.

**The Hon. MARK BUTTIGIEG (20:16):** The New South Wales Government opposes the amendment on sheet c2023-198, otherwise known as Other. As we have said time and time again, we want to improve the process for the prosecution of section 93Z offences and support the work of the NSW Police Force in its efforts to deal with threats or incitement of violence towards people because of their race, religious belief or affiliation or other attributes. The issue of private prosecutions has already been ventilated in the debate on this bill in the other place. That risk is, at best, a small one that exists in relation to the overwhelming majority of offences on the New South Wales statute books which do not require approval from the Director of Public Prosecutions. There is nothing to suggest that unfounded private prosecutions are a problem for the New South Wales criminal justice system despite the right of private individuals to commence proceedings applying to the vast majority of offences in the Crimes Act 1900.

The DPP also has the power, under section 9 of the Director of Public Prosecutions Act 1986, to take over a prosecution or proceeding in respect of an offence that has been instituted by a person other than the director. The New South Wales DPP *Prosecution Guidelines* provide that:

NSW law allows for a prosecution to be commenced by a private individual and this right has been described as "a valuable constitutional safeguard against inertia or partiality on the part of authority".

However, since the creation of the DPP in 1986, one of the principal functions of the Director has been to conduct prosecutions for indictable offences in NSW. The Director therefore has a role to play in ensuring the right to launch a private prosecution is not abused.

Consequently, the DPP has the power to take over the conduct of a prosecution initiated by another person and, having done so, to continue it or bring it to an end.

The DPP *Prosecution Guidelines* go on to state that:

Given the large range of circumstances that may give rise to a private prosecution, it is impracticable to lay down inflexible rules as to when the discretion to take over a matter will be exercised. In general, however, a private prosecution will be taken over and discontinued where:

1. there is no reasonable prospect of a conviction on the admissible evidence
2. the prosecution is not in the public interest
3. there are reasons for suspecting that the decision to institute the prosecution was based on improper motives or otherwise constituted an abuse of the prosecution process
4. the private prosecution was instituted to circumvent an earlier decision of the DPP not to proceed with a prosecution for the same offence.

That safeguard exists to address the concerns expressed about private prosecutions. In addition to that, the Government moved an amendment last night in the other place to introduce a statutory review provision to further address the concerns that have been raised. That will ensure that a report on the outcome of that review is tabled in each House of Parliament within 12 months after the commencement of the bill. We understand and appreciate the reasons for that amendment. We do not support it, but I now indicate that, if the amendment is passed by the House, we will accept the will of the House and support the passage of the bill as amended. Making sure that police can effectively use that provision is too important to delay this reform any further.

**The Hon. SUSAN CARTER (20:20):** I support the Crimes Amendment (Prosecution of Certain Offences) Bill 2023 and indicate that I will not be moving the amendment that I foreshadowed, because the

amendment before the Committee achieves exactly what the Opposition set out to do. It makes the bill work. The purpose of the bill is to make sure that section 93Z is an effective means of prosecuting those whose speech and conduct divides our community, based on attributes that may be particular to individuals or shared by all of us.

To the extent that the amendment is necessary to facilitate prosecution and that the current lack of prosecutions does not reflect a lack of will on the Government's part to bring those prosecutions, and to the extent that the amendment is necessary to ensure that prosecutions are brought, the Opposition is happy to support it. The effect of the amendment is that the approval of the Director of Public Prosecutions is not required for every prosecution because police can bring prosecutions also. That is an important change because, if the Government's bill goes through as it is, it will have the very significant consequence that any member of society will be able to perform an arrest under the Law Enforcement (Powers and Responsibilities) Act and initiate their own prosecution under the Criminal Procedure Act.

We have been told that is not a problem because section 9 of the Director of Public Prosecutions Act means that the DPP can uplift a prosecution at any time. But that is acting after the fact. Why wait until somebody has been put to the bother of having a prosecution launched against them, possibly maliciously, and then have the Director of Public Prosecutions uplift it? Of course, that assumes that the DPP is aware of each and every one of those prosecutions, as was flagged by the Hon. Stephen Lawrence when he indicated that perhaps we need a mechanism to ensure that the DPP is aware of all civil prosecutions. Opposition members want this to work. We want a safe society and we want to ensure that the important balance between freedom and rights is not weaponised by people maliciously bringing private prosecutions. I support the amendment because it makes the legislation work and it stops the possibility of malicious private prosecutions.

**The CHAIR (The Hon. Rod Roberts):** I invite the Hon. John Ruddick to move his amendment No. 2 on sheet c2023-200A because it concerns the same aspect of the bill. The Committee will then debate that amendment after which I will put the question on each amendment separately.

**The Hon. JOHN RUDDICK (20:24):** I move Liberal Democratic Party amendment No. 2 on sheet c2023-200A:

No. 2 **Temporary operation of Act**

Page 3, Schedule 1. Insert after line 4—

[1A] **Section 93Z(4)**

Insert after section 93Z(3)—

- (4) A prosecution for an offence against this section is not to be commenced without the approval of the Director of Public Prosecutions.

I refer to my earlier remarks and have nothing further to add.

**The Hon. MARK BUTTIGIEG (20:24):** The Government opposes the amendment for the reasons articulated earlier.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Mark Latham has moved Other amendment No. 1 on sheet c2023-198. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....20  
Noes .....17  
Majority.....3

**AYES**

Boyd  
Buckingham  
Carter  
Cohn  
Faehrmann  
Fang (teller)  
Farlow

Higginson  
Hurst  
Latham  
MacDonald  
Maclaren-Jones  
Martin  
Merton

Mitchell  
Munro  
Rath (teller)  
Taylor  
Tudehope  
Ward

**NOES**

Banasiak  
Borsak

Houssos  
Jackson

Nanva (teller)  
Primrose

## NOES

Buttigieg  
D'Adam  
Donnelly  
Graham

Kaine  
Lawrence  
Mihailuk  
Murphy (teller)

Ruddick  
Sharpe  
Suvaal

## PAIRS

Farraway  
Franklin

Mookhey  
Moriarty

**Amendment agreed to.**

**The CHAIR (The Hon. Rod Roberts):** The Hon. John Ruddick has moved Liberal Democrat Party amendment No. 2 on sheet c2023-200A. The question is that the amendment be agreed to.

**Division called for.****Call for a division, by leave, withdrawn.****Amendment agreed to.**

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

**Motion agreed to.**

**The Hon. MARK BUTTIGIEG:** 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. MARK BUTTIGIEG:** On behalf of the Hon. Daniel Mookhey: I move:

That the report be adopted.

**Motion agreed to.****Third Reading**

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

**The PRESIDENT:** The question is that this bill be now read a third time. Is leave granted to ring the bells for one minute?

**Leave granted.****The House divided.**

Ayes .....34  
Noes .....5  
Majority.....29

## AYES

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

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

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

AYES

Jackson

NOES

Boyd  
Cohn (teller)Faehrmann  
Higginson

Hurst (teller)

**Motion agreed to.****The PRESIDENT:** I shall now leave the chair. The House will resume at 9.20 p.m.*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: HARD ADJOURNMENT****The Hon. JOHN GRAHAM:** I move:

That standing and sessional orders be suspended to allow business of the House notice of motion No. 1 relating to the hard adjournment to be called on forthwith.

**Motion agreed to.****HARD ADJOURNMENT**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:33):** On behalf of the Hon. Penny Sharpe, I indicate that the Government will be dealing with this issue now because we propose to allow the House to have more time to consider some items. We will delay the House for as little time as possible, but the intention is to suspend the adjournment debate till the end of felicitations. I move:

That Standing Order 34 relating to the hard adjournment at 10.00 p.m. be suspended for Thursday 30 November 2023 only.

**The PRESIDENT:** The question is that the motion be agreed to.**Motion agreed to.***Bills***THOROUGHBRED RACING AMENDMENT BILL 2023****Second Reading Speech**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:23):** I move:

That this bill be now read a second time.

Prior to seeking leave to incorporate the second reading speech, I address the House mainly in relation to the amendments that were moved in the other place. I will then direct members to Minister Harris's second reading speech. I thank Minister Harris and his team for the work they have done on this legislation. I note that amendments to the bill were agreed to in the other place. They include requiring the responsible Minister to conduct a statutory review of the Thoroughbred Racing Act 1996 within a 12-month period. The purpose of the review is to provide the opportunity to determine whether the Act's policy objectives and oversight mechanisms remain valid, and its terms remain appropriate for securing the objectives. Following the first 12-month review, further statutory reviews will be required at regular five-year intervals, with all review reports to be tabled in each House of Parliament by the end of each review period.

The amendments also include changes to enhance processes for selection panels established under section 7 of the Act that are responsible for making recommendations to the Minister on Racing NSW member appointments. The amendments will require those panels to be convened at least six months before the expiry of the term of office of a Racing NSW member when a vacancy is expected to arise. That lead-in time will apply when a member is not being reappointed. The amendments will also require the panel to consider gender diversity when preparing a list of recommended persons to the Minister for appointment as Racing NSW members, or as the Racing NSW chair or deputy chair. The Government has carefully considered its position in relation to the chair's term of office, the make-up and tenure profile of the board and the challenges the industry is facing. We have also considered feedback received, including the views of various industry participants and members of both Houses of this Parliament. Taking all those matters into account, the bill is now recommended as the best way

forward for the racing industry in New South Wales. The Government is pleased to present this amended bill to the House.

I seek leave to have the remainder of the second reading speech incorporated into *Hansard*.

### **Leave granted.**

The Government is pleased to introduce the Thoroughbred Racing Amendment Bill 2023.

The Government supports a strong and vibrant horseracing industry across metropolitan, provincial and country racing.

Thoroughbred racing in New South Wales generates significant economic activity, supporting jobs, tourism and the economy statewide.

More than half of this economic activity is in regional New South Wales.

The racing industry is a \$3.3 billion industry employing more than 50,000 people directly or indirectly, with more than 90,000 people engaged in the industry across the State as employees, participants and volunteers.

The State's thoroughbred racing industry is going from strength to strength following the successful revitalisation of the Sydney Spring Racing Carnival and introduction of world-class events like the Everest.

The Everest is a blockbuster event attracting more than 46,000 racegoers to the Royal Randwick Racecourse in October and offering \$20 million in prize money.

The thoroughbred racing industry is overseen and administered by Racing NSW under the Thoroughbred Racing Act 1996, covering all commercial, welfare and integrity issues relating to horseracing.

While Racing NSW is an independent body that is not under the direction or control of the New South Wales Government, its board members, including the chair and deputy chair, are appointed by the Minister for Gaming and Racing.

The Act sets out the related requirements for board appointments.

It provides that Racing NSW board members are appointed to hold office for a period of up to four years and are eligible for subsequent reappointment, with a maximum tenure of 12 years for members.

The term of office for the current Racing NSW Chair, Mr Russell Balding, AO, expires on 18 December 2023.

The bill seeks to amend the Thoroughbred Racing Act 1996 in relation to the term of office of the chair, who will reach the maximum tenure of 12 years at the expiration of his current term in December this year.

The proposed amendment will extend the term of appointment of Mr Balding as the chair and a member of Racing NSW for a further two years, from 19 December 2023 to 18 December 2025.

The New South Wales Government has carefully considered this extension and the options available.

This amendment recognises the need for continuity of corporate knowledge of the Racing NSW board.

The Government considers that this knowledge will be crucial for navigating changing regulatory and economic reforms confronting the racing industry over the next two years.

Upcoming challenges for the industry over this period include:

- addressing funding challenges in response to changing wagering environments;
- the Federal Government inquiry into online gambling and implications for New South Wales;
- ongoing legal action with Racing Victoria;
- building on the important work Racing NSW has done to make New South Wales a global leader on equine welfare through its Team Thoroughbred welfare initiatives;
- implementing new training and skills programs across the industry following Racing NSW's purchase of Scone TAFE in 2021 and its establishment of the Scone Training Academy; and
- delivering a significant capital works program, mostly focused on country racetracks, to futureproof the industry.

The Government supports Racing NSW's efforts to ensure our State is the number one thoroughbred racing jurisdiction in Australia.

The board, led by the current chair, demonstrated great skill in guiding the industry through the very challenging COVID period.

The Government wants that knowledge to help negotiate a pathway to continued financial sustainability.

This is about ensuring that more than 50,000 people employed by this industry keep their jobs in a cost-of-living crisis.

The bill will help the Racing NSW board effectively respond to these challenges.

Mr Balding, as chair of Racing NSW, has the runs on the board in terms of successfully navigating previous challenges and putting the industry in good stead.

It has been reported that total returns to owners and participants for the 2023-24 racing season are forecast to be \$410 million, which would mean returns have more than doubled in the last decade.

A further \$214 million has been distributed each year to owners, trainers, jockeys and stablehands right across New South Wales.

Annual returns to owners and participants from the provincial sector were \$30 million before Mr Balding took over as chair and are now \$77 million, a 156 per cent increase.

That benefit has flowed to the country too, with annual returns for owners and participants up by 108 per cent to \$129 million this year.

When Racing NSW generates a profit, it is distributed to participants which in turn drives reinvestment into the racing economy, creating more jobs and economic growth.

There has also been significant investment in racing infrastructure across New South Wales.

During Mr Balding's tenure, over \$88 million has been spent improving the safety and reliability of racing and training facilities.

There is more spending to come over the next three years, with a substantial part of the funding to be spent on rural and regional infrastructure such as new stabling, track upgrades and public and educational facilities.

This is about futureproofing the industry.

The Scone Training Academy delivers specialised equine courses that create a pipeline of local jobs needed in this industry such as stablehands, trainers, track work riders and jockeys.

I am pleased to hear that there is a huge uptake by women in these courses.

That is reflected in the general uptake of women in the industry.

Reportedly, 70 per cent of apprentice jockeys coming through the system are women.

There are more women in the industry than ever before, driven by a love of horses.

We are seeing significant investment in infrastructure and a pipeline of trained workers, creating a sustainable future for the industry and creating local jobs in our rural and regional areas which are more critical than ever.

Local, sustainable, ongoing jobs in rural and regional areas have flow-on effects across the whole economy and for our communities.

That is the success of Mr Balding's tenure so far—this flow-on effect of the benefits of racing right down the line.

This has helped to ensure a responsible, sustainable and competitive racing industry that delivers economic benefit right across New South Wales.

This growth in revenue has been driven almost entirely by the advent of new races in the spring, particularly the Everest, the Golden Eagle, and the Kosciuszko for regional horses.

The Big Dance, held on the same day as the Melbourne Cup, attracted record crowds this year.

The success of this rejuvenated Spring Carnival is felt all year round and is really pressing the case for New South Wales to be the number one racing jurisdiction in the country, and this Government supports the industry in its quest to be number one.

We want New South Wales to be number one.

It is more than just number one in terms of economic benefit, but also in terms of animal welfare.

The Government supports a responsible, sustainable and competitive racing industry with the highest standards of animal welfare.

It is a fact of life nowadays that any animal-based industry will be under scrutiny, as it should be.

If the racing industry can demonstrate that it has strong underlying principles on animal welfare, and that animal welfare is a key driver of all activity industry-wide, it can answer many of those criticisms.

Since Mr Balding became chair, Racing NSW has further expanded its world-leading equine welfare program, including a \$34 million spend on procuring and upgrading properties for the exclusive use of Racing NSW's equine programs.

Local Rule of Racing 114 prohibits horses being sent to knackeries or abattoirs and requires owners to find suitable new homes for their horses upon retirement.

Dedicated equine welfare vets undertake audits of retired horses to confirm that owners are meeting their obligations.

There is now an excluded list for persons who, on welfare grounds, Racing NSW considers unsuitable to care for thoroughbreds.

An end-of-life welfare program is in place to cover the cost of humane euthanasia where it is certified by a vet that it is in the horse's best interest and necessary on welfare and safety grounds.

Retired horses have their own equestrian event, the Equimillion, with prize money of \$1 million up for grabs.

In 2017, when Mr Balding became chair, around \$400,000 went towards welfare.

In the 2022-23 year, \$3.9 million has been spent on equine welfare initiatives—a tenfold increase.

In 2015-16, Racing NSW announced that funding for welfare would be tied to prize money.

That has seen a significant increase in funding over time for welfare.

The success of racing is tied to animal welfare improvements in New South Wales through a percentage of prize money now allocated to the Racing NSW Equine Welfare Fund.

The separation of regulatory and commercial functions occurs primarily through Racing NSW's organisational structure and is supported by the appeals processes under the Act and the Racing Appeals Tribunal Act 1983, known as the Tribunal Act.



There is a strong expectation with this appointment that there will be increased transparency around welfare and rehoming, greater support for provincial racing and a continued commitment to supporting a responsible, sustainable and competitive racing industry.

In addition to the extension of the chair's term through the bill, the deputy chair of Racing NSW, Dr Saranne Cooke, will be extended for a further two years.

Dr Cooke has served a total of eight years on the Racing NSW board to date and is eligible for reappointment under the provisions of the Act.

The Government wants to see strong progress across each of the reform areas that I have mentioned, and our expectation with progressing these extensions is that we will.

The extension in the bill is targeted for two years only and applies only to the current chair.

It considers the circumstances facing the thoroughbred racing industry and what is in the industry's best interests.

The bill does not affect the maximum tenure requirements that apply for members of Racing NSW generally.

While the extension in the bill is limited to two years, it will remain a statutory requirement that individual terms of appointment of four years maximum apply to Racing NSW board members before they need to be reconsidered by the Minister for Gaming and Racing.

The Minister will also continue to have the power to remove any person from office as a member of Racing NSW or the chairperson at any time, in line with sections 15 and 16 of the Act.

Collectively, these ongoing arrangements will ensure that the Minister continues to have regular opportunities to both assess and determine membership of Racing NSW, including through transparent, merit-based selection processes, as set out in the legislation.

The Government understands that there will be opposition to the bill, but I can assure the House that we have looked at all the evidence.

We looked at the reform coming down the track.

These decisions will not always be popular, but it is one that we consider is the right one for the industry, recognising the range of challenges it is facing.

Russell Balding is an experienced and skilled chairman who, along with the Racing NSW team, has revitalised racing in New South Wales.

Racing NSW is in the middle of a period of success. The current board is doing a very strong job, and it is important that continues.

In conclusion, the Government has carefully considered its position in relation to the current chair's term of office.

We believe the targeted appointment extension is the best way forward, after considering the critical issues the thoroughbred racing industry is facing and related feedback from various industry participants.

We recognise that there are extenuating circumstances here that warrant the extension of the current chair beyond the normal maximum tenure of Racing NSW members.

We also recognise that safeguards will remain in place that ensure Racing NSW board member appointments can be regularly reviewed, with a maximum tenure limit still specified in the Act.

With this extension, the Government will continue to support Racing NSW in meeting upcoming challenges for the industry and building on the successes we have seen in New South Wales under its leadership.

Successes such as the revitalised Sydney Spring Carnival and the introduction of innovative races like the Everest into the State's racing calendar, the richest turf race in the world.

The Government will also continue its support of Racing NSW's efforts to ensure the Everest is given the group one status it deserves.

We remain committed to a responsible, sustainable and competitive racing industry with the highest standards of animal welfare.

In this regard, we expect that the two-year appointment provided for in the bill will help to provide Racing NSW with the necessary continuity of knowledge on its board to set up the industry for long-term success.

I commend the bill to the House.

### Second Reading Debate

**The Hon. DAMIEN TUDEHOPE (21:26):** On behalf of the Opposition, I join in debate on the Thoroughbred Racing Amendment Bill 2023. At the outset I state that the Opposition does not oppose the bill. However, the support is conditional upon amendments that we will move in the Committee stage that we believe will strengthen the accountability and transparency relating to the manner in which the Act is applied. I think it is important for the House to understand the context of this bill. The bill has arisen in a circumstance where the Government, which has been in place for nine months, has failed to begin a process to replace term-limited members of the board of Racing NSW, including the chair, in accordance with statutory requirements in the bill. Because of that oversight or failure to anticipate this requirement, the Government has now rushed a bill back to the Parliament, expecting an immediate tick off. It is another example of the heights of arrogance that this Government will reach.

To say that this bill is inelegant is an understatement. I will not be casting judgement on the current chair of Racing NSW because the bill is indicative of something very wrong—not with him, but with the Government.

Why did the process not begin earlier? Why did the Government not realise that the chair was reaching his term limit? When we look at how the bill is drafted, the bill does not extend the maximum time for anyone to serve on the board of Racing NSW. The bill applies only to one individual. The bill will allow the Government to ignore the independent panel process that already exists in the Act. The Minister has simply picked who he wanted and now seeks to enshrine that in law. The Government could have brought this bill to Parliament at any time in the past nine months and gone through the proper process. It could have extended the maximum time for all board members, run a proper process, and have it all squared away long before we got to this point. Instead, here we are, on the last sitting day of the year, with the Government scrambling to make up for its own incompetence. It is just not good enough, and it is a situation entirely of the Government's creation.

Racing NSW, under the chairmanship of Russell Balding, has taken racing in New South Wales to new heights. There is no quibble with Mr Balding and his competence. If the Government recognised that that was the case, it failed to act to ensure that governance provisions contained in the Act were properly dealt with by the Parliament and not in a way where the Government would have to bring a bill to Parliament specifically for the appointment of one person. It strikes me as bizarre that the bill got through the Labor Party caucus. Where were the people in the Labor caucus to say that their Government should not be seen to be party to the governance provisions relating to the appointment of a board member in this manner? If those opposite want to appoint a board member in this way, there is an entirely appropriate way for doing that set out in the Act.

There was a suggestion that the previous Government extended Mr Balding's term; it did not. It extended the ability for Racing NSW to appoint a chair for an additional term, but that was to enable Mr Balding to apply for the job and be appointed according to the processes set out in the Act. This is an entirely different situation, where we need an Act of Parliament to make a direct appointment to the board of Racing NSW. As a concept of proper governance of an organisation, notwithstanding the reputation of Mr Balding, I would have thought that someone within the Labor caucus would say that a bill of this nature does not pass the test. However, those who have the ability to potentially raise their voices appear to have not done so.

The Opposition does not oppose the appointment, but it seeks to move amendments to the bill to enhance the accountability and transparency with which Racing NSW is governed. I expect that members will approve those transparency provisions when the amendments are moved. It is hard to understand how anyone would want an organisation that receives the gambling revenue that Racing NSW does to not be subject to more accountability and transparency. I will leave my comments about the amendments until the consideration of the bill in detail.

**The Hon. EMMA HURST (21:33):** I speak on behalf of the Animal Justice Party to indicate its strong opposition to the Thoroughbred Racing Amendment Bill 2023 and to express my disgust at the decision of the Minns Labor Government to extend the term of the chairman for Racing NSW, Russell Balding. It is the third time that Mr Balding has had his term as chairman extended since I was elected as an MLC in 2019. If the bill passes today, Mr Balding's term will be extended to 14 years in total. There is absolutely no justification for that decision. It is complete hypocrisy. While NSW Treasury recommends that directors of State-owned corporations serve a maximum of two three-year terms, the Minister with the Racing NSW responsibility is jumping over backwards and introducing an urgent bill in the final sitting weeks of Parliament to extend Mr Balding's term to an extraordinary 14 years.

During budget estimates a few weeks ago, I asked the Minister about what his decision on this issue would be. He dodged my questions and refused to promise that there would be a fair and proper process to determine the next chairman of Racing NSW. I now know why: He had already decided what he was going to do. He could not agree to a fair and proper process because he was going to bow down to the worst parts of the racing industry and do exactly what Russell Balding and Peter V'landys, and their cronies, wanted him to do. The Minister is clearly under their thumb and is willing to do whatever they ask. It does not bode well for the Minister, who is meant to oversee the racing industry and ensure transparency, accountability and rigorous oversight in relation to animal welfare.

To be clear, the racing industry has a terrible record. During Mr Balding's time as chairman, Racing NSW has consistently produced the highest number of horse deaths of any State and maintained an appalling record of animal cruelty. Exposés continue to reveal that New South Wales racehorses are being discarded and killed in knackeries, despite that being against Racing NSW rules. There are ongoing concerns about Racing NSW's rehoming program and the shocking number of racehorses that continue to go missing from the industry each year. Let me be clear: One of the reasons that Mr V'landys wants Mr Balding back in this role is because Mr V'landys and Mr Balding are working to stop national progress on the standards and guidelines for the racing industry. While other States and Territories want to see progress and improvements to animal welfare in this space, team V'landys and Balding are blocking all welfare improvements. They do not want to see animal welfare improvements in the industry anywhere in the country.

The Minister has said that he is keen to make sure the industry makes commitments to animal welfare, but appointing the person being accused of blocking all welfare improvements nationally is the exact opposite of taking action on animal welfare. There will be another two years of all other States and Territories being held captive by New South Wales and stopped from progressing action on animal protection. Because Racing NSW is not a Government agency, the Minister is powerless to stop it. The only way he could have stopped it is by ensuring a fair and proper process and appointing a new chairperson who could have worked with the other States and Territories to stop the extremist disruption of the national process.

Since the decision to introduce the bill was announced, many key figures in the horse racing industry have spoken out to indicate their concerns about the decision. They want fresh leadership on the board and a fresh start, not a continuation of past bad management. There are many in the industry who feel the same but are too afraid to speak out publicly, such is the influence and power that Mr Balding and Mr V'landys have within the industry, the media and the political arena. It is a terrible decision, and it smells of corruption. It is bad for animal welfare; it is bad for corporate governance. It is a bad move by the Minns Labor Government, which is once again showing this Parliament and the community how much it does not care about animals and is willing to defend the worst parts of animal-abuse industries at every turn.

The fact that Chris Minns said years ago that the Government would not reappoint Mr Balding, as per the status quo of previous governments, highlights how low this Government has already fallen. The crossbench being united against this also highlights how the major parties cannot be trusted when it comes to money and lobby groups. I will have further comments about my amendments in the Committee stage, but I note that the Minister has highlighted his commitment to animal welfare in the racing industry. I assume that transparency and reporting around horse deaths, rehoming and the like will be supported by the Minister to ensure that he can uphold that promise. The Government will surely support amendments that will improve animal welfare, oversight and accountability if it is committed to change in this space.

Before I finish my contribution—and I know this is becoming routine in my speeches in this House—I express my utter disappointment at the lack of willingness from the Minister and his office to engage with my office. My office was asked to take a conversation outside of the crossbench briefing. I followed up with the Minister's staff but was refused a meeting to talk about anything to do with the bill. That extends from the crossbench briefing. My office also emailed the Minister our amendments and was told that he would get back to us but, again, I have heard absolutely nothing. There is no reason for any Minister in this place to be intimidated by my office, of any place. I am sure all Ministers in the upper House feel welcome in my office. It is disappointing that the Minister's office would not talk to my office about any of the commitments that the Minister is making around animal welfare or the Animal Justice Party amendments. I urge all members to oppose the bill.

**The Hon. MARK LATHAM (21:39):** The Thoroughbred Racing Amendment Bill 2023 represents a very Sydney story. It is about the exercise of power to see who wins and who loses, who has their ego stroked and who is discarded, on a matter of limited impact, essentially. The Minns Government hit the ground reviewing but with no broad agenda for the advancement of New South Wales and has created a firestorm with this bill to extend the tenure of Russell Balding as the chair of Racing NSW. In government, the easiest thing to do is to do nothing, and the Government could have simply allowed Russell Balding's appointment to expire in mid-December. After all, he has already had two extensions, and to go to 14 years makes us look a bit more like North Korea, with appointments for life, rather than an institution of good governance, sensibly limiting the term of statutory appointments to inject new blood, new energy and new ideas into these public organisations.

Chris Minns, prior to the election, campaigned against cronyism. He said that he would be active in stamping out all forms of corruption and that he considered jobs for the boys and cronyism to fit in that category. Who would have thought that Minns' Achilles heel is exactly on that front? We have seen it in the office of Jo Haylen, the transport Minister, and we see it now in this bill. The Coalition has had the greatest factional fight since the League of Nations, and it has been incredible to watch. It has not been left versus right; it has been the sponges versus the naive. The Nats get out to the ballroom at Randwick for the big events. I have never seen you there, Mr President, but I have seen your colleagues. There is not even table service. They are bought off by a smorgasbord, a buffet. I say to the Nats, the sponges' faction, to at least lift their standards and get some table service before it determines how they vote on a bill like this.

As for the naive, in the absence of Stuart Ayres, the long-lamented ex-member for Penrith, who in the Coalition knows anything about racing? It used to be a Liberal Party specialty to know the track, but it has been left to me and just a few others around the place to inject real culture into this debate by knowing the track. I first went to the track for the Liverpool City Cup, betting illegally. I was a pretty big guy as a 15-year-old, and the bookmakers let me have a bet for the City Cup at Warwick Farm in 1976. I can remember vividly the winners. Glen Vain beat Ming Dynasty in the first. Of Two Cities won the fillies race. The great Taras Bulba won the Chipping Norton Stakes. Oopik, the mighty stayer from New Zealand, won the distance race and then the Sydney

Cup. Wave King won the Liverpool City Cup, and I learnt a very important lesson. An old chook on the rails said that we had to back Wave King. We thought it was a joke. Wayne's Bid was the hot favourite. My mates from Hurlstone all learned a lesson: Listen to the old chooks; they know the good oil down on the rail.

I fell instantly in love with the track that day. It has been the longest love affair of my life, and it will never end. It is still the quintessential Australian institution. I love going there. On Saturday I was at Kembla Grange, where I ran into Russell Balding being escorted around by Ryan Park, one of the Illawarra MPs. It is the place where you still feel that it is so Australian, so authentic. The people are great. The culture is so genuine. I said to Russell Balding, "In politics, it is a funny thing, but you are going all right when you are doing nothing, you have not said a single word or lifted a finger and everyone is talking about you; the whole system is talking about you." We had a good laugh about that. I want to make my remarks clear. Russell is a nice enough guy. I have nothing against Russell Balding, but I am very much in favour of good and better governance.

I have nothing against Peter V'landys, whom I saw here earlier today. He is on the lobbying front, where he is very skilled. He had two police officers with him. The debate is getting rough when Peter V'landys needs a police escort in the foyer of Parliament House. I think that he was meeting with a few of the Liberal Party heavies, so he needed a bit of backup on that front. He is a good guy too. He has done remarkably well for a Greek kid from a working-class background coming out of Wollongong, working his way through the institutions. I pay tribute to his achievements and what he has done for himself and the pride he would have brought to his family for those achievements. But it is not whether you like or dislike Peter V'landys. It is whether you like or dislike good governance and the sensibility of having a limited term in these statutory appointments, meaning that there is always a contest of ideas and new energy and new ideas coming into the institution.

The rumours and slurs in this debate have been phenomenal. Shadow Ministers have been lobbying against the decisions of the shadow Cabinet, which does not happen all that often. The Hon. John Graham grins. It probably has happened a little bit around the traps but not with the intensity we have seen today. Significantly, it is not really about Russell Balding. Russell is something of an innocent victim, in that it is really a proxy for a debate about Peter V'landys and how much power he should have, how much power should be centralised in the hands of one man, for racing and, to a lesser extent, rugby league. Peter has had a remarkable rise to power and prominence from starting at harness racing—the red hots—to now being one of the three most powerful men in New South Wales. If you strip away Albo and Chris Minns, Peter V'landys is the most powerful person in the State by some good distance—a couple of furlongs down the Randwick straight—and he exercises that power in a very Sydney way.

We have seen in this particular debate about Russell Balding the clash between *The Daily Telegraph* and *The Sydney Morning Herald*. The Telegraph is a partly-owned V'landys subsidiary, because that form guide you get in the middle of the paper is paid for by Racing NSW. Money talks in a media industry doing it tough financially. If you want a bit of a news story about racing, Peter is the go-to man—or about rugby league. Of course, the Telegraph is a paper about rugby league and racing. So Peter V'landys is rolled in gold by the Telegraph. It is such a Sydney story to see these things swirling around. It is a tornado of all these Sydney characteristics, but at the bottom line it is a real test of governance for this Government. It is a real test of what is right for the racing industry. That is my passion and my deep and abiding affection. I want the best for the industry.

It must be said that there are some positives. Let us look at the positives in racing. The Australian Turf Club management, now in the hands of Peter McGauran and Tim Hale, is magnificent. The wonderful hosts are energetic, enthusiastic and doing a great job, particularly at Randwick and Rose Hill. Peter and Tim make a wonderful team heading up the Australian Turf Club. That is a plus. Peter V'landys has brought higher-profile events to Sydney racing, and younger people are getting out there. It is party time. It is good to see a broader audience for racing. It is much better to have 40,000 at the Everest and talk of filling the infield and the flat for the first time, probably, since Tulloch in the 1960s, when my dad was out there, betting on the great horse. That is a great thing for racing. It is a lot better than going to Canterbury midweek and seeing a couple of dozen people.

Those high-profile events have value, but let us be realistic about it. I was out there for the last race that Black Caviar ran at Randwick, I am pretty sure, and the track was full. I was there with my punting mate, who happens to be my dentist. Black Caviar was gearing up to take over Hay List, and I said, "Let's have a bit of an experiment here when they get to the 300 pole. Let's look down and see how many of the young'uns are actually watching the races." I have to say it would not have been over 10 per cent—maybe 15 per cent. Yes, there was interest in coming to the track, but for the party. There is nothing wrong with a party—

**The Hon. John Graham:** They knew who would win.

**The Hon. MARK LATHAM:** They knew who would win. We all did: the great Black Caviar. But let us be realistic about how many would ever go into horse ownership or even have a bet or add to the financial side of the industry. The big dance on Melbourne Cup Day was successful, you would have to say. The one that I question,

though, is the \$10 million Golden Eagle race for four-year-olds at Rose Hill. It has not captured the imagination of punters. The Japanese import won it. I think there was only one import this year. Putting \$10 million into that race tells us something pretty significant, because it was run on Victoria Derby Day. For those of us who love Australian racing overall, Victoria Derby Day at Flemington has always been the premier event. It is three days before the Melbourne Cup. There are four or five Group 1 races.

I do not know where it started, 10 years ago. I do not know whether Peter V'landys is a victim or to blame, but somewhere in the mix a conflict between New South Wales racing and Victorian racing started. There used to be a sensible stand-off where New South Wales racing would not attack the Victorian Racing Spring Carnival—the Cox Plate, the Caulfield Cup, the Melbourne Cup and Victoria Derby Day—which was sacred, and Victoria would not attack our autumn carnival, which was dominated by the great Golden Slipper. But at some point that stand-off broke down. Sure, a bit of friendly competition between New South Wales and Victoria is good. But, when you look at it through the eyes of international racing, Australian racing must have a national interest. Fierce, spiteful competition, putting on events like the Golden Eagle for \$10 million, solely for the sake of spiking the Victoria Derby Day at Flemington, is not good practice. A bit of friendly competition is okay, but how would we feel if the Victorians started to put their version of the Everest, which is a sweepstakes race and not as expensive to run, on our Golden Slipper day? We would be outraged and hostile.

**The Hon. Anthony D'Adam:** Point of order: It is a quarter to 10; we have sat late. I am yet to have a clear idea about what the Hon. Mark Latham is arguing for or against. He is drifting on to all sorts of topics that do not relate to the long title of the bill. He needs to be brought back to the long title of the bill and contain his remarks to something specific about the legislation before the House.

**The PRESIDENT:** While I have substantial sympathy with the point of order, wide latitude is given in the second reading debate. There is no point of order. The member has the call.

**The Hon. MARK LATHAM:** I know one end of a horse from the other, don't I? I do not think that is exactly unedifying. Those are the issues that have to be fixed by the next chairman of Racing NSW. We have to fix the unhealthy level of competition between New South Wales and Victoria. I would like to see someone say to Peter V'landys, "Look, you're in the middle of that stoush. What if we can settle it down and bring a bit of peace and harmony and sensibility to the rivalry?" We need to understand that at the top of the iceberg racing looks like it has high-profile events, but there are issues under the waterline that need to be addressed. The V'landys critics say that when he retires he will leave a bankrupt estate. It goes to the question of the unhealthy competition we have now between New South Wales and Victoria.

There are workforce issues. Not many young people coming out of school want to be farriers. Where are the farriers and stablehands of the future? A Wyong director said to me at Kembla on Saturday that the country clubs are in trouble financially. They would certainly benefit from the \$10 million currently going to the Golden Eagle. The future of Canterbury is still unresolved, and my beloved Warwick Farm has been a museum since I was there for the cup day in 1976. Prize money has been boosted, but in New South Wales the median prize money is still \$8,000 and the average is \$30,000. A new chair is needed to address those issues. Some fresh blood—a younger person—with some new energy needs to come in and do some healthy challenging of the CEO. It is quite remarkable that the CEO was in the building today lobbying for who should be his boss. That is not seen often in any institution. Obviously, Peter V'landys is keen on keeping Russell Balding in the saddle. That is blatantly obvious.

The Opposition amendments, as I understand them, should be supported. If the bill goes through, we need to ensure that a message is sent to Racing NSW stating that, while there has been significant successes and praise of the innovations above the waterline, below the waterline some things need to improve. I think Racing NSW should be subject to the Auditor-General. Racing NSW is headed by one of the most powerful men we have ever seen in New South Wales. Why should he not come to budget estimates and give us an outline of all the issues? I will be there with a different set of questions to the Animal Justice Party and The Greens, but that is democracy. Why not make him subject to the parliamentary call for papers and the statutory review? It can be said Racing NSW is independent, but it is a multibillion-dollar industry, mostly on Crown land, with government money for infrastructure, government appointments, government statutory arrangements and government regulation. Why should the Parliament not have a role supervising those important issues?

Finally, I come back to where I started on the question of cronyism and the Minns record. Chris Minns, quite famously now, jumped into *The Sydney Morning Herald* op-ed page before the election to say:

For governments of a long duration, probity in office can often seep away and its members find themselves accused of a lack of integrity or mired in political scandal. It often doesn't manifest itself in large rackets or kickbacks and bribes—it could also be a culture of spending public money for political ends or misusing taxpayer-funded positions for cronies and pals.

I have to say that the intense, amazing level of interest and activity around one job for two years is suspicious in terms of a definition of cronyism. Minns went on to write:

How do I know that? Because as a member of the New South Wales Labor Party I have seen with my own eyes—inside my own party—what happens when a government loses the will to place integrity at the centre of everything they do.

I have seen the drift and the grift, the dramas and the scandals, the self-obsession and self-aggrandising that consumes a government from within when they decide to put their own political hopes and dreams ahead of the public good.

I know there are some people in the racing fraternity who are very disappointed with Chris Minns. They went to see him in the middle of the year and he said the appointment of the chair would expire in its natural course. He has let them down, and he has done it in a way that has brought questions about the integrity of his Government and why it is doing this in such an extraordinary fashion.

Chris Minns has said that we cannot afford to wait for the next election to start acting on integrity. Integrity is a job in perpetuity. I think that applies to the bill as well. There is no doubt that good governance would say if you have not got it done in 12 years you will not get it done in 14. They will always say that there are new issues coming. There are always new issues in racing. Members only have to listen to The Greens and the Animal Justice Party—they would close it down. That is an issue that is always there. It has its enemies and people who would put racing on the sideboard, but at the bottom line is a question of governance. It is impossible to defend a 14-year appointment in an organisation that needs a contest of ideas. If it is dominated by one person, it becomes unhealthy. If people in the organisation are scared to challenge the *el supremo*—that would not happen in a political party or a Parliament—we know how unhealthy it gets.

I am not asking for some ratbag to turn the place upside down. I am just asking for someone to go in and address the issues across the industry. When respected breeders like John Messara or the great racehorse trainer Gai Waterhouse, who has done more for racing publicity than anyone, question the extension of the appointment, then there are issues. A new chair could go in and sit down with Peter V'landys and say, "Look, there is an alternative way of looking at this. We have got our critics. We have got suggestions for improvement. Are they viable?" That would be instead of one person saying that it is his way or the highway. In terms of good governance, it is indisputable that the bill should be rejected. At a minimum the Opposition amendments should be supported, and that is what I recommend to the House.

**Ms ABIGAIL BOYD (21:55):** The Greens oppose the Thoroughbred Racing Amendment Bill 2023. There have been attempts by the Government to justify the bill on the supposed merits of Mr Balding as chair, and we could spend a long time talking about the different views of Mr Balding's performance in the role. We could spend a similarly long time talking about why some in the racing industry oppose the extension of his term while others support it. We could also spend considerable time discussing why we are in a position where both the Labor Government and the Coalition Government before it are so determined to keep Mr Balding in his role. Other speakers have covered much of that. However, the fact is that none of it is actually important when deciding on how to vote on the simple amendment in the bill before us today.

The bill is asking this Parliament to extend the term limit of the chair of Racing NSW, not for the first time or the second time, but for the third time. It is a position that Parliament originally agreed should be subject to an eight-year term limit. Term limits are important. They are not put into legislation on a whim. They are put in because they guard against the real risk of an organisation becoming reliant on, or unduly influenced by, one person. The New South Wales Public Service Commission's appointment standards made pursuant to section 11 (1) (g) of the Government Sector Employment Act 2013 state:

There are significant benefits in an entity's membership being refreshed, from time to time. "Group think" is a real risk where a board/committee has seen little change in its membership over a number of years. To avoid this risk, members' tenure should not exceed ten years in total, unless otherwise provided in legislation, or where such limitation would be contrary to the public interest.

When establishing a new board/committee, consideration should be given to varying terms of appointment for members, so they do not all expire on the same date. This arrangement provides an opportunity for renewal, but ensures there are always experienced members on the board/committee

No-one should have so much entrenched power within an industry that they are seen as being irreplaceable, let alone an industry with such close ties to the gambling industry. The horseracing industry is well known for its risks of fraud, corruption and criminal activity. It has a long history of cover-ups, particularly when it comes to animal cruelty issues. It is an industry that gets the benefit of significant public money. The board of Racing NSW is appointed by the Government under legislation passed by Parliament for very good reason: to ensure the highest levels of responsibility and accountability by each and every board member.

Yet here we are for the third time being asked to ignore the term limits in the original Act for the very reason that those term limits were set in legislation in the first place—because one particular person has become seen as irreplaceable and so entwined with the successes of the organisation that Racing NSW can apparently

simply not do without them, and because one particular person has garnered such power and influence that they cannot now be removed without the government of the day risking unbearable catastrophe. For the third time in four years the government of the day is telling us that, once again, there is nobody else—not one person in the entire world—who can replace Mr Balding as chair of Racing NSW. God forbid the man dies of natural causes; the entire racing industry in New South Wales will apparently collapse.

When the new racing Minister took office and surveyed the situation, he no doubt identified that most ridiculous of situations, where Racing NSW has supposedly become so intractably reliant on Mr Balding's services that the Minister had two choices. He could have chosen to rip the bandaid right off—to seek right then and there to recruit a new chair and restore good governance to the board of Racing NSW. Instead, he chose to double down on the mistakes of the Coalition Ministers before him—to further indulge the fantasy that only one person in the world could possibly perform the role.

The Greens appreciate that the amendments to the bill in the other place have improved it slightly, although the fact that Parliament now has to legislate a recruitment period and process because previous Ministers failed to take action themselves to recruit a new chair before the current one's term expires is, in itself, absurd. The bill is still wholly unacceptable. Even if it was a representation of responsible government and was not, in its entirety, a perfect example of what happens when one or two people are allowed to have undue influence over government decision-making, I have not yet heard any arguments from anybody why Mr Balding needs to stay in the role longer than 12 months—not from the Government or from those lobbying so hard for his continuation.

Whenever I ask about the 24-month extension, I keep being told that there are lots of important things happening in the next 12 months. If the six-month recruitment process now included in the bill was begun in earnest at the beginning of 2024, the new chair could well and truly have their feet under the desk by the second half of next year. As such, The Greens will put forward an amendment to reduce the proposed two-year extension to one year, and I encourage all members to support it.

Before ending my contribution, I need to put on record The Greens' alarm at the entire sorry process leading up to the bill and surrounding its passage through the Houses. When it was first announced, it set off alarm bells. How on earth could we have a new government seemingly just as beholden to the racing and gambling industries as the last one? We thought we had seen the end of those days, but the events since that time have really solidified our concern that there is something sinister and potentially corrupt going on in relation to this extension of the chairman's term.

I do not think I need to remind members that section 8 (2) of the Independent Commission Against Corruption Act 1988 defines corrupt conduct to include the conduct of any person who could adversely affect, directly or indirectly, the exercise of a decision like that by a Minister and the voting decisions of various members of this Parliament. While I am not alleging here and now that there has been corrupt conduct in the bringing of the bill and the negotiations around it, the provision referred to in the ICAC Act emphasises the need for Government Ministers to be incredibly scrupulous in the decisions they make—particularly ones like this that entrench existing undue power in such a controversial industry.

The extent of lobbying that has been undertaken by those wishing to extend the chairman's term and then the fact that both the chair and the CEO of Racing NSW were walking the halls of this Parliament today—the chair apparently, by some wacky coincidence, being here for unrelated reasons while Mr V'landys was reported to be directly negotiating amendments between the Government and the Opposition—is a shocking display of what happens when we allow unelected individuals to become so entrenched in what is supposed to be a government-selected board that they feel empowered to directly interfere in our democratic processes. The whole sorry episode should alarm anyone interested in protecting the integrity of our democracy. The Greens see the bill for what it is—a decision by a Minister unwilling to stand up to the powerful racing lobby, backed in by a hopelessly captured Labor Government more concerned with how it is reported about in *The Daily Telegraph* than with the strength of our democratic processes and with governing for the people of New South Wales. The Greens wholeheartedly and fiercely oppose the bill.

**The Hon. BOB NANVA (22:03):** I support the Government's Thoroughbred Racing Amendment Bill 2023. The Government is committed to a responsible, sustainable and competitive racing industry, with the highest standards of animal welfare. I do not doubt that all the other speakers who have contributed to the debate are motivated by the same cause. Racing NSW oversees and administers thoroughbred racing under the Thoroughbred Racing Act 1996, covering all commercial, welfare and integrity issues relating to horseracing. It is an independent body; its board is not under the direction or control of the New South Wales Government. The Act provides that the Racing NSW board consists of the chief executive and seven other members. Its members are appointed by the Minister for Gaming and Racing in accordance with the requirements of the Act, and the Minister is responsible for appointing the Racing NSW chair and deputy chair.

A key consideration for the Government when making those types of appointments is to ensure that the chairperson and members have the right mix of skills, experience and knowledge for the functions that they perform. I hasten to add that I note that the Opposition has no quarrel with Mr Balding on any of those counts, which are the motivation behind the Government seeking to reappoint Mr Balding as chairman. We want to do that so that we can ensure that the thoroughbred racing industry continues to thrive in New South Wales, with the necessary knowledge on the board to meet the upcoming challenges facing the industry. We do so with the knowledge that Mr Balding has the right mix of skills, experience and knowledge for the functions that he will perform and has performed, without objection by the Opposition to any of that. That is why in November the Minister announced the Government's intention to seek to extend the terms of appointment for Mr Balding and the deputy chair, Dr Cooke.

The announcement noted that the extension of the chair's term would need to be progressed through the Parliament, and that is exactly what the bill seeks to do. The Government has carefully considered its approach to those extensions, particularly after examining the issues facing the racing industry, the composition of the board and its tenure profile. Ultimately, the announced extensions are based on the need for continuity of the critical knowledge and experience to help the industry navigate the changing regulatory and economic reforms it is confronting over the next two years. I would not seek to contribute to the debate if there were any quarrels or concerns about the bona fides, the integrity or the skills of Mr Balding.

I elaborate on the significant challenges in the industry that require someone with the particular skill set that Mr Balding brings to the role. Over the coming two years, Racing NSW will need to be positioned to address funding challenges in response to changing wagering environments. The current Racing NSW board has demonstrated a particular skill in guiding the industry through probably the most challenging context in recent memory, and that is the COVID period. With the proposed appointment extensions, it is expected that that knowledge will be focused on navigating a pathway to continued financial sustainability for the industry through emerging economic headwinds. Corporate stability and relationships during some challenging decision-making periods will be crucial to the continued success of the industry, which brings so much to our State.

The Government also supports increased transparency around animal welfare, and the Minister expressed his strong expectation that Racing NSW will continue to lead on that matter. Following the appointment extensions, it is expected that Racing NSW will work to increase transparency around equine welfare and rehoming and continue its commitment to supporting a responsible, sustainable and competitive racing industry. That will build upon the already impressive track record of Racing NSW in improving welfare outcomes and making the State a leader in that area, especially when it comes to rehoming and retraining. For example, Racing NSW, led by the current board and chairman, has implemented the most comprehensive and robust retirement program for racehorses of any State in Australia. The program includes strict rules requiring all racehorses to be rehomed when retired and prohibiting horses from being sent to a knackery or abattoir. New South Wales has also been the first jurisdiction to set up an equine welfare fund which is focused on rehoming and retraining retired racehorses using a percentage of all prize money.

Racing NSW, under its registered training organisation, also has important work to do to implement training and skills programs across the industry. It has established the Team Thoroughbred NSW Training Academy after purchasing it in 2021. The academy's mission is to deliver quality training assessment that meets the needs of learners and industry. The Government expects Racing NSW, particularly under the current leadership of Mr Balding, to continue to build on the impressive results to date. It has seen the participation and enrolment of women increase and generally exceed 50 per cent in jockey, track work, rider and stablehand courses.

Finally, Racing NSW will need to continue to deliver on a significant capital works program over the coming years. Again, that will require the skills and knowledge that the current board and chairperson bring, which are focused on country racetracks. The Racing for the Regions Program is a \$67 million New South Wales Government grants program to upgrade track infrastructure across nine country and provincial thoroughbred racecourses. While some of the projects being supported by the grants are complete, many are at critical junctures with development applications well underway or about to commence. The appointment extension proposed will ensure there is a continuity of knowledge as Racing NSW progresses through negotiations with the race clubs and councils that are involved to move those incredibly important projects forward. With all of that, I wholeheartedly commend the bill to the House.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (22:11):** In reply: I thank all members for their contributions to the debate—and perhaps for that last contribution in particular. I thank the Leader of the Opposition, the Hon. Emma Hurst, Ms Abigail Boyd and the Hon. Bob Nanva for their contributions. We have canvassed the issues well. I will not repeat the comments that were just made by my



colleague, but the bill does provide continuity by extending Mr Balding's term of appointment as the chair and as a member of Racing NSW until 18 December 2025.

I first acknowledge the contribution of the Hon. Damien Tudehope and the level of support that was shown for the racing industry across New South Wales. I note that the Opposition will not oppose the appointment extension. The Government has supported amendments to the bill in the other place for the early establishment of the selection panel constituted to make recommendations to the Minister about appointments to the Racing NSW board. The amendments mean that the selection panel will be required to convene six months ahead of an upcoming vacancy. That will support the early planning and commencement of the process to identify suitable candidates for the chair when the position is next due to become vacant.

I note that the Opposition has foreshadowed major changes to the governance structures of Racing NSW that, in one view, would make it no longer fully independent of the Government. I will address those proposed changes in the Committee stage, but I flag now that the Government will not support those changes. In proposing the extension of the chair's term of appointment, we have set clear expectations for the Racing NSW board. Those expectations are on the public record. In the view of the Government, the Opposition's proposal goes well beyond the original scope of the bill, which was simply to deal with the chair's appointment.

It is unclear what the full implications of those changes would be, and again I will address that in the Committee stage. While the Government has supported a statutory review that will consider the oversight mechanisms of the Act within the next 12 months, it is concerned by a proposal to rush changes through the Parliament to overhaul the Racing NSW oversight mechanisms now. There has not been any careful consideration of the implications of that broader change, and the Government has not had the opportunity to consult a range of stakeholders.

I also acknowledge the contribution of the Hon. Emma Hurst. She has been a strong advocate for animal welfare in this place, and her advocacy now is entirely in line with everything she has pursued in this Chamber. While the Government may not agree with the extent of the changes that it understands will be moved by the member, I place on record the Government's strong belief that animal welfare is an important issue. We must also recognise that while the horseracing industry in New South Wales has thrived commercially over the past decade, it has also made progress in terms of animal welfare.

I place on record some of the changes that have taken place: a tenfold increase in spending on equine welfare initiatives, up to record levels at \$3.9 million in the past financial year; a retirement program for racehorses that is regarded as the most comprehensive and robust of any State in Australia; rules that only apply in New South Wales which require all racehorses to be rehomed when retired and prohibit horses, as members have heard, from being sent to a knackery or abattoir; and the establishment of an equine welfare fund focused on rehoming and retraining retired racehorses using a percentage of all prize money. Those are some of the changes, but in the Government's view there is more to do in the animal welfare space. I place that on record. The Minister has set the expectation that more will be done to address the increased need for transparency on animal welfare. The Government believes that Racing NSW should have the opportunity to take proactive steps to address that need and build on the direction it has already set.

As I have made clear, the Government supported amendments in the other place that would see a review take place. That review, in the view of the Government, is the appropriate avenue to consider what steps are being taken by Racing NSW to increase transparency regarding animal welfare in line with the Government's expectations. It will give stakeholders an opportunity to have a say on the issue and on the regulatory framework and its oversight mechanisms more broadly. As I have indicated, after the first statutory review, further reviews would take place every five years.

I acknowledge the contribution of the Hon. Mark Latham. His recollections of the Liverpool City Cup were heartwarming. I have promised other members of the House that I will not respond in detail to each of the races that the Hon. Mark Latham raised in the course of his contribution, but I acknowledge that he demonstrated a strong knowledge of the racing industry in New South Wales, of which I know he is a staunch supporter. He has also strongly supported good governance in the past, and his position as he has put it today is entirely consistent.

I acknowledge the contribution of Ms Abigail Boyd. I note her advice in relation to appointment standards. While those standards, as well as the Treasury guidelines that were mentioned in the debate, do not apply to Racing NSW—and while they provide guidance that the Government has certainly taken into consideration in making the decision on this proposed extension—we must also recognise that continuity of corporate knowledge is a relevant consideration. That is what has influenced the Minister's position. I foreshadow that the Government does not support any reduction in the proposed two-year extension to the chair's term. I will speak to that matter further in relation to the particular amendments. The Government has carefully considered the Racing NSW board,

the current chair's term of office, the board composition and the view of stakeholders and has come to its position on the bill. I commend the bill to the House.

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

**Motion agreed to.**

#### **Instruction to Committee of the Whole**

**The Hon. EMMA HURST (22:19):** According to standing order, I move:

That it be an instruction to the Committee of the Whole that it has the power to consider:

- (a) amendments for the establishment of a Thoroughbred Welfare and Integrity Commission, and
- (b) amendments relating to the operation, transparency and integrity of Racing NSW.

It is an extraordinary move by the Labor Government to extend the appointment of Russell Balding to 14 years, and it has caused significant controversy and concern within this Chamber, the racing industry and the broader community. It has also brought into focus the serious concerns that members and stakeholders have about the way Racing NSW has been set up by the Thoroughbred Racing Act and the way it is allowed to operate. These are legitimate concerns from members across this Chamber, including the Opposition and the left-wing and right-wing crossbench members, about the operations of Racing NSW and how such concerns may continue to fester and grow. Many members, myself included, believe that if the Government is going to proceed with the extraordinary decision to keep the same person as the head of Racing NSW for 14 years, that must be accompanied by additional measures regarding accountability and transparency within the Thoroughbred Racing Act.

I note that the previous Coalition Government always supported and allowed instructions such as these. It is a fair practice that is respectful of the House and respectful of genuine amendments that members may wish to move. It is a practice that I believe should be continued. It is important that we maintain the power of the upper House to debate all aspects of bills. Stepping slightly outside the scope of a bill's long title is an important power of this House that has been consistently allowed in the past. It would be a very dangerous precedent if the Labor Government refused to support such an instruction, limited the amendments that could be moved by members of this place and sought to silence debate. It would also be a dangerous precedent to set for other members in this place, because other crossbench members and the Opposition will likely seek to move such instructions over the next years, as often happens.

I note that this instruction relates to my own amendments as well as those foreshadowed today by the Opposition. I know it is late and members are tired. I am not seeking to hold up the House with the instruction nor with those amendments. I believe debate on the amendments will be swift. I will be keeping my contributions short, and I will work with the House to get through the amendments efficiently. I would hope that members do not seek to silence debate. That is not the way this House has run in the past and it would not allow for fair debate on bills of this nature.

**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) (22:22):** Consistent with its position in the other place, the Government will not be supporting the instruction to the Committee of the Whole. However, the member has outlined well the position that the House has often adopted, and I expect that will be the case in this instance as well.

**The Hon. DAMIEN TUDEHOPE (22:22):** I endorse the comments made by the Hon. Emma Hurst on the Opposition's practice, when it was in government, of never opposing an instruction to the Committee of the Whole in the manner that has been foreshadowed by the Deputy Leader of the Government. It would set an extraordinary precedent if this House, which has always given wide latitude to the consideration of legislation which comes before it, was to act in accordance with and merely to rely on what occurred in the other place. It would be dangerous to the powers of this place. I suggest that the Deputy Leader of the Government reconsiders that position, because the precedent he is setting tonight by following the position adopted in the other place seeks to limit the power of this House. That is an unwelcome precedent.

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

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I have four sheets of amendments: Animal Justice Party amendments on sheet c2023-159E, Opposition

amendments on sheet c2023-175H, Animal Justice Party amendments on sheet c2023-144E and The Greens amendments on sheet c2023-184A.

**The Hon. EMMA HURST (22:30):** By leave: I move Animal Justice Party amendments Nos 1 to 4 on sheet c2023-159E in globo:

No. 1      **Establishment of Racing NSW**

Page 3, Schedule 1. Insert after line 2—

**[1A] Section 4 Establishment of Racing NSW**

Insert after section 4 (2)—

(3) Racing NSW is, for the purposes of any Act, a New South Wales government agency.

**Note—** See the *Interpretation Act 1987*, section 13A.

(4) Racing NSW is subject to the control and direction of the Minister.

No. 2      **Establishment of Racing NSW**

Page 3, Schedule 1. Insert after line 2—

**[1B] Section 5 Racing NSW independent of Government**

Omit the section.

No. 3      **Establishment of Racing NSW**

Page 3, Schedule 1. Insert after line 18—

**[2A] Section 14 Powers of racing NSW**

Insert after section 14 (2)—

(3) Before borrowing money, Racing NSW must obtain the Minister's approval for the borrowing, including—

(a) the amount to be borrowed, and

(b) the purpose of the borrowing.

(4) The Minister's approval under subsection (3)—

(a) must be in writing, and

(b) may be subject to conditions.

No. 4      **Long title**

Omit "Racing NSW".

Insert instead "Racing NSW; to establish Racing NSW as a New South Wales government agency subject to the direction and control of the Minister;".

These amendments would make Racing NSW a government agency that is subject to the direction and control of the racing Minister. The New South Wales Government wants to avoid responsibility for the conduct of the racing industry in New South Wales. It wants to pretend that the industry and the welfare of sentient animals caught up in it are not its responsibility. I am sure many members in this place have had the same experience that I have had, whereby if we try to get information or raise concerns about matters happening in the racing industry, the racing Minister at budget estimates or in question time will simply refer us to Racing NSW, and it was the same under former racing Ministers.

The Government acts as though it has no control over the industry, even though it allowed the industry to be structured and regulated in this way. That absurd situation is simply unacceptable. These amendments seek to correct that by ensuring accountability and oversight, which I note members in both Houses have argued for. The amendments go so far as to ensure that Racing NSW can be investigated by ICAC, should the need arise. The only reason that a member would not support these amendments is if they are against transparency and oversight and want to continue with the problematic status quo, which has got us into this mess in the first place.

There is no oversight of Racing NSW by government, yet millions of dollars of taxpayers' money is poured into the industry. We have a problem; we have a very big problem. To avoid confusion, the Animal Justice Party does not support the continuation of the racing industry whatsoever. Our members, like many people in the community, see horseracing as legalised animal cruelty that is allowed by governments for so-called entertainment, and we would like to see it shut down. However, as long as the racing industry continues to exist, the public should be entitled to accountability and transparency. The government and Minister of the day must exercise control and direction over the industry. These amendments would require Racing NSW to come to budget estimates, be subject to reviews by the Auditor-General and be answerable to the Minister, who, in turn, is

answerable to the public. If it is claimed that there are issues in the industry, then these amendments would help to stop them. These are very reasonable amendments. I urge all members to support them.

**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) (22:33):** I indicate that the Government will not be supporting these amendments and I will speak briefly as to why. Animal Justice Party amendments Nos 1 and 2 on sheet c2023-159E together would make Racing NSW a New South Wales government agency that is subject to the control and direction of the Minister. That significant change would require extensive consultation, funding and planning, given that it would completely overhaul the existing structures, which could have potentially major implications. There is a risk that the success of New South Wales racing that has been talked about by members would no longer be the case.

To provide a comparison to another jurisdiction, Racing Victoria is a company limited by guarantee in accordance with the requirements of the Corporations Act. While the Victorian Minister has a role in the appointments of directors of Racing Victoria, and the Victorian racing legislation confers functions and powers to Racing Victoria, its governance is otherwise controlled by the constitution of Racing Victoria and not by the Victorian Parliament. It is the view of the Government that there are risks to making such a change, particularly at short notice. I have outlined some of the changes to the industry, as have other Government members, such as the increase in prize money, the record on animal welfare and some of the specific programs, which I will not repeat.

Racing NSW is accountable to the Parliament through requirements under the Thoroughbred Racing Act, which requires it to report annually on its work, activities and financial statements. That annual report must include a progress report on the implementation of its business plan, as well as a strategic plan for the horseracing industry. That does provide some transparency on the plans of Racing NSW and its finances. The Government's view is that the amendments are not necessary and there has not been sufficient time to consider the full ramifications of those changes. The Government obviously supported amendments in the other place for a statutory review of Racing NSW. Our position is that that is the appropriate mechanism to consider any major changes to the regulatory framework.

In relation to amendment No. 3, the racing industry in New South Wales is primarily self-funded, with a long-term agreement in place with the TAB and, in more recent times, revenue received from individual corporate bookmakers via race field fees. Recognising that, it is unclear why the Minister would have a role in approving borrowing arrangements for Racing NSW. That may be one of the implications of that amendment. I am advised that the amendment would see the Government playing a major role in Racing NSW decisions on commercial investments, which would introduce risk to the industry as well as potential liabilities for the Government. Amendment No. 4 is consequential to amendments Nos 1 to 3. That is the Government's position.

**Ms ABIGAIL BOYD (22:36):** In the interests of time, I will briefly state that The Greens support the amendments moved by the Animal Justice Party.

**The Hon. DAMIEN TUDEHOPE (22:36):** The Opposition is not in a position to support the amendments moved by the Animal Justice Party. However, some of the issues that were identified by the member will be addressed in Opposition amendments. The position of Opposition members is that, while we want to address some of the issues identified by the member, we cannot support the totality of the amendments she has moved.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 to 4 on sheet c2023-159E. The question is that the amendments be agreed to.

#### **Amendments negatived.**

**The Hon. DAMIEN TUDEHOPE (22:38):** By leave: I move Opposition amendments Nos 1, 2 and 4 on sheet c2023-175H in globo:

#### **No. 1 Ministerial accountability**

Page 3, Schedule 1. Insert after line 2—

#### **[1A] Section 5**

Omit the section. Insert instead—

#### **Racing NSW independent of Government except in certain circumstances**

(1) Racing NSW—

(a) does not represent the Crown, and

- (b) is not subject to direction or control by or on behalf of the Minister or Government, except as provided by subsection (2).
- (2) Racing NSW is subject to the direction or control of the Minister for the purposes of accountability to the Parliament.

No. 2      **Auditor-General**

Page 3, Schedule 1. Insert after line 18—

**[2A] Section 18B**

Insert after section 18A—

**18B Financial reports and statements subject to audit by Auditor-General**

The financial reports and statements of Racing NSW are subject to audit by the Auditor-General.

**Note**— The effect of this requirement is that under the *Government Sector Audit Act 1983* Racing NSW is an auditable entity and the Chief Executive of Racing NSW is the accountable authority for Racing NSW.

No. 4      **Long title**

Omit "Racing NSW.". Insert "; and to provide for improvements in transparency and integrity.". The amendments, on their face, are clear: They are all oversight provisions relating to the manner in which Racing NSW conducts its business. It puts beyond doubt that Racing NSW is responsible to this Parliament through its responsible Minister. It was created by an Act of this Parliament and should be responsible to this Parliament. In that regard, it should be able to appear before budget estimates and the responsible officer should be able to answer questions in relation to the manner in which it operates. It should be the subject of Standing Order 52 orders.

The Opposition's position is clear in relation to the powers of this Parliament and its obligations to oversight a statutory creature in the manner foreshadowed by the amendment. While the Government may argue that it will remove the independence of Racing NSW, the amendment is specifically drafted to relate only to the accountability to the Parliament. The amendment does not seek to interfere with the day-to-day operational affairs of Racing NSW. There is no suggestion that the Parliament would seek to oversee a steward's decision and perhaps overturn some of those decisions, should the Hon. Mark Latham be on a losing horse on that particular day. The intention of the first amendment is only to ensure accountability to Parliament. It gives this House the ability to hold a member of the executive to account when it comes to matters like accountability to committees, budget estimates or orders for papers under Standing Order 52. It is important and necessary that these powers are clear and that a Minister can be held responsible on occasions of noncompliance.

The second amendment makes Racing NSW subject to the Auditor-General. That is important because a portion of gaming taxes is hypothecated to Racing NSW. Just because there is not a budget line item does not mean the organisation is not the beneficiary of taxpayer money. Racing NSW should be open and transparent when it comes to how that money is spent. The fourth amendment just amends the long title of the bill so that the amendments we previously sought to move are covered by that long title. The Government in the lower House used procedural tricks to get those amendments ruled out of order. This amendment puts it beyond doubt that the amendments can be considered. Overall, the amendments improve the accountability, transparency and integrity of the Thoroughbred Racing Act. As I indicated previously, the Opposition will not support any crossbench amendments. I commend the Opposition's amendments to the House.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (22:42):** The Government does not support the Opposition's amendments. A number of my remarks about the Animal Justice Party amendments also apply to these amendments. I will not repeat those in order to save some time, but I will make some remarks. The Government's view is that the amendments would make Racing NSW no longer fully independent of Government and instead subject to the direction or control of the Minister for Gaming and Racing for the purposes of accountability to the Parliament.

As I made clear in proposing the bill, the Government has set clear expectations and I have spelt those out. The Opposition amendments do not achieve those aims. There is a risk to the success of Racing NSW. There is significant momentum, as members have heard, and that fundamentally sits behind the Government view in introducing bill. Given the success and momentum that currently exists in New South Wales racing, why interfere? I will address directly the issue of the financial statements and audit. The current legislation requires that Racing NSW's financial statements are audited by an independent auditor. The purpose of that audit is to confirm that financial statements are prepared in accordance with the Accounting Standards. That is also the function of the office of the Auditor-General.

In the Government's view, amending the Act to require Racing NSW's financial statements to be audited by the Auditor-General is a duplication. The parliamentary accountability and Auditor-General oversight

provisions would, in the view of Racing NSW, interfere with its ability to enter commercially sensitive agreements. There is a concern about unintended effects, particularly given the time available to consider these amendments. For example, just some of the issues raised by the amendments include implications under the Government Sector Audit Act and the way Racing NSW accounts are reported on procurement, property expenditure and provision of prize money. There could also be effects on reporting to Parliament in terms of a range of procedures. For those reasons, I am advised that such amendments should be given more detailed consideration prior to being proceeded with by the House. At the heart of it is the issue of becoming uncompetitive in relation to other racing jurisdictions.

The Leader of the Opposition does well to raise the traditional powers of this House, including the call for papers power under Standing Order 52. Those powers have been tested in the past, including in relation to organisations of similar standing to Racing NSW, and they have been found to be successful. One of the concerns for members to consider is that specifying this organisation in legislation, in the way proposed by the Opposition, may weaken the existing powers of the House that, to this point, have been used successfully. That is one of the issues the amendments raise, in part because of the speed with which they have been drafted.

**The Hon. MARK LATHAM (22:46):** It would be unusual for parliamentarians not to support an extension of the powers of the Parliament for an institution like Racing NSW. Considering the extraordinary level of lobbying, intrigue, power plays, walking of the corridors, faction fights and party splits associated with the extension of one appointment for two years, a good parliamentarian would instinctively feel that there is something going on. One does not need to be an expert on racing and the track to know instinctively that there is something going on with this multibillion-dollar industry and what it has brought to this Parliament already in the conduct of this debate. The media coverage, the activities here today and the intrigue inside political parties have been quite extraordinary. There is something big going on.

The big thing is that racing is an industry that is very typically Sydney in the characters it attracts. Also the scale of it, the power plays and the dominance of certain individuals indicates that governance can be improved. I am, quite frankly, surprised that the Minns Government fell for this. The easiest thing was to allow the appointment to run out under the previous arrangements in mid-December. Chris Minns, having promised very prominent racing interests that he would do that, went the other way. We know where that pressure comes from and we know the cave-in. If you run your life through *The Daily Telegraph*, your government will have limited achievements and will never have the feeling that it had its own agenda, doing things for the right reasons, by the right principles, for the people of New South Wales.

We all love the Tele but fair's fair. Let's get it in perspective. In terms of the powers of this Parliament, the swirling tornado of interest, intrigue, politics and lobbying around this one issue indicates that it would be very useful for this Parliament to have Standing Order 52 and budget estimate powers for Racing NSW, and that the Auditor-General would play a very useful role, in accordance with amendments Nos 1, 2 and 4. Fortunately, in New South Wales we have a very fine Auditor-General and team around her. They would apply some of the scrutiny and constructive criticism of Racing NSW that we do not see in the normal course of events in the way it is structured and controlled. These are good amendments that good parliamentarians would support for the right reason.

**Ms ABIGAIL BOYD (22:49):** I indicate very briefly on behalf of The Greens that we support the amendments and echo some of what the Hon. Mark Latham said. When we see this much scrambling around an issue and when we see this much effort to lobby and push through something that I have to believe a good number of Labor MPs are also similarly concerned around the integrity of, more accountability and scrutiny in relation to this particular organisation is well overdue. The Greens support the amendments.

**The Hon. EMMA HURST (22:50):** The Animal Justice Party supports the amendments. I also say that any claims that are going around that any level of accountability could threaten the industry going forward are really wild claims. If the industry is so terrified of accountability, there is all the more need for those amendments to pass.

**The Hon. CHRIS RATH (22:54):** I seek leave to amend Opposition amendment No. 4 by inserting "Racing NSW" after "insert".

**Leave granted.**

**The Hon. CHRIS RATH:** Accordingly, I move:

No. 4      **Long title**

Insert "Racing NSW; and to provide for improvements in transparency and integrity."

**The CHAIR (The Hon. Rod Roberts):** The Hon. Damien Tudehope has moved Opposition amendments Nos 1, 2 and 4 on sheet c2023-175H, to which the Hon. Chris Rath has moved Opposition amendment No. 4 on sheet c2023-175H. The question is that the amendment moved by the Hon. Chris Rath to Opposition amendment No. 4 be agreed to.

**Amendment of the Hon. Chris Rath to Opposition amendment No. 4 agreed to.**

**The CHAIR (The Hon. Rod Roberts):** The question now is that Opposition amendments Nos 1, 2 and 4, as amended, be agreed to.

**The Committee divided.**

Ayes .....20  
Noes .....17  
Majority.....3

#### AYES

Boyd  
Carter  
Cohn  
Faehrmann  
Fang (teller)  
Farlow  
Franklin

Higginson  
Hurst  
Latham  
MacDonald  
Maclaren-Jones  
Martin  
Merton

Mitchell  
Munro  
Rath (teller)  
Taylor  
Tudehope  
Ward

#### NOES

Banasiak  
Borsak  
Buckingham  
Buttigieg  
D'Adam  
Donnelly

Graham  
Houssos  
Jackson  
Kaine  
Lawrence  
Moriarty

Murphy (teller)  
Nanva (teller)  
Primrose  
Sharpe  
Suvaal

#### PAIRS

Farraway

Mookhey

**Amendments agreed to.**

**The Hon. EMMA HURST (23:04):** By leave: I move Animal Justice Party amendments Nos 1 to 7 on sheet c2023-144E in globo:

No. 1 **Chairperson and Deputy Chairperson of racing NSW**

Page 3. Schedule 1. Insert after line 18—

#### [2A] Section 16 Chairperson and Deputy Chairperson of Racing NSW

Insert after section 16(7)—

- (8) The Minister must not appoint a person who has at any time been the Chief Executive as—
- (a) Chairperson, or
  - (b) Deputy Chairperson.

No. 2 **Racing NSW annual report**

Page 3. Schedule 1. Insert after line 18—

#### [2B] Section 29 Annual report

Insert after section 29(2)—

- (2A) The report must also include the following—
- (a) the number of horses bred for horse racing,
  - (b) the number of horses killed or injured in the following circumstances—
    - (i) while engaged in horse racing,

- (ii) during an official trial,
  - (iii) during trackwork,
- (c) the following for each horse killed in circumstances referred to in paragraph (b)—
  - (i) the name of the horse,
  - (ii) the cause of death,
- (d) the following for each horse injured in circumstances referred to in paragraph (b)—
  - (i) the name of the horse,
  - (ii) the cause and nature of the injury,
- (e) the total number of horses, and the name of each horse, retired from racing, including the total number of horses, and the name of each horse, retired from racing with assistance from Racing NSW whether operating under—
  - (i) the name Racing NSW, or
  - (ii) the name Team Thoroughbred, or
  - (iii) another name,
- (g) the total number of horses, and the name and fate of each horse, that enter a retraining and rehoming facility operated by Racing NSW whether under—
  - (i) the name Racing NSW, or
  - (ii) the name Team Thoroughbred, or
  - (iii) another name,
- (h) the total amount of funding received from the State, and how that funding has been spent.

No. 3      **Payment for Racing NSW annual report**

Page 3. Schedule 1. Insert after line 18—

**[2C] Section 29(4)**

Omit "at a reasonable price". Insert instead "at no cost".

No. 4      **Racing NSW annual report**

Page 3. Schedule 1. Insert after line 18—

**[2D] Section 29(5)**

Insert after section 29(4)—

(5) In this section—

*trackwork* means a training activity, excluding an official trial or jump-out or race, undertaken by a horse in the care of a trainer including on—

- (a) a racecourse, or
- (b) a recognised training track, or
- (c) a private training establishment.

No. 5      **Thoroughbred Welfare and Integrity Commission**

Page 3. Schedule 1. Insert after line 18—

**[2E] Part 4A**

Insert after section 49A—

**Part 4A Thoroughbred Welfare and Integrity Commission**

**49B Constitution**

- (1) There is constituted by this Act a body corporate with the corporate name of the Thoroughbred Welfare and Integrity Commission.
- (2) The Commission is, for the purposes of any Act, a New South Wales Government agency.

**Note**—See the *Interpretation Act 1987*, section 13A.

- (3) The Commission is not subject to the control and direction of the Minister except to the extent expressly provided for under this or any other Act.



**49C The Commissioners**

- (1) The Commission consists of the following members appointed by the Governor on the recommendation of the Minister—
  - (a) a Chief Commissioner,
  - (b) 2 other Commissioners.
- (2) At least one of the Commissioners must be a person who has been an Australian lawyer for at least 7 years.
- (3) A person is not eligible to be appointed as a Commissioner if the person is or has at any time been—
  - (a) a racing industry participant, or
  - (b) a racing official, or
  - (c) a member of RICG, or
  - (d) a member of any other body, or class of body, prescribed by the regulations.
- (4) The appointment of Commissioners is subject to Schedule 1A.
- (5) In this section—

***racing industry participant*** means the following—

  - (a) a member of the Country Racing Council Limited,
  - (b) a member of Provincial Racing NSW,
  - (c) a person who owns, in whole or part, 1 or more thoroughbred racehorses,
  - (d) a person who is a breeder of thoroughbred racehorses,
  - (e) a person who is a licensed trainer of thoroughbred racehorses,
  - (f) a person who is a jockey or apprentice jockey,
  - (g) a person prescribed by the regulations.

**49D Objective**

The principal objective of the Commission is to promote and protect the welfare of horses engaged in horse racing.

**49E Functions**

- (1) The Commission has the following functions—
  - (a) to control, supervise and regulate, subject to this Act, horse racing in the State,
  - (b) to initiate, develop and implement policies relating to the welfare of horses involved in horse racing,
  - (c) to undertake research and investigation into any aspect of horse racing and the breeding of horses involved in horse racing,
  - (d) to consult with animal welfare bodies in developing changes to legislation relating to the welfare of horses involved in horse racing,
  - (e) to inform the Minister about any event or matter that may adversely affect horse welfare,
  - (f) to provide the Minister with information, advice or reports at the Minister's request,
  - (g) other functions conferred or imposed on the Commission by or under this or another Act.
- (2) Except as otherwise provided by this section, the functions of the Commission are exercisable by a Commissioner and any act, matter or thing done in the name of, or on behalf of, the Commission by a Commissioner is taken to have been done by the Commission.

**49F Strategic plan**

- (1) The Commission must, as soon as practicable after the commencement of this part, prepare a draft strategic plan outlining how the Commission will achieve the objective in section 49D.
- (2) The Commission must submit the draft strategic plan to the Minister for comment.
- (3) The Commission must, every 3 years after the initial strategic plan is made, prepare a further draft strategic plan and submit it to the Minister for comment.

- (4) In making a strategic plan under this section, the Commission must have regard to any comments received from the Minister on the draft plan and to refer to those comments in the strategic plan.
- (5) The Commission must make the strategic plan publicly available at no cost.
- (6) The Commission's annual report under the *Government Sector Finance Act 2018* must include a progress report on the implementation of the strategic plan during the annual reporting period to which the annual report relates.

**49G Management of affairs of Commission**

The chief executive officer of the Commission is responsible for the day to day management of the affairs of the Commission and for the implementation of the decisions of the Commissioners.

**49H Ministerial directions**

- (1) The Minister may give the Commission a written direction with respect to the functions of the Commission if the Minister is satisfied that it is necessary to do so in the public interest.
- (2) The Commission must ensure that the direction is complied with.
- (3) A direction under this section cannot be made in relation to the content of any advice, report or recommendation by the Commission.
- (4) The Minister must within 1 month after giving a direction publish a notice in the Gazette setting out—
  - (a) the reasons the direction was given, and
  - (b) why the direction is in the public interest.

**49I Staff**

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

**49J Delegation**

- (1) The Commission may delegate the exercise of any function of the Commission under this Act, other than this power of delegation, to the following—
  - (a) a Commissioner,
  - (b) the chief executive officer of the Commission or a member of staff of the Commission,
  - (c) a person or body prescribed by the regulations.
- (2) A decision of the Commission to delegate a function must be authorised by the Chief Commissioner and at least one other Commissioner.

No. 6 **Thoroughbred Welfare and Integrity Commission**

Schedule 1. Insert after line 18—

**[2F] Schedule 1A**

Insert before Schedule 1—

**Schedule 1A Provisions relating to Commissioners**

section 49C

**1 Terms of office of members**

- (1) Subject to this schedule, a Commissioner holds office for the term, not exceeding 3 years, as may be specified in the Commissioner's instrument of appointment.
- (2) A Commissioner is, if otherwise qualified, eligible for re-appointment.

**2 Basis of office**

- (1) The office of the Chief Commissioner is a full-time office.
- (2) The office of the a Commissioner, other than the Chief Commissioner, may be a full-time office or a part-time office.
- (3) The holder of a full-time office under this clause is required to hold it on that basis, except to the extent permitted by the Governor.

**3 Employment and remuneration**

- (1) The employment of a Commissioner is, unless otherwise provided for in this schedule, governed by a contract of employment between the Commissioner and the Minister.

- (2) The following provisions of, or made under, the *Government Sector Employment Act 2013* relating to the employment of Public Service senior executives apply to a Commissioner as if a reference to the employer of an executive is read as a reference to the Minister—
- (a) provisions relating to the band in which an executive is to be employed,
  - (b) provisions relating to the contract of employment of an executive,
  - (c) provisions relating to the remuneration, employment benefits and allowances of an executive.

#### 4 Vacancy in office of member

- (1) The office of a Commissioner becomes vacant if the Commissioner—
- (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Minister under this clause, or
  - (e) becomes personally insolvent, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove an appointed member from office for incompetence, incapacity or misbehaviour.
- (3) A Commissioner cannot be removed from office under the *Government Sector Employment Act 2013*, part 6.

#### 5 Commissioner not Public Service employee

The office of a Commissioner is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office, except as provided by clause 3.

#### 6 Acting Commissioner

- (1) The Minister may, from time to time, appoint a person to act in the office of a Commissioner during the illness or absence of the Commissioner, or during a vacancy in the office of a Commissioner, and the person appointed while acting in the office, has all the functions of the Commissioner and is taken to be the Commissioner.
- (2) The Minister may, at any time, remove a person from office as acting Commissioner.
- (3) An acting Commissioner is entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister determines from time to time.

#### No. 7 Long title

Omit "Racing NSW;".

Insert instead "Racing NSW; to make provision for improvements to the welfare of horses involved in racing, including by establishing a Thoroughbred Welfare and Integrity Commission;".

Amendment No. 1 would prevent any person who has previously been a chief executive of Racing NSW from later being appointed as the chairperson or deputy chairperson of the board of Racing NSW. Much has been said in this debate about the need for renewal and fresh leadership within the Racing NSW board and the concerns that many members of this place have about the same person, Mr Russell Balding, being chairperson for 14 years. Much has also been said about the close relationship between Mr Balding and the current CEO of Racing NSW, Peter V'landys. It has been suggested to me that Mr V'landys plans to take over as the chairperson of Racing NSW when Mr Balding's now 14-year term expires, or at some later time. That would be a disaster, and this amendment calls that out. Most members would share my concern with the idea that after Mr Balding retires, he is simply to be replaced by Mr V'landys, who has already been with the organisation for a significant period.

Mr V'landys would not be able to offer a fresh perspective, and he has the same position and issues associated with him that I mentioned about Mr Balding in my second reading contribution. It would be a good practice moving forward that anyone appointed chairperson or deputy chairperson of Racing NSW is not someone who has previously been chief executive of the organisation. That is what amendment No. 1 would achieve. With regard to amendments Nos 2, 3 and 4, it is incredibly difficult to get any information out of Racing NSW, and its annual reports tabled in Parliament are seriously lacking in detail. While some deaths and injuries are reported in

stewards reports, they are not collated in annual reports. A lot of other information is left out as well. For example, a key concern that is raised with me by stakeholders is that no-one knows the number of horses being bred into the racing industry and where they are ending up when they exit the industry. That information is collected for greyhound racing, but it is not known for horseracing.

That disparity has never been explained by this Government or the previous Government. Racing NSW loves to boast to the public about its rehoming program, Team Thoroughbred NSW, and its rehoming facilities, but we have no idea how many horses are ending up in those facilities or what their fate is. Are they finding new, loving homes or just being killed? The other problem is that Racing NSW will not tell anyone. People have posed the question and Racing NSW has refused to say. I can only imagine why it would refuse to answer those questions. We are all fearful of the number of horses being killed in secret by the industry that Racing NSW refuses to be transparent about. When I tried to get that information from the racing Minister, the response from his office was, "Have you tried asking Racing NSW?" That is simply not good enough. If the Minister for Gaming and Racing is going to have real oversight of the industry, the information must be available.

The amendments seek to add a number of additional matters that Racing NSW must report on in its annual report tabled in Parliament, including the number of horses bred for racing; the number of horses killed and injured during racing, trials and trackwork, including their names and the cause of death or injury; and the number of horses being rehomed from the industry, both privately and through Racing NSW's rehoming program, and their fate. Critically, the amendments also require Racing NSW to report on the amount of funding it receives from the New South Wales Government and how that funding has been spent. It seems straightforward, but it has always been elusive and difficult to pin down in the racing industry.

The amendment also removes the ability of Racing NSW to charge members of the public to access its annual report, which is absolutely absurd. Racing NSW should not be able to further profit from the people of New South Wales simply by charging to access its annual report. In my contribution to the second reading debate, I highlighted that, if the Minister is true to his word and supports transparency in this industry and wants to support animal welfare, then the Government should be backing this amendment. That it is not exposes the truth: It is not interested in helping get public transparency in this industry or in animal welfare initiatives. Amendments Nos 5 and 6 would create the thoroughbred welfare and integrity commission [TWIC], modelled off the Greyhound Welfare and Integrity Commission [GWIC], which was introduced into the greyhound racing sector in 2017. I know, perhaps more than most members in this Chamber, that the Greyhound Welfare and Integrity Commission is far from perfect. I am aware of its many limitations and its reputation as somewhat of a toothless tiger.

However, at the same time, it is clear to anyone working and advocating in this space that there is a huge disparity of transparency and accountability between the greyhound racing industry and the horseracing industry. A large part of that has to do with having an independent body that is responsible for overseeing and seeking to improve the conduct of the industry, particularly with respect to animal welfare. By contrast, at the moment in the horseracing industry we simply have Racing NSW, the corporate entity promoting and profiting from horseracing, which, as explained in other amendments, is some sort of quasi-government agency that remains, oddly, completely independent and can hide from all scrutiny from the public, the media and even the Government.

As I have outlined in this debate, Racing NSW consistently fails to commit to even the most basic animal welfare improvements or provide even the most basic data on the number of horses entering and exiting the industry. It has no public accountability. It does not appear at budget estimates hearings and is under no obligation to provide any information to the public. If we compare the level of transparency we have with respect to information about the greyhound racing industry under GWIC and the horseracing industry under Racing NSW, the difference is stark.

This amendment is modelled closely on the provisions in the Greyhound Racing Act, which established GWIC. TWIC would be an independent body with the objective of promoting animal welfare within the industry, including through policy development, investigations, consulting with animal welfare bodies, providing advice to the Minister and more. As a government agency, it will be able to attend budget estimates hearings, as GWIC does, providing an additional layer of accountability. I commend the amendments to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (23:12):** The Government opposes amendment No. 1, which seeks to prevent a person who served as the chief executive officer of Racing NSW from being appointed as the chairperson or deputy chairperson of Racing NSW. The Government does not support amendments Nos 2 and 4, which would mandate that Racing NSW publish specific equine-welfare and rehoming data, as well as data on funding received from the State. In relation to amendment No. 3, the Government notes that Racing NSW publishes each of its annual reports on its website and they are already available for free to members of the public.

For those reasons, the Government does not believe that that amendment is necessary and will oppose it. The Government does not support amendments Nos 5 and 6, to establish an independent thoroughbred welfare and integrity commission. I note that those amendments appear to be modelled off the approach taken in the greyhound racing industry, but the Greyhound Welfare and Integrity Commission was established in response to specific regulatory issues and animal welfare issues faced by that industry. The Government's view is that the proposed statutory review—

**The CHAIR (The Hon. Rod Roberts):** Order! I am loath to interrupt the Hon. John Graham, but I am struggling to hear. I know that the Opposition leader is struggling to hear.

**The Hon. Damien Tudehope:** I am deaf, anyway.

**The CHAIR (The Hon. Rod Roberts):** In all honesty, probably so am I. I understand the need for conversations, but members will be mindful and keep the noise at a minimum. The Minister has the call.

**The Hon. JOHN GRAHAM:** The review will provide a mechanism to establish a regulatory framework and includes a review of the policy objectives of the Act, as well as its own side mechanisms.

**The Hon. DAMIEN TUDEHOPE (23:14):** Having not heard most of that—

**The CHAIR (The Hon. Rod Roberts):** Likewise.

**The Hon. Penny Sharpe:** It was very compelling, trust me.

**The Hon. DAMIEN TUDEHOPE:** It was compelling. The Opposition will not be supporting the Animal Justice Party's amendments.

**Ms ABIGAIL BOYD (23:14):** The Greens support this fantastic suite of amendments from the Animal Justice Party. They set out a bit of a wish list for where we may want to see Racing NSW go in the near future. I understand that the amendments will not pass tonight in the Committee, but what a fantastic opportunity we will now have with these new powers that, hopefully, will pass the lower House. Perhaps we can get Mr V'landys in to a budget estimates hearing and ask him some of these important questions around the operations of Racing NSW and finally shine a bright light on an industry that has escaped so much scrutiny and accountability. What a brave new world we are facing. We wholeheartedly support these amendments.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 to 7 on sheet c2023-144E. The question is that the amendments be agreed to.

**Amendments negatived.**

**Ms ABIGAIL BOYD (23:16):** Saving the best till last, I move The Greens amendment No. 1 on sheet c2023-184A:

No. 1      **Period of extension**

Page 3, Schedule 1[3], proposed clause 47(2), line 27. Omit "24". Insert "12".

This amendment is simple and was foreshadowed in my second reading debate contribution. I have heard no good reason why we need to allow an extra two years to this term limit. A lot has been made of negotiations that are going to occur in the next year. No-one has given me any good reason why we need to extend beyond that year. Of course, if there were such a reason and if we were to respect the principles of good accountability to this Parliament, we could come back to this place next year and extend for a further year, if by that stage the Government still found itself incapable of finding in the entire world somebody else who can run Racing NSW. For that reason, we are proposing that 24 months be reduced to 12. We encourage all members to support it.

**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) (23:17):** The Government does not support The Greens amendment to reduce the term of the extension of the chair's appointment to 12 months. We are concerned that 12 months does not provide sufficient time for the leaders of Racing NSW to comprehensively address the challenges at hand, which I set out in the second reading speech. Further to this, in the other place, the Government has supported amendments that would mean a statutory review of the Act will be conducted within 12 months.

**The Hon. EMMA HURST (23:18):** The Animal Justice Party supports this sensible amendment.

**The Hon. DAMIEN TUDEHOPE (23:18):** For the reasons I outlined earlier, the Opposition will not be supporting the amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2023-184A. The question is that the amendment be agreed to.

**Amendment negatived.**

**The CHAIR (The Hon. Rod Roberts):** The question is that the bill as amended, including an amendment to the long title of the bill, be agreed to.

**Motion agreed to.**

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

That the Chair do now leave the chair and report the bill to the House with amendments, including an amendment to the long title of the bill.

**Motion agreed to.****Adoption of Report**

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

That the report be now adopted.

**Motion agreed to.****Third Reading**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (23:20):** I move:

That this bill be now read a third time.

**The House divided.**

*[In division]*

**The Hon. Chris Rath:** Point of order: I notice that Government members are on the noes side of the Chamber, but voted in favour of the bill by voice. They are now voting against the bill. I submit to you that is against the standing orders.

**The PRESIDENT:** I am not sure if that is right. I will make some inquiries.

**The Hon. Chris Rath:** Point of order: I am not sure why I have a sheet of paper covering my head, but my understanding of the standing orders is that the Minister called out in favour of the third reading of the bill but there are Government members who voted in favour of the third reading by voice that are now voting against it. I would submit to you that that is against the standing orders.

**The PRESIDENT:** The member is quite right. The relevant standing order is Standing Order 117 (1) in chapter 19. It states:

A member must vote in a division in accordance with that member's vote by voice.

If members could consider whether they are voting the way that they voted by voice, I would be most grateful. Members can continue to move back and forth between both sides of the Chamber until I declare that I am appointing tellers for the ayes and the noes. Do you have a point of order, Mr Graham?

**The Hon. John Graham:** I was simply going to ask if you could recommit the vote.

**The PRESIDENT:** No, the vote has already been committed and we are now at the point that a member must vote in the division in accordance with the member's vote by voice.

**The Hon. Penny Sharpe:** Point of order: I understand the ruling that you have made, but it is not uncommon when there has been confusion in relation to a motion for it to be recommitted. This side of the House would ask that you do that. We seek a recommitment of the vote, which is not unusual in this place. Given that there has been some confusion it would make it clearer, rather than trying to make some sort of punitive—

**The Hon. Wes Fang:** There is no confusion.

**The Hon. Penny Sharpe:** I would like to know what going to happen given that this side of the House has got a view on the way we want to vote on it.

**The Hon. Sarah Mitchell:** To the point of order: I submit to you that there is no confusion about what we are voting on. The Minister at the table, Minister Graham, moved that this bill be now read a third time. It was very clear that the majority of voices said aye to that; in fact, I believe it was only The Greens who said no. We were all here and we all heard it. There was no confusion. If the Minister at the table does not know that he is moving the third reading motion for his own Government's bill, there are some serious issues going on in the Labor Party.

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

**The Hon. Mark Latham:** To the point of order: It is not a question of confusion; it is a question of the Government getting an order from somewhere to change its vote midstream. That is clearly what has happened. I was not aware of the standing order. Fortunately, I did not say anything when the question was put. But the standing orders are there, and there is no point having them unless they are enforced. It might cause some embarrassment for those who voted aye by voice and now have to vote aye in the division against the wishes of their colleagues. Either that, or they can flip back to the opposite side of the Chamber and then kill the bill in the other place. It is up to the Government. But it is not a question of confusion; it is a question of the Government receiving an order that those members have acted on, some of them not even knowing what it was.

**Ms Abigail Boyd:** To the point of order: A couple of things need to be considered at this point.

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

**Ms Abigail Boyd:** First, unless we have some sort of video referee, I cannot understand how we will identify which members said what with their voices. It was not recorded. Secondly, our standing orders must be interpreted in accordance with the principles of the House, and the number one principle is that we are attempting to record the will of the people as represented by their elected representatives. If we clearly know that the will of the House is to go one way but we are using our standing orders to try to obstruct the will of the House, that is not in line with the objectives.

**The PRESIDENT:** Order! Members will cease interjecting or they will be called to order.

**The Hon. Damien Tudehope:** To the point of order: Let us cut to the chase. There was clearly a concerted decision by the Government to indicate that it was voting aye and then at the last moment, as the clock was winding down, to use that as an opportunity to rush to the other side of the Chamber and vote no. The adoption of that strategy was there for everyone to see. Government members knew how they had voted by voice on the third reading, and then the stunt came undone because of the standing order. There is no doubt. It is clear that the only people who first moved to the no side of the Chamber were those who voted no by voice. Government members all voted aye by voice and then at the last minute, for all to see, rushed to the no side. There is no doubt about what happened, and those members should return to the aye side and vote in accordance with their earlier decision.

**The PRESIDENT:** I will consult the Clerk. First, Standing Order 117 (1) is clear that a member must vote in a division in accordance with that member's vote by voice. I will shortly order that the ayes pass to the right of the chair and the noes to the left. The Hon. Jeremy Buckingham will come to order. I will do that in about one minute, and that will give members the opportunity to consider how they want to vote in this division.

Secondly, if a division on the third reading is determined then there can be a motion to rescind that division, but it must be done by leave. Leave may or may not be granted, and if one member objects then it is not granted. It can also be done with seven days' notice. I merely give members that information so that they have all the information when they consider the decisions that they are about to make. I rely on the goodwill of each member to consider in their own mind how they will respond to this situation. The ayes will pass to the right of the chair, the noes to the left. In one minute we will appoint tellers for the ayes and tellers for the noes. Members should consider how they wish to vote, noting the standing orders.

Ayes .....27

Noes .....10

Majority.....17

#### AYES

Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Graham  
Houssos  
Jackson

Kaine  
Lawrence  
MacDonald  
Maclaren-Jones  
Martin  
Merton  
Mitchell  
Moriarty  
Munro

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

#### NOES

Banasiak (teller)  
Borsak

Cohn (teller)  
Faehrmann

Hurst  
Latham

Boyd  
Buckingham

Higginson

NOES

Roberts

**Motion agreed to.**

### **CASINO CONTROL AMENDMENT BILL 2023**

#### **Messages**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

### **INDUSTRIAL RELATIONS AMENDMENT BILL 2023**

#### **Messages**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

#### *Business of the House*

### **SUSPENSION OF STANDING AND SESSIONAL ORDERS**

**The Hon. PENNY SHARPE:** I seek leave to move a motion without notice to suspend standing and sessional orders to allow a message to be sent to the Legislative Assembly relating to the Legislative Council's previous message regarding amendments to the Industrial Relations Amendment Bill 2023.

**Leave granted.**

#### *Bills*

### **INDUSTRIAL RELATIONS AMENDMENT BILL 2023**

#### **Messages**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:39):** I move:

- (1) That this House notes that the schedule of amendments referred to in the Legislative Council's message to the Legislative Assembly of 30 November 2023 in relation to the Industrial Relations Amendment Bill 2023 was in error, in that it included an amendment that was negated on division.
- (2) That this House send a message to the Legislative Assembly forwarding a revised schedule of an amendment to the Industrial Relations Amendment Bill 2023 agreed to by the Legislative Council in which the concurrence of the Legislative Assembly is requested.
- (3) That the terms of this resolution of the House be communicated in the message to the Legislative Assembly.

**The Hon. DAMIEN TUDEHOPE (23:40):** I understand that the motion is to correct an administrative error, but it gives me the opportunity to advise the House of a statement issued this afternoon by the Supreme Court of New South Wales. The Supreme Court had this to say:

In the course of debate in the Legislative Assembly concerning the *Industrial Relations Amendment Bill*, earlier this week, Hansard records the Minister for Industrial Relations, the Hon Sophie Cotsis MP, making the following observations about the Supreme Court of New South Wales:

Ms SOPHIE COTSIS: I have all due respect for the Supreme Court, but it is not a practical forum for dealing with industrial issues between workers and their employers. It imposes a legalistic, slow and costly process on workers, public sector employers and unions that are seeking resolution to basic questions around compliance with awards and proper payment of wages, allegations of unlawful industrial action and the proper operation of contracts with workers.

The extract continues on. I did not even know that the Supreme Court had this sort of media unit! The Supreme Court then goes on to make a damning condemnation of the Minister:

With respect to the Minister, there are a number of aspects of this statement relating to the Supreme Court that are not accurate and cannot go uncorrected as a matter of public record. It is not accurate to say the Supreme Court imposes "legalistic, slow and costly process on workers, public sector employers and unions" nor is it accurate to assert that "generally, proceedings in the Supreme Court take several years and require the cost of briefing senior counsel." The choice of which counsel are briefed is a matter for the parties, and most of the cases referred to below have not involved senior counsel at all.

The statement continues on. It is a salutary lesson to the Minister—



**The Hon. Penny Sharpe:** Point of order: This is a very specific motion to deal with a message to the Legislative Assembly. It is not an opportunity for the Leader of the Opposition to reopen the debate and put on record a whole range of other matters.

**The PRESIDENT:** I had the same thought. The Leader of the Opposition will direct his comments back to the issue at hand.

**The Hon. DAMIEN TUDEHOPE:** In view of the opportunity that is afforded as a result of correcting the record—as we must—I thought it was important to invite the Minister, when this matter goes back to the other place, to address the issue.

**The Hon. Courtney Houssos:** Point of order—

**The PRESIDENT:** Has the Leader of the Opposition finished his contribution?

**The Hon. DAMIEN TUDEHOPE:** Yes.

**The PRESIDENT:** Does the Minister still wish to take a point of order?

**The Hon. Courtney Houssos:** No.

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

**Motion agreed to.**

### **CONSTITUTION AMENDMENT (EXECUTIVE COUNCIL) BILL 2023**

#### **First Reading**

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

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

**Statement of public interest tabled.**

#### **Second Reading Speech**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (23:45):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Constitution Amendment (Executive Council) Bill 2023. The bill proposes amendments to the Constitution Act 1902, which includes provisions relating to meetings of the Executive Council. At these meetings, the Executive Council and the Governor convene to make decisions and perform key government functions. These meetings traditionally occur in person.

In response to the COVID-19 pandemic, the Act was amended to allow the making of regulations that could prescribe the ways and forms in which meetings of the Executive Council could be conducted. The regulations allowed individuals who were required to be present at Executive Council meetings to be present by way of teleconference or videoconference. The foundational principles of Executive Council meetings were maintained. The Governor was still to preside and the quorum of at least two members remained. The purpose of those regulations was to ensure the continuity of the essential government functions, even in circumstances where in-person meetings were not reasonably practicable. The capacity to convene meetings of the Executive Council by way of teleconference or videoconference provided significant flexibility during the pandemic. However, those enabling provisions and associated regulations were automatically repealed on 27 September 2023, meaning virtual meetings of the Executive Council are no longer expressly authorised.

While the COVID-19 emergency has since evolved, circumstances which make it impractical for meetings of the Executive Council to be held in person may arise again in the future. The purpose of the bill is to make permanent the measures allowing Executive Council meetings to be conducted in a manner other than in person. The bill achieves this by way of an amendment to section 35D of the Act which will allow Executive Council meetings to be held remotely should it be required to meet the needs of the Government. The amendments provide that meetings of the Executive Council may now be convened in person or by means of a teleconference or videoconference. Further, the amendments confirm that the Governor or other presiding member may similarly preside over a meeting of the Executive Council in person or by means of a teleconference or videoconference.

The need for those changes is clear. The ability to convene the Executive Council remotely guarantees uninterrupted governmental decision-making in instances where in-person meetings are impractical. I am advised that Her Excellency the Governor is supportive of those measures, noting that while there is a preference to hold

meetings of the Executive Council in person where possible, the availability of virtual meetings provides a valuable contingency should exceptional circumstances arise. The provisions of the bill will commence on the date of assent. The amendments proposed by the bill will allow meetings of the Executive Council to take place virtually on an ongoing basis. I commend the bill to the House.

**Debate adjourned.**

*Special Adjournment*

### **SPECIAL ADJOURNMENT**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:51):** I move:

That this House at its rising today do adjourn until Tuesday 6 February 2024 at 12.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause, the Deputy President prior to that date, by communication addressed to each member of the House, fixes an alternative day or hour of the meeting.

**Motion agreed to.**

*Motions*

### **CHRISTMAS FELICITATIONS**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (23:52):** I move:

That this House note its thanks to the members and staff of the Parliament and wishes seasonal felicitations to all.

On behalf of the Government, I extend warm seasonal felicitations to the members of the House and those that support the work of the New South Wales Parliament for the people of New South Wales. I can say that I prefer the view from this side of the Chamber compared to where I was last year. Many people across New South Wales are doing it tough this year, with pressures on the cost of living and housing, with many communities still recovering from floods and fires, and we are about to head into drought. As Parliament goes into the new year, we must redouble our efforts to deliver for our communities and care for those who are struggling.

In 2023 this place has, yet again, seen the peaceful transfer of power at an election in New South Wales. We accept that as the normal way of things, but it is a process that we should never take for granted. We started the year with an election, marked by the goodwill and polite interaction between the leaders of the Government and Opposition. As the President would probably observe, it has perhaps been less polite ever since. The people of New South Wales returned a finely balanced Legislative Council, with 15 Coalition members; 15 Government members; and 12 crossbenchers, including four Greens members and two Shooters, Fishers and Farmers members; initially three but now one Pauline Hanson's One Nation member; one Animal Justice Party member; and two new reps—one from the Liberal Democrats and one from the Legalise Cannabis Party.

In this place we welcomed a number of new faces after the election. The Legislative Council class of 2023 includes the Hon. Emily Suvaal, the Hon. Dr Sarah Kaine, the Hon. Cameron Murphy, the Hon. Stephen Lawrence, Dr Amanda Cohn, the Hon. Jacqui Munro, the Hon. Rachel Merton, the Hon. Susan Carter and the Hon. John Ruddick. Returning in different guises were the Hon. Tania Mihailuk and the Hon. Jeremy Buckingham. I am pleased to say that the Legislative Council is now 48 per cent women, which is a welcome increase on the last Parliament. We are also home to the deputy leaders of both the Liberal Party and The Nationals, and the Legislative Council warmly welcomes having party deputies as members.

Everyone has hit the ground running. Notwithstanding that it was an election year, the House sat for 40 days and close to 350 hours this year. In total, 50 bills have been passed by the House, with 31 bills received from the Legislative Assembly. There were 22 Government bills and 15 private members' bills introduced in the Legislative Council. As of last Friday, 23 orders for papers had been made by the House, with approximately 70 boxes of both privileged and public documents returned. Over 500 questions have been asked during question time and over 1,500 have been asked on notice. In total, 320 notices of motion have been resolved by the House.

All of this work is undertaken by hundreds of people behind the scenes. On behalf of the Government, I thank you all. We thank the office of the Clerk, David Blunt and Steven Reynolds, ably assisted by Stephen Frappell when both David and Steven went on long-service leave, and the rest of the Clerk's office. After the wonderful Kate Cadell retired this year, there were big shoes to fill. I thank Rachel and Irene, who have stepped into those shoes as the friendly and helpful faces in the Clerk's office. I give a shout-out to the Legislative Council procedure team, led by Stephen Frappell, and at different times during the year by Sharon and Stewart, who once again kept the place running and for whom we find there is never a dull moment, as evidenced tonight. I thank the Black Rod team, headed by Jenelle Moore, the Usher of the Black Rod. I particularly thank the Chamber support

staff led by John Ferguson, with Dan, Nathan and our newer attendants, Sam, Katinka, Carolin and Min. They have had a very big parliamentary year with the bicentenary activities and many other events, including the opening of the new Parliament after the election.

We always say thank you to Hansard, who make us all sound much smarter and more eloquent than we are. I thank Vanessa Schlenert, Editor of Debates, and Karen Turner, Deputy Editor, who are supported by their fantastic team of reporters and subeditors. I give a particular shout-out to Parliamentary Counsel, Annette O'Callaghan. I congratulate her on 30 years of drafting laws for various parliaments around Australia. I thank Deputy Parliamentary Counsel Mark Cowan, Richard Hurford, Iain Martin and Jason Emmett, as well as the editing and parliamentary team, which checks and edits each of the bills and amendments in committee for Parliament, including tabling copies of the bills for Ministers' second reading speeches, and works closely with the Clerk and his staff to support Parliament. We love your work.

I thank the executive support and paralegal team in the Parliamentary Counsel's Office, which prepares the notices of motion for each of the Government bills for Ministers and supports the legislation committee of Cabinet. We could not do it without them. I would like to note a sad event for Parliamentary Counsel's Office this year, which was the loss of Chris May. Chris passed away after a lengthy illness before his fortieth birthday, and on behalf of the House, I send condolences to his wife, Ksenia, and to his family. In relation to committees, there is always a lot, and that has continued in this new Parliament. Thank you to Beverly Duffy and Tina Higgins, who are sharing the role of Clerk Assistant - Committees, and to their very hardworking team. The diligent staff in committees facilitate dozens of inquiries each year, providing an opportunity for citizens to tell us what they think about a wide range of issues, helping to shape the laws of this State.

To Mark Webb and the whole Department of Parliamentary Services I say thanks again for keeping us fed and watered, and for keeping our offices clean. I give a special shout-out to Diana, who looks after our office at 803 in Parliament House. I thank the special constables who keep us safe, and thanks also to IT, HR and building maintenance. It has been a difficult year, with all of the renovations, but they have kept it ticking over.

I thank the new President, Ben Franklin; the Deputy President, Rod Roberts; Assistant President, Peter Primrose; and all the Temporary Chairs. Presiding over this House is not an easy task but all of you do it with impartiality and a genuine commitment to work with all members of the House. We have to have rules to facilitate our democracy, and you are in charge of those. There are often interesting challenges in terms of how those are interpreted, but I know I speak on behalf of the House when I thank you for your efforts in keeping us on track most of the time. I want to take some time to acknowledge a special person who did not leave us this year, but, in fact, manufactured her retirement in such a covert way as to avoid any mention or tribute during seasonal felicitations in 2022. Kate Cadell, I am talking about you. You do not get away that easily, even if we have had to wait a year. We recognise the incredible service you gave to this place. You served the Parliament for 27 years with kindness, calmness and so much knowledge and experience. Your experience in Parliament is sorely missed. While we know you are enjoying your time with your family in retirement, we could not leave you out.

To the Opposition, particularly to the Hon. Damien Tudehope and the Hon. Sarah Mitchell, opposition is not fun. In fact, it is quite hard. We look forward to you enjoying it more next year. To the crossbench, thank you very much. We hope you are enjoying the changes to the standing orders we made together when Labor was in opposition. We are enjoying them a little less than we used to. I thank the Deputy Leader of the Government, the Hon. John Graham, for his wise counsel and unflappable ability to work through motions under Standing Order 52. I give a special shout-out to Amanda in his office, who does a lot of that work behind the scenes. To my ministerial colleagues, thank you for your hard work, good humour and serious approach to delivering for the people of New South Wales.

I give a special shout-out to our expert number counters and cattle wranglers, otherwise known as Whips. Thank you to the Hon. Bob Nanva, the Hon. Cameron Murphy, the Hon. Chris Rath and the Hon. Wes Fang. I acknowledge our Whips staff Max Kennedy and Garion Thein, and Opposition Whips adviser Deyi Wu. None of us can do what we do without the tireless efforts of staff. No matter what side of politics we are on, we must always make sure that we support our staff to do their jobs, as they support us to do ours. I thank all the political staff in the building for their professionalism, good humour and dedication to our Parliament and to the people of New South Wales. I personally thank my own staff, who work under the kind and exceptionally competent leadership of Anthony Baker and Tamsin Lloyd. My climate change, energy, environment and heritage advisers, and my very hardworking media team help to fight the good fight every day.

Thanks also to Julie, Clint and Baruch, who manage me with great patience. To the amazing department liaison officers in my office who have been so patient and professional in helping me to get across my brief and learn how to be a Minister, it has been a privilege to work with you. Thanks particularly to my parliamentary team: Peta, Harry and Jananie. Peta Waller-Bryant has had an outstanding first year in her role of running this place. Without Peta, not only would the lolly drawer be bare but also none of us would know what was going on.

Peta's dedication to this place, her love of the parliamentary debrief and the compassionate, collegiate and professional way in which she works with us all makes our jobs that little bit easier. Thank you very much.

A nod also to Peta's counterpart and former master of the House, Sam Tedeschi. Thanks for your tips on how to do a budget estimates timetable and the ways to wrangle ministerial offices from the other place. We will, however, never forgive you for that salmon suit. I know the hour is late, but I wish to give out a few awards for this first year of the Fifty-Eighth New South Wales Parliament. The award for most obvious attempt at content generation for the procedural debrief goes to the Hon. Jeremy Buckingham for asking a question to himself. I am sure the answer would have been most comprehensive, but we are very glad it was ruled out of order. The Lovelock and Evans award for the study of the standing orders goes to our new member the Hon. Emily Suvaal. I look forward to her bringing the Hon. Wes Fang up to speed next year.

Another new member, the Hon. Susan Carter, wins one of the motions of the year for her fierce defence of Noel. Many members thought for most of the day that the motion was about a bloke called Noel, and many asked the question of who exactly Noel is—one day we might get to the bottom of that. The award for the quickest rise to the leadership of a party goes to the Hon. Tania Mihailuk, who rose through the ranks of One Nation in Steven Bradbury like fashion. I really hope she can unite her party behind her. The political philosophy award goes to the Hon. John Ruddick for his regular discussion of the tenets of anarcho-capitalism—I did not have that on my bingo card this year.

The conservation award goes to the Hon. Mark Banasiak for his concern for the blue-tongue lizards living in Mehreen Faruqi's garden. The most disappointing question on notice goes to the Hon. Chris Rath for his relentless pursuit of Carla from Bankstown. As Carla would say, "Don't be a gronk." On behalf of the staff of the Parliament, the award for best comrade is the Hon. Mark Buttigieg, due to his long-term advocacy to bring back the staff carvery. If you wish to join the campaign, please contact Peta and Harry in my office—and our union delegate, the Hon. Mark Buttigieg, will happily take up the charge.

On a final note, our democracy is only served well by an active, functioning Parliament that considers the big issues facing our State and serves our communities. Everyone in this building works to make this happen. I wish you all a safe and joyous holiday. May you spend time with family and friends, spend time doing the things that you love and hopefully spend some time in nature. The Government looks forward to doing this all again next year.

**The Hon. DAMIEN TUDEHOPE (00:04):** Given the hour, I am tempted to say that I agree with all that. I have to compliment the Leader of the Government on her most comprehensive felicitation—in fact, the sentiments that she expresses are adopted by everyone in this place. Mind you, in relation to the award to the Hon. Emily Suvaal, I am disappointed that she was not taking the points of order tonight relating to—

**The Hon. Penny Sharpe:** Special mention to the Hon. Chris Rath for his effort tonight.

**The Hon. DAMIEN TUDEHOPE:** Indeed. I have to say, the combination of the tag team between Rath and Tedeschi tonight was something to behold to make that all happen. I will make a few remarks, but the sentiments expressed by the Leader of the Government in her felicitation speech are, in fact, comprehensive and should be embraced by all.

I am pleased to support this motion of gratitude and Christmas felicitations—my first, unfortunately, as the Leader of the Opposition in this place. It has been a new Parliament, a new year and a new Government—a lot of adjustments for us all. As we all know, I have long been a supporter of the powers of this House to compel documents, and I am delighted that even earlier than expected we have seen some success on that front in just the first year of this Government. It is the beginnings of what we now know as the Coalition Library.

I acknowledge you, Mr President, as well as the Deputy President, the Assistant President and each of the Temporary Chairs of Committee. It is not an easy job to keep this place in line—Wes!—and you and your team do your level best to contain overly rowdy Government backbenchers and the notoriously disruptive crossbench. I thank the Clerk of the Parliaments David Blunt, Deputy Clerk Steven Reynolds, the other Clerks at the table, and the Usher of the Black Rod Jenelle Moore. Without their expertise, guidance and advice, this place simply just could not operate.

On behalf of the Opposition, I extend our gratitude to all of the officers of the Parliament, the Legislative Council staff and the Department of Parliamentary Services staff, including the ever reliable teams from Hansard, the procedure office, the committee office, the budget estimates secretariat, Parliamentary Counsel's Office—the acknowledgement given to Annette O'Callaghan is well deserved—the attendants, security, IT, the cleaners, maintenance, audiovisual and the special constables, who keep this place safe. All of these teams have been particularly helpful to the Opposition during the transition—we tried to get as much furniture as we could.

**The Hon. Sarah Mitchell:** We got the good couches.

**The Hon. DAMIEN TUDEHOPE:** Sam did pretty well. I thank them all for all the work that they have done to ensure that this has been such a smooth transition. I thank the Leader of the Government for the coasters, the honey and all the other things that she left in the office for me.

**The Hon. Penny Sharpe:** Are you being nice to the birds?

**The Hon. DAMIEN TUDEHOPE:** Yes, I have been nice to the birds. Sitting on this side of the House has given us an even greater appreciation for the work of the staff who work in this building. I thank and wish a merry Christmas to all the members of the Opposition, particularly my fellow shadow Ministers. It has been a great joy to work with all of you. I particularly thank the Deputy Leader of the Opposition, who is just an absolute treat to work with.

I also acknowledge the work of the deputy leaders of the both the Liberal and National parties, the Hon. Natalie Ward and the Hon. Bronnie Taylor. I also thank the Opposition Whips, the Hon. Chris Rath and the Hon. Wes Fang, as well as the Government Whips the Hon. Bob Nanva and the Hon. Cameron Murphy. Whips always do far more than they ever let on in this place. They keep the show moving, and the work that they and their offices do is invaluable. I join in thanking their staff for the work which they do.

I acknowledge the Leader of the Government and congratulate her on becoming the first woman to hold that illustrious position. It is a position that I hope to regain in short order, but that is a matter for another day. I thank the real leader of the government—as I am well aware that the real work is done by others—Peta Waller-Bryant and the rest of her office for the consultative way in which they manage the operations of the House. It is not, perhaps, as well as her direct predecessor, who had to work hard to become the master of the House, but I am sure that she is working in that direction. But as the saying goes—and Sam wrote this—self-praise is no recommendation. I wish her and all of her colleagues and the Government merry Christmas and a good break.

During felicitations last year I said that in 2023 I would continue to provide the Treasurer with many more character assessments. I do not think I can be accused of misleading the House on that front. I note that he is not here tonight to hear me. I thank our friends on the crossbench. We may have started a little frostily at the beginning of this term, but the ice has melted and we have found common ground with almost every crossbench member. We have an important job to do holding the Government to account, and I look forward to continuing to work with all of them over the remainder of the term.

Finally, I thank my staff, Sam Tedeschi and Richard Egan, for all they do for me as well as for the Opposition more broadly. I also acknowledge the work done in my office by Bo Ok, who has provided me with an immense service in relation to other needs in my office. I hope everyone has a good break, with family and friends, and we will resume all this fun in this place next year.

**The Hon. SARAH MITCHELL (00:10):** I associate myself with the remarks of the Leader of the Government and the Leader of the Opposition, by which I was really moved. I am conscious of the late hour. I promise that my brief remarks in no way reflect the affection I have for everybody in this Chamber, but I think I will be very popular if I am quick so that we can all get home much sooner. I say thank you to everybody who makes this place run, whether it is within our Chamber, within this building or within our offices. We are very fortunate and privileged to do what we do as members of this place, but we could not do it without the myriad of people in this building who help us to represent the people of this State. On behalf of the Nationals team, I say a very genuine and dear thankyou to everybody who works in this Parliament and supports us.

I also acknowledge the new members. Welcome to the fun and games. I think we have been okay this year. I don't think we are as naughty as everyone thinks we are, but there is always room for improvement. We have a lovely rapport between members on all sides. Being in opposition is not as bad as people have said. It is certainly less stressful and a little bit more enjoyable, but it is frustrating at times. On this side of the Chamber there has been a sense of camaraderie that has been really lovely. That is perhaps one of the few benefits of opposition.

I give a shout-out to our Nats team. Day to day, on the floor, we are down to four on most days—three at the moment because Sam is not here today. We are small but mighty, and we are well supported. We have great staff who work in all our offices, so I say a very big thankyou to them. Finally, and where I always finish my remarks, I thank our families. No matter where we live, whether we are right here in Sydney or far away, we cannot do this without those we love, and they give up a lot to let us be here. We all experience that at different times during the year, but I hope everybody gets to have a great break. Spend some time with those you love, and we will see you back here fighting fit in the new year.

**Ms SUE HIGGINSON (00:12):** What a lovely evening listening to these wonderful felicitations from the leaders of the Government, the Opposition and the Nats. I contribute a few things too. Mr President, I would love to start with you—a new President. Thank you for being so diligent and truly impartial. It is your diligence and attention to the details and rules that make this place better and allow us to take the risk of turning up to play. Thank you for your patience and understanding, particularly about those very long notices of motion that we read each morning—recognising their fundamental role in democracy. The truth is, Mr President, you have taken to the role of President as a fish does to water. And thank you very much for giving us the numbers on the floor.

To the Deputy President, the truth is that I was a bit little worried about how my colleagues and I might fare under your chairmanship. After all, you are known for your rather strict zero tolerance to certain things and your law and order approach. We are the party of protest, rebellion and resistance, and you once belonged to a party we do not relate to at all. That said, I was curious because, as I watched you work, before this term, you have always had an air that is about being fair. As it turns out, I was wrong to worry about you. You have been fair and diligent and you are super judicious in the exercise of your power. It appears very much that you have found more comfort in your role, and you have got better and better.

To the Assistant President, the truth is that we take you for granted because you are proven, wise, fair and honest. You think critically, you work hard and you care about this place. That is clear. You care about all of us in here and all of the people out there. To the Temporary Chairs, you are all women and you are all wonderful. I love seeing you rule in this Chamber. You have style and form. I thank you for your fairness, your diligence and, of course, your extra service. To the agents of democracy—and that is what you are—David and Steven, you are paragons; you are amazing. The work you do holds us all together. We all know that. Your work also steers us steadily in the right direction. While this place may look the same as it did 200 years ago, it is a very different place—and thank the goddess. To all of the staff of the Clerk's office, thank you so much for your kindness and your discretion. You make us all better and you set a wonderful standard.

To the procedure office, thank you for all those notices of motions and loqs and actually making members look like they know what the heck they are doing, when we all know that we really do not. Thank you for never telling us that we are silly or wrong, when we clearly are. To the committee office, you are the superheroes of this House. You bring us special power. This Chamber is known for the deep work and strong muscle of forensic interrogation and accountability that is done through the committee office. From budget estimates and bills to thematic inquiries, it is remarkable what the committees do. The quality is second to none. I am the chair of a committee, and I see how hard you work. The heavy lifting you do is a service to this State and the pursuit of justice and the public interest.

To the Usher of the Black Rod, without you, we are simply not here—we do not even get a start. It just so happens that the Usher of the Black Rod is one of the most delightful people on the planet, with unbelievable diplomacy, skill and organisational capacity. There is so much can-do in the office of the Black Rod. Now is the time I get to thank you for not freaking out when I told you we were bringing large knives, gas and a crowd of well-behaved ratsbags into the parliamentary precinct. It was just a barbeque, but it was amazing. To the attendants, thank you so much for your grace, support and ever reassuring sideways smiles at us all.

To the Aboriginal liaison office, thank you for helping this place with its reconciliation work, for the truth telling that you facilitate every day and for your work across the whole Parliament. You make an enormous difference. To Hansard—as the Leader of the Government said—thank you for making all the folk in this place make sense because the fact is we do not. Thank you for your diligence and for being the custodians and shining stewards of the public record. To the Parliamentary Counsel's Office, thank you for your work, skill, discretion and drafting powers. My one message to everyone in that office is: Let's do more duties and more discretion.

To the people in the Parliament who feed everyone and make the coffee, thank you. Thank you to Kylie for all those cakes and coffee eclairs. Thank you to all the people who are here every morning before most of us. They clean and clean and somehow, every day, no matter what mess we made at night, the only evidence of it is written in the in-between lines in *Hansard*. Thank you to the security staff and special constables who keep us safe—especially the one constable who keeps giving me Caramello Koalas. I am loving the opportunity to teach those special constables all about protest before they move into another level of the police.

I am very, very lucky to have my Greens colleagues: the amazing Cate Faehrmann, who was re-elected this year, along with Dr Amanda Cohn and the incredible Abigail Boyd; and of course my colleagues in the other place, the member for Ballina, the member for Balmain and the member for Newtown—Tamara, Koby and Jenny. Being a part of The Greens all-women party room is an incredible privilege and an immense challenge because together we are carrying the weight of the world as we fight for more justice in a system stacked against us and this goal. Our job always is to make all of us go further and faster towards those goals of justice and sustainability.

Lucy, Dan, Seppy, Ben, Jacob, Angus, Therese, Aish, Josh, Alice, Mannon, India, Laura—and there are others—thank you. They come and go. But Lucy is leaving. Lucy has been in my office since I started. If members have not met Lucy yet, they have not had their eyes on the right place. Lucy is an Australian champion surfer. She is the woman who stood up for fair pay, equal play, equal pay. She is an absolute superstar. Lucy is in the lobby. This is her last ever sitting day. Farewell, Lucy—have wonderful travels. This whole place will not be as good without you upstairs working away.

To all the women in this place, I thank you all for being here because you make this place so much better. Thank you to all the crossbenchers for being here. It is so much harder for us because we do not have the structures or the cash the two old parties come with, but we got here. We are all here. Thank you to the Shooters, Fishers and Farmers for reminding me that this place actually needs me—a crossbencher who represents actual farmers. Thank you to the Liberal Democrats Party for sending us the most courteous, considerate and easy to work with climate denier. I thank the crossbencher of the Animal Justice Party, who time after time stands for all the voiceless animals and holds us all to account.

I thank both the Government and the Opposition for getting to the end of this year finally with a clearer view of who is in government and who is in opposition. It got a bit funny there for a while. It was very interesting! I thank the Government for your serious, genuine and concerted efforts to be a more transparent government. It is really welcome. I know how difficult it is. Thank you for the standing orders and for all the wonderful new Labor kids on the block. They are an amazing new bunch and they make this place great. Peta—the lollies! You are winning it and keeping us here. To the Opposition—it is getting really fun working with you so let's really keep rolling on that.

To all of you, we have not yet saved a forest, so we just have a bit longer to go with each other. We will get there. Early next year that is what we will all do together. The holiday season can be really difficult for a lot of people and we all know that. It is not always a fun place for everyone. It is not always a fun time for everyone. It can be hard work. But the fact is that it is now holiday season. We all go forth and I say to all of you: Cut loose, go sick, dance hard, play in the garden, howl at the moon, be safe and just love. Give yourself and all those around you some good love. Thank you all.

**The Hon. EMMA HURST (00:22):**

How do I write a felicitation speech when there isn't any time  
 And now every year you all expect it to rhyme.  
 With a new government and my party down to one seat  
 Getting stuff done has been quite a feat.  
 Of course, nothing here could ever get done,  
 If it weren't for those who make Parliament run.  
 To the Clerk, the PCO and the library crew,  
 We are ever grateful, and say thank you.  
 Those behind Hansard, inquiries, and the Quorum cafe,  
 We are forever appreciative of you every day.  
 And we'd get nowhere without the team at procedures,  
 Or without the security squad or the friendly cleaners.  
 Especially given that this place can drive us all berserk,  
 The stuff you've put up with—we salute your work.  
 And of course it'll all come back as karma,  
 For my team and I do add to the drama. We always say, "Oh, what a year it's been"  
 But this time it's truly got to be seen  
 Securing an animal welfare committee was a relief  
 Until Labor voted in Borsak, to my disbelief  
 And while many became distracted by Taylor Swift  
 We witnessed another party room rift  
 From the band formerly known as One Nation  
 And we passed important bills on paintball legislation  
 And while Latham fought for the rights of coal,  
 Jeremy started Parliamentary Friends of People Named Noel  
 But nothing in this place was quite as slick,  
 As The Nationals campaign to "Bring back Mick"  
 And, yes, though we all heckle and shout and disagree  
 A robust discussion we can always guarantee  
 And while many pretend to remain impartial  
 In reality no-one's online listening, except Adam Marshall  
 So thanks to you all for the rigorous debates  
 We've talked about everyone from hens to primates  
 Though some topics are bound to divide  
 I'm grateful to have a great team by my side  
 While I cell-based beef up my speeches with finesse  
 They are then watered down by my staffer named Tess  
 But she really does deserve all the praise

Hint, hint—all staff deserve a raise  
To Emily and Sarah and our State team,  
You help make all this work truly beam  
And to our friends who like to call my motions "wacky",  
Can I just say your fur backdrop is a bit tacky  
Amidst those eye-rolls and the occasional groan  
The real animal issues are becoming well known  
In the end animals are discussed more than ever in this House,  
And I'll continue to fight for every individual, from elephant to mouse  
For now I wish you every Christmas cheer  
And I know Bronnie looks forward to my turkey education again next year

**The Hon. MARK BANASIAK (00:26):** The Hon. Emma Hurst stole part of my turkey joke. On behalf of the Shooters, Fishers and Farmers [SFF] Party, I wish to pass on our best wishes for the season and reflect on a cracker year. We have come out of 12 years of a long dark shadow under the Coalition Government into some indirect sunlight—hopefully not too much to trigger some spontaneous global boiling from The Greens. First, I thank the supporters of our party—our farmers. Those legends put food on our tables, especially that big turkey that will be on my Christmas table this year, masturbated or otherwise. I am pleased that it will look like a turkey and not a science experiment. We need to pay homage to those farmers who put food on our table, as well as our commercial fishermen.

I thank the forestry sector for its support of my party. It has endured one hell of a year at the hands of some of the lowest forms of humanity in New South Wales. But I am hoping those people will now turn their attention to saving Billy the blue-tongue lizard at Mehreen Faruqi's place over the holidays. I sincerely express my support for the forestry industry. Hopefully we will see it continue to be a sustainable industry in this State. I acknowledge the hunting and fishing and shooting fraternity. There is nothing like going out for a hunt or a shoot or busting a clay target. I know that a former Premier was a big fan of clay target clubs. I am not too sure what Chris Minns' view of clay target clubs is, but he probably does not like it as much as that former Premier.

I acknowledge all those elder statesmen in our fishing and hunting clubs. They are truly wonderful for what they do. They are the stalwarts of our fraternity, so I thank them for their support. I acknowledge that this job is not just a part-time gig; it is a serious commitment that all members make. It is not something that we do for celebrity; it is a job of substance. It is not just about turning up to the opening of envelopes, no matter how gilded they may be for some of us. It is a privilege for me to represent SFF in this place, but I acknowledge it would not be possible without the support of my party, my colleagues, the community that we represent and the staff in my office. We have a whole new staff and it is just wonderful to work with them. They are a breath of fresh air and it is always a barrel of laughs in our office. We encourage everyone to visit and enjoy and partake in some Polish medicine that sits at our table. Many of you have already done that. I cannot thank all those people enough.

Here is to another year gone by and another year coming with new opportunities and challenges. We have a refreshingly new Government. Some may say that some Government members still have their training wheels on, but hopefully they will get there. Lastly, I thank all the staff in this Parliament who truly make this place work. We could not do what we do without all of you. I think other members have ventilated who those people are, so I will not go through the long list again; I just say cheers to you all. May you and your families have a safe and happy festive season. Here is to a ripper 2024 and many more wacky Wednesdays.

**The Hon. ROD ROBERTS (00:30):** I will not be as witty as the Hon. Emma Hurst was. It is always bad going last, or second last. I think we are saving the best for last and my colleague the Hon. Mark Latham may have a few words to say—no-one in this Chamber is more cognisant of how I came to be appointed deputy president. We all know how that happened. Let me say, notwithstanding how I was appointed, it has been an absolute honour and privilege to perform that role and to represent the Legislative Council in various forums. I thank the President for working with us and working with me over the past couple of months. I like to think we formed a very good and constructive team. I take the opportunity to thank the President's staff, whom I have had a lot of dealings with over the past couple of months. They are an honour and a credit to the President.

To the Assistant President, the Hon. Peter Primrose, and to the temporary chairs, the Hon. Emma Hurst, the Hon. Dr Sarah Kaine and Ms Abigail Boyd, I think that all of us have meshed in together to work cohesively. I do not think there has been a time at which we have struggled to say who should be in the chair. Peter in particular has been very generous with his time in being more than willing to step in and fill in any gaps that have appeared, so thank you very much, Peter. It makes it so much easier. Mr President, you know how difficult it can be. To the new members of the Chamber, from both sides of the House, congratulations on your appointment here. I think that each and every one of you have brought unique characteristics to the Chamber. You have all brought various viewpoints and aspects.

I am fortunate to sit in a unique position up the front, where I can watch, listen to and observe everything that each and every one of you has to say. I think that all of you have been a valuable asset not only to this place



but also to democracy itself. I officially welcome you. I thank the Clerk, Mr David Blunt, and all his staff in the Legislative Council team. I am not going to name them all, but it would be remiss of me not to name just a few. In particular, I thank Steven Reynolds, Stephen Frappell, Stewart Smith, Merrin Thompson, Susan Want, Sharon Ohnesorge, Allison Stowe, Jenelle Moore and Beverly Duffy, who have all sat beside me at the table at some stage and I acknowledge have made me look much better than I really am. I also thank Rachel Buist and Irene Penfold in the Clerk's office. They are doing a tremendous job.

I also take this opportunity to formally farewell Kate Cadell, who slipped out unnoticed. She is gone but not forgotten. I thank all the DPS staff in the various departments who look after us. Everybody has touched on them tonight, and I am not going to go through it all again, but I do want this recorded in *Hansard*, and I hope Mark Webb listens to this. One reflection on how good the DPS staff are is that we broke for dinner just before 9.00 p.m. and everything was closed. The members' dining room was closed and Strangers was closed. My good friend Mark Latham rang Vanessa Harcourt, the chef, and her team opened up and cooked for us. They said, "Whatever you want, we can put it together. We'll get you a table." We said, "We've got only half an hour to eat in. We've got to get back in." They said, "Doesn't matter. We'll fix it." Andrew, the maitre d' at Strangers, ensured we were well looked after. I want that on the record as a real-life example of the lengths they will go to support us as members.

I thank my colleague Mark Latham. We are still a team. We may not be part of a party anymore, but I still think that we have a good working relationship. As members know, when you get one you get two with us. That is a good position to be in. To have a good, solid, honest, trustworthy, reliable colleague is something extremely difficult to find in the world of politics, I have quickly learned. So when you have one, like Alan Jones says, you pick and stick. I thank him.

Peta Waller-Bryant is a regular visitor to my office, who is always welcome, as she well knows. I thank her for her assistance throughout the year. I thank my mate Mr Tedeschi, but I am really perplexed by the salmon suit. If we were at the Everest and backing home a winner, it would work every day. But, in the Chamber, I am not really sure. I thank my staff members, Alex Ristevski, Jordan Knight and Dan Connor, who do a power of work to help me get through everything I do.

Last but not least is Gary Lockton. Some members may remember him. Gary was with me for four years. We worked together in the cops over 30 years ago. When we came in here, he said, "I'm not going to give you eight years, mate. I can't. I'll give you four." He stuck to his word. He has left. He now has a Winnebago and is a typical grey nomad. I am very envious of his current lifestyle, but I thank him and acknowledge that on the record. I hope each and every one of you has a joyous, well-deserved Christmas break, spend time with your families, friends and loved ones, recharge the batteries and do what I am going to do: drink to excess, eat to excess and catch up on some sleep that we have missed this year. I will see you all back here next year.

**The Hon. JEREMY BUCKINGHAM (00:36):** Noting the late hour and that brevity is the soul of wit, I will make a short contribution. I associate myself with nearly all of the comments of the honourable members to this point and offer, on behalf the Legalise Cannabis Party, my seasonal hallucinations. In that regard, I sometimes feel now, after having spent four years away, that I am hallucinating back here. The Hon. Ben Franklin is the President. We now have the Hon. Penny Sharpe, the first woman in 167 years to lead the Government in this place. The Opposition here is no longer bullying me and saying no to everything, which is strange.

It is remarkable to have four years away and come back to this place and see it operating so seamlessly, this giant machinery of government, producing laws, representing our democracy, as we come up to the 200th anniversary, the bicentenary. It is a truly remarkable organ of democracy that we should all be proud of. It is an absolute honour to be a part of it. It is wonderful to be back, seeing old faces and making new friends here. I congratulate all the new members on being here. As I say, four years away gives you a new perspective on truly how amazing this place is and how truly annoying The Greens are.

I hope that all members have an excellent break, they recharge, they look after their health and their families and come back and apply themselves. It would be remiss of me not to start at the top with thanking those people who do the heavy lifting in this place, all the people of the Department of Parliamentary Services, who cook, clean and keep us safe. I especially give a shout-out to Deborah Bennett because those cheat sheets, the bills assist guides, are absolutely essential to me as a single-member party. She is doing great work with that Library team. I thank all the people at the Parliamentary Counsel Office and Hansard. I thank the Black Rod team and David Blunt, who always looks aghast when I darken his door; members will note he has that look on his face right now. The oracle David "The Dank" Blunt always looks quite perturbed when I arrive. To all the staff, I thank you. To all the members, I wish you all the very best for the new year. I will see you in 2024.

**The Hon. MARK LATHAM (00:39):** For the first time this year, I agree with everything that has been said and I agree with every single person who has said it. I am drawn out by my ongoing bromance with Rod Roberts. Rod, you are the modern political miracle. I do not know where you were 35 years ago when I started this. I have needed you every step of the way, yet only found you late in the journey. To find someone reliable and dependable who never lets you down is something of a miracle. Rod is well regarded by members around the Chamber. Mate, we have got something better than a political party: We have got mateship, which is something I truly value.

I thank my staff, Ed and Nella. They say I am a good boss, which I do not quite believe, but we make a good team and they do wonderful work. I thank all my colleagues in this Chamber. In terms of behavioural standards here—it becomes one of the topics at the end of the year—at least it is a contested Chamber. You used to march into old lower House places knowing inevitably it would win or lose, but it is contested here—as our two friends at the table, the Hon. John Graham and the Hon. Penny Sharpe, found out tonight.

The fascinating outcomes in a contested Chamber! It was the quick wit of a young fella over there, the Hon. Chris Rath, who did not exactly know the standing order but had an instinctive sense that something needed to be raised. It was fascinating politics, even at that late hour. It might have been a little bit painful, but a contested Chamber is always interesting. This is a very tame place, if members have seen other rowdy animals at work. The reality is that while there are 42 reasonably intelligent people in this Chamber, only one can speak at a time. The other 41 get restless, don't they—especially if they are Wes Fang—and off they go. I reiterate to you, Mr President, that wonderful saying, the only good thing Chairman Mao ever said: If you execute one, you educate 42 others.

**The Hon. John Graham:** Forty-one.

**The Hon. MARK LATHAM:** If you execute one, you educate 41 in this Chamber. Mr President, I again recommend it to you for 2024. I thank all those who work in the building; they keep us grounded. I love the idea of this antechamber out here, the Members' Lounge. It is just like public housing I grew up in at Green Valley. We cannot get any sort of decent renovations or any expenditure on us. They have got squillions of dollars for other rubbish around the building, but we members know where we stand in the pecking order. I am out there reliving Ashcroft, Claymore, Airds, Minto and all the places I have always loved. Even the housing Minister must love it out there. Isn't it beautiful, the fibro and the lack of furnishing? The rugs they bring out are from the Centenary of Federation 23 years ago. We well and truly know where we stand in the building, and we always thank and love that renovation genius Mark Webb for that. I thank everyone for everything they have done.

I will give one last shout-out to the Hon. Taylor Martin. I do not think he is here in the Chamber, but I think he has unfairly had a rough year. I give all the very best congratulations and best wishes to Taylor, who is getting married on Sunday and deserves special recognition. I am a great supporter of marriage, having done it twice and thinking about a third one—if there are ever any volunteers, which is always doubtful. But I think Taylor has been unfairly treated. He is a young man of great promise and potential in politics and has gone through something rough.

Coincidentally, at the moment I am reading Richard Nixon's book *Six Crises*; it applies to part of my year, too, where I have had the odd issue. Notwithstanding Watergate, Nixon was quite an interesting political philosopher. I will end on one of his comments: You have never really lived a life unless you have found a cause bigger than yourself and immersed yourself in that cause. Whatever you believe in—left, right or in between—in politics, it is a pretty good summary of a public life: losing yourself in a cause bigger than yourself and finding things that are gratifying in the sense of serving people, helping them and doing the best you can for a better society. I close on that note and wish everyone all the best for Christmas and a great new year.

**The PRESIDENT (00:43):** For the benefit of newer members, this is the one occasion of the year that the President actually gets to say a few words. I will take advantage of that opportunity. I thank all honourable members for their kind words and seasonal felicitations. As all members know, it is an enormous privilege to serve the people of New South Wales as members of the Legislative Council. Personally, it has been an incredible honour to serve as the twenty-third President of this House over the past six months. I particularly want to thank you all for the goodwill you have shown towards me and my team since my election. It might have been a little bit bumpy at the beginning but I have, at all times, endeavoured to be fair, consistent and impartial and to do my best to rise to the honour of the position.

I would like to acknowledge all the previous Presidents on whose precedents I rely and on whose decisions we all benefit. Just last week I had the opportunity to spend time with the Hon. Meredith Burgmann, a previous President who, along with the Hon. Max Willis, inaugurated and championed the Parliament's Reconciliation Wall 25 years ago. Outside the Chamber now until the end of January we have an exhibition from the Boomalli Aboriginal Artists Co-operative, which was the first group to show its art on the Reconciliation Wall 25 years

ago. Boomalli is now showing art from Aboriginal artists on all four walls of the Fountain Court for everyone to see as we approach the Bicentenary of the Legislative Council.

The celebration of the Legislative Council is a time to reflect on the past 200 years, celebrate where we are now and imagine what the future can look like. We know the Parliament has a complex and varied history with Aboriginal people. Some decisions made in this place have had serious negative ramifications for Aboriginal communities, while others have signalled positive change and ensured that Aboriginal voices have been heard. I know that the Speaker, who was in the gallery, shares with me a commitment to ensuring that this Parliament provides a platform to First Nations perspectives, including some of the difficult and challenging aspects of our history.

The role of members is a challenging one, with significant responsibility to all communities in New South Wales. I would like to thank the political leadership of this Chamber, the crossbench and, indeed, all members for their vigilant adherence to their values, their robust debate and the passion that they bring to work every single day. I pay special tribute to the Leader of the Government, the Hon. Penny Sharpe, and her office—especially the masterly Peta Waller-Bryant—the Leader of the Opposition, the Hon. Damien Tudehope, and Sam Tedeschi, who is particularly dapper and sartorially spectacular today. With the change of government, members of this Chamber have had to adjust to new roles. I commend each and every member for their dedication and willingness to serve the people of New South Wales.

Of course, there are a multitude of individuals whose significant contributions facilitate the smooth running of this place, including the party Whips, the members' staff and the Temporary Chairs. I thank Ms Abigail Boyd, the Hon. Emma Hurst and the Hon. Dr Sarah Kaine for the work that you do. I give a special thanks to the Assistant President, Peter Primrose. I particularly would like to thank the Deputy President, the Hon. Rod Roberts. Rod, I thank you so much for your partnership, your wisdom and your support. It has been quite the year and I am incredibly glad and honoured to have had the opportunity to work with you and learn from you.

This year the Clerk of the Parliaments, Mr David Blunt, AM, was honoured with a Member of the Order of Australia acknowledging his years of service, steadfast commitment to democracy and his contribution to this place. I cannot think of anyone more deserving. David, it is an honour and a privilege to work with you. I too would like to acknowledge your significant contribution and the efforts of your team. I also want to acknowledge and echo the extraordinary contribution of Kate Cadell. It has been such a pleasure for my staff to partner with you, with the Deputy Clerk, Steven Reynolds, and the rest of your office. I thank the Procedure Office, led by Stephen Frappell, and the committee office, led by Beverly Duffy and Tina Higgins. Some of the work you are all doing to bring Parliament to people right across New South Wales is truly inspiring. I would also like to recognise the hardworking commitment of the office of the Black Rod, led by Jenelle Moore. From the day of my election, Jenelle and her team have been steadfast partners to me and my office and we are so lucky to work with them each and every day.

We are all very excited for what is in store with our 200-year celebration, the bicentenary of the Legislative Council, in 2024. In particular, I would like to acknowledge Lauren Monaghan and the rest of the team—Rachael, Rhys, Maddie, Anthea, Darren and Nathan—for their hard work in this space. I want to give a special thanks to Vanessa O'Loan, who has been invaluable in assisting to curate an outstanding program for the Fountain Court art exhibitions. I am delighted that she will be helping to lead the organisation of the Commonwealth Parliamentary Association conference in Sydney in 2024. I would like to thank our wonderful LC attendants, John, Dan, Caroline, Katinka, Min and Sam, who not only ensure the smooth running of this Chamber but also conduct fantastic tours for members of the public. My team and I had the opportunity to experience one of the tours firsthand a few weeks ago. Even after many years in this place, I was able to learn a number of new and interesting facts. For example, at the turn of the last century the President's Dining Room was a dedicated smoking lounge—which I do not think it will return to.

I mentioned earlier that the Speaker, Greg Piper, and I are as one on our approach to amplifying First Nations voices in Parliament. We have also been aligned in numerous other areas, including our commitment to making Parliament a safe, inclusive and outstanding place to work for everyone through implementing the recommendations of the Broderick review. We also have a strong desire to open up the Parliament by inviting more people into this building and to seek further opportunities to interact with people across the State, particularly in regional areas. We are both fundamentally committed to working together for the betterment of all members, staff, and indeed the people of New South Wales. I take this opportunity to thank my friend the Speaker, and acknowledge the great work done by his team, Jason Gordon, Jodi Rahme and Shu-Fang Wei. I would also like to convey my thanks to Helen Minnican, Clerk of the Legislative Assembly, and her team.

David, Greg, Helen and I form the Parliamentary Executive Group with the Executive Manager of the Department of Parliamentary Services, Mark Webb. Mark and his team have tackled a range of challenges this year, a few of which include the restoration of the Rum Hospital, securing funding for and implementing the

recommendations of the Broderick review, managing catering tours and education programs at a time when Parliament has been obscured by scaffolding and construction works, implementing bold digital transformation projects and onboarding hundreds of new staff and members with a change of government, all on top of keeping this place running.

I have been deeply impressed by the dedication and resilience of everyone working in this special place, whether they be the cleaners, the special constables, the security staff, the library staff, the catering personnel, the legends in Hansard, the Chamber attendants, the line managers or the senior leadership team. Each contributes to the seamless functioning of this great democratic institution, and we owe them all a debt of gratitude for their selfless service. I would also like to specially mention Kelly McFadyen, Rob Nielsen, Julie Langsworth, Jocelyn Webb, Matthew Dobson, Helen Gors, Michelle Bartolo, Andrew Keijda, Danielle Schefer, Melinda McIntyre, Lee Kwiez, Ross Cameron, Janson Hews and Steven Collins. Your individual contributions and those of your teams are deeply appreciated and profoundly important to this place.

The Communications, Education and Engagement team, whose role is to bring people into the Parliament, and to take it out to all areas of New South Wales, does a great job engaging school children, adults and community organisations across the State in helping them to understand our democratic processes. It is vitally important that people know this is a place where they are welcome, where their ideas will be listened to, where they can learn and where, hopefully together, we can improve the lives of all people in New South Wales.

I would also like to give a special shout-out to the catering team who help facilitate so many opportunities for meaningful engagement here: Carlos the operations manager, Binny the functions coordinator, and Sunny the catering supervisor. Thanks to you and your teams for all your work this year. I have the great pleasure of seeing Gary, Kim, Mai and Anoch nearly every day and I would also like to recognise their service, particularly to the President's office. It would also be remiss of me not to welcome back our much-loved executive chef, Vanessa Harcourt. We are all eagerly awaiting your new creations.

In addition to the work in the Chamber and the running of this building, my office also engages with the consular corps. I thank the Governor, the Hon. Margaret Beazley, AC, KC, the Premier's Department and the Department of Foreign Affairs and Trade for their assistance in organising so many meaningful meetings and events this past year as we work to grow trade, investment and cultural opportunities within New South Wales. With a new-look New South Wales Parliament comes a new vision. Just yesterday we were treated to the sixth and final bicentenary concert of 2023, in partnership with Sydney Youth Orchestra and the Sydney Conservatorium of Music. With our precinct neighbours, and others further afield, it is exciting to see the Fifty-Eighth Parliament opening up to new opportunities and collaborations, which will drive further engagement with the public.

Finally, I make special mention of my chief of staff, William Coates, and my team, Rebel Neary, Dave Smith, Damian Spinks and Tina Daniels. Thank you for everything that you do every day, including the many things I do not even know about. We are all so lucky to be sharing this experience together. I also thank Greg Dezman, who was critical in helping to set up my office in the first month or two after my election. I also thank my drivers, Cameron and Mohammed. You are both consummate professionals and wonderful men. Thank you for your dedication and support. Honourable members, in conclusion, I wish you, your staff and your families a joyous and peaceful summer break with friends and loved ones. I look forward to seeing all members when we return in 2024 to continue our important work as the house of review and to observe the bicentenary celebrations of the oldest parliamentary Chamber in the nation.

The question is that the motion be agreed to.

**Motion agreed to.**

*Adjournment Debate*

**ADJOURNMENT**

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

That this House do now adjourn.

## **RETAIL WORKER SAFETY**

**The Hon. GREG DONNELLY (00:54):** The retail and fast-food industries are where many get their start in paid work, and I was no different. I worked in the retail industry between 1975 and 1985. Back then customer abuse, as we understood it, typically involved a customer using intemperate language or a loud voice to complain about a previous purchase they were not happy with or alleged poor service. Violent behaviour was exceedingly rare. We are well into the third decade of the twenty-first century, and a great deal has changed regarding customer abuse. It is all bad news.

In December 2017 the Shop, Distributive and Allied Employees Association [SDA] officially launched the "No One Deserves A Serve" campaign to generate community awareness across Australia about retail and fast-food workers facing constant abuse and violent behaviour from customers at work. The campaign became a promotional tool used to remind customers and the general public to treat retail and fast-food workers with respect. Customer violence and abuse was and still remains a serious workplace health and safety issue for SDA members and workers in the retail and fast-food industries.

The initial survey that accompanied the launch of the "No One Deserves a Serve" campaign received responses from over 6,000 workers about their experiences with customer abuse and violence. In August 2023 the SDA again surveyed retail and fast-food workers about the nature and prevalence of abuse and violence by customers and the control measures that had been introduced to prevent it. The survey was conducted to build on the results of two previous surveys undertaken in 2016 and 2021.

Over 4,600 workers responded to the 2023 survey. It demonstrated that the prevalence of abuse and violence by customers had not improved since the previous surveys. The 2023 survey found that 87 per cent of workers said they had experienced verbal abuse from customers. The 2016 and 2021 surveys recorded 88 per cent. Workers had experienced an increase in the frequency of verbal abuse over a sustained period, rather than just isolated events. Of those who experienced verbal abuse, 76 per cent experienced it on a more regular basis—monthly, weekly or daily—compared with 54 per cent in 2021.

Some 12.5 per cent of respondents said they had been the victims of physical violence from a customer, compared to 8 per cent in 2021 survey; 9 per cent of respondents said they had been spat on; 10 per cent of respondents had experienced customer abuse online, which was double the 2021 result of 4.75 per cent; 17 per cent of respondents reported that the incidents of customer abuse and violence they experienced were of a sexual nature, compared to 10.65 per cent in the 2021 survey. The prevalence was higher among female workers, at 19 per cent, compared to 9 per cent of male workers, with young female workers most at risk. Repeat offenders were still a significant risk for workers, with 52 per cent reporting that the same customer was abusive or violent towards them on more than one occasion, compared to the 2021 result of 38.5 per cent.

It would come as no surprise to anyone that the SDA engaged fulsomely with the Labor Party about its support to introduce and pass legislation to significantly improve the protections for and rights of retail and fast-food workers with respect to bad customer behaviour if elected to government in March 2023. The answer was in the affirmative. After Labor's success in the State election in March, the SDA immediately commenced work with the Government to develop the Crimes Legislation Amendment (Assaults on Retail Workers) Bill 2023.

The bill created three new offences in the Crimes Act 1900. It created offences to assault, throw a missile at, stalk, harass or intimidate a retail worker in the course of the worker's duty, even if no actual bodily harm is caused to the worker, with a maximum penalty of four years' imprisonment; assault a retail worker in the course of the worker's duty and cause actual bodily harm to the worker, with a maximum penalty of six years' imprisonment; and wound or cause grievous bodily harm to a retail worker in the course of the worker's duty, being reckless as to causing actual bodily harm to the worker or another person, with a maximum penalty of 11 years' imprisonment.

The legislation passed the Parliament on 29 June and received royal assent on 13 July, notwithstanding the coordinated and determined efforts of the Coalition and The Greens to kick it into the long grass, delaying its passage for what would have been many months. As we all approach the busy Christmas and new year period, remember it is not just courteous or good manners to be respectful and patient towards retail and fast-food workers; it is our obligation to do so. Let us all make a special effort to stay calm and act with kindness towards not just retail and fast-food workers but also all those who will be serving and looking after us, our families and our friends during the festive season.

#### **TRANS AND GENDER-DIVERSE PEOPLE IN SPORT**

**Dr AMANDA COHN (00:59):** Sport has enormous benefits for our physical and mental health. Sport brings us together and builds community cohesion. Every person should be able to participate in sport in their local community. But sport is not a safe place for everyone. In Australia close to 75 per cent of LGBTQIA+ people report having witnessed or experienced homophobia in sport. Our best athletes, such as Matildas players, are targeted viciously by online trolls. That has a huge impact on queer and gender-diverse young people who, research shows, are keen to play but need role models and clear demonstrations of safety to do so.

Organisations like ACON's Pride in Sport are leaders in inclusion in sport. It has collaborated with a number of organisations, including the Australian Football League, Cricket Australia, Football Federation Australia, National Rugby League, Netball Australia, Rugby Australia and Tennis Australia to build guidelines that improve those environments, particularly for trans and gender-diverse people. This health and LGBTQIA+

community led initiative is so important but there is much more work to do, particularly because protections under the Anti-Discrimination Act in New South Wales are nowhere near sufficient.

Trans and gender-diverse people have been participating in sport for a long time, and it is only following ugly and divisive debates overseas that this has been raised as an issue in Australia. About 15 years ago I played rugby union for the University of Sydney women's First XV with a transwoman on our team. She was not the strongest or the fastest player, but she was an excellent team player and an asset for that reason. Being trans is a gift, but it is not correct to call it an advantage.

Testosterone does enhance athletic performance by increasing muscle mass and power, and haemoglobin, which increases oxygen-carrying capacity of blood. All women have some testosterone, and there is a well-accepted normal range for testosterone in women. When a transgender woman is prescribed oestrogen, this creates a negative feedback loop that suppresses natural testosterone production. Over a period of some months, or conservatively over a year or two, they lose the muscular and endurance benefits of high testosterone. Having gone through puberty with higher testosterone can have made a transwoman taller, for example, but no-one is pushing for tall women to be excluded from basketball because of their unfair biological advantage. In fact, we applaud and admire those athletes.

I repeat that trans athletes have been around for a long time and I am only aware of a single women's world record that is held by a trans athlete, which really puts to bed this notion of inherent and unjust advantage. In my own current sport of triathlon, transgender women are permitted to compete in the female category by World Triathlon after two years of testosterone levels below 2.5 nanomoles per litre. It could even be argued that puts transwomen at a disadvantage since women can and do have natural testosterone levels higher than that. For each code we should have the least restrictive processes that assess an athlete on aspects that are relevant to the individual game alongside appropriate member safeguarding protocols. Those decisions should not be hijacked by an inflamed and imported political agenda.

Let us not forget that the vast majority of athletes are not elite, professional or representative; they are playing local club sport on a Saturday and should be able to do so simply wherever they feel most comfortable. Many of those who are now fighting to exclude trans and gender-diverse people from sport claim to be doing so in defence of women's sport and safety, but I think it is pretty telling that none of those people are advocates for women's sport when we are talking about equal pay and equal prize money for women, funding parity for sports dominated by women or infrastructure funding for women's sport.

Facilities such as bathrooms and changing rooms can be designed to prioritise safety, utility and inclusion for everyone. Modern public toilet and changing room design, with single cubicles that open directly onto visible public space and with none of the outdated narrow passageways into shared private spaces, are safer for everyone. They are preferred by people with disability, carers, and parents of young children, and they are safer for women. They are now so accepted by councils that a motion to support the design and construction of gender-neutral toilet blocks and changing rooms at all parks and playing fields in the State passed at this year's Local Government NSW annual conference. There are already trans and gender-diverse people in sport and there has been for a long time. They are not going anywhere. Let them play.

## DOMESTIC AND FAMILY VIOLENCE

**The Hon. AILEEN MacDONALD (01:04):** Domestic and family violence occurs everywhere in the world and can touch anyone at any time. It is not limited by national or State boundaries, or to particular communities or areas. The fact is that it pays little regard to factors such as race, culture, sexual orientation, age, or a woman's social or economic standing. Whilst rural communities are by and large safe places to live, which is one of the reasons many people choose to live and raise families there, they are no safe haven from domestic violence. The perception that domestic violence does not occur in rural and remote communities is just plain wrong.

Last week I was the parliamentary host of the Elimination of Violence against Women dinner here at Parliament House. Hosting the event resonated strongly with me because in a previous life, before entering Parliament, I worked for 10 years as a community corrections officer. I worked with perpetrators, who were mostly men. It remains the most challenging role I have ever held. The dinner gave me an opportunity to expose some alarming figures for New South Wales. Last year there were 2,500 reports of domestic violence to the police every month, but that figure likely represents only 40 per cent of actual incidents due to underreporting. There were 45 intimate partner homicides, of which 36 had female victims. That averages to approximately one woman being killed by an intimate partner every 10 days.

Not surprisingly, young women in the 18 to 24 age group experience higher rates of physical and sexual violence than women in the older age groups. The figures are equally alarming for those with a disability,

Aboriginal and Torres Strait Islander women, pregnant women, and those in the LGBTQI+ community. Last weekend I was in the beautiful city of Orange to address the thirtieth anniversary of the NSW Rural Women's Gathering. The local council was prompted to get involved in the annual 16 Days of Activism against Gender-Based Violence event, which began last Saturday. It runs until 10 December, which is International Human Rights Day. The 16 Days of Activism event highlights that gender-based violence is a global public health, gender equality and human rights priority. It remains a systemic crisis, affecting one in three women worldwide. The risks increase during humanitarian emergencies or when women face greater curtailments of their essential rights, such as education, health care, or freedom of movement.

Orange City Council held a moving vigil the night before. It was more than appropriate that the keynote speaker was the Women's Safety Commissioner, Dr Hannah Tonkin. Orange is clearly troubled by this problem. The deputy mayor, councillor Gerald Power, even spoke at the vigil of his own troubled history. He told of the violence he was exposed to as a child and how, when he was just 10 years old, he witnessed violence against his mother, which he said has an impact on him to this day. The vigil was dramatic. It displayed 53 pairs of shoes, each with a name beside them: the name of a woman or child who is no longer with us because of domestic violence. It was a sobering display, made all the more eerie by the ringing of a bell 53 times, once for each of the lives taken by domestic violence.

The previous Sex Discrimination Commissioner, Elizabeth Broderick, was right when she said that if we are to overcome the challenge of violence against women in rural areas, we need to empower rural women to take a stand against this most egregious violation of human rights. She said it is up to Federal, State and local governments to work closely with rural women to ensure that the necessary conditions and structures are put in place to enable their empowerment. The late, great singer Helen Reddy had a world hit when she sang, "I am woman, hear me roar." I do not roar, but I do speak up. It is time to take action towards the elimination of violence against women—and I will not shut up.

### HEALTH INDUSTRY UNIONS

**The Hon. MARK BUTTIGIEG (01:08):** The Health Services Union [HSU] has proved its commitment to bettering the circumstances for its members over and again. Just this year, the Minister for Health, Ryan Park, announced that parking for health workers in regional and rural hospitals would be made free, following years of campaigning by the HSU. The abolishment of the wage cap, which has been achieved under this Labor Government, is another long-time campaign of the HSU.

It does not end here. Just a few of the HSU's other wins this year include: increased salary packaging for HSU members from 50 per cent to 70 per cent, with the Government committed to achieving 100 per cent salary packaging during its first term; back pay for Scalabrini workers who were entitled to an additional public holiday over the Christmas holidays last year but did not receive it; back pay for Opal HealthCare workers who were owed additional annual leave entitlements; infectious cleaning allowance back pay for operations assistants across the Hunter New England Local Health District; and safe staffing levels for night shifts at the Peakhurst Lodge nursing home.

I congratulate HSU Secretary Gerard Hayes on all his great work advocating for members working in ambulance services, aged care, public and private hospitals, allied health, imaging, pathology, and disability. Those workers are fundamental to the operation of society, and I thank every single one of them for the heroism they perform every single day. I note that across New South Wales, the Australian Capital Territory and Queensland, the HSU has a whopping 47,000 members, over 4,000 of whom are part of the ambulance division of the HSU. Most of the members in the HSU's ambulance division work for NSW Ambulance.

There is more than one union representing NSW Ambulance workers. The Australian Paramedics Association [APA] emerged in 2009 under the former Liberal Government and claims to have 2,500 members. Viewing the comments on the APA's various social media posts, it is clear that division has been sewn between HSU and APA members, and I have heard firsthand that this is the case. That is worrying, as having a unified voice for workers is important. I am told that over the years the APA has repeatedly attempted to undermine HSU campaigns and acted in a risk-averse way. I have been told of multiple campaigns where the APA has discouraged members from taking part in HSU industrial action. For example, I was told:

During the HSU's campaign for better death and disability benefits for New South Wales paramedics in 2014-15, the APA issued a newsletter directing its members to refrain from joining in on liquid chalk campaigns, citing "potential repercussions.", i.e. disciplinary action. A preference for risk aversion at the expense of genuine member-led actions is not a recipe for grassroots-led, outcomes-based unionism.

Unionism only works by collective effort. That, of course, includes unions not undermining other unions but working together as a collective whole for the benefit of their members. I urge the APA to work with the HSU in the interests of their members. I congratulate the HSU and its New South Wales secretary Gerard Hayes on

sticking by its members and continuing the campaign on behalf of paramedics for professional recognition and increased pay. I wish them all the best for a successful outcome.

### CHRISTIANITY

**The Hon. DAMIEN TUDEHOPE (01:13):** One of the hymns St John Henry Newman wrote begins:

Firmly I believe and truly  
God is Three and God is One  
And I next acknowledge duly  
Manhood taken by the Son.

I am happy to join in this profession of Christian faith in the one and triune God. At the heart of that faith is an unshakable certainty that, at a particular time in human history and in a definite place on this earth, a child was born who was the Son of God and our Saviour. I have had the joy, like the shepherds and the wise men, of visiting Bethlehem to see with my own eyes the birthplace of Jesus Christ. In a letter about the apostles' lived experience of Jesus Christ as the Son of God come in human flesh, St John writes:

That which we have heard, which we have seen with our eyes, which we have looked upon and touched with our hands, we proclaim also to you.

Calls by secularists and others for Christians to lay aside their faith before engaging in public office or participating in debate on public policy are misplaced. We cannot put aside what we hold with certainty. In the *Acts of the Apostles*, there is a very interesting dialogue between King Agrippa and St Paul, who was, at that time, in chains and waiting to be sent to Rome for trial. After Paul tells the story of his conversion to Christianity and shares his conviction about its truth, King Agrippa says to Paul, "Are you so quickly persuading me to become a Christian?" Paul replies, "Whether quickly or not, I pray to God that not only you but also all who are listening to me today might become such as I am—except for these chains."

Like any convinced Christian, I earnestly wish and pray that all people would come to discover the truth of Jesus Christ. However, it is one of the truths of Christianity that the good God has given each person the freedom to choose to either respond to or resist the grace of faith. If God gives all people that freedom, then it is for Christians to fully respect the genuine convictions and beliefs of others. This means that Christians can readily collaborate with others engaged in public life and participate in debates on public policy together with those who hold a different religious faith or have a secularist philosophy. Mutual respect, an open acknowledgement of different views and a genuine search for common good are the appropriate approaches to the challenge of differing and often conflicting perspectives on what is truly good for the human person and the community. It is in that spirit that I seek to approach service to the people of New South Wales in this Parliament, and it is with that sentiment that I wish everyone a happy and holy Christmas.

**The PRESIDENT:** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 01:16 on Thursday 1 December until 12:30 on Tuesday 6 February 2024.**